

Water Right Number 3399-3

1. Considered 1-26, 19 77
2. Name of Applicant ROY JUTTLESTAD
3. Post Office Address VOLIN
4. Amount of Water claimed 2.0
5. Source of Water supply 110' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 145
7. Water to be diverted and used in YANKTON County
about 6N, 3W miles of GAYVILLE
8. Proof of Publication
Received 1-17-77
Not Received
Approved
Subject to
Not Approved
Action Deferred
9. Application
10. Remarks:

No. 3399-3
 Map No. 2683-3 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 ROY JUTTEL STAD
 Post-office address RR 1 Box 16 WELLS State S. D. 57072
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
 3. Name of diversion work ROY JUTTEL STAD
 4. Amount of water claimed (cubic feet per second) 2
 5. Source of water supply WELL
 6. Location of point of diversion NE 1/4 OF SE 4 8 94-54
 _____ County YANKTON
 7. Annual period or periods during which water is to be used MARCH 1 - NOV. 1
 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 145

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.
<u>SE 1/4 8 94-54</u>	<u>145</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Press and Republican Yankton
 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.

pipe

C. Works proposed to apply water to beneficial use.

Sprinkler type system (pivot)Estimated Total Cost \$ 50,000

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

STATE OF SOUTH DAKOTA)

County of YANKTON)

I, Roy Juttel Stad 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 Roy Juttel Stad
 Subscribed and sworn to before me this 15 day of September 1926

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3399-3
ROY JUTTELSTAD R.R.#1, Box 16, VOLIN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57072 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 27, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application DECEMBER 28, 19 76
 Approved JANUARY 27, 19 77, Recorded in Book 17 Page 147
 WATER RIGHT PERMIT NO. 3399-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3393-3 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 DECEMBER 27, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 79
3. The whole of said work is to be completed on or before JANUARY 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 84
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 JANUARY 27, 19 84; said water to be used during the following described annual period: MARCH 1 - NOVEMBER 1

Witness my hand this 11TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By: John H. H. H.
 Civil Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

DARRYL A. VERIFY DRILLING
CENTERVILLE, S. D. R.

ALEC SOLBERG
VOLIN, S.DAK.

12/6/76

TEST HOLE

0 - 5' - Black Dirt
5' - 15' - Yellow Clay
15' - 23' - Gravel
23' - 28' - Blue Clay
28' - 90' - Sand & Gravel Mix
90' - 110' - Course Sand & Gravel

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 14", Depth 110'
- (2) Casing, Type STEEL (wood, concrete, steel, etc), Diameter 14" Thickness 219 WALL
- (3) Perforated Screen.
Type STAINLESS STEEL, Diameter 14", Length 20'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 85'

E. Dugout Information or Estimates.

- (1) Surface dimensions ~~30' x 30'~~, Depth ~~10'~~

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 _____

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.

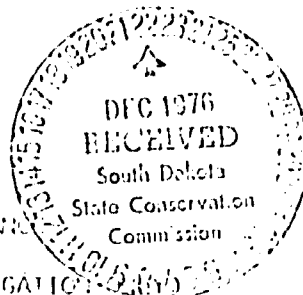
On same owner's property 65 rds. On property owned by others 100 rds.

G. Water Storage Dams.

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

Roy H. H. H. H. H.
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER 11 ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME ROY JUTTEL STAD
ADDRESS RRI Box 16 Volin, S.D. 57072
COUNTY YANKTON

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 SE 1/4 8 94-54
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 8 94-54

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ✓ GUN _____
4. CROPS TO BE IRRIGATED CORN - SOY BEANS ALFALFA

WATER QUALITY

5. SAMPLE NUMBER 76-1850
6. SALINITY (EC X 10⁶) 1209 (high)
7. SODIUM (SAR) 0.27 (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 YANKTON COUNTY 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.

Roy H Juttelstad
APPLICANT'S SIGNATURE

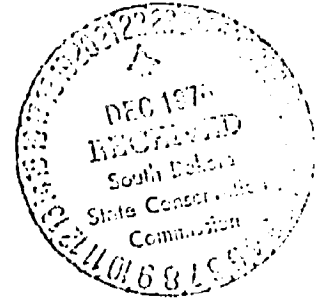
SUBSCRIBED AND SWORN BEFORE ME THIS
15 DAY OF December 19 76.

Patricia R. Brown
(TITLE OR SEAL)

Shirley J. (JTB)
APPROVED BY

December 21, 1976

Mr. Roy Juttelstad
R.R. #1, Box 16
Volin, SD 57072



Dear Mr. Juttelstad:

Mr. Vane Miller has sent me the WI-1 form and the water analysis report for Mr. Alec Solberg, said water supply to be essentially the same as the one you intend to use in irrigating.

I am sending the WI-1 form with the information from Mr. Solberg's supply attached to that WI-1 form to the State Conservation Commission in Pierre. The recommendation for the use of this water is favorable, assuming that you will use it in a judicious manner and not over-irrigate and yet not irrigate in such small quantities that the salt will concentrate in the surface. The water does contain about 1.1 tons of salt for each acre foot and this is considerable.

By means of this letter, you may consider that the recommendation has gone to the State Conservation Commission and you should endeavor to complete the rest of your application, mainly form 2 and send it to the Water Resources Commission immediately.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

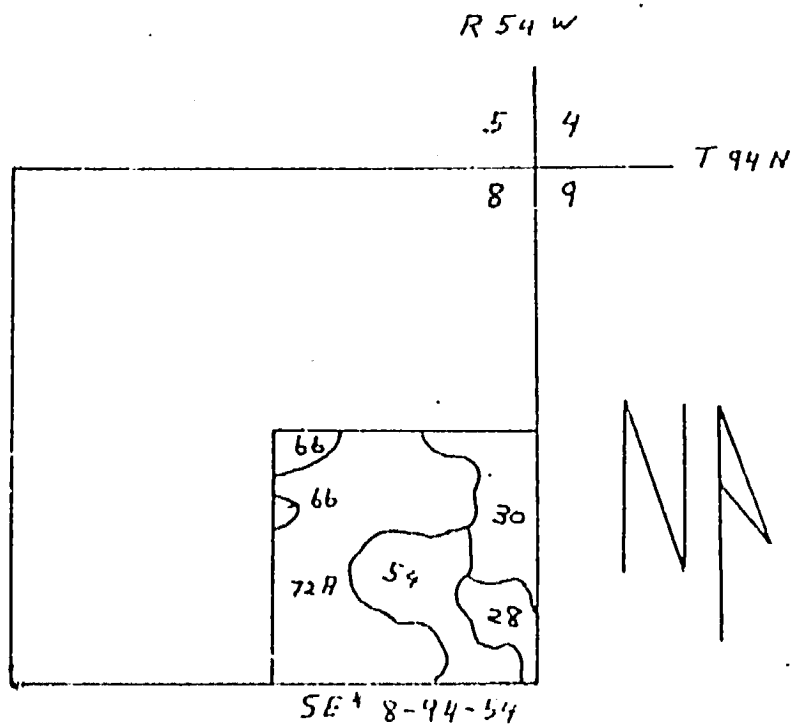
LOF:ckb

cc: State Conservation Commission
Vane P. Miller

SOIL AND CAPABILITY MAP

Yankton County Conservation District and
Soil Conservation Service cooperating.
Owner Roy Juttelstad Operator _____
County Yankton State South Dakota Photo No. VF-211-135
Date Prepared 12-16-76 Scale: 3" = 1 mile Acr. 36

Prepared by the U.S. Department of Agriculture, Soil Conservation Service.



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
	<u>CROPLAND</u> Capability Units:	
28, 30, 66, 72A, 54, 28	Grable Silt loam 0-2% slope Class IIe3 Irrigation Intake Family 1.5	Surface and subsurface layer of silt loam about 28 inches thick, underlain by fine sand. Permeability is moderate in the surface and subsurface layer and rapid in the underlying material. Available water capacity is moderate.
30	Roxbury silt loam 0-2% slope Class II Irrigation Intake Family 1.0	Surface layer of silt loam about 12 inches thick and a subsoil of silty clay loam to a depth of about 24 inches. The underlying material is silty clay loam grading to heavy silty clay loam. Some places have soils with coarser textures in the underlying material. Permeability is moderate and available capacity is high.
66	Bon loam 0-2% slope Class II Irrigation Intake Family 0.5	Loamy textures throughout with strata of coarser materials in some places. Permeability is moderate and available water capacity is high.
72A	Enet-Delmont loams 0-2% slope Class IIe3 Irrigation Intake Family Enet - 1.0 Delmont - 2.0	The Enet soil has loamy texture to a depth of about 34 inches, the underlying material is loose sand and gravel. The Delmont soil has loamy textures to a depth of about 16 inches, the underlying material is gravelly sand grading into loose sand and gravel. Permeability is moderate or moderately rapid in the surface and subsoil and is rapid in the underlying materials for both these soils. Available water capacity is moderate for the Enet soil and low for the Delmont soil.
54	Clarno silty clay loam 0-2% slope Class IIv3 (drained) Irrigation Intake Family 0.1	The surface and subsoil to a depth of about 26 inches is silty clay loam. The underlying silty clay loam or light silty clay. Permeability is slow and available water capacity is high.

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

Submitted by: Alec Solberg
 Address: Volin, SD 57072

Date Rec'd: November 12, 1976
 Sample No.: 76-1350
 Identification: Well -
123, Sec. 8, T 94N, R 54E

WATER ANALYSIS

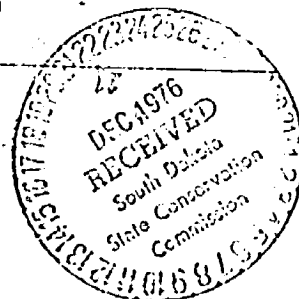
Calcium (Ca)	239	ppm*	10.95	me/l**
Magnesium (Mg)	50	ppm	4.10	me/l
Sodium (Na)	17	ppm	0.74	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	277	ppm	5.75	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm		me/l
Bicarbonate (HCO ₃)	490	ppm	0.18	me/l
Carbonate (CO ₃)		ppm	3.04	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	402	ppm (as CaCO ₃)		g-p-g***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1209	micromhos per cm at 25 °C		
Sodium Adsorption Ratio	0.27			
Sodium	4.64	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.41			

*ppm=parts per million

**me/l=millequivalents per liter

***g-p-g=grains per gallon

COMMENTS: Total cations 15.92 me/l
 Total anions 13.98 me/l



By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1350

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 3399-3

Publish first publication, on or before January 13, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 3, 19 77

Notice is hereby given that Roy Juttelstad
whose post office address is Valin, 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
Juttelstad # 1, the point of diversion of which is to be located in the

NE 1/4, SE 1/4
of Section 8, Twp. 51N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE 1/4, Section 8, T91N, R54W

This application No. 3399-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Roy Juttelstad, R.R. # 1, Box 16, Valin, SD 57072

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

No. 3399-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Harry L. Speece hereby

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

Water was taken from the Yankton Drainage Project in Dakota

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Yankton

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

January 7, 1977

January 14, 1977

Harry L. Speece
(Signature)

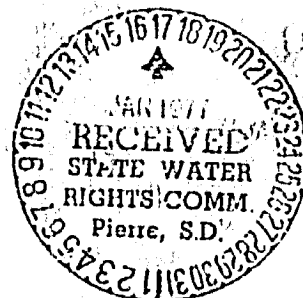
Business Manager

(Title)

1-14-77

(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
January 1, 1977
Notice is hereby given that Roy J. Speece, a resident of the State of 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 20 cubic feet of water per second of flow from ground water through the well and #1, the point of diversion of which is to be located in the NE 1/4, Sec. 10, Twp. 41N, Range 41W. Said water to be used for the purpose of providing irrigation on portions of the following described land: Sec. 10, Twp. 41N, Range 41W, Sec. 10, Twp. 41N, Range 41W, Sec. 10, Twp. 41N, Range 41W. This application No. 7293 will be considered by the Water Rights Commission at their office at 11:30 AM on the 28th day of January, 1977, at 10:00 AM. All interested persons may appear and be heard. By: BURTON F. JONES, Water Rights Specialist.



Form 10.

No. 3397-3



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

Post Office Valley S.D. 57071

Date Dec 6 - 1974

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. _____.

Water Right Permit No. 3397-3 states that the diversion system is to be constructed by Jan. 27, 1973 and that the water is to be put to beneficial use by Jan. 27, 1974.

The diversion system was completed on _____, 19____.
Applying the water to beneficial use was completed on June 5, 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.

Ray H. Fustelstad
(Signature)

3399-3

WATER RIGHTS DIVISION
(605) 773-3352

June 26, 1984

Dave Juttelstad
Route #1, Box 16
Volin, South Dakota 57072

Dear Mr. Juttelstad:

Thank you for submitting the 1983 Irrigation Questionnaire for Water Permit No. 3399-3, listed in the name of Roy Juttelstad. On the data sheet you crossed out Roy's name and address and wrote in yours. Are we to assume from this, that you operate the land and want the irrigation questionnaire sent directly to you; or, that you now own the land and want the permit changed to your name?

The permit can be listed under Roy Juttelstad with you listed as the operator. However, if the land is now owned by you, the permit should be transferred to your name. Please contact this office as to the status of this permit. Transfer forms are available upon request.

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Specialist

GM:ms



3399-3

Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 26, 1984

Dave Juttelstad
Route #1, Box 16
Volin, South Dakota 57072

Dear Mr. Juttelstad:

Thank you for submitting the 1983 Irrigation Questionnaire for Water Permit No. 3399-3, listed in the name of Roy Juttelstad. On the data sheet you crossed out Roy's name and address and wrote in yours. Are we to assume from this, that you operate the land and want the irrigation questionnaire sent directly to you; *yes* or, that you now own the land and want the permit changed to your name?

The permit can be listed under Roy Juttelstad with you listed as the operator. However, if the land is now owned by you, the permit should be transferred to your name. Please contact this office as to the status of this permit. Transfer forms are available upon request.

If you have any questions, please contact us.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Specialist

GM:ms



Equal Opportunity Employer



3399-3

Department of Water & Natural Resources

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

January 29, 1988

DAVE JUTTELSTAD-OPER
RT #1 BOX 16
VOLIN, SD 57072

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). 3399-3. 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 16-1-12, 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). 3399-3 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
cc: Roy Juttelstad, RR #1 Box 16, Volin, SD 57072

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.



Department of Water & Natural Resources

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

March 9, 1988

3399-3
4742-3

David Juttelstad
Rt 1, Box 16
Volin SD 57072

Dear Mr. Juttelstad:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 3399-3, 4742-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3399-3

(1) Roy Juttelstad, Volin, SD 57072 made Application No. 3399-3, December 27, 1976 for a water permit to divert 2.00 cubic feet of water per second from ground water (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 3399-3, with a priority date of December 27, 1976 was approved January 27, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 27, 1982 and for the application to beneficial use of said water on or before January 27, 1984.

On June 10, 1996, Water Permit No. 3399-3 was transferred to Ada Juttelstad.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.79 cubic feet of water per second for beneficial use. The location of the diversion point is 1850' N45 degrees W of the SE corner of Section 8, T94N, R54W (SE 1/4 SE 1/4)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 125 acres - all in Section 8, T94N, R54W

NE 1/4 SE 1/4	28 acres
NW 1/4 SE 1/4	34 acres
SW 1/4 SE 1/4	34 acres
SE 1/4 SE 1/4	29 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ada Juttelstad, Pioneer Villa, Apt 209, Viborg, SD 57070 the holder and/or owner of Water Permit No. 3399-3 is issued a license to appropriate water, the right to use 1.79 cubic feet of water per second from ground water (one well) with a priority date of December 27, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3399-3 and subject to South Dakota State Law.


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

JUL 2 1996
date



Permit No. 3399-3
Vermillion River - Water District

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

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

I have this day, August 2, 1995, made a thorough examination of the water use system constructed by Roy Juttelstad of RR 1, Box 16, Volin, SD 57072, operated by Alec Solberg of Box 13, Volin SD 57072 holder of Permit No. 3399-3, bearing the priority of December 27, 1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from a 14" diameter well 120 feet deep located 1850' N45°W from the SE corner of Sec. 8, T94W-R54W (NW¼ NW¼ SE¼ SE¼ Sec. 8, T94N-R54W). The well uses an 8" diameter, 3 stage, Layne Bowler pump, powered by a 175 HP Caterpillar engine driving a ONOM electric generator.

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

Water is transported through 15' of 8" diameter steel pipe from the well to the center pivot located in the center of the SE¼ Sec. 8, T94N-R54W.

C. Works used to apply water to beneficial use:

Water is applied to beneficial use through an 8 tower Lockwood, low pressure, center pivot system, 1250' long, with a Nelson 100 end gun.

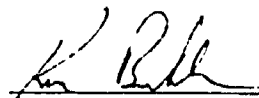
The system is in the following condition good. The point of diversion is located 1850' N45°W from the SE corner of Sec. 8, T94N-R54W, (NW NW SE¼ SE¼ Sec. 8, T94N-R54W). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>NE¼ SE¼ Sec. 8, T94N-R54W</u>	<u>28 acres</u>
<u>NW¼ SE¼ Sec. 8, T94N-R54W</u>	<u>34 acres</u>
<u>SW¼ SE¼ Sec. 8, T94N-R54W</u>	<u>34 acres</u>
<u>SE¼ SE¼ Sec. 8, T94N-R54W</u>	<u>29 acres</u>

comprising a total of 125 acres of land and the license should be issued for 1.79 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: na


Ken Buhler

Natural Resources Engineer
DENR, Water Rights Program

3/15/96
Date

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8 inches 3) Length 15 feet

SYSTEM TYPE:

Center pivot:

- i) Make Lockwood (Model No. 2200, Serial No. 390477)
- 2) Overall length 1250 feet
- 3) Number of towers 8 plus 15' overhang
- 4) End gun Nelson 100 with electric centrifugal booster pump
- 5) High or low pressure low (45 psi)
- 6) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

REPORT ON INSPECTION OF PERMIT NO. 3399-3

DATE OF INSPECTION: August 2, 1995

DIVERSION POINT LEGAL LOCATION: 1850' N45°W from the SE corner of Sec. 8, T94N-R54W,
(NW¼ NW¼ SE¼ SE¼ Sec. 8, T94N-R54W)

WELL INFORMATION:

- 1) Well Drilling Firm: Verley Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 120 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 14 inches
- 2) Length 100 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 17 feet

Pump:

- 1) Make Layne Bowler
- 2) Model 81494K
- 3) Size 8 inch, 3 stage, 12 KM Bowls
- 4) Capacity 900 GPM

Motor:

- 1) Make Caterpillar
- 2) Model No. 3208 diesel Serial No. 5056749
- 3) Horsepower rating 175 hp

Electric Generator:

- 1) Make ONOM
- 2) Model No. 10.04D-18S/206AA
- 3) Serial No. A770203404



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 1996

3399-3

Roy Juttelstad
RR 1, Box 16
Volin, SD 57072

Dear Mr. Juttelstad:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 3399-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl E. Frost
Secretary
Water Rights Program
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 1996

No. 3399-3

Mark Juttelstad
RR 1, Box 16
Volin, SD 57072

Dear Mr. Juttelstad:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 3399-3. The water permit is currently listed in the name of Roy Juttelstad. Just a reminder, there is also a \$50.00 final inspection fee due (per letter dated April 9, 1996, addressed to Roy Juttelstad).

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50 for transfer of ownership, and \$50.00 final inspection fee (total of \$52.50).

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3399-3

Date: 4-21-96



I/We request that Water Permit No. 3399-3

formerly owned by: Roy Juttelstad

be transferred to: (name & address) ADA JUTTELSTAD Pioneer Villa, Apt 209,
U.berg SD 57070 Telephone No. 605 326-5211

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

SE 1/4 Section 8, T94N, R54W

I/We understand that the validity of Water Permit No. 3399-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

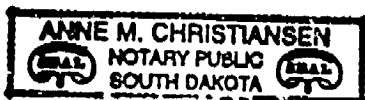
STATE OF SOUTH DAKOTA)

County of YANKTON)

I/We ADA JUTTELSTAD 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 that I know of my own personal knowledge that the information herein stated is true.

Ada Juttelstad
(Signed)

Subscribed and sworn to before me this 28th day of May, 19 96.



Anne M. Christiansen
(Notary Public)

Commission Expires 10/27/2003

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

3399-3

Ada Juttelstad
Pioneer Vila, Apt. 209
Viborg, SD 57070

Dear Ms. Juttelstad:

Enclosed is Water License No. 3399-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414983 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also enclosed is Receipt No. 414984 in the amount of \$2.50 which you paid for the transfer of ownership of this Water License into your name.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3399-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures

RECEIPT

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

414983

Pierre, _____ June 10, 19 56

RECEIVED OF Ada Juttelstad, Pioneer Villa, Apt. 209, Viborg, SD 57070
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct		
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future		
Fee to retain Future Use Permit No. _____	after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3399-3</u>			
Fee for Filing Transfer Form _____		50	00
Fee for Filing Extension Request _____			
Fee for _____			

(Any Other Work Provided by Law)			
Total		50	00

By John H. Hatcher
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3399-3
414984

Pierre, June 10, 19 96

RECEIVED OF Ada Juttelstad, Pioneer Villa, Apt. 209, Viborg, SD 57070
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct		
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future		
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 _____ Water Permit No. 3399-3			
Fee for Filing Extension Request _____			
Fee for _____			

(Any Other Work Provided by Law)			
Total		2	50

By John H. Hatcher
Chief Engineer



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: ALEC SOLBERG, RT 1 BOX 13, VOLIN, SD 57072

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

SUBJECT: Violation of Water Permit No(s) 4603-3, 3399-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4603-3, 3399-3. The request for the Questionnaires 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 be to determine if Permit No(s) 3399-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4603-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in 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) 4603-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3399-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office 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 (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.

3399-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1997

3399-3

4603-3

Alec Solberg
RR 1 Box 13
Volin, SD 57072

Dear Mr. Solberg:

Enclosed, as we discussed, are additional 1996 irrigation questionnaires for Water Right Nos. 3399-3 and 4603-3. No. 3399-3 is for Ada Juttelstad (SE $\frac{1}{4}$ Sec 8, T94N, R54W) and No. 4603-3 is listed in your name (E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec 8, T94N, R54W).

You indicated you should be receiving three irrigation questionnaires; two for your water rights and one for Juttelstad's. In July, 1996, a water license was issued for your Water Permit Nos. 4603-3 and No. 3343-3. However, during the licensing process the two permits were incorporated into one license (No. 4603-3). You will no longer receive a questionnaire for No. 3343-3. All irrigation data for the N $\frac{1}{2}$ of Section 8 should be reported under No. 4603-3.

If you have any questions, or need assistance with completion of the enclosed forms, please contact me.

Sincerely,

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

enclosures

3399-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1997

3399-3
4603-3

Alec Solberg
RR 1 Box 13
Volin, SD 57072

Dear Mr. Solberg:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit and 1996 Irrigation Questionnaire Requirements.

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**

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

December 18, 2003

3399-3

Steve Anderson
44980 304th St
Volin SD 57072

Dear Mr. Anderson:

Enclosed is a copy of Water Right No. 3399-3 held by Ada Juttelstad. I also included a copy of the inspection report, map and a past irrigation questionnaire. You may keep all of these for your records.

With regard to the irrigation questionnaire, Mr. Solberg wrote in specific acres for each crop and broke irrigation time down accordingly. You can do it whatever way is the easiest for you to keep track of. It is fine to group the crops together. I wrote an example on the back of the form.

Mr. Solberg submitted the 2003 irrigation questionnaire for this water right on November 26th. Everything is up-to-date for this water right as far as submission of the annual questionnaire.

If you have any questions concerning the water right or any of the materials enclosed with this letter, please give me a call.

Sincerely,

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

enclosures

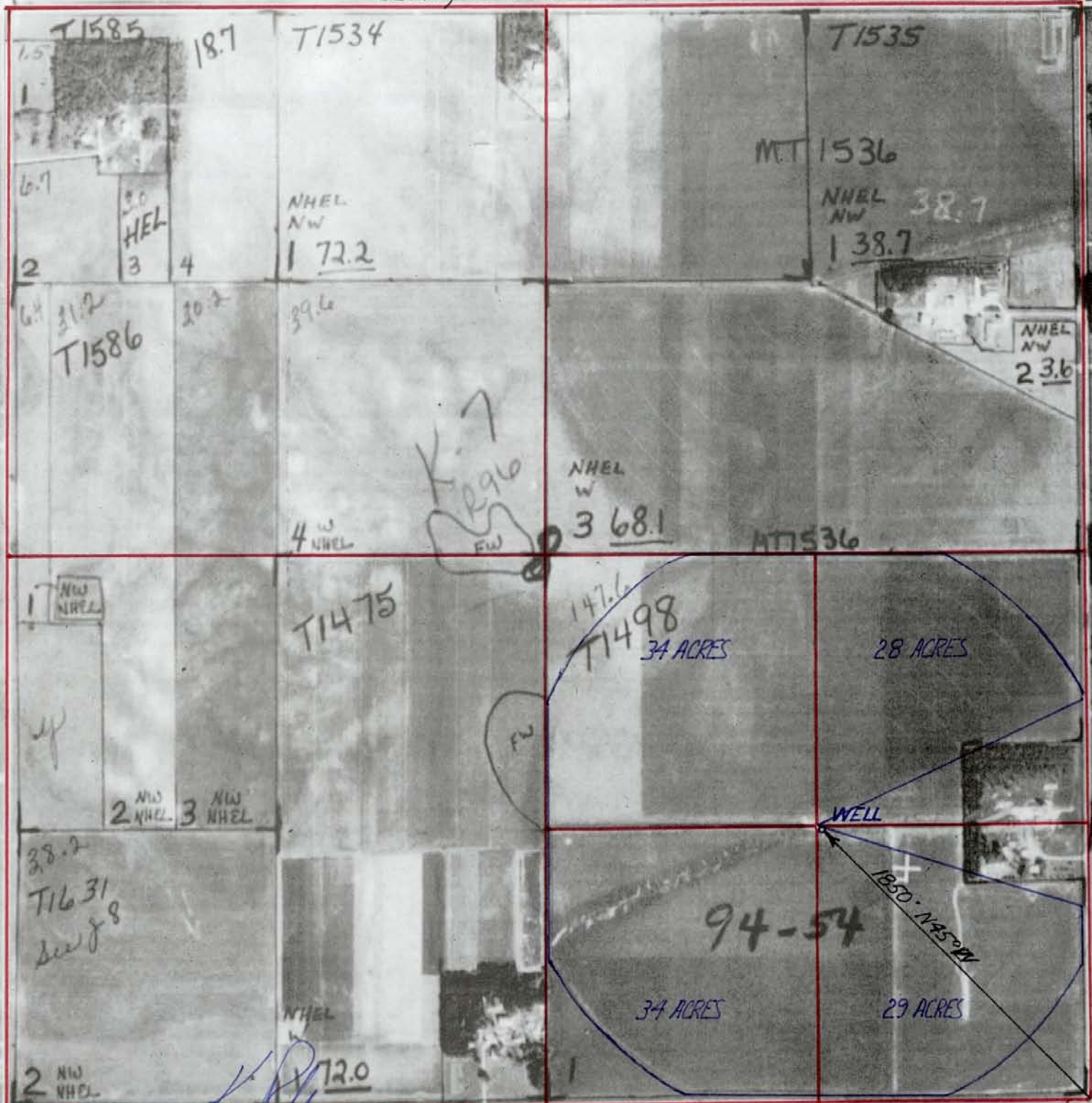
NOT TO SCALE

Map No. 26883 App. No. 3399-3



NOT TO SCALE

SEC. 8, T94N-R54W



KEN BUHLER
NATURAL RESOURCES ENGINEER
DENR-WATER RIGHTS

3399-3



3399-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: STEVE ANDERSON, LEASOR, 44980 304TH ST, VOLIN, SD 57072

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 3399-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3399-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2014

3399-3

Steve Anderson
44980 304th St
Volin SD 57072

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 3399-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The water right is still listed in the name of Ada Juttelstad. Please get in touch with us if the water right should be listed differently. Thank you in advance for your help in updating the water right.

Sincerely,

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

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Gary J & Amy Freeburg

File No: 6896-3 and 3399-3

Address: PO Box 188, Gayville, SD 57031

County: Clay

Date: February 13, 2014

Telephone: 267-4426

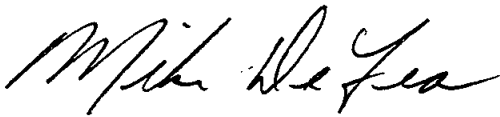
RE: Non-construction of Permit No. 6896-3 and Transfer of Water Right No. 3399-3

Comments:

On February 13, 2014, I contacted Amy Freeburg regarding the Irrigation Questionnaire form for **Permit No. 6896-3**. On the form it showed the system had not been developed. I asked Ms. Freeburg if the system had been developed and she said it had not been constructed and was unsure if it would be built. I informed her that the 5 yr. construction period had expired in 2012, but had the option to reapply within 3 yrs. after the expiration date of the permit for a \$100.00 fee. She stated that she didn't know if they would want to reapply, but would talk it over with Gary Freeburg whose name also appears on the permit.

Also during our discussion, I asked her about their ownership of land which is covered under **Water Right No. 3399-3** in the name of Ada Juttelstad. I told her the reason for asking the question was because DENR had been informed the land no longer belonged to the Juttelstad's and that they had purchased the land. She said they were the new owners of that property. She was informed the water right needed to be transferred to them as new owners. She agreed the transfer needed to be done and I also informed her there would be a \$50.00 fee for the transfer. She said that would not be a problem.

I then told Ms. Freeburg that we would be sending her the necessary partially completed forms to fill out and returned to DENR with the necessary fee(s) depending upon their decision to reinstate **Permit No. 6896-3**.



Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2014

6896-3

3399-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031

Dear Mr. & Mrs. Freeburg:

I am writing in regard to Water Permit No. 6896-3 & Water Right No. 3399-3, copies enclosed.

It is our understanding from your February 13th phone conversation with Mike DeFea, the project authorized under Water Permit No. 6896-3 has not been constructed. With the time limit for completion of works having expired on November 26, 2012, the water permit becomes subject to cancellation. Cancellation consideration of the permit will be scheduled at a later date. You will be notified of the time, date and place of the hearing once it is scheduled.

During your conversation with Mike you indicated you have not yet decided if the project will be developed. If you feel you would be ready to begin development within the next couple years, you may file an application for reinstatement. Pursuant to 46-2A-8.1, the Water Management Board may reinstate any water permit with a priority date after March 31, 1977, if unappropriated water is available and construction necessary to put water to beneficial use was not completed. Any application under this section shall be made within three years of the expiration of the original construction period pursuant to chapter 46-2A. The priority date for the application to reinstate a permit shall be the date the application to reinstate is filed.

Enclosed is a partially completed application form for filing a water permit. Applications for reinstatement follow the same procedure as a regular application however the benefit would be a reduced fee. The fee for the application would be \$100. The application for reinstatement will need to be filed prior to **November 26, 2015**. If you have any questions concerning the application process, please call Eric Gronlund with our program at (605) 773-3352.

Mike also visited with you about ownership of land described under Water Right No. 3399-3. The water right is currently listed in the name of Ada Juttelstad. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Sincerely,

Genny McMath
Water Rights Program
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



September 25, 2014

3399-3

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031 0188

Dear Mr. & Mrs. Freeburg:

I am writing in regard to ownership of land described in Water Right No. 3399-3, currently listed in the name of Ada Juttelstad. On February 18, 2014, I sent a partially completed transfer form to you for filing the ownership change. To date, we have not received anything back from you.

In the event you no longer have the original form, enclosed is an additional transfer of ownership form for use in filing the ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Currently, we have Steve Anderson from Volin listed as the renter of the property and the person to receive the annual irrigation questionnaire. Irrigation questionnaires will be mailed out in mid-October so it is important that records are current. If this has changed, please let us know.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
email: genny.mcmath@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 7, 2015

Gary & Amy Freeburg
PO Box 188
Gayville SD 57031

RE: Water Permit or Right Nos. 2584-3, 5971-3, 6643-3, 6644-3, 6645-3, 6646-3, 6647-3, 6648-3, 6649-3, 6650-3, 6651-3, 6767-3, 6768-3, 6858-3, 6895A-3, 7659-3, 7660-3, 7661-3 (Gary and Amy Freeburg) Water Right No. 3399-3, Ada Juttelstad

Dear Mr. & Mrs. Freeburg:

I am writing in follow-up to my phone conversation with Amy on January 6th concerning the above listed water permits and rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms, make any necessary corrections and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 **each**. The check or money order for the fee can be made payable to the Water Rights Program.

We also discussed the ownership change needed for 3399-3 currently listed in the name of Ada Juttelstad. I believe you already have a transfer of ownership form for that one. I have included the 2014 irrigation questionnaire for that specific water right. It originally was sent to Steve Anderson as a renter of the property. Please complete the form and return it by January 23rd.

To recap, the following materials are needed:

- irrigation questionnaire for 3399-3;
- 19 transfer of ownership forms (18 of yours and the one you have for the former Juttelstad land);
- A total filing fee of \$950 (19 transfers x \$50 each)

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 22 2015

WATER RIGHTS
PROGRAM

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

No. 3399-3

Date: 1-5-15

I/We request that Water Right No. 3399-3

formerly owned by: Ada Juttelstad

be transferred to: (name & address) Freeburg Limited Partnership
PO Box 188 Gayville SD 57031
Telephone No. 605-267-4424

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

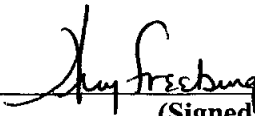
125 acres - SE 1/4 Section 8, T94N, R54W

I/We understand that the validity of Water Right No. 3399-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Freeburg Limited Partnership the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/22, 20 15

RECEIVED OF Freeburg LP Po Box 188 Gayville SD 57031

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	50	00
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>3399-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07150

By Jeannie Gooden
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2015

Gary & Amy Freeburg
Freeburg Limited Partnership
PO Box 188
Gayville SD 57031 0188

RE: Water Permit or Right Nos. 2584-3, 3399-3, 5971-3, 6643-3, 6644-3, 6645-3, 6646-3,
6647-3, 6648-3, 6649-3, 6650-3, 6651-3, 6767-3, 6768-3, 6858-3, 6895A-3, 7659-3, 7660-3,
7661-3

Dear Mr. & Mrs. Freeburg:

I am writing to acknowledge receipt of the completed transfer forms, filing fees and the irrigation questionnaire for 3399-3.

The ownership changes have been completed. The above listed water permits or rights have all been transferred and are now listed in the name of "Freeburg Limited Partnership".

Enclosed are the various receipts for the filing fees you submitted. If I can answer any questions, please let me know.

Sincerely,

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

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

enclosures