

Permit No. 35793 was issued to Roya Kock
on March 24, 1977, for 3.4 C.F.S.
from groundwater
in Bon Homme County.

Present owner (s) was (were) contacted and indicated this system, not completed
1/5

Cancelled: _____

No. 3579-3Map No. 2857-3 Water Division No. 3 MISSOURI RIVER District _____
(Blank 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: Royal F. Koch, Trustee for Joseph Serr and Serr Trust
 Postoffice address: Tyndall State: South Dakota
 If a corporation show date and place of incorporation: na
2. Method of accomplishing work (contract, employment of others, or by direct labor): employment of others
3. Name of diversion work: Serr Irrigation Project No. 1
4. Amount of water claimed (cubic feet per second): 3.4
5. Source of water supply: well
6. Location of point of diversion: near center of the N $\frac{1}{2}$ SW $\frac{1}{4}$ section 22-94-60

County: Pon Homme

7. Annual period or periods during which water is to be used: April thru November
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.): irrigation
9. For irrigation use, Total number of acres to be irrigated: 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.
<u>SW$\frac{1}{4}$ section 22-94-60</u>	<u>160</u>		
<u>S$\frac{1}{2}$ NW$\frac{1}{4}$ section 22-94-60</u>	<u>80</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system: 5 years. Additional time required to complete application of water to the proposed beneficial use: 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Tyndall Tribune and Register
12. Principal Features of the Proposed Water Supply System:

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

well

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

pipeline

C. Works proposed to apply water to beneficial use:

center pivot

86,000.00

Estimated Total Cost: \$

Attachments: Attach Form 25 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 BrattleboroI, Royal F. Koch, 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 Royal F. KochSubscribed and sworn to before me this 30th day of August 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 3579-3ROYAL KOCK
(Applicant)TYNDALL

(Post Office Address)

SOUTH DAKOTA 57066
(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 AUGUST 6 19 76Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application SEPTEMBER 1 19 76Approved MARCH 24 19 77, Recorded in Book 17 Page 315WATER RIGHT PERMIT NO. 3579-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 3579-3 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 AUGUST 6 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 24 19 79
3. The whole of said work is to be completed on or before MARCH 24 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 24 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 3.4 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 MARCH 24 19 84; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 19TH day of APRIL 19 77

WATER RESOURCES COMMISSION

By:

John H. Hark
Chief Engineer, Executive OfficerCertificate of Construction Issued — 19 —Water License Issued — 19 —

6/60

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 225'
- (2) Casing, Type concrete Diameter 16" Thickness 1"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Johnson Irrigator, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 225'

i. 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 sands and gravels

Depth to top of water bearing material 190'

Depth to bottom of water bearing material 230'

Thickness of water bearing material 40'

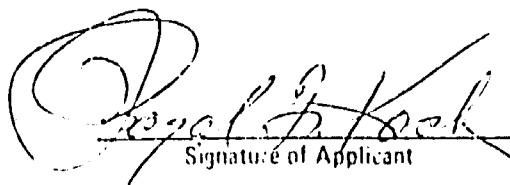
Depth to water (ground surface to water level) 30'

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

On same owner's property 65 rds. On property owned by others 160 rds.

G. Water Storage Dams.

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


Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

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

NAME Royal Koch, Trustee for Joseph Serr and Serr Trust
ADDRESS Tyndall, S.D. 57066
COUNTY Bon Homme

LEGAL DESCRIPTION

1. WELL LOCATION R $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ section 22-94-60
2. LOCATION OF AREA TO BE IRRIGATED SW $\frac{1}{4}$ and S $\frac{1}{4}$ NW $\frac{1}{4}$ section 22-94-60

TYPE OF IRRIGATION

3. GRAVITY ☐ WHEEL ☐ CENTER PIVOT ☒ GUN ☐
4. CROPS TO BE IRRIGATED corn and alfalfa

WATER ANALYSIS

5. SAMPLE NUMBER 76-981
6. SALINITY (EC X 10⁶) 11.57 (high)
7. SODIUM (SAR) 1.04 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.)

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 Bon Homme Co Conservation District, and Conservation District or Soil Conservation Service.
and;
that the legal description for the location of the well and land to be irrigated is true and correct.

Royal Koch
APPLICANT'S SIGNATURE



SUBSCRIBED AND SWORN BEFORE ME THIS
5th DAY OF August 19 76.

[Signature] Notary Public
(CLERK OR SEAL)
[Signature]

R.E. Wink
APPROVED BY
[Signature]

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

Submitted by: State Date Rec'd: August 10, 1976
 Address: Tyndall, SD 57066 Sample No.: 76-921
o/o Royal Koch Identification: all 160'
Tyndall, SD 57066 Sec. 22, T. 94N, R. 60.

WATER ANALYSIS

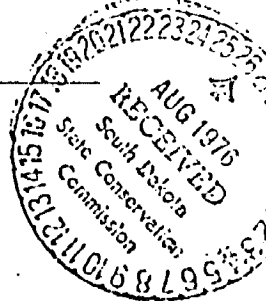
Calcium (Ca)	157	ppm*	3.35	me/l**
Magnesium (Mg)	47	ppm	2.65	me/l
Sodium (Na)	59	ppm	2.57	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	410	ppm	8.53	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.25	me/l
Bicarbonate (HCO ₃)	303	ppm	4.96	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	243	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1157	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.04			
Sodium	17.09%	of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.29			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 15.03 me/l
 Total anions 13.75 me/l



By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-921

Amount Encl. 15

Signed

August 20, 1976



Mr. Royal Koch
Tyndall, SD 57066

Dear Mr. Koch:

The analysis of the water sample you submitted (76-981) has been completed. I am enclosing the original copy of the report on that analysis. I am also enclosing a copy of ADS publication #13 with a chart on the outside back cover for water quality classification for irrigation. You will see that the red cross therein places this water in the high salinity, low sodium category.

Accordingly, it is only moderately well suited to irrigation because it carries about 1.05 tons of salt for each acre foot of water you pump. This is a real considerable amount of salt and should be kept in mind when you are irrigating soils such as the Reliance with very slow internal drainage. The Reliance silty clay loam makes up the bulk of the land you propose to irrigate and it is poorly suited for irrigation because of the lack of a permeable substratum. This means that the salts which you add to the soil in the water will gradually build up in the soil and will eventually prevent economical yields of crops from being grown. It may even prevent seedlings from germinating. This is not a happy circumstance at all, especially for an area that needs water so badly. I recommend that you irrigate this land only 2 times a year with this kind of water, never any more. Each time you irrigate, add substantial amounts of water, that is, 3 to 4 inches or more so that you completely rewet the rooting zone. You also may have to irrigate late in the fall so as to improve the chance that some salt movement downward will take place as a result of winter and spring precipitation. This may not be possible because the substratum under Reliance at times is virtually impermeable. At other places the Reliance has some permeability in the subsurface materials and here I am speaking of a depth 5 to 10 feet or more. Not knowing the exact nature of the substratum under your Reliance, I cannot give precise recommendations, but I think you should develop this proposal only with the full knowledge that after 8 or 10 years you may have to quit irrigating entirely in order to have any crop grown on this land. This is not the saltiest kind of water being used in your county and in neighboring counties, but it is one of the few instances in which Reliance soil is proposed to be irrigated.

A copy of this letter is accompanying your application materials and a copy of the water analysis to the State Conservation Commission in Pierre for their action.

Sincerely yours,

L. O. Fina

L. O. Fina
Water Quality Lab

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

No. 3579-3

Royal Koch

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Ben Homme) ss.

I, Wayne L. Bertrand hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Tyndall Tribune

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 Tyndall

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

March 10, 1977

" 17, 1977

Wayne L. Bertrand
(Signature)

Publisher
(Title)

3-17-77
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501

March 2, 1977

Notice is hereby given that
Royal Koch whose post office
address is Tyndall, 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 3.4 cubic feet of
water per second of time from
ground water through the Serr
Irrigation Project No. 1, the point
of diversion of which is to be
located in the Center of N $\frac{1}{2}$ SW $\frac{1}{4}$
of Section 22, Twp. 94N, Range
60W. Said water to be used for the
purpose of providing irrigation on
portions of the following describ-
ed land:

SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22,
T94N R60W.

This application No. 3579-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 24th day of
March, 1977, at 10:00 a.m. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
By: James Winterton
Water Rights Specialist
(March 10 and 17)



Form 6 - Notice of Intent to Appropriate Water

No. 357-3

Publish first publication, on or before March 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 2, 1977

Notice is hereby given that Royal Koch
whose post office address is Tyndall, 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
3.4 cubic feet of water per second of time from the ground water through the
Serr Irrigation Project #1, the point of diversion of which is to be located in the

Center of N $\frac{1}{2}$ SW $\frac{1}{4}$
of Section 22, Twp. 24N, Range 60W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22-T24N-R60W

This application No. 357-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 24 day of March, 1977 at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON E. JONES
JIM WINTERKON
Water Rights Specialist

BFJ/bw

cc: Royal Koch, Tyndall, South Dakota 57056

January 28, 1980

Royal Kock
Tyndall SD 57066

Dear Mr. Kock:

During a field investigation it was observed that Water Permit No. 3579-3 authorizing 3.4 cubic feet per second of water to irrigate 240 acres from groundwater has not been constructed.

South Dakota Water Law Section 46-5-25 provide that one-fifth of the work must be completed within two and one-half years after the water permit has been approved. The expiration date for the one-fifth completion date on Water Permit No. 3579-3 was September 24, 1979.

Therefore, cancellation of Water Permit No. 3579-3 will be considered by the Water Management Board at 9:00 a.m., on March 26, 1980 at the SDEA Auditorium, 411 East Capitol, Pierre SD.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:kw



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

No. 3579-3

April 1, 1980

Royal Kock
Tyndall, SD 57066

Dear Mr. Kock:

This is to inform you that the Water Management Board at their regular meeting, on March 26, 1980, took no action regarding the cancellation consideration on your Water Permit No. 3579-3, as the time limit on the completion of works has not been reached.

In accordance with SDCL 46-5-21 the construction shall be completed, not to exceed five years from the date of approval. The time limit for completion of your Water Permit is Mar. 24, 1982.

If your irrigation project has not been completed by this date it will be re-scheduled for cancellation.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH: bt

Equal Opportunity Employer

TO: Mr. John Hatch
Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57501

FROM: Royal F. Koch Agency
P. O. Box 276
Tyndall, SD 57066

REGARDING: Water Permit Number 3579-3

DATE: 12-19-81

Dear Mr. Hatch:

Please be advised that in June of 1961 our irrigation system was in place and operating. The work has been completed on this system. We assume that water permit number 3579-3 will be taken from the cancellation list and be considered active. Please advise if there are any other permits.

Please advise if there are any additional forms to fill out.
If so, please send the to me.

Thank you kindly.

Very truly yours,

Royal F. Koch



Water Rights Division
605 773-3352

December 22, 1981

Royal K. Kock
P.O. Box 276
Tyndall SD 57066

Dear Mr. Kock:

In answer to your letter regarding the completion of your project. Please send this office a copy of the Drillers Log of the well for your file.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

*Log Received
Jan 15, 1982*

ROYAL F. KOCH AGENCY

Insurance at Its Best

TELEPHONE 589-3572

TYNDALL, SOUTH DAKOTA

January 6, 1982

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

Attention: Betty Westlund

RE: Permit #3579-3-Joe Serr

Dear Betty:

In response to your letter of December 22, 1981 please be advised that the Drillers Log would be in the hands of the well driller, Emil Worm, of Lebanon, South Dakota. I do not have a log in my office and perhaps you could notify Mr. Worm to file said log with your department.

Thank you kindly.

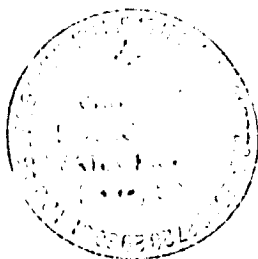
Very truly yours,

Royal F. Koch

RFK/db

cc: Mr. Emil Worm

*log rec
1/15/82*





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 3579-3

May 2, 1985

Bob Tycz
Box 504
Tyndall, South Dakota 57066

Dear Mr. Tycz:

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

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

NO. 3579-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 14, 1985

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

160 Acres - SW $\frac{1}{4}$ Section 22, T24S, R60W

80 Acres - S $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T24S, R60W

formerly owned by Royal F. Koch, trustee for Joseph Serr and Serr Trust

has been transferred to Cary Hajek, RR 1 Box 81, Tyndall, SD 57066
Richard Hajek, RR 1 Box 78, Tyndall, SD 57066

(please include complete mailing address)

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

Water Right Permit No. 3579-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Bon Homme) ss.

WE, Cary Hajek AND Richard Hajek being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that XX have read the above foregoing statement, and XX know of XX own personal knowledge that the information herein stated is true.

Cary Hajek (Signed) +
Richard Hajek (Signed)

Subscribed and sworn to before me this 14th Day of May, 1985.

Michael S. Campbell
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4-10041

Pierre, May 15 1985

RECEIVED OF Bob Tycar, Box 504, Tyndall, SD 57056

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 3579-3 (to Cary Hajek & Richard Hajek)	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By _____
Chief Engineer JOHN HATCH/ms

May 17, 1985

Cary Hajek
RR#1, Box 81
Tyndall, South Dakota 57066

Richard Hajek
RR#1, Box 78
Tyndall, South Dakota 57066

Dear Sirs:

We have received the fee in the amount of \$2.50 for transfer of Water Right No. 3579-1 from Bob Tycz.

Our records now show Cary and Richard Hajek as owners of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
cc: Bob Tycz



Department of Water & Natural Resources

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

#3574-8
#2587-3

February 17, 1989

Richard Hajek
Box 78
Tyndall, SD 57066

Dear Mr. Hajek:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

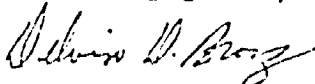


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements." Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Power, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

No. 3579-3

WATER RIGHTS DIVISION
FILE DOCUMENTATION

Permit Holder: Cary & Richard Hajek
RR #1 Box 78
Tyndall, SD 57066

Date: March 20, 1990

Subject: Readvertisement of Water Permit No. 3579-3

A review of the permit file and the inspection report for Water Permit No. 3579-3 for licensing purposes found the advertisement notice (published March 10 & 17, 1977) contained errors in the legal description of the land to be irrigated.

The notice lists the acreage to be irrigated as follows:

SW 1/4, S 1/2 SW 1/4 Section 22, T94N, R60W

The acreage specified on the permit and the acreage developed is as follows:

SW 1/4, S 1/2 NW 1/4 Section 22, T94N, R60W

CONCLUSION

The water permit needs to be readvertised before the water license can be issued.



Genny McMath
Natural Resources Analyst

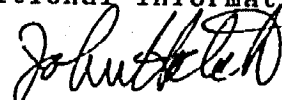
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISEMENT OF
WATER PERMIT APPLICATION NO. 3579-3, Cary and Richard Hajek

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Readvertisement of Water Permit Application No. 3579-3, Cary and Richard Hajek, RR 1, Box 78, Tyndall SD.

The Chief Engineer is recommending APPROVAL of Application No. 3579-3 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) in the public interest with the following qualification:

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 withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 5, 1990

REPORT FOR APPLICATION No. 3579-3
CARY AND RICHARD HAJEK
MARCH 29, 1990

Water Permit No. 3579-3 appropriates 3.4 cubic feet of water per second from one well 215 feet deep located in the NW 1/4 SE 1/4 NE 1/4 SW 1/4 of Sec. 22, T94N-R60W to irrigate 240 acres. The legal location of the acres to be irrigated was in error in the notice of hearing published on March 10 and 17, 1977. Readvertisement with the correct legal description of the irrigated acreage is necessary. The corrected legal description of the irrigated acreage is the SW 1/4, S 1/2 NW 1/4 Sec. 22, T94N-R60W. The well used to supply water to this irrigation system is completed into the Choteau-Tyndall aquifer. This system has been in use for several years with no reported controversy.

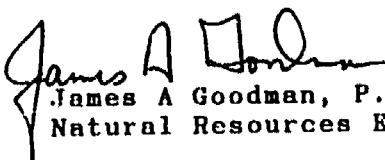
CONCLUSIONS:

1. This is a readvertisement of NOTICE OF HEARING on Application No. 3579-3.
2. This readvertisement is necessary to correct the legal description of the acres irrigated through this appropriation.
3. The corrected legal description of the irrigated acreage is the SW 1/4, S 1/2 NW 1/4 Sec. 22, T94N-R60W.



Ken Buhler
Natural Resources Engineer

Approved by



James A Goodman, P.E.
Natural Resources Engineer

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application
No. 3579-3 to Appropriate Water

Notice is given that Cary and Richard Hajek, RR #1 Box 78, Tyndall, SD 57066 filed an application for a water permit on September 1, 1976. Water Permit No. 3579-3 appropriated 3.4 cubic feet of water per second from one well 215 feet deep located in the NW1/4 SE1/4 NE1/4 SW1/4 of Section 22-T94N-R60W to irrigate 240 acres. Readvertisement of the notice of hearing published on March 10 and 17, 1977 is needed to correct the legal description of irrigated acreage. The corrected legal description of the irrigated acreage is the SW1/4, S1/2 NW1/4 Section 22-T94N-R60W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 3579-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bon Homme) ss.

I, Wayne L. Bertrand

certify that the attached printed Notice was taken
from the Tyndall Tribune & Register

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 Tyndall

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

April 18, 1990

" 25, 1990

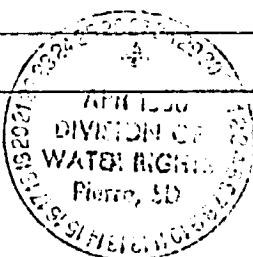
Wayne L. Bertrand
(Signature)

Publisher
(Title)

April 25, 1990
(Date Signed)

Cost of Printing: 95 lines @ 24.2 + 80¢/l

2415. 94.38



Readvertisement of
NOTICE OF HEARING
on Application

No. 3579-3 to Appropriate Water

Notice is given that Cary and Richard Hajek, RR 1 Box 78, Tyndall, SD 57066 filed an application for a water permit on September 1, 1976. Water Permit No. 3579-3 appropriated 3.4 cubic feet of water per second from one well 215 feet deep located in the NW 1/4 SE 1/4 NE 1/4 SW 1/4 of Section 22-T94N-R60W to irrigate 240 acres. Readvertisement of the notice of hearing published on March 10 and 17, 1977 is needed to correct the legal description of irrigated acreage. The corrected legal description of the irrigated acreage is the SW 1/4, S 1/2 NW 1/4, Section 22-T94N-R60W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 3579-3 because 1) unappropriated water is available, 2)

existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management board in the Pelican Room, Ramkota Inn, Highway 212, Watertown, SD on May 23, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (505 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01 thru 74:02:01:15.

(April 18 & 25)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 10, 1990

Tyndall Tribune & Register
Box 520
Tyndall SD 57066

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 3579-3 to be published twice. Please publish the first notice on or before April 19, 1990 with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

CUT HERE

TO:

Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of
Hearing to Appropriate Water by Permit No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

South Dakota Department of
Water & Natural Resources

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

April 10, 1990

Cary & Richard Hajek
RR 1, Box 78
Tyndall SD 57066

Dear Sirs:

The original notice of hearing for Water Permit No. 3579-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Tyndall Tribune & Register printed at Tyndall SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

South Dakota Department of
Water & Natural Resources

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

May 25, 1990

3579-3

Cary & Richard Hajek
RR #1 Box 78
Tyndall, SD 57066

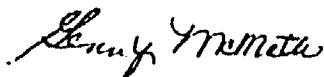
Dear Sirs:

The readvertisement of the "Notice of Hearing" on Water Permit No. 3579-3 was published April 18 and 25, 1990. The Water Management Board approved the readvertised permit at the May 24, 1990 hearing. With approval of the readvertisement, Water Permit No. 3579-3 is now ready for licensing.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

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

Permit No. 3579-3

_____ Water District

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

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Cary and Richard Hajek_____ of Tyndall, SD holder ofPermit No. 3579-3, bearing the priority of August 6 19 76 authorizingthe diversion of 3.4 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Bon Homme County.

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

A. Works used to divert the water: The system has one well located 2870 feet N48°E from the SW corner of Sec. 22, T94N-R60W, constructed by Dakota Boring Co. The total depth of the well is 215 feet, it is cased with 16-inch diameter PVC, and screened with PVC and Stainless steel screen. The pump is a Berkley 8-inch turbine pump with 6 stages. The motor is a U.S. Electric, 125HP pump. The pump and motor are capable of diverting 1060gpm.

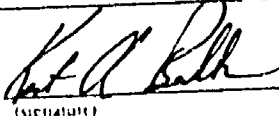
B. Works used to transport water to place of use:

The distribution pipeline is an 8-inch diameter aluminum pipeline 30 feet long.

C. Works used to apply water to beneficial use: Water is applied to beneficial use through a Valley Electric center pivot system. The pivot has 12 towers with an overall length of 1960 feet. The system operates at 73 psi with 1060 gpm.

The system is in the following condition GOODThe point of diversion is located 2870 feet N48°E from the SW corner of Sec. 22, T94N-R60W
(NW 1/4 SW 1/4 NE 1/4 SW 1/4 Sec. 22, T94N-R60W)The works are capable of diverting and conveying to the place of use 2.36
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: SE 1/4 NW 1/4 - 37 acres, SW 1/4 NW 1/4 - 27 acres, NE 1/4 SW 1/4 - 30 acres, NW 1/4 SW 1/4 - 36 acres, SW 1/4 SW 1/4 - 20 acres, SE 1/4 SW 1/4 - 38 acres; all in Sec. 22, T94N-R60Wcomprising a total of 188 acres of land and the license should be issued for 2.36 cfsApplicable permit qualifications have been complied with Yes NoInspection Conducted
Sept 2, 1987
Date Dec 6, 1989

Exceptions to compliance are: _____


(signature)

LICENSE FOR PERMIT NUMBER 3579-3

1. Legal location of wells: 2870 feet N 48°E from the SW corner of Sec. 22, T94N-R60W
(NW 1/4 SW 1/4 NE 1/4 SW 1/4 Sec. 22, T94N-R60W)

dams & structures: _____

2. Well Information: Well Drilling Firm Dakota Boring Co. (SD License No. 234)

No. of wells one Depth 215

Casing a) diameter 16-inch Screen a) type Stainless steel and PVC
b) length 175 b) length 20 feet SS and 20 feet PVC
c) type PVC Static Water Level 80 feet
Pumping level 95 feet

Pump a) make Berkley Motor a) make U.S. Electric Motor
b) model FT.HD 348 b) model no. ID, # R-9982-04-131R2:46788M
c) size 8-inch c) horsepower rating 125 HP
d) capacity 1060 GPM d) motor efficiency rating
e) turbine pump 91.7
no. of stages 6

3. Distribution lines:

a) size of lines 8-inch
b) type aluminum
c) length 20 feet

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make Valley Electric
- 2) number of towers 12
- 3) distance between towers
180 feet
- 4) overall length 1960'
- 5) End gun (Y/N) yes
- 6) high or low pressure high
- 7) make & size of nozzles
Rain Bird Nozzles
- 8) PSI reading while system is
running 73
- 9) GPM 1060

SN 35099
MN 4865

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒	☐	2. Special Qualifications to permit being abided by.
☒	☐	3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3579-3

(1) Royal Koch, Trustee for Joseph Serr & Serr Trust of Tyndall SD 57066 made Application No. 3579-3, August 6, 1976 for a water permit to appropriate 3.40 cubic feet of water per second from groundwater (one well), Bon Homme County, South Dakota for irrigation purposes. Permit No. 3579-3 with a priority date of August 6, 1976 was approved March 24, 1977 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 24, 1982 and for the application to beneficial use of said water on or before March 24, 1984.

On May 15, 1985, Water Permit No. 3579-3 was transferred to Cary and Richard Hajek.

The notice of hearing published on March 10 and 17, 1977 contained an error in the legal description of the land to be irrigated. The Notice was readvertised on April 18 and 25, 1990 to correct the error. The readvertisement was approved by the Water Management Board on May 24, 1990.

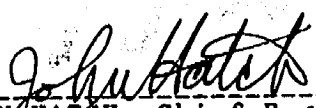
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.36 cubic feet of water per second for beneficial use. The location of the diversion point is: 2870 feet N48°E from the SW corner of Section 22, T94N, R60W (NE 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T94N, R60W Section 22	SE 1/4 NW 1/4	37	acres
	SW 1/4 NW 1/4	27	"
	NE 1/4 SW 1/4	30	"
	NW 1/4 SW 1/4	36	"
	SW 1/4 SW 1/4	20	"
	SE 1/4 SW 1/4	38	"

TOTAL 188 acres

(4) Pursuant to Section 46-5-30.1 Cary and Richard Hajek of RR 1, Box 78, Tyndall SD 57066 the holder(s) and/or owner(s) of Water Permit No. 3579-3 is issued a license to appropriate water, the right to use 2.36 cubic feet of water per second from groundwater (one well) with a priority date of August 6, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 3579-3 and subject to South Dakota State Law.



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

JUN 18 1990

RECEIPT

412256

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 6, 1990

RECEIVED OF Richard Hajek RR #1 Box 78 Tyndall, SD 57066

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____
Water Right No. 3579-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John H. Hatcher

South Dakota Department of
Water & Natural Resources

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

JUN 18 1990

3579-3

Cary and Richard Hajek
RR 1, Box 78
Tyndall SD 57066

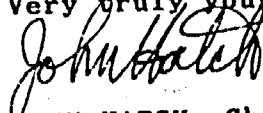
Dear Sirs:

Enclosed is Water License No. 3579-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412256 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3579-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,



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

enclosures

NOT TO SCALE

94-60

ROYAL KOCH for
Joseph SERR & SERR
TRUST

37.5

2-192

37.2

151.2

LAND TO BE
IRRIGATED OUTLINED
IN RED

22

45.7

39.8

17.5

x ← out

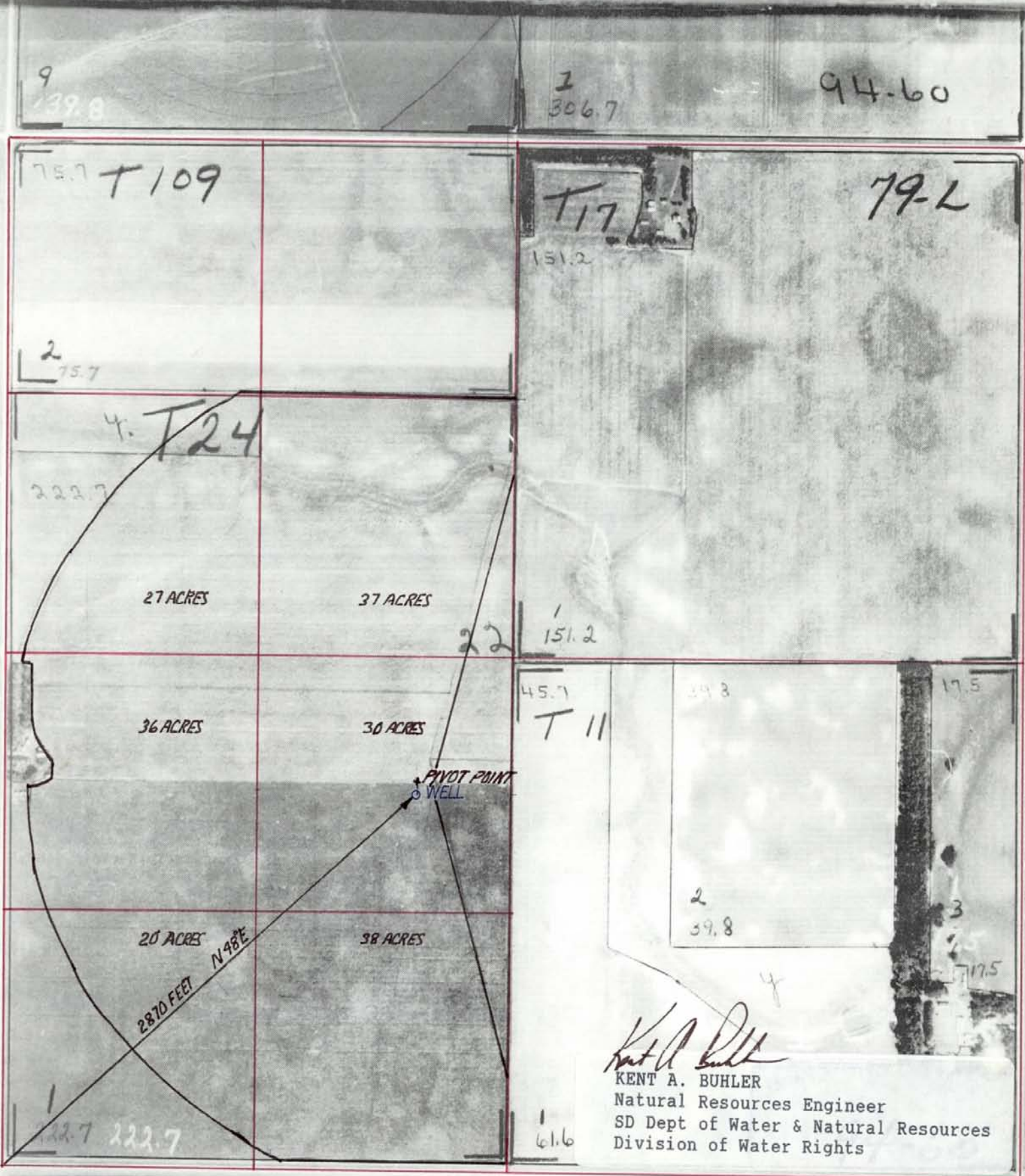
Point OF DIVERSION

Floyd D. Watson
District Commissioner
SCS

94-60

MAP NO. 2843 APR 1935 193

NOT TO SCALE



Kent A. Buhler

KENT A. BUHLER
Natural Resources Engineer
SD Dept of Water & Natural Resources
Division of Water Rights

McMath, Genny

From: Cary & Dorothy Hajek <chajek@hcinet.net>
Sent: Monday, December 03, 2012 8:01 AM
To: McMath, Genny
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Hi Genny,

Yes, we can transfer 3579-3. It should now be listed as "Cary Hajek and Richard Hajek Family Trust".

The 5513-3 can also be transferred. It should now be listed as "Rita Hajek and Richard Hajek Family Trust".

My brother farms this ground, but I will send in the questionnaire for him today.

I am the trustee for the "Richard Hajek Family Trust", so I can take of these matters.

Thanks for your help,

Cary Hajek
 41329 305th St.
 Tyndall, SD 57066
 605-589-3196 Home
 605-464-1736 Cell
chajek@hcinet.net

-----Original Message-----

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
 Sent: Monday, December 03, 2012 7:15 AM
 To: 'Cary & Dorothy Hajek'
 Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Cary,

Both forms have been received and you are up to date as far as the irrigation questionnaires for another year. One thing though - No. 3579-3 is still listed as held by "Richard and Cary Hajek". I will forward you a transfer form if you are ready to have it transferred to Hajek and Hajek or solely in your name? If you let me know how you want it listed, I can partially complete the transfer form before sending it to you.

I just checked the files - looks like I still need a questionnaire for 5513-3 listed in the name of Richard Hajek. It covers land in the SW 1/4 Section 27, T94N, R60W. Do you own that land?
 Genny
 605 773-5455

-----Original Message-----

From: Cary & Dorothy Hajek [<mailto:chajek@hcinet.net>]
 Sent: Saturday, December 01, 2012 10:56 AM
 To: McMath, Genny
 Subject: Atten: G. McMath - Irrigation Questionnaire



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2012

3579-3
5513-3

Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

I am writing in follow up to our email communication on ownership of land described in Water Right Nos. 3579-3 and 5513-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures

RECEIVED

DEC 10 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3579-3

Date: 12-7-12

I/We request that Water Right No. 3579-3

formerly owned by: Richard and Cary Hajek

be transferred to: (name & address) Cary Hajek and Richard Hajek Family Trust
41329 305th St, Tyndall SD 57066

Telephone No. 605 589-3196

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

188 acres – S ½ NW ¼ and SW ¼ Section 22, T94N, R60W

I/We understand that the validity of Water Right No. 3579-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Richard Hajek Family Trust
Cary Hajek, the new owner, certify that the above information is true and correct.

[Signature]
(Signed by new owner)
[Signature] - Trustee for Richard Hajek Family Trust

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 12/10, 20 12

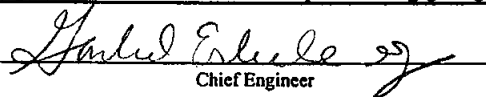
RECEIVED OF Cary R Hajek 41329 305th St Tyndall SD 57066

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>3579-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05747**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 2013

3579-3
5513-3

Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 3579-3 and 5513-3. The ownership changes have been completed. The water rights are now listed as follows:

- Water Right No. 3579-3: Cary Hajek and Richard Hajek Family Trust, and
- Water Right No. 5513-3: Rita Hajek and Richard Hajek Family Trust

Enclosed for your records are Receipt Nos. 05746 and 05747 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

OCT 27 2022

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 3579-3

Date: 10/25/2022

I/We request that Water Right/Permit No. 3579-3 formerly owned by:
Cary Hajek & Richard Hajek Family Trust be transferred to:

New Owner Name: Cary Hajek

Address: 41329 305th St mobile: 6054641736

City, State, Zip Tyndall, SD, 57066 email: chajek@hcinet.net

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

Death in family trust...trust has been exercised through warranty deed.

☒ I understand that the validity of Water Right/Permit No. 3579-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Cary Hajek, the new owner, certify that the above information is true and correct.

Cary Hajek
Cary Hajek (Oct 25, 2022 07:56 CDT)
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

3579-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date October 27, 2022RECEIVED OF Cary/Dorothy Hajek 41329 305th St., Tyndall SD 57066

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>3579-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief EngineerVM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 22, 2022

3579-3

Cary Hajek
41329 305th St
Tyndall SD 57066

Dear Mr. Hajek:

Thank you for sending in the transfer form and filing fee for Water Right No. 3579-3.

The ownership change has been completed. Water Right No. 3579-3, formerly listed under Cary Hajek & Richard Hajek Family Trust is now listed under your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure