

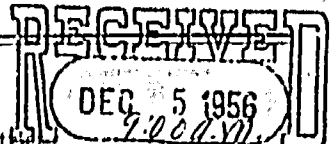
1. Considered March 12, 1957
2. Name of Applicant Leslie P. Flycatcher # 358-3
3. Post Office Address Hurley South Dakota
4. Amount of water claimed 2.2
5. Source of water supply ground water
6. Water to be used for Irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Turner County about
2 miles NE of Hurley
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to ☐
Not Approved ☐
Action deferred ☐

10. Remarks:

pending on Feb 1, 1957

No. 358-3Water Division No. 3 Vermillion River

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Leslie P. Flyger
 Postoffice address Hurley, County Turner, State S. Dak.

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others(b) Cash on hand, \$ 5000.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ 50,000.002. Name of diversion work Leslie P. Flyger Diversion Work #13. Amount of water claimed 2.2 cubic feet per second4. Source of water supply Well

5. Location of point of diversion _____

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used March Through November

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated S.W. 1/4 Sec. 23 Twp. 98 R. 53 Turner Co. S. Dak.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 267-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

10. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----; material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 3 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate ----- Hurley Leader -----
----- Hurley, S. Dak. -----

STATE OF SOUTH DAKOTA

County of Linn } ss.

I, Leslie Flyger, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this

4 day of

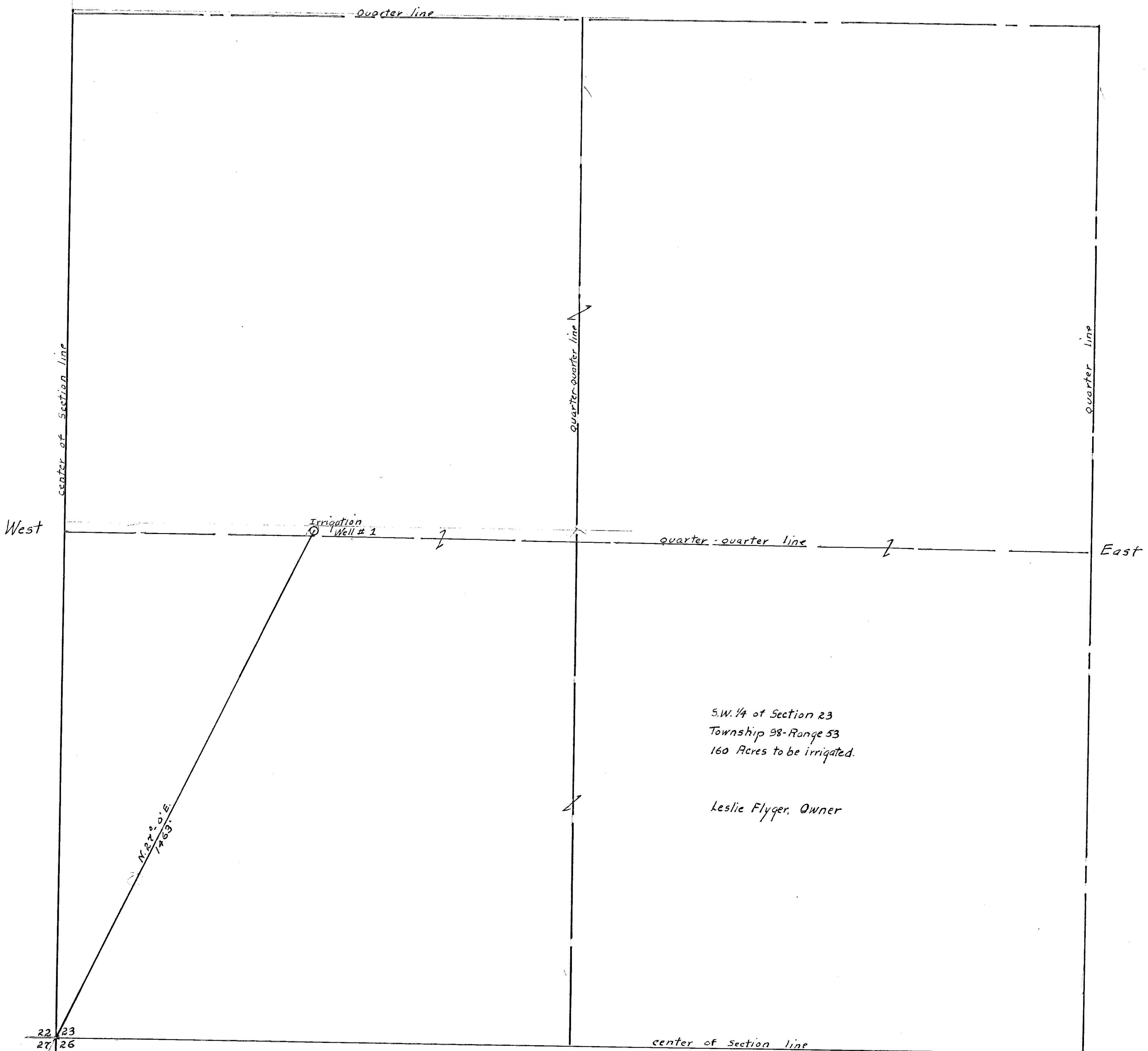
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

11. Estimated cost of work

3/17/60

North



Leslie Flyger Irrigation Project # 1
S.W. 1/4 of Section 23, Township 98-Range
53, Turner County, South Dakota.

I, Ellis V. Nelson, a licensed engineer, hereby certify
that I have made a survey of the S.W. 1/4 of Section 23
Township 98-Range 53, Turner County, South Dakota
and located irrigation well # 1 as indicated on the
above plat.

Dated at Sioux Falls, South Dakota, December 15, 1956.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss.
County of Minnehaha }

On this 15th day of December, 1956 before me, the
undersigned officer, personally appeared Ellis V. Nelson known
to me or satisfactorily proven to be the person whose name
is subscribed to the within certificate and acknowledged that
he executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand and
official seal.

Eugene A. Grass
Notary Public

Notary Public
Notary
My Comm. expires on Nov. 1, 1958

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota Dec. 1956

Map No. 267-3
(Appl. No. 358-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Flagler } ss.

Pierre, South Dakota, December 7, 1956

This is to certify that the foregoing application was received by the Commission at 7:00 o'clock
9 a.m. upon the 5 day of December, 1956

State Water Resources Commission

By:

J. W. Brinner
Chief Engineer, Executive Officer

Number of permit 55-8-3

Date of first receipt of application December 5, 1956

Date of return to applicant for correction, amendments or changes required is follows: December 7, 1956

Date of receipt of corrected application December 20, 1956

Date from which applicant may claim right December 5, 1956

Approved March 12, 1957, Recorded in Book 4 Page 14

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

September 12, 1959

2nd. The whole of said work is to be completed on or before March 12, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

March 12, 1965

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.20 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 12, 1965; said water to be used during the following described annual period:

March to November inclusive

Witness my hand this 22 day of March, 1957

State Water Resources Commission

By:

J. W. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 9, 1963

Water License Issued JANUARY 9, 1963

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

Estimate

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 53'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 20", Thickness of casing 3/4 Gauge

Length of casing 53' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Slotted 3/16 by 1'

Size of perforated screen 20", 30'
(diameter) (length)

Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water 13' Character of water bearing materials Coarse sand and gravel

Thickness of water bearing material 40'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller, size 8" with 12" stages

Kind of motor L.P. Gas
(gasoline, electric, diesel, etc.)

Horsepower 60, Name of Motor Minneapolis-Moline

(e) Complete well

Capacity 1500 at drawdown of 10' Estimated cost 1000.00

(f) Owner of land upon which well is located Leslie P. Flyger
Name

Hurley, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 90 rods. On property owned by others 70 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 358-3

WHEREAS, On the 5th day of December A. D. 1956
 Leslie P. Flyger

of Hurley County of Turner and State of
 South Dakota duly made application (No. 358-3) to us for a permit to use 2.2
 cubic feet per second of the waters of ground water
 County of Turner, State of South Dakota, for Irrigation
 purposes; and

WHEREAS, On the 22nd day of March A. D. 1957
 Permit No. 358-3 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the 12th day of
 March A. D. 1962 and for the application to beneficial use of said
 water on or before the 12th day of March A. D. 1965
 and,

WHEREAS, On the 3rd day of October A. D. 1962
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.2
 cubic feet per second of said water, as evidenced by our Certificate No. 358-3
 dated January 9, 1963 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of
 priority of December 5, 1956 and,

WHEREAS, On the 3rd day of October A. D. 1962
 proof was duly made of the application to beneficial use of 2.2 cubic feet per second of said water;
 for irrigation of the SW $\frac{1}{4}$ Section 23, T98N, R53W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Leslie P. Flygor

of Hurley the holder and owner of said permit No. 359-3

a water right, dating from December 5, 1956 to the use of 2.2

cubic feet per second of the waters of ground water

in the County of Turner and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point 1463 feet N 27° 0'E of

the SW corner, Section 23, T98N, R53W

and conducted to and upon the SW 1/4 Section 23, T98N, R53W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 9th day of January A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 358-3Water Division No. 3 Vermillion River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Leslie P. Flyger

Gurley, County of Turner, and State of South Dakota, the holder of Permit No. 358-3, issued upon Application No. 358-3, bearing date of priority of December 5, 1956, authorizing the diversion of 2.2 cu. ft. per second of the waters of ground water County of Turner, State of South Dakota, at a point 1463 feet N27° 0'E of the SW corner, Section 23, 198N, R53W for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.2 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: the SW $\frac{1}{4}$, Section 23, 198N, R53W

Witness my hand this 9th day of January A. D. 1963

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

(First Publication Before February 6, 1957)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., January 10, 1957

Notice is hereby given that Leslie P. Flygar whose postoffice address is Harley S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.20 cubic feet of water per second of time from the ground water through the Leslie P. Flygar Diversion Work No. 1, the point of diversion of which is to be located on the bank of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23 Twp. 98 N Range 53 W. Said water to be used for the purpose of providing irrigation on the following described land:

SW¹, Sec 23, T 98 N, R 53 Wand for XXXXXX purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957 at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

cc: Publisher

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Turner } ss.

L. D. Hofmeister being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Hurley Leader 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 Hurley County of Turner and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Thurs., 17 Jan., 1957
Thurs., 24 Jan., 1957
Thurs., 31 Jan., 1957
Thurs., 7 Feb. 1957

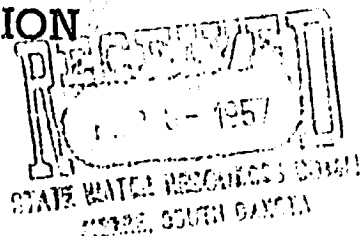
in each and every issue of the full number thereof, the first publication being made on the 17 day of Jan. 1957 and the last publication on the 7 day of Feb. 1957 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was owner the printer and publisher of the said newspaper.

L. D. Hofmeister

Subscribed and sworn to before me this 7 day of February A. D. 1957

Ernest H. Brown

Notary Public Turner County, S. D.



APPROPRIATION OF WATER
Office of State Water Resources
Commission,

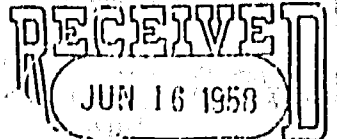
Pierre, S. Dak., January 10, 1957

Notice is hereby given that Leslie P. Flyger whose postoffice address is Hurley, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.20 cubic feet of water per second of time from ground water through the Leslie P. Flyger Diversion Work No. 1, the point of diversion of which is to be located in the NW 1-4 of the SW 1-4 of Section 23, Twp. 98N Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Sec. 23, T. 98N, R. 53W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented. State Water Resources Commission

By: J. W. Grimes, Chief
Engineer, Executive Officer
(Jan. 17-24-31 Feb. 7)

Permit No. 358-3

Water Division No. _____ Water _____

WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

Hurley, S. Dak.

(Date)

6-14-58

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____

19____, at _____ County of Huron State of South Dakota,before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)of 2.2 cubic feet per second of the waters of Leslie P. Flyger DiversionWork No. 1 In accordance with the terms and conditions of Permit No. 358-3

heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Leslie P. Flyger, Hurley, S. Dak.

2. The use to which said water has been applied is _____

Irrigation

3. The amount applied to beneficial use is _____

2.2 Cubic ft Per Sec

4. The place where said water is used is (If for Irrigation, give full and accurate description of the lands irrigated) _____

160 acres - SW 1/4 23 - 98 - 53

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

Leslie P. Flyger Diversion Work No. 16. The right to take the water from such works is based upon permit No. 358-3

7. The source of supply from which such water is diverted is _____

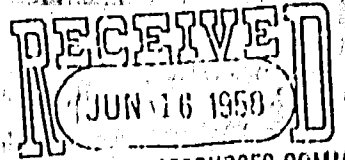
Well

8. The date of priority which said user is prepared to establish is _____

Dec 5th, 1956

(Sign)

Leslie P. Flyger

Permit No. 358-3

Water Division No. _____

Water District _____ STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) _____

(Date) _____

Thuley, S. Dak.
6-14-58

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.2 cu. ft. per second of the waters of the state from Well
through the Leslie O. Flyger Diversion Work No. 1
for Irrigation purposes

_____ In accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Leslie O. Flyger

2. The postoffice address of such person or the place of business of such corporation is Thuley
County of Turner State of S. Dak.

3. The number of such permit is 358-3 and the date set for the completion of such work is
March 12th 1965

4. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 2.2 cubic feet per second.

6. The amount of land for which said water is available is 160 acres
particularly described as follows: SW 1/4 23-98-53

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Leslie O. Flyger

Permit No. 358-3Water Division No. 2 Vermillion Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____
Leslie P. Flyger, of _____
Turner County, South Dakota, holder of Permit No. 358-3, issued
 upon Application No. 358-3, bearing date of priority of Dec. 5, 1956, authorizing the
 diversion of 2.2 cu. ft. per second of the waters of Ground Water for Irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One well, 53' deep w/ 20" steel casing,
bot. 30' is perforated. 8" Western Land Boller Turbine pump
Head # 8 M, 3 Stage # 12 CH. Run by an A.C. Smith
electric motor, 50 H.P., 3 phase, Ser # 62758,
160 rods of 5" pipe & 80 rods of 6" w/ 86 sprinkler nozzles 1/2 x 3/16
 and the system is in the following condition: Good

The point of diversion is located 1463' N 27° 00' E of the SW Cor.
Sec. 23 T98N R53W

The works are capable of diverting and conveying to the place of use 2.2 cu. ft. per second of water,
 which is to be used for Irrigation

The legal sub-divisions to be irrigated are: SW 1/4 Sec. 23 T98N R53W

_____ comprising a total of 160 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 3 day of October, A. D. 1962.

-SEAL-

William H. Oliver
 Examining Engineer.

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

September 20, 1962

Mr. Leslie P. Flyger
Hurley, South Dakota

Dear Mr. Leslie P. Flyger:

Your Notice of Completion of Works and Notice of Application of Water to Beneficial use relative to permit No. 358-3, dated June 11, 1958 were received June 16, 1958.

I am now planning to make an inspection of your project on October 3, 1962 at 4:00 P.M.

The diversion rate of your Water License will be in cubic feet per second and will be the least of the three following items:

1. The rate applied for in your application.
2. The maximum capacity of your system.
3. The total number of acres irrigated divided by seventy.

I will want to have the following information:

1. Total number of acres irrigated to date. *70 acres 1962 - approximately 80 acres by 1964*
2. Maximum capacity of your system. *930 GPM through the pump*
3. Name, size and number of your pump. *Western Land Roller 8" 1/2" 15115*
4. Name, size and number of your pump engine. *A.O. Smith 50 HP Serial No. 62758 - 3 Phase*
5. Length and size of pipe or ditch. *1600 ft. 8" Pipe + 800 ft. 6"*
6. Number and size of sprinkle nozzles. *86 Sprinkle nozzles*

I will want to see the fields that have been irrigated and your well or diversion point.

If for any reason, the above mentioned date for inspection of your project does not meet with your approval, please notify this office so that the necessary changes can be made.

Sincerely,

William H. Miller

WILLIAM H. MILLER

Engineering Geologist

WHM/bw

Hurley, S. Dak.
9-2-75

Water Resources Commission of S. Dak.
State Office Bldg.
Pierre, S. Dak.

Gentlemen:

I am writing you concerning my Water Permit - No. 358-3 - for 2.2 Cuckis Ft of Water Per Second of Time - Application made Dec 5th 1956 - Permit issued March 22nd 1957. Inspection Oct 1962 - Completion of Works Jan. 10th 1963. The Permit issued for S. W. $\frac{1}{4}$ of 23-98-53, Hurley, Turner County S. Dak.

I own the S. West 40 acres of 23-98-53 and have the Irrigation Well on my Land. I rented for Cash the other 3-40^s from Loren Cray + his Wife Joyce + his Mother Ella for 18 years.

I gave up his land for 1975 Crop year as Mr Cray wanted it Dry land Farmed + share of Crop. Can not raise a Crop

on this Sandy Soil with out Irrigation.

The Farmer that rented his land for 1875
will not farm it another ^{year} unless Mr. Cray
puts on Irrigation - so now Mr. Cray
is going to go to Irrigation.

Here is the Problem - my Irrigation Well
is in the N.E. Corner of my 40 or near the Center
of the Quarter. Should Mr. Cray put a well
down near mine there would not be water
for either one of us.

Isn't there something in the Water Laws
to protect Irrigation on this. With out
Water I can not raise a crop or make
a living.

I am sure there is Water Enough for
Both of us providing he puts a well down
at least 40 Rods away from my well.

I would appreciate a letter by return
Mail Concerning Water Laws + Rights and distance
between neighbor Irrigation Wells - Also
inform Helen Cray + Wife Joyce when they apply
for a Water Permit on 23-98-53 - Hurley, Minn.
S.D. Their address is ~~2505~~ West Oak, Sioux Falls S.D.
Yours Truly,
Leslie Flyge, Hurley S.D.
57036

September 4, 1975

Leslie Flyger
Hurley
South Dakota 57036

Dear Mr. Flyger:

Reference is made to your letter regarding spacing of wells and protection to prior water rights in case another well is constructed near your well.

We had a phone call on this particular case, and we informed the caller that he should not drill a well closer than 500 feet to your well, and the further away the better to reduce chances of interference. There is not a distance restriction as such, but if a new well interferes with your prior right, he must curtail his pumping so you have adequate water.

We have not received an application yet, but we will check it closely and point out to the applicant that he should construct his well far enough from yours to reduce possibilities of interference.

If you should have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

358-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 1995

Dan Christensen
Box 235
Hurley, SD 57036

Dear Mr. Christensen:

I am contacting you regarding irrigation questionnaires for Water Right Nos. 358-3, 2031-3, 2135-3, 2365-3 and 3504-3. You are listed as operator for No. 358-3 (Leslie Flyger) and owner for the remaining water rights. Each year, five irrigation questionnaires are mailed to you for reporting yearly water use. I have noted from reviewing the questionnaires that you only submit three forms each year.

The purpose of this letter is to find out from you which three water use systems you are reporting irrigation on. The following are legal descriptions for each of your water rights.

No. 358-3 (Leslie Flyger)	33 acres	SW ¼ Section 23, T98N, R53W
No. 2365-3	99 acres	SW ¼ Section 23, T98N, R53W
No. 2031-3	132 acres	SE ¼ Section 26, T98N, R53W
No. 2135-3	60 acres	NW ¼ Section 26, T98N, R53W
No. 3504-3	160 acres	SW ¼ Section 26, T98N, R53W

Please review the above descriptions and contact me about which quarters of land you are still irrigating. Once I hear from you, I will update our files accordingly. If you have any questions, please contact me.

Sincerely,

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



358-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE

TO: DAN CHRISTENSEN, BOX 235, HURLEY, SD 57036

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3, 2031-3, 2135-3 & 2365-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 358-3, 2031-3, 2135-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



358-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

358-3

2031-3

2135-3

2365-3

Dan Christensen
Box 235
Hurley, SD 57036

Dear Mr. Christensen:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaires.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



358-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

358-3
2031-3
2135-3
2365-3
5951-3
6134-3

Dan Christensen
28324 SD Highway 19
Hurley SD 57036-6034

Dear Mr. Christensen:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to Box 235, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2004

358-3

Dan Christensen
28324 SD Hwy 19
Hurley SD 57036-6043

Dear Mr. Christensen:

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to Box 235, Hurley SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



358-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: DAN CHRISTENSEN, RENTER, 28324 SD HWY 19, HURLEY, SD 57036 6043

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 358-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 358-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

C: RICHARD LEE FLYGER, 25620 283RD ST, HURLEY SD 57036

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.



358-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1251

Your item was delivered at 1:46 pm on January 31, 2005 in HURLEY, SD 57036. The item was signed for by D CHRISTENSEN.

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Notification Options

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1251

DAN CHRISTENSEN, RENTER
28324 SD HWY 19
HURLEY SD 57036 6043

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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☐ Package Services

(See Reverse)

PS Form 158, July 2001



358-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 2098

Your item was delivered at 10:57 am on January 21, 2005 in HURLEY, SD 57036. The item was signed for by R FLYGER.

[Shipment Details >](#)

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▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2098

RICHARD LEE FLYGER
25620 283RD ST
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

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(See Reverse)

PS Form 198, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2005

358-3

Dan Christensen
28324 SD Hwy 19
Hurley SD 57036-6043

Dear Mr. Christensen:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. I completed a questionnaire for you based on our February 1st telephone conversation.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 358-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

c: Richard Flyger



January 12, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

358-3

Richard L Flyger
45620 283rd St
Hurley SD 57036

Dear Mr. Flyger:

Thank you for taking the time to visit with me about Water Right No. 358-3, listed in the name of Leslie Flyger.

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

One thing we should get ironed out as soon as you submit the transfer of ownership is how many acres are under irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23. The license was actually issued for 160 acres covering the entire quarter. The areas cross hatched in brown (see attached map) are covered under a water right held by John Koerselman. It is our understanding that the piece of land you own is irrigated as part of the system described in Mr. Koerselman's water right.

We need to get Water Right No. 358-3 transferred to your name and then reissued to the extent of what is actually being irrigated in the area you own. If you would, please include a notation on the map as to how many acres are irrigated and the location of the well. You can return the map, transfer form and filing fee in the enclosed envelope.

If you have any questions, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 24, 20 05

RECEIVED OF Richard Flyger, 45620 283rd St., Hurley SD 57036

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>358-3</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.

000001

By

Darab Abek

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 358-3

Date: RECEIVED

JAN 24 2005

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 358-3

formerly owned by: Leslie Flyger

be transferred to: (name & address)

Richard Flyger 45620 283rd St.
Hurley, S.D. 57036

Telephone No. 238-5358

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

40 acres in the SW 1/4 SW 1/4 Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 358-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Richard Flyger, the new owner, certify that the above information is true and correct.

Richard Flyger
(Signed by new owner)

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

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



Cross hatched area covered under 2365-3
held by John Koeneleman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 01 2005

358-3

Richard Flyger
45620 283rd St
Hurley SD 57036

Dear Mr. Flyger:

The ownership change you filed for Water Right No. 358-3 has been completed. The water right, formerly held by Leslie Flyger is now listed in your name.

Enclosed is your Reissued Water License No. 358-3. The water license was reissued to the extent of what is being irrigated in the area you own.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 358-3

(1) Leslie P Flyger was issued Water License No. 358-3, January 9, 1963 for a water right to divert 2.20 cubic feet of water per second from ground water (one well), Turner County, South Dakota for irrigation purposes. Water License No. 358-3, with a priority date of December 5, 1956 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

On January 24, 2005, Water Right No. 358-3 was transferred to Richard Flyger, 45620 283rd St, Hurley SD 57036.

Water Right No. 358-3 was originally licensed for the entire SW $\frac{1}{4}$ Section 23, T98N, R53W. At the time of licensing, the permit holder owned the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and leased the remainder of the quarter. The land is irrigated by a center pivot system totaling 132 acres with 99 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ owned by John Korselman and licensed under Water Right No. 2365-3.

Water License No. 358-3 is being reissued to the extent of what is being irrigated for the portion of land owned by Richard Flyger.

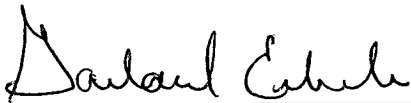
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Richard Flyger the holder and/or owner of Water Right No. 358-3 is issued a license, bearing a priority date of December 5, 1956 to appropriate 0.47 cubic feet of water per second from ground water (one well) to irrigate 33 acres.

The diversion point is located in the **approximate center of the SW $\frac{1}{4}$ Section 23, T98N, R53W.**

The land authorized for irrigation is as follows: **33 acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T98N, R53W**

The above land is irrigated as part of a 132 acre pivot system authorized by Water Right No. 358-3 and 2365-3.

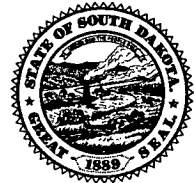
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 358-3.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 01 2005

date





358-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2011

NOTICE

TO: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 358-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: RICHARD FLYGER, 25620 283RD ST, HURLEY SD 57036

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

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1246

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:36 am on January 25, 2011 in HURLEY, SD 57036. The item was signed for by R FLYGER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2011, 9:36 am, HURLEY, SD 57036
- Notice Left, January 22, 2011, 11:20 am, HURLEY, SD 57036
- Out for Delivery, January 22, 2011, 9:24 am, HURLEY, SD 57036
- Sorting Complete, January 22, 2011, 9:14 am, HURLEY, SD 57036
- Arrival at Post Office, January 22, 2011, 8:46 am, HURLEY, SD 57036
- Processed through Sort Facility, January 22, 2011, 3:51 am, SIOUX FALLS, SD 57104

Notification Options

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1246	mailing.	
	RICHARD FLYGER 25620 283 RD ST HURLEY SD 57036	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811		
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

Background:

Water Right No. 358-3 (Richard Flyger) authorizes irrigation of 33 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T98N, R53W from a well located in the approximate center of the SW $\frac{1}{4}$ of the same section.

Water Right No. 2365-3 (Larry Stewart) authorizes irrigation of 99 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, T98N, R53W from a well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 (approximately 500-600 feet slightly NE of Flyger's well).

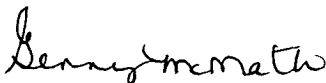
Conversations with the land owners:

January 24, 2011: In response to receiving a copy of a notice directed to Larry Stewart regarding submission of the 2010 irrigation questionnaire for both water rights, Mr. Flyger contacted the Water Rights Program and indicated he wished to have his water right cancelled because his well had not been used in years.

February 8, 2011: I called and spoke with Mr. Stewart. He indicated he does rent Mr. Flyger's land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and operates it in the same manner the previous owner did. The land is part of a 132 acre circle that is irrigated using his well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$. Mr. Flyger's well is not used.

Action to be taken:

The Water Rights Program does not intend to proceed with cancellation of Water Right No. 358-3 since the land has been and will continue to be irrigated using the Stewart well. Since both of the wells in question are from the same source (Parker Centerville Aquifer) and no additional water or land is being used and both wells are in the same original advertised area, no permitting is required. This serves to document in each water right file that the SW $\frac{1}{4}$ SW $\frac{1}{4}$ is still being irrigated from the well authorized by Water Right No. 2365-3.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2011

358-3
2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57059

Dear Mr. Stewart:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for Water Right Nos. 348-3 and 2365-3. You may disregard the January 21, 2011, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow-up to our phone conversation concerning Water Right No. 358-3, Mr. Flyger contacted us and requested his water right be cancelled since his well has not been used for many years. We have opted not to proceed with cancellation of the water right as he requested. If the land in the SW ¼ SW ¼ had not been irrigated for many years, Water Right No. 358-3 may indeed may be subject to cancellation.

File documentation has been added to both files explaining which well is used for the pivot system. No permitting will be required based on current information indicating the well used is in the same water source (Parker Centerville Aquifer); no additional water is used and no additional land is irrigated.

I will contact Mr. Flyger and discuss this with him as well. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Richard Flyger, 25620 283rd St, Hurley SD 57036

DATE: February 10, 2011

TELEPHONE: 605 238-5358

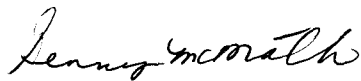
RE: Water Right No. 358-3

COMMENTS:

I called and visited with Mr. Flyger in regard to his request for cancellation of Water Right No. 358-3.

I explained to him that even though he himself does not irrigate and the well on his property has not been used for years, the renter is irrigating the land. The 33 acres described in Water Right No. 358-3 is being irrigated from a well in the same aquifer about 600 feet away (owned by Larry Stewart).

He was agreeable to leaving the water right intact and understood that the water right was still needed if the land was going to be irrigated. I explained that the reason he had received a notice from us about an irrigation questionnaire was because the renter did not return the form in a timely manner and as the land owner, he would receive a copy of the correspondence.



Genny McMath
Environmental Scientist



358-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 358-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

RICHARD FLYGER, 25620 283RD ST, HURLEY SD 57036

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2012

358-3
2365-3

Larry Stewart
29349 SD Hwy 25
Scotland SD 57050

Dear Mr. Stewart:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 358-3 and 2365-3. 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,

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



358-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: LARRY STEWART, RENTER, 29349 SD HWY 25, SCOTLAND, SD 57059

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 358-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



358-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2018

358-3
2365-3

Farrar's AG LLC
45225 287th St
Hurley SD 57036

Dear Sir:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for the following:

- Water Right No. 348-3 – Richard Flyger
- Water Right No. 2365-3 – Larry Stewart

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 358-3 and 2365-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

It is my understanding you rent the land described in these water rights. Next year's irrigation questionnaires will be mailed directly to you rather than Mr. Stewart. If you have any questions, please contact me.

Sincerely,

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

c: Larry Stewart, 29349 SD Hwy 25, Scotland, SD 57059



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 19, 2020

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing in regard to ownership of land described in Water Right Nos. 358-3 and 2365-3 (copies included). The renter of the property sent back the irrigation questionnaires in late October notifying us of the change. I have tried to call Paul many times but am not able to get through, so I thought I better get the materials mailed.

I was unsure whether the water rights will be transferred to a specific name or to PBP Farms, so I left part of the enclosed transfer forms blank. Please complete and return them along with a \$50 fee for each one (total of \$100.00). The check or money order can be made payable to the Water Rights Program.

Also enclosed are the 2020 irrigation questionnaires for the water rights. Thank you in advance for completing the transfer forms and filing fees. If you have any questions, let me know.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: BRETT PETERSEN, RENTER, 45656 US HWY 18, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 358-3 & 2365-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 358-3 & 2365-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: DPNUYJ**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing to acknowledge receipt of the 2020 irrigation questionnaires for water rights held by Richard Flyger and Larry Stewart. It is our understanding the land described in these water rights has changed to PBP Farms.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

If you haven't already done so, please complete and return the transfer forms sent to you for changing ownership.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

358-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 4, 2021RECEIVED OF PBP Farms Partnership 45610 282nd St Hurley SD 57036

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>358-3</u>	\$50.00
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	\$50.00

By Eric Gronlund

Chief Engineer

vm

PAID

FEB 4 2021

Ck# 2975

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

FEB 04 2021

WATER RIGHTS
PROGRAM

No. 358-3

Date: 2-2-21

I/We request that Water Right No. 358-3

formerly owned by: Richard Flyger

be transferred to: (name & address) Brett Petersen

45656 US HWY 18
Hurley, SD 57036

Telephone No. 605-351-6046

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

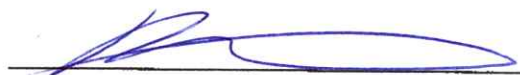
SW ¼ SW ¼ Section 23, T98N, R53W

I/We understand that the validity of Water Right No. 358-3 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 Brett Petersen, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

358-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

358-3
2365-3

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

Dear Mr. Petersen:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right Nos. 358-3 and 2365-3.

The ownership changes have been completed. Water Right No. 358-3 formerly held by Richard Flyger and Water Right No. 2365-3 formerly held by Larry Stewart are now listed in your name.

Enclosed for your records are the receipts for the filing fees.

Thank you and if you have any questions, please let me know.

Sincerely,

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

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: BRETT PETERSEN, 45656 US HWY 18, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 358-3 & 2365-3 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) 8488-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8488-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 358-3 & 2365-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VBYHEB**

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.

358-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

Brett Petersen
45656 US Hwy 18
Hurley SD 57036

RE: Irrigation Questionnaires – Water Permit or Right Nos. 358-3, 2365-3 and 8488-3
Water Right No. 3246-3, Ralph Duxbury

Dear Mr. Petersen:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for the above listed permits/rights.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 3246-3 is still listed in Ralph Duxbury's name, and I know that he passed away in 2018. The water right needs to be transferred to reflect current ownership. Please let me know who owns the land so I can contact them concerning filing of an ownership change.

If you have any questions, please contact me.

Sincerely,

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