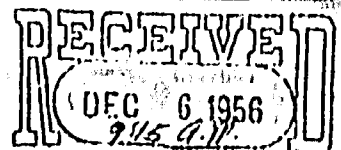


362-3

1. Considered March 19, 1917
2. Name of Applicant John J. Hopper
3. Post Office Address Franklin, South Dakota
4. Amount of water claimed 60 cfs
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 84
7. Water to be diverted and used in Wolworth County about
2 miles N.E. of Haver
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to _____
Not Approved ☐
Action deferred _____
10. Remarks:

No. 3623Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To appropriate Water within the State of South Dakota

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

1. Name of applicant ~~Emil Haberer~~ HARLAN PAUSCH
Postoffice address Tolson, Bowdle, HOVEN County Edmunds 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)
contract
(b) Cash on hand, \$ 5000. (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Emil Haberer #1
3. Amount of water claimed one 0.83 cubic feet per second
4. Source of water supply ground water pit
5. Location of point of diversion From east quarter corner Sec. 36-122-74
79 S - 650 ft. West on _____ bank Walworth County.
6. Annual period or period during which water is to be used May 1st. to Nov. 1st.
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead, _____ combination system? sprinkle

- (a) Number of acres to be irrigated 84

- (b) Legal subdivisions to be irrigated as is
(NOTE—A list of lands to be irrigated, giving each subdivision and appended as a part of this application, is _____)

- (c) Statement as to domestic use (giving location in near vicinity _____)

II. Stockwatering, mining, milling, power, fish culture

- (a) Nature of use _____
(b) Amount of power to be generated _____
Amount claimed for engine cooling _____
(c) Location of plant _____
(d) Method of developing power _____
(e) Point where water will be returned to stream _____

LANDS TO BE IRRIGATED

LOCATION	SEC	TWP	RANGE	ACRES
SW ^{1/4} NE ^{1/4}	36	122N	74W	12.5
NE ^{1/4} NE ^{1/4}	36	122N	74W	8.5
SE ^{1/4} NE ^{1/4}	36	122N	74W	11.0
SW ^{1/4} NE ^{1/4}	36	122N	74W	4.5
SW ^{1/4} SE ^{1/4}	36	122N	74W	12.5
NE ^{1/4} SE ^{1/4}	36	122N	74W	9.0
SE ^{1/4} SE ^{1/4}	36	122N	74W	10.0
SW ^{1/4} SE ^{1/4}	36	122N	74W	10.0
TOTAL				84.0

Map No. 271-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 3500.

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

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

Rock, \$-----

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

Total, \$ 3500.

9. Description of diversion works:

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

pumping plant

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 ----- face 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 one years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----

Bowdle Pioneer, Bowdle, S.Dak.

STATE OF SOUTH DAKOTA

County of Pottor

ss.

I, Emil Haberer

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

Emil Haberer

Subscribed and sworn to before me this

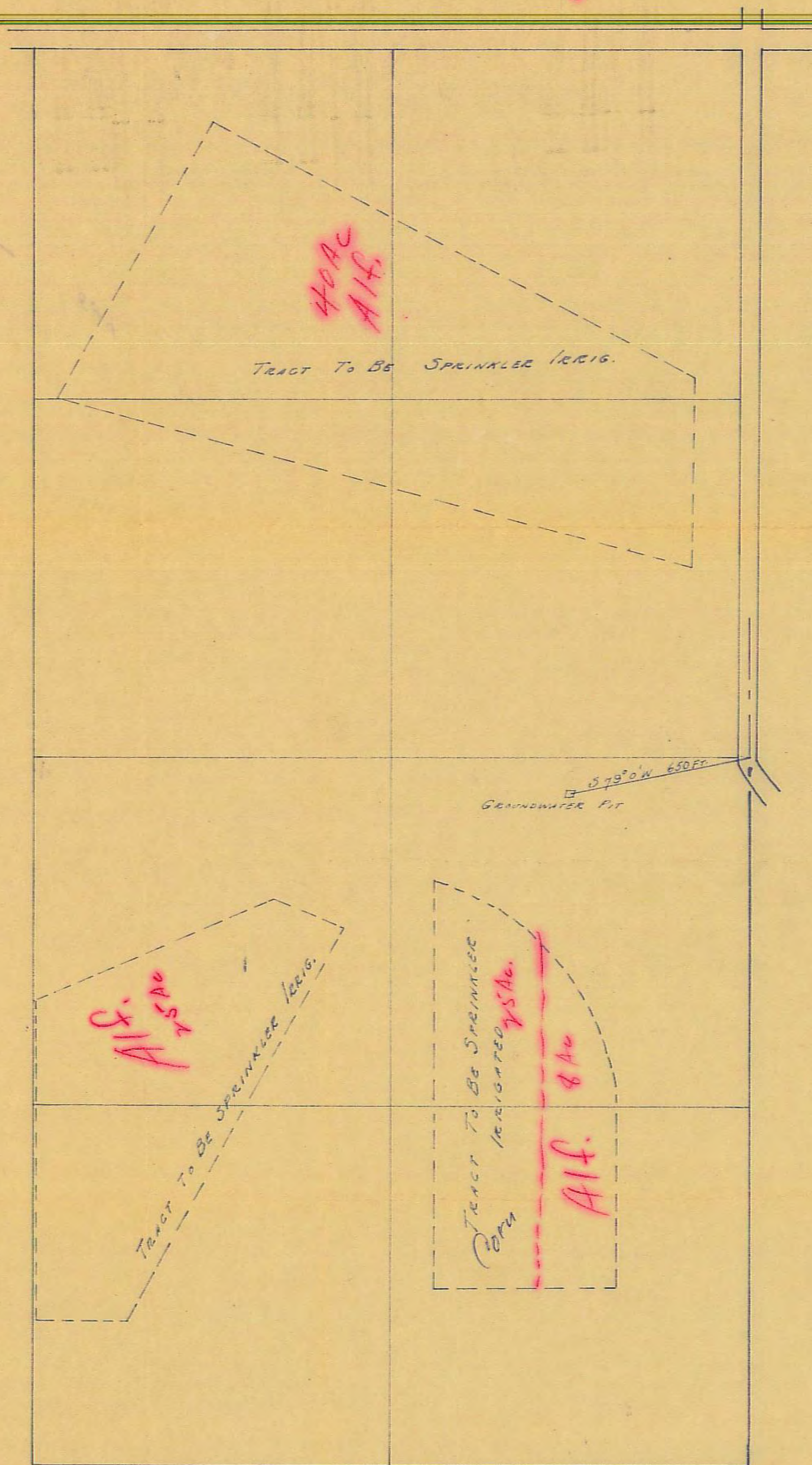
5

day of

Dec.

1956

W. J. Kader
Notary Public (or other qualified officer.)



LANDS TO BE IRRIGATED

LOCATION	SEC	TWP	RANGE	ACRES
NW ¹ NE ¹	36	122N	74W	10.5
NE ¹ NE ¹	36	122N	74W	8.5
SE ¹ NE ¹	36	122N	74W	11.0
SW ¹ NE ¹	36	122N	74W	4.5
NW ¹ SE ¹	36	122N	74W	14.5
NE ¹ SE ¹	36	122N	74W	9.0
SE ¹ SE ¹	36	122N	74W	10.0
SW ¹ SE ¹	36	122N	74W	10.0
TOTAL				84.0

I, MARSHALL M. FINKE AREA ENG. SOIL CONSERVATION SERVICE
 CERTIFY THIS SURVEY WAS DONE UNDER MY SUPERVISION
 AND IS CORRECT

NOTARY PUBLIC
 DOROTHY PEDERSEN
 MY COMMISSION EXPIRES 1/12/56

Map No. 271-3
 (Appl. No. 362-3)

SCALE 1" = 300 FT

EMIL HABERER #1 IRRIGATION PROJECT
 U.S.D.A. SOIL CONSERVATION SERVICE
 EMIL HABERER, BOWDLE S.DAK. EDWARDS CO.
 IRRIG. TRACT IN WALWORTH CO. S. DAK.
 Nov 31, 1956

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 8, 1956

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock

9 a.m. upon the 6 day of December, 1956

State Water Resources Commission

By:

J. J. Rimmer

Chief Engineer, Executive Officer

Number of permit 362-3

Date of first receipt of application December 6, 1956

Date of return to applicant for correction, amendments or changes required as follows: 19

Date of receipt of corrected application 19

Date from which applicant may claim right December 6, 1956

Approved January 17, 1957, Recorded in Book 3, Section 2, Page 58

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

July 17, 1957

2nd. The whole of said work is to be completed on or before January 17, 1958

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

January 17, 1960

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 1.00 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 January 17, 1960; said water to be used during the following described annual period:

May to October inclusive

Witness my hand this 19 day of March, 1957

State Water Resources Commission

By:

J. J. Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued October 29, 1958

Water License Issued October 29, 1958

Supplement to Form #2. Application for Permit to Appropriate Water

The source of water for this irrigation project is ground water seepage. The rate of recharge is undetermined.

Accurved pit approximately 600 ft. long and 45 ft. wide with an average depth of 8 ft. has been dug.

A Location Notice of water being impounded, for livestock use, at this same location, was filed by me in 1955.

Sprinkler name	Sure Rain	
Sprinkler model #	30W	
Nozzle size	3/16	
Name of pump	Pacific	model #2" DD
Intake size	3in.	
discharge size	5in.	

STATE OF SOUTH DAKOTA

WATER LICENSE No. 362-3

WHEREAS, On the 6th day of December A. D. 1956Emil Habererof Bowdle County of Lincoln and State ofSouth Dakota duly made application (No. 362-3) to us for a permit to use 1.0cubic feet per second of the waters of ground waterCounty of Walworth, State of South Dakota, for irrigation purposes; andWHEREAS, On the 19th day of March A. D. 1957Permit No. 362-3 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 17th day ofJanuary A. D. 1958 and for the application to beneficial use of saidwater on or before the 17th day of January A. D. 1959 and,WHEREAS, On the 11th day of April A. D. 1957the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.83cubic feet per second of said waters, as evidenced by our Certificate No. 362-3dated October 28 confirming the completion of works of sufficient capacity fordiverting and conveying to the place of intended use 0.83 cubic feet per second of water, with date ofpriority of December 6, 1956 and,WHEREAS, On the 11th day of April A. D. 1957proof was duly made of the application to beneficial use of 0.83 cubic feet per second of said water;on 34 acres located in the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 36, T 122 N,R 74 W more particularly described in Certificate of Completion ofWorks No. 362-3

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 Emil Haberer
 of Bowdle, South Dakota the holder and own. of said permit No. 362-3
 a water right, dating from December 6, 1956 to the use of 0.83
 cubic feet per second of the waters of ground water
 in the County of Walworth and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at S 79° 00' W 650 feet from
the E. Cor., Sec. 36, T 122 N, R 74 W
 and conducted to and upon the NE 1/4 and SE 1/4, Sec. 36, T 122 N, R 74 W more
particularly described in Certificate of Completion of Works
No. 362-3
 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 28th day of October A. D. Nineteen
 Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

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 _____

Recorder _____

In Book _____ of _____ Page _____

Permit No. **362-3**Water Division No. **3** **Missouri River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

I, the undersigned, do hereby certify, That **Emil Haberer**

of **Beadle** County of **Edmunds**, and State of **South Dakota**, the holder of Permit No. **362-3**, issued upon Application No. **362-3**, bearing date of priority of **December 6, 1956**, authorizing the diversion of **1.0** cu. ft. per second of the waters of **ground water** County of **Walworth**, State of South Dakota, at **S79° 00'W 650 feet from the E $\frac{1}{2}$ Cor., Sec. 36, T 122 N, R 74 W** 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 **0.23** 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: NW$\frac{1}{4}$NE$\frac{1}{4}$)	18.5 acres
NE$\frac{1}{4}$NE$\frac{1}{4}$)	8.5 acres
SE$\frac{1}{4}$NE$\frac{1}{4}$)	11.0 acres
SW$\frac{1}{4}$NE$\frac{1}{4}$) all in	4.5 acres
NW$\frac{1}{4}$SE$\frac{1}{4}$) Section 36, T 122 N, R 74 W	12.5 acres
NE$\frac{1}{4}$SE$\frac{1}{4}$)	9.0 acres
SE$\frac{1}{4}$SE$\frac{1}{4}$)	10.0 acres
SW$\frac{1}{4}$SE$\frac{1}{4}$)	10.0 acres
Total	84.0

Witness my hand this **28th** day of **October** A. D. 19**58**.

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

(First Publication before Dec. 21, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 8, 1956

Notice is hereby given that Emil Haberer whose postoffice address is Bowdle

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 1.00

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

Emil Haberer No. 1, the point of diversion of which is to be located

~~in the NE 1/4 of the SE 1/4 of Section 36~~

Twp. 122N Range 74W. Said water to be used for the purpose of providing irrigation on the following described land:

parts of the E 1/2, Sec. 36, T 122N, R 74W

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 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 Resource Commission

By: Les Wyborny, Water Right Engineer
For: J. W. Grimes, Chief Engineer, Executive Officer

cc: Publisher

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Edmunds } ss.

Albert Senn being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Bowdle Pioneer a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the town of Bowdle County of Edmunds and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 13, 1956
December 20, 1956
December 27, 1956
January 3, 1957

in each and every issue of the full number thereof, the first publication being made on the 13th day of December 1956 and the last publication on the third day of January 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 the printer and publisher of the said newspaper.

Albert Senn

Subscribed and sworn to before me this third day of January A. D. 1957

Julia Senn

Notary Public Edmunds County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission,
 Pierre, South Dakota
 December 8, 1956
 Notice is hereby given that Emil Haberer whose post office address is Bowdle, 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 1.00 cubic feet of water per second of time from ground water through the Emil Haberer No. 1, the point of diversion of which is to be located in the NE 1 of the SE 1 of Section 30 Twp. 122 N Range 74 W. Said water to be used for the purpose of providing irrigation on the following described land: parts of the E 1, Sec. 30, T 122 N, R 74 W. This application will be taken up by the State Water Resources Commission at their offices at Pierre for consideration upon the 17th day of January, 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 a suitable time has elapsed for the consideration of any or all information presented.

STATE WATER RESOURCES COMMISSION

By: Les Wyborny, Water Right Engineer

For: J. W. Grimes, Chief Engineer
 40-52 Executive Officer

RECEIVED
 JAN 7 1957

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Permit No. 362-3Water Division No. 3 Missouri River Water District**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.) Bordie, South Dakota(Date) April 10, 1957

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 _____

1.00 cu. ft. per second of the waters of the state from ground water
pit through the pumping plant
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 Emil Haberer

2. The postoffice address of such person or the place of business of such corporation is Bordie
County of Edmunds State of South Dakota

3. The number of such permit is 362-3 and the date set for the completion of such work is
May 10th, 1957

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 1.00 cubic feet per second.

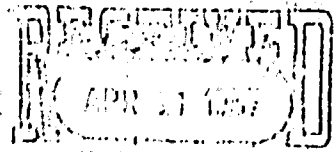
6. The amount of land for which said water is available is 84 acres,
particularly described as follows: From east quarter corner Sec. 36-122-74
79⁰S - S50ft. West, Walworth County, S.D.

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

(Signature of Owners)

owner

Emil Haberer

Permit No. 362-3Water Division No. Missouri RiverWater District 2022, 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.) Bowdle, S. Dak.(Date) April 10, 1957

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

DEAR SIR: Notice is hereby given that on the 10 day of April
1957, at Bowdle County of Edmunds State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 1.00 cubic feet per second of the waters of Ground water pit

_____ In accordance with the terms and conditions of Permit No. 362-3
 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
Emil Haberer, Bowdle, S. Dak.
2. The use to which said water has been applied is irrigation
3. The amount applied to beneficial use is 84 acres
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
From east quarter corner Sec. 36-122-74, Walworth County.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Emil Haberer #1
6. The right to take the water from such works is based upon permit No. 362-3
7. The source of supply from which such water is diverted is Ground water pit
8. The date of priority which said user is prepared to establish is May 1st, to Nov. 1st.

(Sign)

Emil Haberer

Permit No. 362-3

Water Division No. 3

Missouri
River 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
on July 29, 1958

XXXX, I have this day made a thorough examination of the diversion works constructed by

Emil Haberer, of Bowdle

Edmunds

County, South Dakota, holder of Permit No. 362-3

Issued

upon Application No. 362-3, bearing date of priority of December 6, 1956, authorizing the

diversion of 1.0 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: 30 Rainbird Model 30 nozzles 3/16 x 3/32;
Pacific Pump Model #2DD LKCM, Serial #DICK 8907; Electric Motor
Serial #G223319; Newman Automatic System Shutoff; pressure gage;
500 feet of 5 inch pipe and 1600 feet of 4 inch.

and the system is in the following condition: very good

The point of diversion is located S 79° 00' W, 650 feet from the E $\frac{1}{2}$ Cor.,
Sec. 36, T 122 N, R 74 W

The works are capable of diverting and conveying to the place of use 0.83 cu. ft. per second of water,
which is to be used for irrigation

The legal sub-divisions to be irrigated are: parts of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 36,
T 122 N, R 74 W

comprising a total of 84 acres of land.

The domestic use intended comprises

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

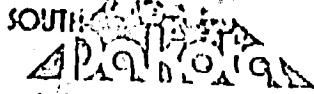
Witness my hand, this 28th day of October

A. D. 1958

—SEAL—

Les Wyborny

Examining Engineer



No. 362-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 16, 1977

Harlan Rausch
Hoven
South Dakota 57450

Dear Mr. Rausch:

Existing Water Rights, Deferred Applications, and Advertised Applications in the Hoven Area will be discussed and deferred or advertised applications will be considered by the Water Rights Commission during their March 23-24, 1977 meeting, at 9:00 A.M., March 24, 1977. Any comments concerning the attached Hoven Area Report or the applications can be presented at this hearing.

The Commission will be meeting in the South Dakota Education Association Auditorium, 411 E. Capitol, Pierre, S.D.

Please advise if you have any questions concerning the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

Permit No. 362-3Water Division No. 3Missouri
River

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~~
on July 29, 1958~~XXXX~~, I have ~~inspected~~ made a thorough examination/of the diversion works constructed byEmil Haberer

, of

BowdleEdmundsCounty, South Dakota, holder of Permit No. 362-3

, issued

upon Application No. 362-3, bearing date of priority of December 6, 19 56

, authorizing the

diversion of 1.0 cu. ft. per second of the waters of ground waterfor irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 30 Rainbird Model 30 nozzles 3/16 x 3/32;Pacific Pump Model #2DD LKCM, Serial #DICK 3907; Electric MotorSerial #C223319; Newman Automatic System Shutoff; pressure gage;500 feet of 5 inch pipe and 1600 feet of 4 inch.and the system is in the following condition: very goodThe point of diversion is located S 79° 00'W, 650 feet from the E½Cor.,Sec. 36, T 122 N, R 74 WThe works are capable of diverting and conveying to the place of use 0.83 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: parts of the NE½ and SE½ Sec. 36,T 122 N, R 74 Wcomprising a total of 84 acres of land.

The domestic use intended comprises

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

Witness my hand, this 28th day of October, A. D. 19 58

—SEAL—

Les Wyborny

Examining Engineer.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date January 26, 1970

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

Portions of the E $\frac{1}{2}$ Section 36, T122N, R74W, described in Water Right
No. 362-3.

formerly owned by Emil Habererhas been transferred to Harlan Rausch

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
362-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

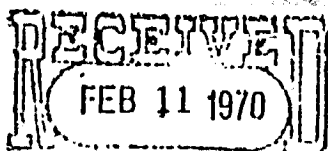
County of Pierre) ss.

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

Harlan Rausch
(Signed)

Subscribed and sworn to before me this 7 day of Jan, 19 70

T. J. Der
(Notary Public)



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Form 21 - Receipt and Notice of Filing of
Transfer of Water Permit.

No. 362-3

SOUTH DAKOTA

Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

February 11, 1970

Mr. Harlan Rausch
Hoven
South Dakota 57450

Dear Mr. Rausch:

Enclosed is receipt No. 4 1270 in the amount of
\$1.00 which you paid for transfer of Water Right
No. 362-3.

Our records now show you as the owner of this Water Right.

Sincerely,

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl: As stated

*called 12/4/80
Mr. Rausch said they
did irrigate this summer
offspring.*

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

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

March 31, 1986

Notice

Harlan Rausch
Tolstoy, SD 57475

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 362-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

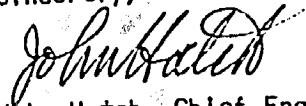
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 362-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

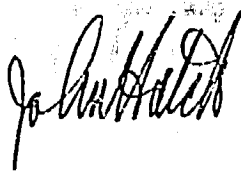
SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Harlan Rausch
Tolstoy,
South Dakota 57475

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 362-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 362-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

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

Attachment to Water Permit No. 362-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 362-3 to add the following qualification:

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

Equal Opportunity Employer

**Department of
Water & Natural Resources**

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



January 29, 1988

HARLAN RAUSCH
RR 1 BOX 223
TOLSTOY, SD 57475

NOTICE

Re: Violation of Water Permit No(s). 362-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 362-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 362-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 362-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

*No water used
in 1987
Harlan Rausch*

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 10, 1988

362-3

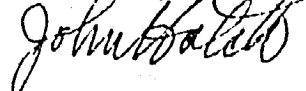
Harlan Rausch
RR 1, Box 223
Tolstoy SD 57475

Dear Mr. Rausch:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 362-3 and the hearing date before the Water Management Board.

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

Very truly yours,



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



362-3

January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: HARLAN RAUSCH, HC 80 BOX 223, TOLSTOY, SD 57475
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 362-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 362-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 362-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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. 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) 362-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

SENDER:

- Complete Items 1, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

HARLAN RAUSCH
HC 80 BOX 223
TOLSTOY SD 57475

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X Mrs. Harlan Rausch

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

2161984 080

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

2-3-94

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.



362-3

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

February 7, 1996

362-3

Harlan Rausch
14186 323rd Ave
Tolstoy, SD 57475-6604

Dear Mr. Rausch:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 362-3.

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

If you have any questions, please contact me.

Sincerely,

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



January 22, 1999

362-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: HARLAN RAUSCH, 14186 323RD AVE, TOLSTOY, SD 57475 6604
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 362-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 362-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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. 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) 362-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.

362-5

SENDER: - Complete items 3a and/or 2 for additional services. - Complete items 5, 4a, and 4b. - Print your name and address on the reverse of this form so that we can return this card to you. - Attach this form to the front of the mailpiece, or on the back if space does not permit. - Write "Return Receipt Requested" on the mailpiece below the article number. - The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: HARLAN RAUSCH 14186 323RD AVE TOLSTOY SD 57475 6604		4a. Article Number 2119-141-599 4b. Service Type ☐ Registered ☒ Certified ☒ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery 1-23-98 CS	
5. Received By: (Print Name) X Mrs. Harlan Rausch 6. Signature: (Addressee or Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the cover or side?

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 25, 1999

362-3

Harlan Rausch
14186 323rd Ave
Tolstoy, SD 574775-6604

Dear Mr. Rausch:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 362-3.

I completed a questionnaire for you based on our January 25th telephone conversation. 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) 773-3332



362-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: HARLAN RAUSCH, 14186 323RD AVE, TOLSTOY, SD 57475 6604

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 362-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 362-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 362-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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.



362-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9494

Your item was delivered at 12:59 pm on January 20, 2004 in TOLSTOY, SD 57475. The item was signed for by M PASSAG.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9494

HARLAN RAUSCH
14186 323RD AVE
TOLSTOY SD 57475 6604

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®
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**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 21, 2004

362-3

Harlan Rausch
14186 323rd Ave
Tolstoy SD 57475-6604

Dear Mr. Rausch:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our January 20th telephone conversation. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 362-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The questionnaire I completed for you indicates you did not irrigate due to lack of water. I reviewed past irrigation questionnaires and found you irrigated once in the last 18 years. In order to maintain a water right, water needs to be applied to beneficial use at least once every three years. Lack of water is certainly legal excuse for not irrigating; however water levels in your area have been high up until the last year or two. Unless legal excuse exists for the years of non-use, the water right may be subject to cancellation due to abandonment and/or forfeiture.

Only the Water Management Board can determine the status of a water right. For your information, I am enclosing excerpts of our water laws and Water Management Board rules dealing with issues such as abandonment and/or forfeiture and legal excuse for not irrigating.

Please review the information and either call or write and let us know what the reasons were for the years of non-use.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2012

362-3

Harlan Rausch
14186 323rd Ave
Tolstoy SD 57475 6604

Dear Mr. Rausch:

Thank you for the prompt return of your 2012 irrigation questionnaire.

I note from the form that you marked the box "use abandoned". Typically when an irrigator indicates the use has been abandoned, the water right is then scheduled for cancellation. Prior to doing anything with the water right I wanted to touch base with you to find out if that was truly your intent.

A review of past irrigation questionnaire shows the land has not been irrigated since 1981. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please give me a call or send a quick note in the envelope provided to confirm your intent towards the water right.

Sincerely,

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

Genny McMath
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harlan Rausch, 14186 323rd Ave., Tolstoy SD 57475

DATE: October 22, 2012

RE: irrigation use on 362-3

COMMENTS:

In response to the 2012 irrigation questionnaire submitted by Mr. Rausch marked "use abandoned", I wrote and asked for clarification and also sent them excerpts of the water right laws and Water Management Board rules dealing with abandonment and/or forfeiture and legal excuse for nonuse water.

Today I spoke with both Mr. and Mrs. Rausch on the phone. They do not want to give up the water right and want to continue to maintain it. I explained that using the water for the purpose it was appropriated was the only way to maintain the water right. I also discussed legal excuses for not irrigating. Mr. Rausch indicated since he has dugouts he often doesn't have enough water to use. Mrs. Rausch indicated they do not even have equipment to irrigate with.

For now, I told him I would make a notation on the questionnaire that he did not have adequate water in the dugouts this year due to the drought. I told him to keep us posted on the annual questionnaire but cautioned him one more time that water use at least once every three years (unless legal excuse exists) would be the only way to maintain the water right.



Genny McMath
Water Rights Program



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: HARLAN RAUSCH, 14186 323RD AVE, TOLSTOY, SD 57475 6604

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(s) has not been submitted for Permit No(s) 362-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 362-3 qualification:

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

The hearing will be held at **Wednesday, March 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. 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) 362-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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: YKGIGE**

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.

362-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

362-3

Dan Rausch
4408 S Yellowstone Ln
Sioux Falls SD 57105

Dear Mr. Rausch:

I am writing to acknowledge receipt of the 2020 irrigation questionnaire for the water right listed under Harlan Rausch.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. 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 blue ink that reads "Genny McMath".

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

enclosure

McMath, Genny

From: Caspio <noreply@caspio.app>
Sent: Tuesday, November 1, 2022 9:14 AM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 362-3 IQ Reported Use in 2022, Yes, 84.00 acres irrigated

Permit Holder:

HARLAN RAUSCH
14186 323RD AVE
TOLSTOY SD 57475

daniel.rausch@northwestern.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,
June	HAY, 20	,	,	,
July	HAY, 20	,	,	,
Aug	HAY, 20	,	,	,
Sep	,	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:**Additional Info:**

I would like to change the name on the irrigation permit from Harlan Rausch to HM Marital Trust.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 8, 2022

362-3

Dan Rausch
HM Marital Trust
14186 323rd Ave
Tolstoy SD 57475

Dear Mr. Rausch:

In response to the 2022 irrigation questionnaire you submitted, enclosed is a partially completed transfer form for filing the ownership/name change on Water Right No. 362-3.

Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

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

encl

362-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date December 28, 2022RECEIVED OF Mary Rausch LV Trust 14186 323rd Ave., Tolstoy SD 57475

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>362-3</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 Engineer

vm

PAID

DEC 28 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck#

7803

Rec't#

362-3

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

RECEIVED

No.

DEC 28 2022

Date:

OFFICE OF
WATER

I/We request that Water Right No. 362-3

formerly owned by: Harlan Rausch

be transferred to: (name & address)

Rausch Aggregates, LLC
14186 323rd Ave

DeSby, SD 57475

Telephone No. 605 310-2072

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

E ½ Section 36, T122N, R74W

I/We understand that the validity of Water Right No. 362.3 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 Rausch Aggregates LLC, the new owner, certify that the above information is true and correct.

Harlan Rausch

(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.



DL239794

ARTICLES OF ORGANIZATION

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Rausch Aggregates, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**14186 323RD AVENUE
TOLSTOY, SD 57475**

Mailing Address

**14186 323RD AVENUE
TOLSTOY, SD 57475**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Mary Rausch**

Actual Street Address in this State

**14186 323RD AVENUE
TOLSTOY, SD 57475**

Mailing Address in this State

**14186 323RD AVENUE
TOLSTOY, SD 57475**

Article IV

The name and address of each organizer

Name

Address

Heath R Oberloh

300 S. Phillips Ave., Suite 300 Sioux Falls, SD 57104

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

362-3

B0247-1492 12/06/2022 10:00AM Rec'd by SD SOS



Article VI

☐ Member-Managed ☒ Manager-Managed

Name	Address
Daniel Rausch	4408 S. Yellowstone Lane Sioux Falls, SD 57105
Mary Rausch	14186 323rd Avenue Tolstoy, SD 57475
Dale Rausch	31648 149th Street Hoven, SD 57450

Article VII

Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

Article VIII

The members will not be liable for the debts and obligations of the limited liability company pursuant to SDCL § 47-34A-303(c) of the South Dakota Limited Liability Company Act.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Heath R Oberloh	<i>Heath R Oberloh</i>	Attorney-Organizer	12/06/2022
PRINTED NAME	SIGNATURE	TITLE	DATED

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the
ARTICLES OF ORGANIZATION for

Rausch Aggregates, LLC

BUSINESS ID# DL239794

with an effective date of: December 6, 2022, duly signed and verified, SDCL 47-34A-203, 212
has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this
Certificate of Organization and attach hereto a duplicate of the ARTICLES OF
ORGANIZATION.



IN TESTIMONY WHEREOF, I have
hereunto set my hand and caused to be
affixed the Great Seal of the State of South
Dakota, in Pierre, the Capital City, this day,
December 6, 2022.

Steve Barnett

Steve Barnett
Secretary of State

12/06/2022 10:00 AM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 28, 2022

362-3

Dan Rausch
Rausch Aggregates LLC
14186 323rd Ave
Tolstoy SD 57475

Dear Mr. Rausch:

Thank you for sending in the transfer form and filing fee for changing ownership on Water Right No. 362-3.

The ownership change has been completed. Water Right No. 362-3, formerly held by Harlan Rausch is now listed under Rausch Aggregates LLC.

Enclosed for your records is a receipt for the filing fee that was paid. If you have any questions, please let me know.

Sincerely,

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

encl