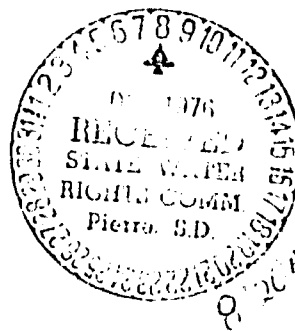


Water Right Number 3410-3

1. Considered 1-26, 19 77
2. Name of Applicant LUVERNE & LAURA KUPER
3. Post Office Address LENNOX
4. Amount of Water claimed 2.28
5. Source of Water supply 18490' WELL 91'
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in TURNER County
about 1N, 4E miles of HURLEY
8. Proof of Publication Received 1ST 5-2-77
Not Received
9. Application Approved
Subject to
Not Approved
Action Deferred

10. Remarks:

647-2439

No. 3410-3
 Map No. 2692-3 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)

1. Name of Applicant Luverne W. & Laura J. Kuper
 Post-office address Box 544, Innnox State S. D. 57039
 Date of incorporation show date and place of incorporation n/a
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work L. W. Kuper Irrigation System #1
4. Amount of water claimed (cubic feet per second) 2.28
5. Source of water supply Well
6. Location of point of diversion Approx. center of the NW 1/4 20-98-52

Turner

7. Annual period or periods during which water is to be used April-~~November~~
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreational, etc.) Irrigation
9. For irrigation use, Total number of acres irrigated 160

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each

Land Description	Acres Irr.	Acres Description	No. Acres
NW 1/4 NW 1/4 20-98-52	40		
NE 1/4 NW 1/4 20-98-52	40		
SE 1/4 NW 1/4 20-98-52	40		
SW 1/4 NW 1/4 20-98-52	40		

Attach more space is needed

10. Time required to complete construction of well, pump, system 1 Additional time required to complete application and water in the proposed use 1
11. Choice of newspaper for Notice of Intention to Appropriate water publication Haw. Era, Parker, S. Dak. 57053
12. Principal features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

Elec. Pump

B. Works proposed to transport water to place of use

Short buried line to center pivot

C. Works proposed to apply water to beneficial use

sprinkler system

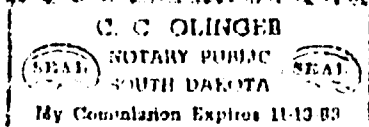
Estimated Total Cost \$ 50,000.00

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

STATE OF SOUTH DAKOTA

County of LincolnI, Luverne W. Kuper

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 Luverne W. KuperSubscribed and sworn to before me this 10 day of April, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3410-3
LEVERNE J LAURA KUPER Box 544 LENNOX
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57039 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 9, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application DECEMBER 29, 19 76
 Approved JANUARY 27, 19 77, Recorded in Book 18 Page 108
 WATER RIGHT PERMIT NO. 3410-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3410-3 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 9, 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 77
3. The whole of said work is to be completed on or before JANUARY 27, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 79
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 the appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.28 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 3.23 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 79; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 3RD day of MAY, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hark
 Chief Engineer, Executive Officer

Certificate of Construction Issued July 31, 19 80

Water License Issued July 21, 19 80

Ward Driller's Log

W. A. Venable, Rippon

19-30-76

- 0-2 Top Soil
2-18 Brown Clay
18-54 Blue Clay
54-79 Sand + gravel (25)
79-84 Blue Clay - Rock
84-136 Blue Clay
136-145 Soft Clay
145-156 Fine sand
156-177 Sand (31)
177-186 Mottled Clay
186-189 Sand (3)
189-200 Clay (Blue)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 18", Depth 18 1/2'
(2) Casing, Type steel Diameter 1 1/2" Thickness 1/4"
(wood, concrete, steel, etc.)
(3) Perforated Screen
Type Johnson stainless steel, Diameter 1 1/2", Length 20'
(4) Gravel Pack, Thickness 2", Length of gravel pack 130'

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 -

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 none rds. On property owned by others 90 rds.

G. Water Storage Dams.

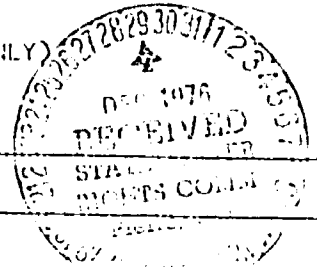
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

n/a

Oliver W. Keger
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1-#1

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 Laverne W. & Laura J. Kuper

ADDRESS Lennox, S. Dak. 57039

COUNTY Lincoln

LEGAL DESCRIPTION

1. WELL LOCATION Approx. center of the NW 20-98-52

2. LOCATION OF AREA TO BE IRRIGATED Same as above

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT x GUN _____

4. CROPS TO BE IRRIGATED Corn, Soybeans, Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-1993

6. SALINITY (EC x 10⁶) 862 (mod - h)

7. SODIUM (SAR) 0.36 (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 Turner Co. Conservation District, County Extension office or Soil Conservation Service.

and:

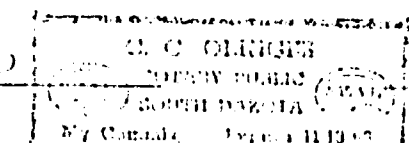
that the legal description for the location of the well and land to be irrigated is true and correct.

Laverne W. Kuper
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS

24 DAY OF Jan 1982.

(TITLE OR SEAL)



APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: James or Norman Kuper Date Rec'd: Dec 17, 1976
Address: Idarow, SD 57039 Sample No.: 76-1923
Identification: 1911
Lab. Sec. 20, T 23N, R 12E

WATER ANALYSIS

Calcium (Ca)	122	ppm*	6.10	me/l**
Magnesium (Mg)	41	ppm	3.36	me/l
Sodium (Na)	18	ppm	0.93	me/l
Potassium (K)	3	ppm	0.03	me/l
Sulfate (SO ₄)	200	ppm	4.16	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	?	ppm	0.07	me/l
Bicarbonate (HCO ₃)	371	ppm	6.03	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	304	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	862	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.26			
Sodium	7.55	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.22			
Others:				

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

COMMENTS: Total cations 10.32 me/l
Total anions 10.31 me/l

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$8.00 paid

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1923

Amount Enclosed \$
Signed



December 21, 1976

Luverne W. & Laura J. Kuper
Lennox, SD 57039

Dear Mr. & Mrs. Kuper:

Your water sample (Lab. No. 76-1993) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

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

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

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

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

Permit No. 3410-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Luverne & Laura Kuper

_____ the holder _____ of
Permit No. 3410-3, issued upon Application No. 3410-3, bearing date of priority of December 9, 1976
_____ authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Turner, State of South Dakota at _____
a point south 45° east, 120 rods from the NW corner, Section 20, T99N,
R52W
_____, for irrigation

purposes, has ye complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date July 21, 1980



JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3410-3

(1) WHEREAS, On the 9th day of December A. D. 19 76
Laverne & Laura Kuper

made Water Right Application No. 3410-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Turner, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 27th day of January A. D. 19 77

Permit No. 3410-3 with a date of priority of December 9, 1976

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 27th day of January A. D. 19 78 and for the application to beneficial use of said water on or before the 27th day of January A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.6 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 Section 20, T98N, R52W

Acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35

TOTAL 112

(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 Luverne & Laura Kuper

_____ of Lennox SD
the holder S and owner S of said permit No. 3410-3 a water right, dating from December 9, 1976
_____ to use of 2.28 cubic feet per second of the waters
of groundwater (one well)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point south 45° east, 120 rods from the NW
corner, Section 20, T98N, R52W

and conducted to and upon portions of land in Section 20, T98N, 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. 3410-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of July A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. 111-1

Publish first publication, on or before June 7, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

June 7, 1977

Notice is hereby given that James Earl Jones
whose post office address is James Earl Jones, 1000 1st St., Pierre, SD 57501, 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
0.20 cubic feet of water per second of time from the James Earl Jones through the
James Earl Jones, the point of diversion of which is to be located in the James Earl Jones
James Earl Jones
James Earl Jones
of Section 20, Twp. 93N, Range 123E. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

This application No. 111-1 will be considered by the Water Rights Commission at their office at
Pierre upon the 7th day of June, 1977, 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: Laverne & L. Allen Kuper, Box 544, Lemmon, South Dakota 57039

No. 3410-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County TURNER) ss.

I, EARL J. BORMANN hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the _____

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

NEW ERA of PARKER, S. D.,

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

THURSDAY, JANUARY 6th, 1977

THURSDAY, JANUARY 13th, 1977

EARL J. BORMANN
(Signature)

OWNER
(Title)

1-4-'77
(Date Signed)

No. 3410-3
NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 501
January 4, 1977

Notice is hereby given that
Luverne and Laura Kuper, whose
post office address is Lennox,
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use 2.23
cubic feet of water per second of
time from ground water through
the Kuper No. 1, the point of
diversion of which is to be located
in the center of the NW $\frac{1}{4}$ of
Section 20, Twp. 98N, Range
52W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land:

NW $\frac{1}{4}$, Section 20, 98N,
R 52W.

This application No. 3410-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 26th day of
January, 1977, 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: Luverne & Laura Kuper, Box
544, Lennox, South Dakota 57034.



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7597

PIERRE, July 16, 1980

RECEIVED OF Laverne Kuper, Lennox, SD 57039

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. 3410-2	50.	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3410-3		
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 *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / *(Signature)*

Permit No. 3410-3Water Division 3. VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by LOVERNE & LAURAKUPER of LENNOX holderof Permit No. 3410-3, bearing date of priority of DECEMBER 9, 1976authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in TURNER 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:

177' DEEP WELL WITH 14" DIA CASING - 20' SS SCREEN
JOHNSON 8" PUMP - MODEL J1A - ABH
POWERED BY 75 HP NEWMAN ELECTRIC MOTOR

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

15' OF 8" LINE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

1 TOWER VALLEY ELECTRIC DRIVE CENTER PLOT SYSTEM
WITH # 200 END GUNThe system is in the following condition: GOODThe point of diversion is located S 45° E, 120 RODS FROM THE
NW CORNER, SECTION 20, T 98N, R 52WThe works are capable of diverting and conveying to the place of use 1.88 (850 GPM)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 SECTION 20, T 98N, R 52W

<u>NW¹ & NW²</u>	<u>7</u>
<u>NE¹ & NW²</u>	<u>35</u>
<u>SW¹ & NW²</u>	<u>35</u>
<u>SE¹ & NW²</u>	<u>35</u>

comprising a total of 112 acres of land.Date JUNE 19, 1980
[Signature]
(Signature)



3410-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 1, 1993

No. 3410-3

Laura Jean Kuper
P.O. Box 544
Lennox, SD 57039-0544

Dear Ms. Kuper:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3410-3. The water right is currently listed in the name of Luverne & Laura Kuper.

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.

South Dakota Water Law 45-5-30.3 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 Division
(605) 773-3352

enclosure

3410-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 3410-3

Date: 7/10/93

I/We certify that Water Right No. 3410-3

formerly owned by: Luverne & Laura Kuper

be transferred to: Laura Jean Kuper, PO Box 544, Lennox, SD 57039-0544 (Telephone No) 605-647-2939

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

112 acres - NW 1/4 Section 20, T99N, R52W

I/We understand that the validity of Water Right No. 3410-3 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 at the Division of Water Rights, 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.

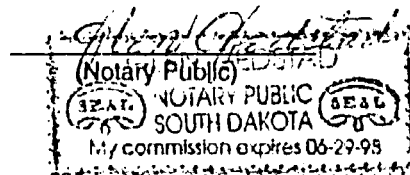
STATE OF SOUTH DAKOTA)

County of Lennox)

I/We Laura J. Kuper 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.

Laura J. Kuper
(Signed)

Subscribed and sworn to before me this 5th day of Nov, 19 93.



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.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 10, 1993

3410-3
413939

RECEIVED OF Laura J. Kuper, 116 N Academy, Box 544, Lennox, SD 57059

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>Water Right No. 3410-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John W. Hatch*
Chief Engineer

3410-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 2, 1993

No. 3410-3

Laura Jean Kuper
P.O. Box 544
Lennox, SD 57039-0544

Dear Ms. Kuper:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3410-3.

Our records now show you as the owner of Water Right No. 3410-3.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 20, 1998

3410-3

Roger Ihnen
PO Box 213
Lennox, SD 57039

Dear Mr. Ihnen:

I am contacting you in regard to Water Right No. 3410-3, currently listed in the name of Laura Kuper. Mrs. Kuper called this morning and indicated she had sold the land to you.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the water right. Please review the form and make any necessary corrections or additions. You will need to complete the portion titled "*to be transferred to: (name & address).....*". Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

I am enclosing a copy of Mrs. Kuper's water right. You may keep this for your records. I am also including a 1998 irrigation questionnaire pertaining to any irrigation done on this land in 1998. I believe Mrs. Kuper was going to give her copy of the questionnaire to you. If she did, you can toss the one I am sending to you.

If you have any questions concerning the water right, completion of the transfer form or submission of the irrigation questionnaire, please give me a call.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3410-3



Date: 10-27-98

1\We request that Water Right No. 3410-3

formerly owned by: **Laura Jean Kuper**

be transferred to: (name & address) ILC Enterprises Inc. Box 1814
Lennox SD 57039 Telephone No. 1

Telephone No. 605-647-2102

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

112 acres – NW ¼ Section 20, T98N, R52W

I/We understand that the validity of Water Right No. 3410-3 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.

STATE OF SOUTH DAKOTA)

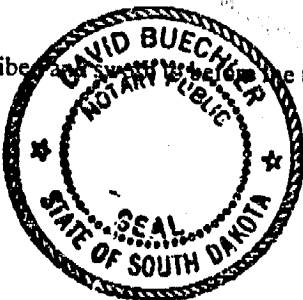
County of Turner

I/We ILC Enterprises, Inc. 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.

Alvin Karp Sec.
(Signed)

(Signed)

Subscriber DAVID JOECHER received this 30th day of October, 19 98




(Notary Public)

(Notary Public)

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 415907

Pierre, _____ November 3 19 98

RECEIVED OF ILC Enterprises, Inc., P.O. Box 184, Lennox, SD 57039
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 _____ Water Right No. 3410-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 9, 1998

3410-3

I L C Enterprises, Inc
Dennis Ihnen, Secretary
Box 184
Lennox, SD 57039-0184

Dear Mr. Ihnen:

Thank you for submitting the "Notice of Transfer of Ownership" for Water Right No. 3410-3. The water right has been transferred from Laura Jean Kuper to "I L C Enterprises".

Enclosed is Receipt No. 415907 in the amount of \$2.50. If you have any questions concerning the water right, please get in touch with me.

Sincerely,

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

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 9, 1998

3410-3

I L C Enterprises, Inc.
Dennis Ihnen, Secretary
Box 184
Lennox, SD 57039-0184

Ms.
Dear ~~Mr.~~ Ihnen:

Thank you for submitting the "Notice of Transfer of Ownership" for Water Right No. 3410-3. The water right has been transferred from Laura Jean Kuper to "I L C Enterprises".

Enclosed is Receipt No. 415907 in the amount of \$2.50. If you have any questions concerning the water right, please get in touch with me.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-7352

encl

*For your records you may
want to change the Secretary's name.
It's Denise, not Dennis.*

Thanks

*Dennis Ihnen
Sec. ILC
Enterprises*

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 3410-3 & 4646B-3

Date: March 12, 2003

I/We request that Water Right/Permit No. 3410-3 & 4646B-3 formerly owned by:

ILC Enterprises of Hurley, Inc. be transferred to:

New Owner Name: Horner Family Limited Partnership

Address: 501 E. Meadowlark Trail

City, State, Zip Sioux Falls, South Dakota 57108 Telephone No. _____

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

The Northeast One-Quarter (NE 1/4) of Section One (1),
Township Ninety-Eight (98) North, Range Fifty-Three (53)
West of the Fifth P.M., Turner County, South Dakota.

and
The Northwest One-Quarter (NW 1/4) of Section Twenty (20),
Township Ninety-Eight (98) North, Range Fifty-Two (52) West
of the Fifth P.M., Turner County, South Dakota.

RECEIVED

MAR 19 2003

WATER RIGHTS
PROGRAM

☒ I understand that the validity of Water Right/Permit No. 3410-3 & 4646B-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

Kevin Horner, general partner of

I, Horner Family Limited Partnership the new owner, certify that the above information is true and correct.

Horner Family Limited Partnership

by



(Signed by new owner)

Kevin Horner, Gen. Ptnr.

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 March 19, 2003

RECEIVED OF Turner County Title Company, PO Box 489, Parker SD 57053

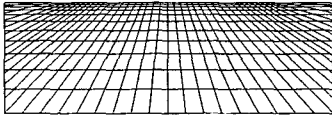
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3410-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. **000657**

By Darlene Eide
Chief Engineer *gm*

TURNER COUNTY TITLE COMPANY



205 N. Main Street, PO Box 489, Parker, SD 57053-0489

Telephone: (605) 297-5555 Fax #: (605) 297-5505

Title Insurance • Closings • Escrows • Abstracts

March 27, 2003

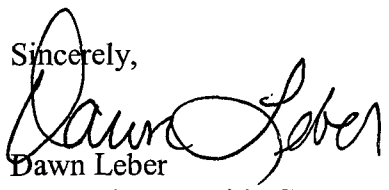
South Dakota DENR
Water Rights Program
Attn: Glenda
523 East Capitol
Pierre, SD 57501

RE: ILC Enterprises of Hurley – Horner Family Limited Partnership

Dear Glenda,

Please find enclosed check number 3491 in the amount of \$2.50 for the additional transfer fee for the Water Rights Program for above referenced matter. I originally sent you the application and a check for \$2.50. You had notified me that an additional \$2.50 would be needed. If you have any questions, feel free to contact our office at (605) 297-5555. Thanks for your cooperation with this matter.

Sincerely,


Dawn Leber
Turner County Title Company

encl.

RECEIVED
MAR 31 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2003

3410-3
4646B-3

Kevin Horner
Horner Family Limited Partnership
501 E Meadowlark Trail
Sioux Falls SD 57108

Dear Mr. Horner:

I am writing to acknowledge receipt of the transfer of ownership and filing fees for Water Right Nos. 3410-3 and 4646B-3. The transfers have been completed. The water rights formerly listed in the name of ILC Enterprises Inc., are now listed in the name of Horner Family Limited Partnership.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

Receipt Nos. 000697 and 000698 in the amount of \$2.50 each are being forwarded to the Turner County Title Company along with a copy of this letter. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Turner County Title Company

Luverne W. & Laura J. Kuper Irrigation System #1
Residence: Lennox, S. Dak. 57039

R. 52 W.

9852

N

17

30
1583

120 Rods

45° E

~~Transferred~~
to
Yankton County

Proposed Irrigation
Well #1

45.0

79.7

3-133

20

T. 98. N.

153.8

145.9

Land To Be Irrigated: (Outlined in Green)

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20-98-52
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20-98-52
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20-98-52
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20-98-52



98-52

44-NE-26-98-3 44-NE-34-10-3

3410-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

3410-3
4646B-3

Kevin Horner, General Partner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108-3003

Dear Mr. Horner:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 501 E Meadowlark Trail, Sioux Falls 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,

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

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

enclosures



3410-3

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 16, 2015

NOTICE

TO: HORNER FAMILY LTD PARTNERSHIP, KEVIN HORNER, GENERAL PARTNER, 2515 W
SLEIGH CREEK CIRCLE, SIOUX FALLS, SD 57108 3003

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3410-3 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) 4646B-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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) 4646B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3410-3 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 questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 19, 2015

3410-3
4646B-3

Kevin Horner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108 3003

Dear Horner:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 3410-3 and 4646B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



340-3

**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 15, 2016

NOTICE

TO: HORNER FAMILY LTD PARTNERSHIP, KEVIN HORNER, GENERAL PARTNER, 2515 W SLEIGH CREEK CIRCLE, SIOUX FALLS, SD 57108 3003

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



SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3410-3 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) 4646B-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 4646B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3410-3 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 questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



3410-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 21, 2016

3410-3
4646B-3

Kevin Horner
Horner Family Ltd Partnership
2515 W Sleigh Creek Circle
Sioux Falls SD 57108-3003

Dear Mr. Horner:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires. Darrin Ihnen submitted them online over the weekend but unfortunately the letters scheduling a hearing had already gone out.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 3410-3 and 4646B-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Everything is up to date. If you have any questions, please contact me.

Sincerely,

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