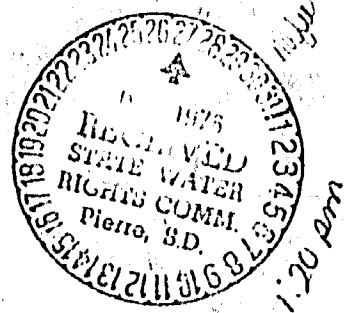


Water Right Number 3543-3

1. Considered 2-23, 19 77
2. Name of Applicant BURL LITZELMAN
3. Post Office Address VERMILLION
4. Amount of Water claimed 3.43
5. Source of Water supply 180' WELL
6. Water to be used for IRR
Acres to be irrigated 200
7. Water to be diverted and used in CLAY County
about 4.5 miles of CENTERVILLE
8. Proof of Publication Received 2-22-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 2823-3 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)

- Name of Applicant Burl A. Litzelman
Postoffice address Vermillion, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) contract
- Name of diversion work B.A. Litzelman, Irrigation Project #3
- Amount of water claimed (cubic feet per second) 3.43
- Source of water supply well
- Location of point of diversion 1520 ft. N, 1520 ft. E of the SW Corner
Sect. 11 T95 R52
Clay County

- Annual period or periods during which water is to be used April - November
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use: Total number of acres to be irrigated 240

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sect. 11 T95R52	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect. 11 T95R52	40
NWSW $\frac{1}{4}$ Sect. 11 95 52	40	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect. 11 T95R52	40
SWSW $\frac{1}{4}$ Sect. 11 95 52	40		
SESW $\frac{1}{4}$ Sect. 11 95 52	40		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Centerville Journal
- 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. Work proposed to apply water to beneficial use. Irrigation System

Estimated Total Cost \$ 30,000

Attachments: Attach Form 2-A 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 Clay) ss.

I, Burl A. Litzelman, 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 Burl A. Litzelman
Subscribed and sworn to before me this 24th day of November, 1976

Patricia S. Gorchett
Notary Public (or other qualified officer)
PATRICIA S. GORCHETT
Notary Public, Clay County, So. Dak.
My Commission Expires Dec. 23, 1980

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3543-3

BURL A LITZELMAN

(Applicant)

224 COURT, VERMILLION

(Post Office Address)

SOUTH DAKOTA 57069

(State)

With the following modifications:

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, 1976

Date of return to applicant for correction, amendments or changes required

19

Date of receipt of corrected application

FEBRUARY 1, 1977

Approved

FEBRUARY 24, 1977

Recorded in Book

17

Page

240

WATER RIGHT PERMIT NO. 3543-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3543-3 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, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 24, 1979
3. The whole of said work is to be completed on or before FEBRUARY 24, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 24, 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 3.43 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 FEBRUARY 24, 1985; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this

14TH

day of

APRIL

1977

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

Section 11

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 30", Depth 50'
- (2) Casing, Type Concrete Diameter 18" Thickness 2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Concrete, Diameter 18", Length 20'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 50'

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 Sand and Gravel

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 180'

Thickness of water bearing material 165'

Depth to water (ground surface to water level) 15'

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

On same owner's property 120 rds. On property owned by others 400 rds.

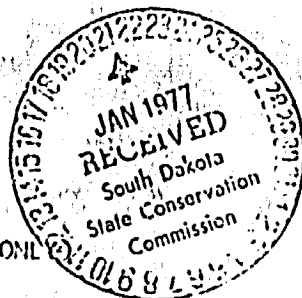
G. Water Storage Dams.

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.

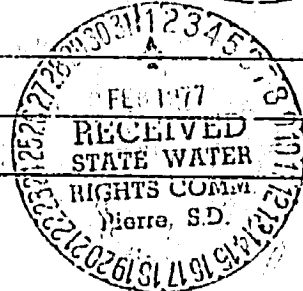
Burt H. Lohman
Signature of Applicant

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 Don Hunter
ADDRESS 224 Court Vermillion, S. Dak. 57050
COUNTY Clay



LEGAL DESCRIPTION

1. WELL LOCATION center of the quarter section
2. LOCATION OF AREA TO BE IRRIGATED SW₁, NW₁SE₁ 11, NW₁SW₁SE₁ 21, E₁SW₁ 3, SW₁ 15,
SW₁ NW₁, SE₁ NW₁, NW₁SE₁, NW₁SW₁, SE₁ SW₁ 16-75-55

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1724
6. SALINITY (EC X 10⁶) 1553 (high)
7. SODIUM (SAR) 0.56 (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 Clay County Soil 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.

Don Hunter
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
18 DAY OF Nov. 1976.

Patricia S. Gorchett
(TITLE OR SEAL)
PATRICIA S. GORCHETT

Notary Public, Clay County, So. Dak.
My Commission Expires Dec. 23, 1980

Alvin J. [Signature]
APPROVED/DISA OVED

(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: Don Hunter
 Address: Centerville, SD 57014

Date Rec'd: November 1, 1976
 Sample No.: 76-1724
 Identification: Sec. 11, T 95N, R 52W

WATER ANALYSIS

Calcium (Ca)	265	ppm*	13.25	me/l**
Magnesium (Mg)	65	ppm	5.33	me/l
Sodium (Na)	39	ppm	1.70	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	660	ppm	13.73	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.21	me/l
Bicarbonate (HCO ₃)	386	ppm	6.32	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)				
Alkalinity (Methyl Orange)	316	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1553	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.56			
Sodium	8.27	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.14			

*ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 20.54 me/l
 Total anions 20.26 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$8.00

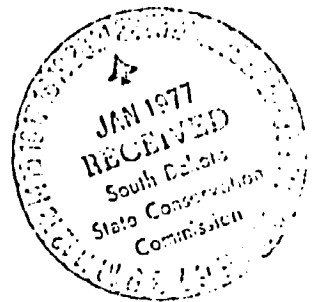
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1724

Amount Enclosed \$

Signed



January 18, 1977

Mr. Don Hunter
Centerville, SD 57014

Dear Mr. Hunter:

Your water sample (Lab. No. 76-1724) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

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

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

- (1) It will be used no more than 3 times (preferably less) in any growing season.
- (2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.
- (3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.
- (4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

P.S. You earlier received the original copies of the reports of analyses so you will not be receiving any at this time.

Form 6 - Notice of Intent to Appropriate Water

No. 3543-3

Publish first publication, on or before February 10, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Notice is hereby given that Burl A. Litzelman

whose post office address is Vermillion, 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

3.43 cubic feet of water per second of time from ~~the~~ ground water through the

B. A. Litzelman Irrigation # 3 the point of diversion of which is to be located in the _____

of Section 11, Twp. 95N, Range 52W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11, T95N, R52W

This application No. 3543-3 will be considered by the Water Rights Commission at their office at Pierre upon the 23 day of February, 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: Donald Hunter, Vermillion, South Dakota 57069

No. 3543-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA ;
County Turner) ss.

I, Waldemar Weverstad 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_____

City of Centerville

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

Feb. 10, 1977

Feb. 17, 1977

(Signature)

Publisher

(file)

Feb. 19, 1977

(Date Signed)

**NOTICE
INTENT TO
APPROPRIATE WATER**

No. 3543-3

Pierre, South Dakota 57501
February 3, 1977

Notice is hereby given that Burl A. Litzelman whose post office address is Vermillion, 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 3.43 cubic feet of water per second of time from ground water through the B. A. Litzelman Irrigation No. 3.

the point of diversion of which is to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Twp. 95N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11, T95N, R52W.

This application No. 3543-3 will be considered by the Water Rights Commission at their office at Pierre upon the 23rd day of February, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: **BURTON F. JONES**
Water Rights Specialist



Water Rights Division - DWNR
Conversation or File Documentation

File No. 214-3
215-3
229-3
973-3
974-3
1569-3
3543-3
3544-3
3545-3
3546-3
3547-3

NAME OF PERSON OR FILE: Don Hunter

ADDRESS: RR #2, Box 10, Centerville, SD 57014 COUNTY

DATE: April 22, 1984 TELEPHONE 563-2725

RE: Status of permits for John & Burl Litzelman, Vermillion, SD

COMMENTS: Mr. Hunter called and indicated no irrigation had been done on Litzelman's

permits during 1984. (spoke with Maxine)

I called Mr. Hunter back, spoke with Mrs. Hunter, she indicated

Litzelman's permits should be listed as "ESTATE" for now.

Mr. Hunter is the operator of these systems, further correspondence

concerning the permits should be directed to Mr. Hunter.

I requested them (Hunter's) to notify our office at such time

as the estate is settled so that the appropriate papers could be

filed concerning transfers of the permits.

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

NAME: Henry McMath

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

DON HUNTER-OPERATOR
RR #2 BOX 10
CENTERVILLE, SD 57014

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, 229-3, 214-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, 229-3, 214-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

cc: John/Burl Litzelman, 224 Court, Vermillion SD 57069



Department of Water & Natural Resources

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

April 3, 1987

214-3	974-3
215-3	1569-3
229-3	1890-3
<u>973-3</u>	<u>3543-3</u>

Donald Hunter
RR #2 Box 10
Centerville, SD 57014

Dear Mr. Hunter:

This will acknowledge receipt of and thank you for stopping in our office to complete your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 1890-3 and 3543-3, and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-2952

cc: John & Burl Litzelman, 224 Court, Vermillion, SD 57069



Department of Water & Natural Resources

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

February 25, 1988

1569-3
1890-3
3543-3

Don Hunter
RR 2, Box 10
Centerville SD 57014

Dear Mr. Hunter:

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. 1569-3, 1890-3, 3543-3 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 has been 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

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

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



May 26, 1988

Don Hunter - OPER
RR 2, Box 10
Centerville, SD 57014

Dear Mr. Hunter:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 3543-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,

*The land irrigated under
this permit has been stored
or too wet to irrigate for
the past 4 years. We intend to irrigate this
year.*

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

Don Hunter



3543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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 March 1, 1999, 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.

c: RICHARD/CAROLE MYERS, PO BOX 697, LINTON, ND 58552-0697
BILL HANSEN, 2201 STATE ST, CENTERVILLE, SD 57014



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: JEFF HEIDEBRECHT, 29731 466TH AVE, BERESFORD SD 57004

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 229-3, 974-3, 1813-3, 3543-3 & 5844-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 229-3, 974-3, 1813-3, 3543-3 & 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1999

Jeff Heidebrecht
29731 466th Ave
Beresford, SD 57004-6217

RE: Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Richard & Carole Myers, PO Box 697, Linton, ND 58552-0697

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 3543-3

Date: 2/26/99

I/We request that Water Permit No. 3543-3

formerly owned by: Burl A Litzelman

be transferred to: (name & address) David DeRouchey, 224 Court St, r

Vermillion, SD 57069

Telephone No. (605) 624-2219

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

240 acres - SW¼ and W¼ SE¼ Section 11, T95N, R52W

I/We understand that the validity of Water Permit No. 3543-3 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 Clay)

I/We David DeRouchey being first duly sworn or 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.

David C. DeRouchey
(Signed)

Subscribed and sworn to before me this 26th day of February, 19 99.

Bill Hansen
(Notary Public)

My Commission Expires 1-21-2001

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.



March 4, 1999

David DeRouche
PO Box 264
Vermillion SD 57069

Dear Mr. DeRouche:

Thank you for submitting the *Notice of Transfer of Ownership* for several water rights. The filing fee for each transfer is \$2.50 for a total of \$15.00.

Upon receipt of the fee, the water rights will be transferred to your name. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416064

Pierre,

March 9, 1999

RECEIVED OF David DeRouchey, 224 Court St., Vermillion, SD 57069
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 ten years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Permit No. 3543-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch (Signature)



3543-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1999

David DeRouchey
PO Box 264
Vermillion, SD 57069-0264

RE: Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 & 3543-3

Dear Mr. DeRouchey:

Thank you for sending in the fees for transferring Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 and 3543-3. The transfers have been completed and all of the above referenced numbers are now listed in your name.

Enclosed are the receipts for the filing fees you paid. You may keep these for your records. If you have any questions concerning the water rights or the transfers, please get in touch with me.

Sincerely,

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

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

Enclosures



35-43-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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, 2000, 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.

c: DAVID DEROCHEY, PO BOX 264, VERMILLION, SD 57069

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.



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2000

Jeff Heidebrecht
29731 466th Ave
Beresford, SD 57004-6217

RE: Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: David Derouchey



January 16, 2002

NOTICE

3543-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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 March 8, 2002, 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.

c: DAVID DEROCHEY, PO BOX 264, VERMILLION, SD 57069

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.

3542-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Jeff Heidebrecht</u> B. Date of Delivery <u>1/1/02</u> C. Signature <u>X [Signature]</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: JEFF HEIDEBRECHT, OPERATOR 29731 466TH AVE BERESFORD SD 57004 6217		3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.	
2. Art <u>7001 2510 0004 477</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999 2595-00-M-0952

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>David C Derouchey</u> B. Date of Delivery <u>1-17-02</u> C. Signature <u>X [Signature]</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: David Derouchey PO Box 264 Vermillion SD 57069		3. Service Type ☒ Certified Mail ☐ Registered ☐ Insured Mail ☐ Express Mail ☐ Return Receipt for Merchandise ☐ C.O.D.	
2 <u>7001 2510 0004 4797 6049</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999 102595 00-M-0952

Domestic Return Receipt



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2002

Jeff Heidebrecht
29731 466th Ave
Beresford, SD 57006 6217

RE: Water Permit or Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 and 5844-3

Dear Mr. Heidebrecht:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 and 5844-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: David DeRouchey, PO Box 264, Vermillion, SD 57069-0264

Conversation or File Documentation

NAME OF PERSON OR FILE: Burl A. Litzelman (Don Hunter)ADDRESS: RR#2, Box 51, Centerville, SD 57014 COUNTY ClayDATE: August 13, 1987 TELEPHONE 563-2725RE: Cancellation of Water Permit #3543-3 due to nonuse

COMMENTS:

On August 13, 1987, I made an inspection of water permit # 3543-3. Mr. Hunter said that he had not irrigated under permit # 3543-3 for about the last four years. He also said that he did not plan to irrigate this year because of adequate moisture. He had not irrigated a couple of years because he was flooded by the Vermillion River. Mr. Hunter wanted to retain water permit # 3543-3.

An inspection was made with the overall condition of the center pivot system in adequate to poor condition. It appears the system is capable of being operated.

The irrigation system was not used for the years of 1983, 1984, 1985, 1986 (according to irrigation questionnaires).

~~Water Permit #3543-3 is subject to cancellation due to three years of nonuse.~~

Wait to see if Mr. Hunter uses system in the future. Do not license or cancel permit #3543-3.

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

3543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

TO: JEFF HEIDEBRECHT, OPERATOR, 29731 466TH AVE, BERESFORD, SD 57004 6217

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5844-3, 214-3, 229-3, 974-3, 1813-3 & 3543-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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) 5844-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 5844-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 214-3, 229-3, 974-3, 1813-3 & 3543-3 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 27, 2004**, 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.

cc: DAVID DEROCHEY, PO BOX 264, VERMILLION, SD 57069

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.

3543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2004

Jeff Heidebrecht
29731 466th Ave
Beresford SD 57004-6217

RE: Water Right or Permit Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3

Dear Jeff:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right or Permit Nos. 214-3, 229-3, 974-3, 1813-3, 3543-3 & 5844-3.

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

Thank you for the notations on the ownership changes. I edited the database to show that only questionnaires for Water Right No. 1813-3 and Permit No. 5844-3 will be sent to you next year. The remaining questionnaires will be directed to the new owner/operator. If you have any questions, please contact me.

Sincerely,

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

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

www.wfss.com

Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

3543-3

July 21, 2004

Lisa Marshik Prostrullo
lprostro@wfss.com

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

Re: Notices of Transfer of Ownership

Dear Madam or Sir:

Enclosed please find 8 Notices of Transfer of Ownership for Water Right/Permit Numbers: 214-3, 215-3, 229-3, 3543-3, 973-3, 974-3, 1569-3, and 6009-3. Also enclosed is a check in the amount of \$20.00 to cover your filing fees. It is our understanding that you notify the new owner that the transfer has occurred. When you send out that correspondence, please send me a copy of such correspondence for our records. I have enclosed a stamped self addressed envelope for your convenience. Should you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.



Lisa Marshik Prostrullo

Enclosures

cc: Mr. Roger Hansen

RECEIVED

JUL 23 2004

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED Water Right/Permit No. 3543-3
JUL 23 2004
WATER RIGHTS
PROGRAM

Dated: July 16, 2004

We request that Water Right/Permit No. 3543-3 formerly owned by:
David DeRouchey be transferred to:

New Owner Name: Roger A. Hansen, d/b/a Hansen Properties
Address: P.O. Box B
City, State, Zip: Centerville, South Dakota 57014 Telephone No.: (605) 563-2212

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

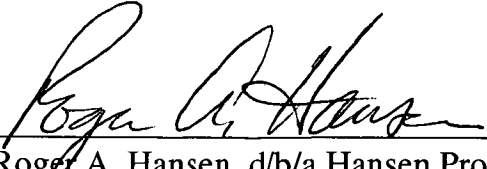
240 acres - SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11, T95N, R52W

☒ We understand that the validity of Water Right/Permit No. 3543-3 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.

Roger A. Hansen, d/b/a Hansen Properties, the new owner, certifies that the above information is true and correct.


Roger A. Hansen, d/b/a Hansen Properties

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 July 23, 20 04

RECEIVED OF Lewis & Clark Title Co., PO Box 177, Yankton SD 57078

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

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>3543-3</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.

001376

By

Darlene Ebel
Chief Engineer
gm

3543-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3 and Water Permit Nos. 3543-3 & 6009-3. The transfer of ownership for each has been completed. The above listed water permits and rights, formerly listed in the David DeRouchey are now listed in the name of Hansen Properties.

Each year we mail irrigation questionnaire to all irrigators in the state with the exception of those with water spreading systems. I am enclosing one of the actual forms submitted last year 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. The forms can be completed and returned by regular mail or if you wish, blank forms can be downloaded from our website or filled out on-line and submitted electronically. More information concerning the questionnaires will be sent to you in October, 2004.

The receipts for the filing fees (totaling \$20.00) are being forwarded to Lewis & Clark Title Company in Yankton, SD.

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: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC
Lewis & Clark Title Company



3543-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed, for your records, are copies of Water Permit and Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 3543-3 and 6009-3. I included the ownership changes that were filed with them.

Copies of the same files are also being sent to Ms. Prostrollo for her records.

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

Sincerely,

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

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

enclosures

c: Lisa Marshik Prostrollo w/Woods, Fuller, Shultz & Smith PC



3543-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6568-3, Roger Hansen**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6568-3, Roger Hansen, Box B, Centerville SD 57014.

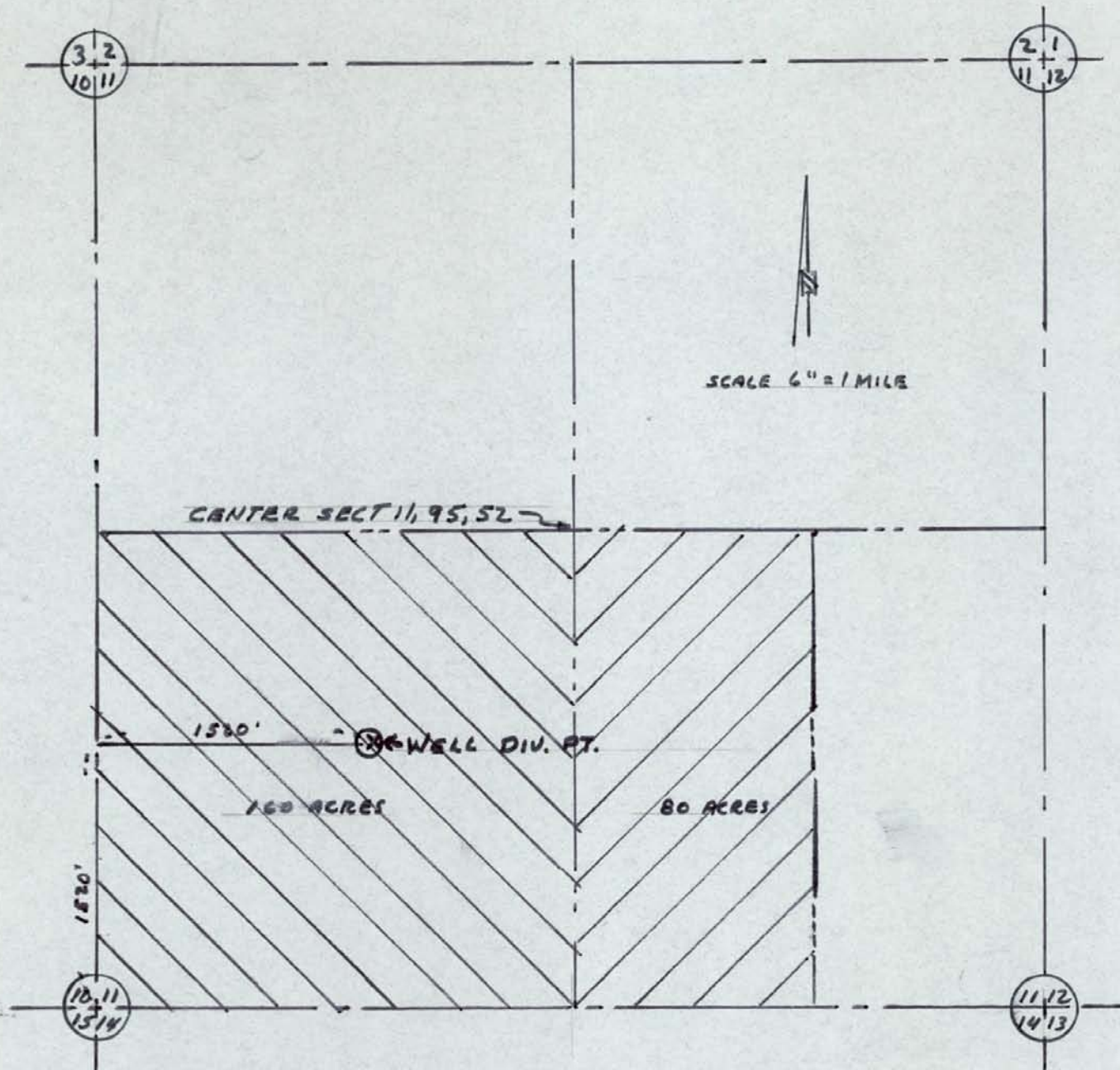
The Chief Engineer is recommending APPROVAL of Application No. 6568-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 6568-3 incorporates the applicable portions of Water Permit No. 3543-3 and the forfeited portion of No. 3543-3 is cancelled.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 17, 2005

Note: Water Permit No. 3543-3 appropriates 3.43 cfs from a well to irrigate 240 acres located in the SW ¼ and W ½ SE ¼ of Section 11, T95N, R52W. Mr. Hansen represented that 1.52 cfs has been developed to irrigate 107 acres under Permit No. 3543-3. The non-developed portion of Water Permit No. 3543-3 is forfeited for nonuse. Water Permit No. 6568-3, if approved, will incorporate No. 3543-3 and issued for a total of 2.38 cfs to irrigate a 167 acres.



B.A. LITZELMAN IRRIGATION PROJECT #3
SHOWS AREA TO BE IRRIGATED AND WELL
DIVERSION POINT.

THIS MAP FOR PERMIT TO APPROPRIATE WATER
LOCATION: ALL WITHIN SECT 11, T.95N., R.52W., 5TH PM.

OWNER

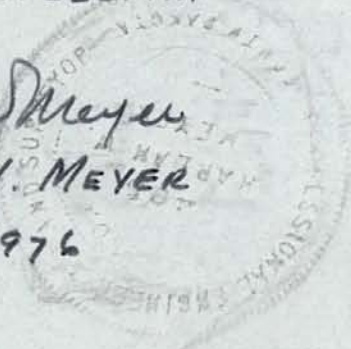
BURL A. LITZELMAN

SURVEYOR

Harlan W. Meyer
HARLAN W. MEYER

DATE

AUGUST 1976



MAP NO 28223 ADD 1102513-2