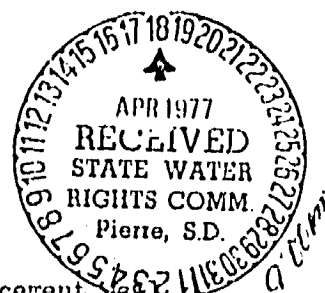


Water Right Number 3903-3

1. Considered 5-25, 1977
2. Name of Applicant DENNIS L. IHEN
3. Post Office Address HURLEY
4. Amount of water claimed 2.28
5. Source of water supply 108' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in TURNER County
about 4N, 2E Miles 1st of HURLEY
8. Proof of Publication Received 11-7
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 3161-3 Water Division No. 3 VERMILLION RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

Replacement for Dennis L. Ihnen
 Irrig. System #
 Permit #1961-3

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Dennis L. Ihnen
 Postoffice address Hurley, State S. Dak. 57036
 If a corporation show date and place of incorporation n/a
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Dennis L. Ihnen Irrig. System #
 4. Amount of water claimed (cubic feet per second) 2.28
 5. Source of water supply 2 wells; 1 old well which is shallow and 1 new replacement(deeper)well.
 6. Location of point of diversion Approx. 80 rods N. and 80 rods W. of the SE $\frac{1}{4}$ 1-98-53.

County Turner

Apr. - Nov.

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

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1-98-53	40		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1-98-53	40		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1-98-53	40		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1-98-53	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication New Era, Parker SD 57053
 12. Principal Features of the Proposed Water Supply System.

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

Elec. Pump

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

Buried Pipeline To C.P.

C. Works proposed to apply water to beneficial use.

C.P. Sprinkler

Estimated Total Cost \$ 35,000.00

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

STATE OF SOUTH DAKOTA

County of Turner

I, Dennis Ihnen the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Dennis IhnenSubscribed and sworn to before me this 16 day of April 1977

Notary Public (or other qualified officer)

M. J. SOMMERVOLD
 Notary Public, STATE OF SOUTH DAKOTA
 My Commission Expires February 11, 1983

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3903-3

DENNIS L. IHLEN

(Applicant)

HURLEY

(Post Office Address)

SOUTH DAKOTA 57036

(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

LANDS COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT NE 1964-B. COMBINATIONS OF DIVERSIONS UNDER THE TWO PERMITS SHALL NOT EXCEED THE STATUTORY LIMIT OF 1 CFS FOR EACH 70 ACRES IRRIGATED.

Date of first receipt of application APRIL 18, 19 77

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved MAY 25, 19 77, Recorded in Book 19 Page 208

WATER RIGHT PERMIT NO. 3903-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3903-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 7, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25, 19 77
3. The whole of said work is to be completed on or before MAY 25, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MAY 25, 19 78; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 20TH day of JANUARY, 19 78

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 22, 19 80

Water License Issued SEPTEMBER 22, 19 80

1964-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SE 1/4 1/4 Section 1 Township 98 Range 53
Well owner Dennis Thnen Hurley
(Name) (Address)
Date well drilling completed 4-74 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0-3	black dirt
3-6	yellow clay
6-18	gravel
18-25	sand & gravel
25-38	sand & gravel
38-48	sand & clay
48-58	sand & clay
58-68	blue clay
68-78	sand & clay
78-88	sand & clay
88-90	gravel, clay streak
90-100	gravel
100-110	sand & gravel

Depth to top of water producing aquifer 88 ft.
Depth to static water level 33 ft.
Name of producing aquifer (if known) _____
Total depth of drill hole 110 ft.
Depth to bottom of casing 108 ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

58' fiberglass

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

20' slotted fiberglass

If a flowing well, flow of completed well _____ G.P.M.

Empire Drilling
Name of Drilling Contractor

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
Type of pump _____ Capacity of installed pump _____ G.P.M.
Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 13", Depth 108'
~~Fiberglass~~
 (2) Casing, Type Steel, Diameter 11", Thickness 1/4"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type Perf. or Slotted, Diameter 11", Length 20'
~~Fiberglass~~
 (4) Gravel Pack, Thickness 2", Length of gravel pack 100'

E. Dugout Information or Estimates

- (1) Surface dimensions --, Depth --

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Copy of log attached.

Depth to top of water bearing material 88'

Depth to bottom of water bearing material 108' 110'

Thickness of water bearing material 22'

Depth to water (ground surface to water level) 33'

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

On same owner's property 90 rds. On property owned by others 110 rds.

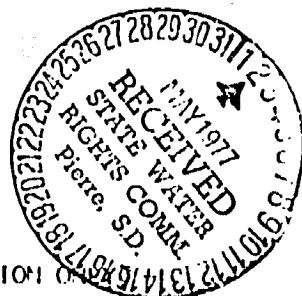
G. Water Storage Dams.

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

n/a

Dennis Shner
 Signature of Applicant

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



NAME Dennis L. Ihnen

ADDRESS Hurley, S. Dak. 570366

COUNTY Turner

LEGAL DESCRIPTION

1. WELL LOCATION Approx. center of the SE $\frac{1}{4}$ 1-98-53
2. LOCATION OF AREA TO BE IRRIGATED The SE $\frac{1}{4}$ 1-98-53

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT x GUN _____
4. CROPS TO BE IRRIGATED Corn, Soybeans, Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-607
6. SALINITY (EC X 10⁶) 840 (Med-High)
7. SODIUM (SAR) 0.21 (Low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Turner Co. Conservation District, County Extension office or Soil Conservation Service. and; that the legal description for the location of the well and land to be irrigated is true and correct.

Dennis Ihnen
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
16 DAY OF April 19 77.

M. J. SOMMERVOLD
Notary Public, STATE OF SOUTH DAKOTA
My Commission Expires February 14, 1982
(TITLE OR SEAL)

(SOILS INFORMATION ON REVERSE)

APPROVED BY _____

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

Submitted by: Dennis Ihnen
 Address: Hurley, SD 57036

Date Rec'd April 19, 1977
 Sample No. 77-609
 Identification Well-108'
SEL, Sec. 1, T 98N, R 53E

WATER ANALYSIS

Calcium (Ca)	112	ppm*	5.60	me/l**
Magnesium (Mg)	37	ppm	3.03	me/l
Sodium (Na)	10	ppm	0.44	me/l
Potassium (K)	2	ppm	0.05	me/l
Sulfate (SO ₄)	165	ppm	3.43	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.23	me/l
Bicarbonate (HCO ₃)	310	ppm	5.08	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	254	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	840	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.21			
Sodium	41.82	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.36			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 9.12 me/l
 Total anions 8.74 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-609

Amount Enclosed \$.....

Signed.....

April 26, 1977

Mr. Dennis L. Ihnen
Hurlay, SD 57036

Dear Mr. Ihnen:

Your water sample (Lab. No. 77-609) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

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

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

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

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures

cc: State Conservation Commission
D. Pahl, Extension Service

Permit No. * 3903-3

Water Diversion No. 3 Vermillion River Water District
10170102

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dennis L. Ihnen

_____ the holder _____ of
Permit No. 3903-3, issued upon Application No. 3903-3, bearing date of priority of April 16, 1977
_____ authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
ground water (two wells)* County of Turner, State of South Dakota at *points
N45°W, 115 rods from the SE corner, and 1360'N and 1350'W of the SE corner (standby
well) both in Section 1 - T98N - R53W
_____, for Irrigation

_____ purposes, has 3 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date September 22, 1980

*Applicable portions of
Water Right No. 1964-3
have been incorporated
into this Water License
No. 3903-3.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3903-3

(1) WHEREAS, On the 18th day of April A. D. 19 77
Dennis L. Ihnen

made Water Right Application No. 3903-3 for a permit to use 2.28 cubic feet per second of the waters
of groundwater (two wells) *

County of Turner, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 77
Permit No. 3903-3, with a date of priority of April 16, 1973 *

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 25th day of May A. D. 19 78 and for the
application to beneficial use of said water on or before the 25th day of May A. D. 19 78

* WHEREAS, on September 22, 1980 the applicable portions of Water Right
No. 1964-3 have been incorporated into this Water License No. 3903-3

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

to irrigate a 136 acre circle in the SE 1/4, Section 1 - T98N - R53W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dennis L. Ihnen

_____ of Hurley, South Dakota

the holder _____ and owner _____ of said permit No. 3903-3 a water right, dating from April 16, 1977

_____ to use of 1.88 cubic feet per second of the waters

of groundwater (two wells)

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 points N 45° W, 115 rods from the SE corner, and

1360'N and 1350'W of the SE corner (standby well) both in Section 1,

T98N-R53W

and conducted to and upon 136 acre circle in the SE 1/4, Section 1 - T98N - R53W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3903-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of September A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

SEE PERMIT N° 1964-3

FOR WATER QUALITY DATA

Form 6 - Notice of Intent to Appropriate Water

No. 3903-3

Publish first publication, on or before May 12, 19 77

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 26, 19 77

Notice is hereby given that Dennis L. Ihnen

whose post office address is Hurley, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

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

Dennis L. Ihnen #1, the point of diversion of which ^sare to be located in the _____

Center of SE $\frac{1}{4}$

of Section 1, Twp. 28N, Range 53W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$, Section 1, T28N, R53W

This application No. 3903-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 19 77, at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Dennis L. Ihnen, Hurley, S.D. 57035

*Veron
150
Guerre*

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF TURNER) ss.



EARL J. BORMANN

of said County and State, being duly sworn, on his oath says:
THE NEW ERA is a weekly newspaper of general circulation, printed and published in Parker, in Turner County and State of South Dakota by Earl J. Bormann, and has been such a newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said county of Turner in the English language for more than fifty-two successive weeks next prior to the publication of the notice hereinafter mentioned, and has been printed during said period and at the present time, in whole or in part in an office maintained at the said place of publication; and that I, the undersigned, am

owner

of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; that the advertisement headed NOTICE OF INTENT TO APPROPRIATE WATER

3903 Dennis L. Ihnen, Hurley, S. Dakota
a printed copy of which is hereto attached, was printed and published in the said newspaper for two weeks; that said notice was published in the issues of said newspaper on the dates as follows, to-wit:

The first publication being made on Thursday, May 5th, 1977;
the second publication on Thursday, May 12th, 1977;
the third publication on _____, 19____;
the fourth publication on _____, 19____;
the fifth publication on _____, 19____;
the sixth publication on _____, 19____;
and the last publication on _____, 19____;

that \$11.83, the full amount of the fee charged for publication of the annexed notice, insures solely to the benefit of the publishers of the said newspaper; that no arrangements or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 12th
day of May, 1977

Notary Public, Turner County, South Dakota.

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 26, 1977

Notice is hereby given that Dennis L. Ihnen, whose post office address is Hurley, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use: 2.28 cubic feet of water per second of time from ground water through the Dennis L. Ihnen No. 1, the points of diversion of which are to be located in the Center of SE $\frac{1}{4}$ of Section 1, Twp. 98N, Range 83W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$, Section 1, T98N, R83W.

This application No. 3901-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th day of May, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Dennis L. Ihnen, Hurley, S. D. 57036.

(2cc) May 5 & 12, 1977)

Publication Fees \$ 11.83

Received Payment,

paid May 18, 1977

NO. 1 1953

Fee for Application for Permit to Appropriate Water No. _____ (examination processing, recording and filing) _____	50	00
Fee for Inspecting Construction, and issuing Cert. of Construction No. 1201-1 _____	50	00
Fee for Inspecting Beneficial Use, and issuing Water License No. 1201-1 _____	50	00
Fee for issuing Location Certificate-Dry Draw, No. _____	50	00
Fee for filing _____	50	00
Fee for certified copy of _____	50	00
Fee for Print copy of map _____	50	00
Fee for Certifying _____	50	00
Fee for _____ (any other work as provided by law)	50	00
TOTAL	50	00

WATCH RIGHT! COMMUNISM
"The Communist Party is a
party of the future."
"The Communist Party is a
party of the future."

Permit No. 3903-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by DENNIS L. IHLEN of HURLEY holder of Permit No. 3903-3, bearing date of priority of April 16, 1977 ~~November 7, 1977~~ ^(within time limit) authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in TURNER County.

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

The Water Use System consists of,

- A. Works used to divert the water:
110' DEEP WELL WITH 14" FIBREGLAS CASING - 20' SLOTTED
WESTERN LAND ROVER 8" PUMP
POWERED BY 75HP G.E. ELECTRIC MOTOR.
- B. Works used to transport water to place of use,
50' OF 8" LINE TO CENTER OF PIVOT.
- C. Works used to apply water to beneficial use.
13 TOWER VALVE, MODEL 1160, SERIAL #9572, WATER DRINK
CENTER PIVOT SYSTEM WITH #100 END GUN

The system is in the following condition: GOODThe point of diversion is located N 45° W, 115 RODS FROM THE SE
CORNER, SECTION 1, T98N, R53WThe works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 136 ACRE CIRCLE IN THE
SE⁴ SECTION 1, T98N, R53Wcomprising a total of 136 acres of land.

Date

JUNE 19, 1980

(Signature)

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

September 22, 1980

Dennis L. Ihnen
Hurley, SD 57036

Dear Mr. Ihnen:

Enclosed herewith are, Water License No. 3903-3 and Certificate of Construction.

Water License No. 3903-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: bt

enclosures

* Applicable portions of Water Right No. 1964-3 have been incorporated into this Water License No. 3903-3.

2001 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2001

No. 3903-3

DENNIS IHNNEN
27965 459th AVENUE
HURLEY SD 57038

Any address corrections?

Telephone No. 238-5646

Return the completed form to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352

1. Is the system constructed? *yes X no _____

*Type of system used (check all that apply):

center pivots X towlines _____ big gun _____
flood _____ sprinklers _____ other _____

2. Did you irrigate in 2001? *yes X **no _____

*If yes, number of acres irrigated 148

**If no, list reason(s) in comment section:

Comment Section

a Corner System
was put in 3 years
ago. I now water
148A

3. Is land enrolled in CRP? *yes _____ no X

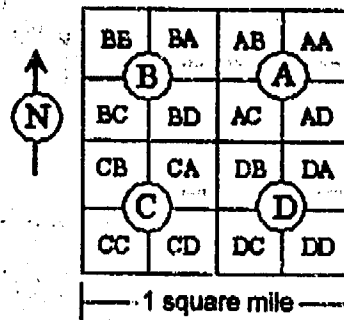
*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2001? yes _____ no X

5. If permitted for more than one water source, circle each source used. 1: GROUNDWATER

2:

3:



Office use only



Acreage permitted for Irrigation under No. 3903-3

(see above section map for help reading legal descriptions)

sec 01-T098N-R53W, D -- 136.0 acres

Please provide your 2001 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

MONTH IRRIGATED	CROP TYPE	NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY
MARCH					
APRIL					
MAY					
JUNE	Corn	148	900	9	23
JULY	Corn	148	900	27	23
AUGUST	Corn	148	900	25	23
SEPTEMBER					
OCTOBER					

IF MORE ROOM IS NEEDED, PLEASE INCLUDE THE INFORMATION ON A BLANK SHEET OF PAPER



December 10, 2001

Dennis Ihnen
27965 459th Ave
Hurley SD 57036

Dear Mr. Ihnen:

Thank you for submitting the 2001 Irrigation Questionnaire for Water Right No. 3903-3. The questionnaire indicates that you are irrigating 148 acres.

Water Right No. 3903-3 authorizes 1.88 cubic feet of water per second from two wells to irrigate 136 acres located in the SE ¼ Section 1-T98N-R53W (copy enclosed). Any irrigation over the 136 acres will require a new application.

Enclosed are forms and instruction sheet necessary for making application to irrigate the additional acreage.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosurea

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

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

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

www.wfss.com

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

Francis M. Smith, of
Counsel

Melvin T. Woods
(1899-1983)

Howell L. Fuller
(1909-1981)

John B. Shultz
(1912-1975)

April 9, 2003

Christine K. Lillo, CLAS
clillo@wfss.com

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

RE: Transfer of Ownership / Ihnens to Cooperative Credit Company

To Whom it May Concern:

Enclosed for filing with your office on behalf of attorney Roger Damgaard are
Notices of Transfer of Ownership for Permit Nos. 3903-3, 1348-3, 4152-3, 456-3,
and 510-3 together with our firm check in the amount of \$12.50.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

Christine K. Lillo, CLAS
Paralegal

Enclosure

cc: Cooperative Credit Company

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 11, 20 03

RECEIVED OF Woods Fuller Shultz & Smith PC, 3PO Box 5027, Sioux Falls SD 57117-5027

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>3903-3</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.

000747

By

Darlene E. White
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR 11 2003

WATER RIGHTS
PROGRAM

Water Right/Permit No. 3903-3

Dated: February 26, 2003

We request that Water Right/Permit No. 3903-3 formerly owned by:
Dennis Ihnen be transferred to:

New Owner Name: Cooperative Credit Company
Address: 128 Third Street N.W., P.O. Box 80
City, State, Zip: Sioux Center, Iowa 51250-0080

Telephone No.: (800) 681-1975

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

The West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and the West Quarter of the East Half of the Southeast Quarter (W $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$) all in Section One (1), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota.

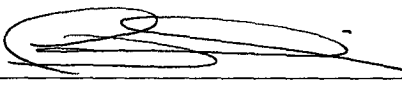
☒ We understand that the validity of Water Right/Permit No. 3903-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

Cooperative Credit Company, the new owner, certifies that the above information is true and correct.

COOPERATIVE CREDIT COMPANY

By 

Its CRo

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 2003

Lee Van Veldhuizen
Cooperative Credit Company
PO Box 80
Sioux Center IA 51250-0080

RE: Water Right Nos. 456-3, 510-3, 1348-3, 3903-3 and 4152-3

Dear Mr. Van Veldhuizen:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for Water Right Nos. 456-3, 510-3, 1348-3, 3903-3 and 4152-3. The ownership changes have been completed. The water rights, formerly held by Dennis and Mary Kay Ihnen, are now listed in the name of "Cooperative Credit Company".

Each year in October, we mail irrigation questionnaires to irrigators in South Dakota requesting information on the amount of water diverted that specific year. Enclosed is a sample copy of the form. The actual forms that need to be completed and returned to our program will be sent to you next fall.

Receipt Nos. 000747, 000478, 000749, 000750 and 000751, in the amounts of \$2.50 each, are being forwarded by copy of this letter to Woods, Fuller, Shultz and Smith, PC in Sioux Falls, SD.

I have also included copies of the water rights in the event you need them. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Christine K Lillo, Paralegal w/Woods, Fuller, Shultz & Smith PC



3903-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 15, 2004

3903-3
6433-3

Paul Petersen
45610 282nd St
Hurley SD 57036

Dear Mr. Petersen:

Enclosed as we discussed, is a copy of Water Right No. 3903-3 listed in the name of Cooperative Credit Company. In reviewing the file, I found another permit had been obtained last year to cover 12 additional acres that were being irrigated due to the addition of a corner system. I have included a copy of Water Permit No. 6433-3 for your review.

If you have any questions concerning the enclosed materials, please give me a call.

Sincerely,

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

enclosures

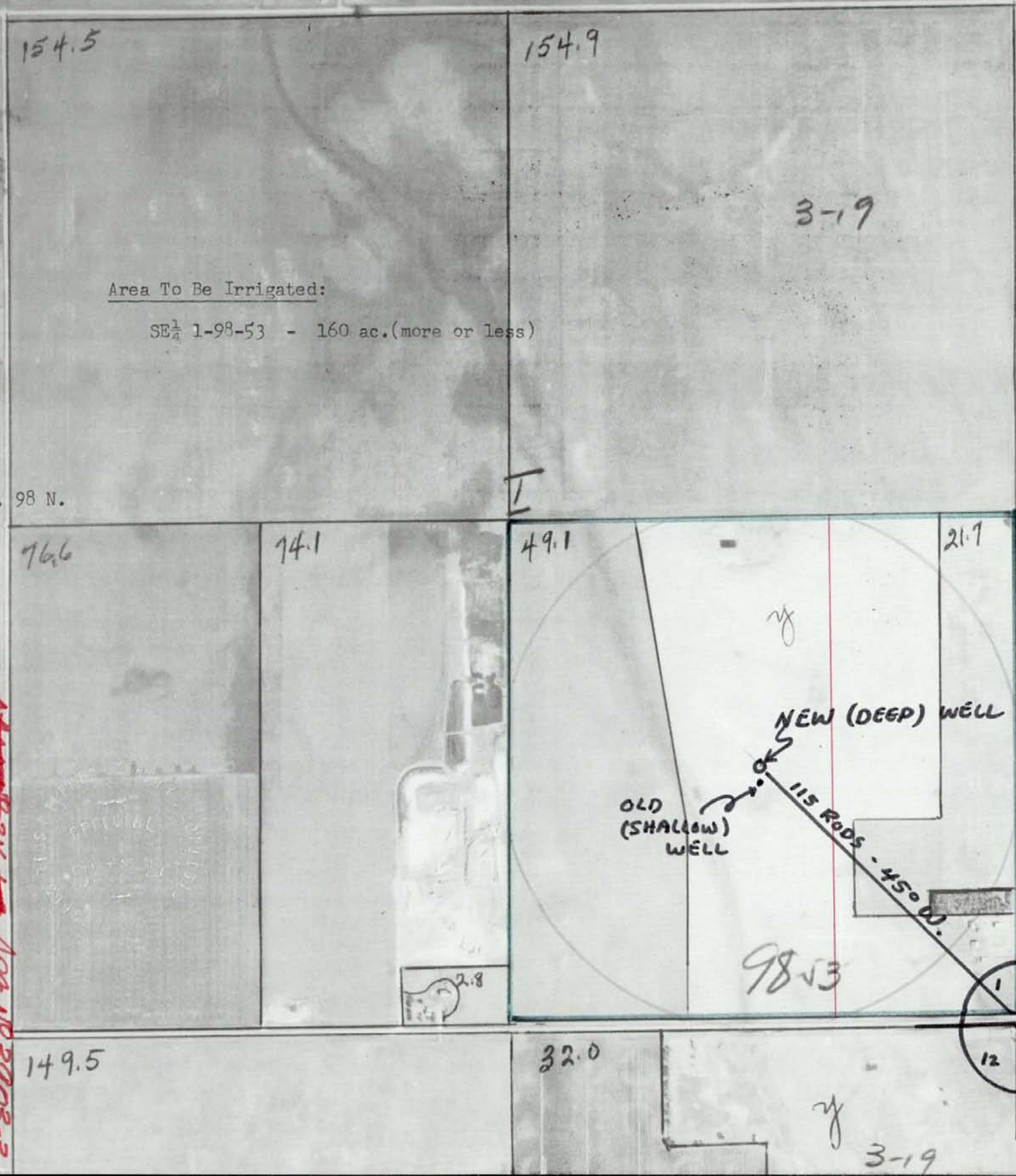
Hurley, S. D. 57036

四

SE $\frac{1}{4}$ 1-98-53 - 160 ac. (more or less)

T. 98 N.

~~Attn: Mr. Smith~~ Attn: 3903-3



WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

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

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

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J.G. Shultz
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Frederick M. Entwistle
David C. Kroon
James E. Moore
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Tim R. Shattuck
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Jennifer L. Wollman
Lisa Marshik Prostrullo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones
Cheri S. Raymond

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

November 24, 2004

Christine K. Lillo, CLAS
clillo@wfss.com

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

RE: Transfer of Ownership Permit No. 3903-3

To Whom it May Concern:

Enclosed for filing with your office is a Notice of Transfer of Ownership for Permit No. 3903-3, together with our firm check in the amount of \$2.50. Please transfer the permit from Cooperative Credit Company to Burnette Sawyer.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.



Christine K. Lillo, CLAS
Certified Paralegal

Enclosures

RECEIVED
NOV 29 2004
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 3903-3

Dated: November 23, 2004

I request that Water Right/Permit No. 3903-3 formerly owned by: Cooperative Credit Company be transferred to:

New Owner Name: Burnette C. Sawyer
Address: 5206 South Sweetbriar Court
City, State, Zip: Sioux Falls, SD 57108

Telephone No.: (605) 575-2549

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

The West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and the West Quarter of the East Half of the Southeast Quarter (W $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$), all in Section One (1), Township Ninety-Eight (98) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota.

RECEIVED
NOV 29 2004

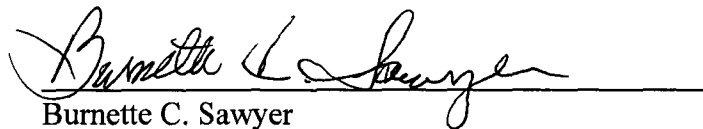
☒ I understand that the validity of Water Right/Permit No. 3903-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

WATER RIGHTS
PROGRAM

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

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

Burnette C. Sawyer, the new owner, certifies that the above information is true and correct.


Burnette C. Sawyer

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 29, 20 04

RECEIVED OF Woods, Fuller, Shultz & Smith PC, PO Box 5027, Sioux Falls SD 57117-5027

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>3903-3</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. 0001276

By Harland Erbe
Chief Engineer gm



3903-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2004

3903-3
6433-3

Christine K Lillo
WOODS, FULLER, SHULTZ & SMITH
PO Box 5027
Sioux Falls SD 57117-5027

Dear Ms. Lillo:

Enclosed, as we discussed on the phone, is a map of the SE ¼ Section 1, T98N, R53W. This area is what is authorized for irrigation under Water Right No. 3903-3 and Water Permit No. 6433-3.

Both Water Right No. 3903-3 and Water Permit No. 6433-3 will need to be divided and reissued to reflect separate ownership. The issue at hand right now is to find out how many acres should be assigned to each person. When the acreage is properly identified, the diversion rate can also be prorated and divided appropriately.

A copy of the map was forwarded to Mr. Ihnen. We requested that he outline the area he owns and how much of it is irrigated. We should be able to tell from the area he outlines what is left and would be owned by Burnette Sawyer.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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

3903-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2004

3903-3
6433-3

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

Enclosed, as we discussed on the phone, is a map of the SE $\frac{1}{4}$ Section 1, T98N, R53W. This area is what is authorized for irrigation under Water Right No. 3903-3 and Water Permit No. 6433-3 (see enclosed copies).

Burnette Sawyer purchased the land in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and the W $\frac{1}{4}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ of the section. It is our understanding that you own the east 60 acres of the quarter. Both Water Right No. 3903-3 and Water Permit No. 6433-3 will need to be divided and reissued to reflect separate ownership. The issue at hand right now is to find out how many acres should be assigned to each person.

Please outline the area you own on the map and return it to us as soon as possible. We will try and determine from the map how many acres and the respective diversion rate will go to Ms. Sawyer and to you.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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

enclosures

Center of sec 1-T98N-R53W

NW1/4SE1/4

NE1/4SE1/4

SW1/4SE1/4

SE1/4SE1/4

1 6
12 7

RECEIVED

DEC 22 2004

WATER RIGHTS
PROGRAM

Dear Leroy;

I am enclosing a tract map of the 3.07 acres in the acreage.

On the 60 acres we own we are going to try and use a lateral system or traveling gun to irrigate it all.

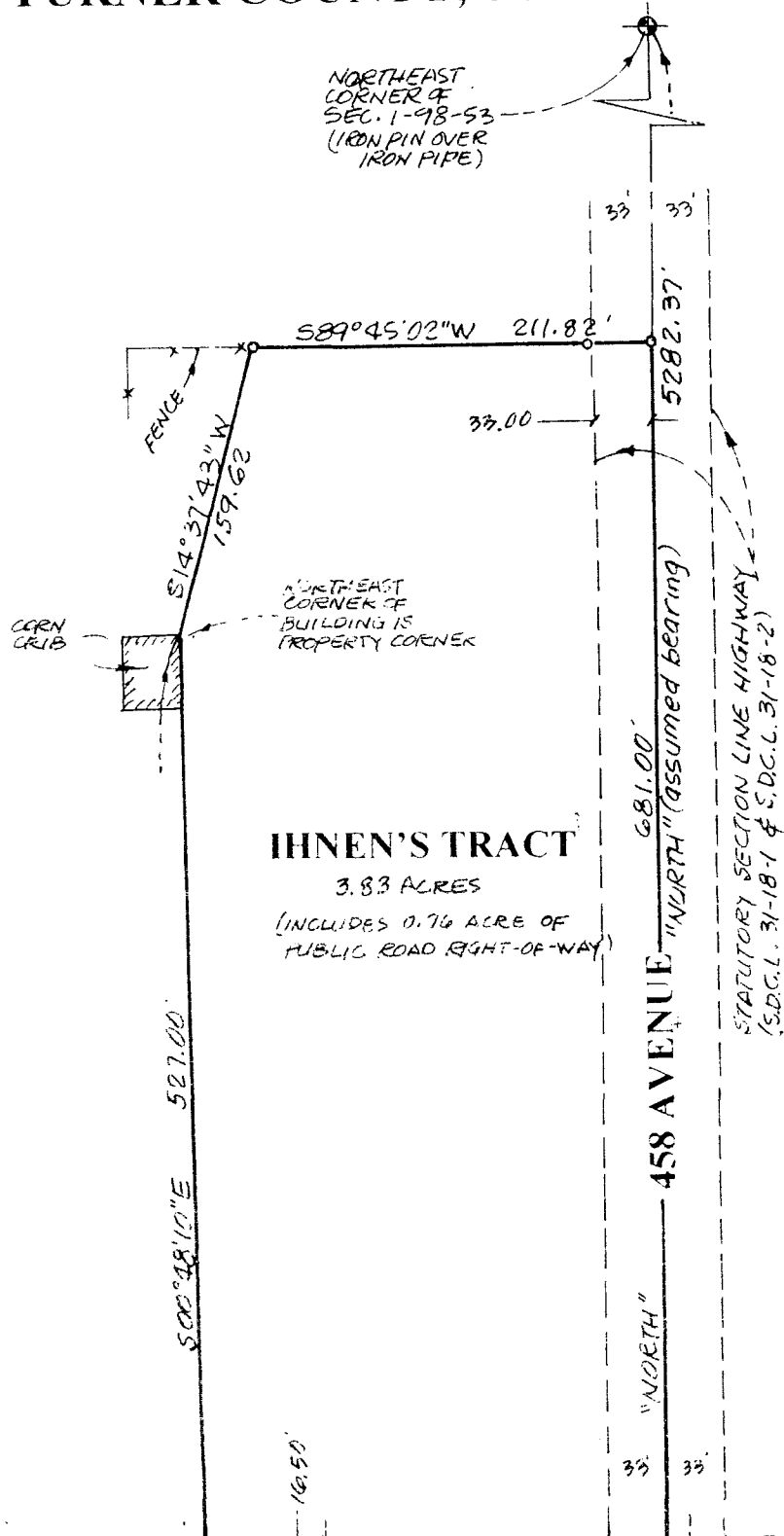
If you have any other questions please give me a call.

Sincerely,
Roger Thum
Box 213
Leroux 5057039

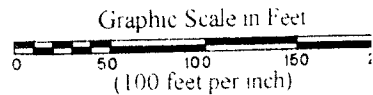
605-647-2102

IHNEN'S TRACT

ON IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, T98N, R53W
OF THE 5th P.M.,
TURNER COUNTY, SOUTH DAKOTA



NORTH



○ - set 5.8"x24" rebar



January 4, 2005

3903-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

3903-3
6433-3

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

I am returning the map of the SE ¼ Section 1, T98N, R53W to you to have you outline the area that you own. In doing so, it will make it easier for us to divide and reissue Water Right No. 3903-3 and Water Permit No. 6433-3 to reflect separate ownership.

Prior to reissuing the water right and permit, we will also need completed "Notice of Transfer of Ownership" forms from you. I have enclosed the forms for you to complete. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the above materials from you, we will proceed with transferring and dividing the permits up as needed. You will receive a proportionate share of the diversion rate that goes with the acreage you own. Since the well is on Mr. Sawyer's land, if no agreement is reached between you to utilize the well, you may need to secure a permit for an additional well.

If we can answer any questions for you, please contact with Eric Gronlund or myself at (605) 773-3352.

Sincerely,

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

enclosures

Center of sec 1-T98N-R53W

NW1/4SE1/4

NE1/4SE1/4

SW1/4SE1/4

SE1/4SE1/4

1 6
12 7

McMath, Genny

From: Chris LILLO [CLILLO@wfss.com]
Sent: Monday, January 17, 2005 2:36 PM
To: Genny.McMath@state.sd.us
Subject: Re: Burnette Sawyer land

Hi Genny, according to Cooperative Credit, Burnette Sawyer owns 100 acres and 87.1 acres are irrigated.

Thank you!! Let me know if you need anything else.

Chris Lillo, CLAS
Certified Paralegal
Woods, Fuller, Shultz & Smith P.C.
P.O. Box 5027
Sioux Falls, SD 57117-5027
Phone: (605) 336-3890
E-Mail: clillo@wfss.com

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>>> <Genny.McMath@state.sd.us> 1/12/2005 9:50:55 AM >>>

Hi Chris,

We received the "Notice of Transfer of Ownership" for 6433-3 (from Cooperative Credit to Burnette Sawyer). We have not yet received the map back from Mr. Ihnen outlining the area he owns.

One thing that we need before the permits are reissued is to know exactly how many acres each party has under irrigation. On the transfer forms Mr. Sawyer signed - the legal descriptions are very plain but do not include the number of acres. Could you check with him or do you have any paperwork which clearly defines the number of acres being irrigated?

Thank you in advance for your help.

Genny McMath
Water Rights Program
605 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 27 2005

WATER RIGHTS
PROGRAM

No. 3903-3

Date: 1-27-05

I/We request that portions of Water Right No. 3903-3

formerly owned by: Dennis & Mary Kay Ihnen

be transferred to: (name & address) Roger Ihnen

Box 213

LENNIX SD 57039

Telephone No. 605-647-2102

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

I/We understand that the validity of Water Right No. 3903-3 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 Roger Ihnen, the new owner, certify that the above information is true and correct.

Roger Ihnen

(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 31, 20 05

RECEIVED OF ILC Enterprises Inc., PO Bxo 184, Lennox SD 57039

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>3903-3</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. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No. 001700

By Harland Ebel
Chief Engineer gm



3903-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2005

Roger Ihnen
PO Box 213
Lennox SD 57039

Dear Mr. Ihnen:

I am writing in regard to the ownership changes you filed on Water Right No. 3903-3 and 6433-3 (formerly Dennis Ihnen and Cooperative Credit).

Nos. 3903-3 and 6433-3 are being divided and reissued to reflect separate ownership. Due to the complexity of the transfers, I am sending the draft copies for your review prior to them being signed by the Chief Engineer. Copies were also sent to Christine Lillo with Woods, Fuller Law firm in Sioux Falls since they were assisting Burnette Sawyer with the ownership changes.

Please review them and let me know if you have concerns or if the information on them does not appear to be accurate. If you have changes, please make notations on the documents and return them to us for review. If they are ok with you, give me a call and let me know so we can proceed with issuance of the final documents.

Thank you in advance for your help.

Sincerely,

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

enclosures

File No. 3903-3
6433-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Denise Ihnen, PO Box 213, Lennox, SD

DATE: August 8, 2005

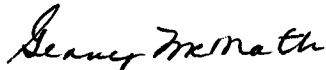
RE: ownership for Nos. 3903-3 and 6433-3

COMMENTS:

Denise called to let us know the sale has been finalized for the land described under Nos. 3903-3 and 6433-3.

We were in the process of trying to divide 3903-3 and 6433-3 into A & B numbers to reflect separate ownership between Ihnens and Burnette Sawyer. Ihnen's have sold their portion of the land to Burnette Sawyer.

Burnette Sawyer now owns all the land originally described in 3903-3 and 6433-3 so there is no longer a need to go through the steps to divide and reissue the water permits. As soon as a "Notice of Transfer of Ownership" is filed by Ms. Sawyer for the portion of land Ihnen's sold to her, both water permits can be transferred in their entirety.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2005

3903-3
6433-3

Burnette C Sawyer
5206 S Sweetbriar Court
Sioux Falls SD 57108

Dear Ms. Sawyer:

Last week, Mrs. Roger Ihnen contacted our office saying that you had purchased the remaining portion of the SE ¼ Section 1, T98N, R53W from them.

We were in the process of trying to divide and reissue Water Right No. 3903-3 and Water Permit No. 6433-3 to reflect separate ownership. That process will no longer be necessary. Since your original transfer forms did not include the entire legal description for land described under Nos. 3903-3 and 6433-3, I am forwarding you two corrected forms to sign.

Please sign the forms where indicated and return them to us in the enclosed envelope. No additional fees are necessary.

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

enclosures

RECEIVED

AUG 22 2005

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3903-3

Date: _____

I/We request that Water Right No. 3903-3

formerly owned by: Dennis & Mary Kay Ihnen and Cooperative Credit

be transferred to: Burnette C Sawyer, 5206 S Sweetbriar Court, Sioux Falls SD 57108

Telephone No. 605 575-2549

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

SE ¼ Section 1, T98N, R53W

I/We understand that the validity of Water Right No. 3903-3 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 Burnette Sawyer, the new owner, certify that the above information is true and correct.

Burnette Sawyer

(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.



3903-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 23, 2005

3903-3
6433-3

Burnette C Sawyer
5206 S Sweetbriar Court
Sioux Falls SD 57108

Dear Ms. Sawyer:

I am writing to acknowledge receipt of the updated "Notice of Transfer of Ownership" forms for Water Right No. 3903-3 and Water Permit No. 6433-3. The transfers have been completed. Nos. 3903-3 and 6433-3, covering irrigation in the SE ¼ Section 1, T98N, R53W, were transferred to you in there entirety.

The receipts for the filing fees are being forwarded to Woods, Fuller, Shultz & Smith law firm.

Thank you for your help in completing the transfers. 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

c: Christine K Lillo, Woods, Fuller, Shultz & Smith w/receipts

McMath, Genny

From: Julie Sawyer <maverickfeeders@yahoo.com>
Sent: Monday, October 17, 2011 6:51 PM
To: McMath, Genny
Subject: Re: Burnette Sawyer

Yes...You can mail Burnette's to our address and address the envelope with her name. She will be permanently using our address. She sold her house in Sioux Falls. Burnette is Shon's mother.

Thanks
Julie Sawyer

From: "Genny.McMath@state.sd.us" <Genny.McMath@state.sd.us>
To: maverickfeeders@yahoo.com
Sent: Monday, October 17, 2011 12:51 PM
Subject: Burnette Sawyer

I realize that the water rights are separate but am hoping you can help me. I sent out the annual questionnaires this week and the ones to Burnette Sawyer came back in the mail but the post office did not put a reason for returning it on the envelope. So I looked up other Sawyer's with water rights in that area and that's where you come in at!! Can you tell me what address I should be using?

The address I attempted to mail the questionnaire for his water rights is: 5206 S Sweetbriar Court, Sioux Falls SD

Any information you can give me would be appreciated.
Thanks!

Genny McMath
Water Rights Program
605.773.5455

*Mail future correspondence
to Burnette Sawyer
28122 Hwy 19
Hurley SD 57036*

Schlaak, Karen

Subject: FW: Water on road

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

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]

Sent: Thursday, July 16, 2015 11:32 PM

To: Gronlund, Eric

Subject: Water on road

On Tuesday July 14 around 12:00 pm there were two center pivots spraying water on the road. The first one was T98N R53W sec 14 SW 1/4 Hurley twp turner county spraying on hwy 19 - 3906A-3, Paul Petersen

The second one is

T98N R53W sec 1 SE 1/4 Hurley twp turner county spraying on 280th st

Kelly Knittel
Freeman SD

3903-3 & 6433-3
Burnette Sawyer
c/o Shon Sawyer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 22, 2015

3903-3
6433-3
7791-3

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation systems located in the SE 1/4 Section 1 and the SE 1/4 Section 2; all in T98N-R53W had irrigation water from the end guns overspraying on the road. The water right for the system in Section 2 is held in your name under Water Permit No. 7791-3 and the system in Section 1 is held in the name of Burnette Sawyer under Water Right No. 3903-3 and Water Permit No. 6433-3 with you listed as the operator.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 30, 2015

3903-3
6433-3
7791-3

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

The Department of Environment and Natural Resources (DENR) has received another inquiry alleging the irrigation systems located in the SE 1/4 Section 1 and SE 1/4 Section; all in T98N-R53W had irrigation water from the end guns hitting the road this morning.

As stated in our July 22, 2015 letter to you, a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun over spray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

Again, if you don't believe your irrigation systems are causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Thursday, July 30, 2015 10:43 AM
To: 'kknittel@gwtc.net'
Cc: Schlaak, Karen
Subject: RE: Water on 280 th street

DENR continues to work with the water right holders to get the endgun stops properly adjusted. This has been in the form of a letter regarding alleged overspray and the need to correct the problem. I have also contacted the highway superintendent in Turner County in an effort to find out if this is a prevalent problem in the county and asking if this is a chronic problem in the area. We have also welcomed Turner County's assistance in documenting the occurrence. I have not yet received a response. DENR has also issued press release regarding the issue.

DENR needs to have the endgun overspray documented by a state staff person or local government such as highway department or law enforcement to take formal more action such as issue an order. This can prove difficult since by the time DENR is informed of the occurrence and were to send someone on-site, the pivot would likely not be in rotation along the roadway.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

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

From: kknittel@gwtc.net [<mailto:kknittel@gwtc.net>]
Sent: Thursday, July 30, 2015 10:25 AM
To: Gronlund, Eric
Subject: Water on 280 th street

July 30 around 8:00am
T98N R53W sec 2 SE1/4
T98N R53W sec 1 SE1/4
Hurley twp Turner county

Both of these were spraying water on the 280th at this morning.

I have reported the one in sec 1 on July 14th and I reported the one in sec 2 on July 19. I also know that I have reported some other ones more then one time this year. I would like to know what is being done about the ones that are not doing anything to fix the problem.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

3903-3

August 16, 2016

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

Dear Mr. Sawyer:

The Department of Environment and Natural Resources (DENR) has again this season received information alleging the irrigation system located in the SE 1/4 Section 1-T98N-R53W had irrigation water from the end gun overspraying on the road. This irrigation system is covered by Water Right No. 3903-3, Burnette Sawyer with you listed as operator.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

This is a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in DENR taking enforcement action.

If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, August 16, 2016 7:48 AM
To: Schlaak, Karen
Subject: FW: august 13 overspray

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

From: kknittel@gwtc.net [mailto:kknittel@gwtc.net]
Sent: Tuesday, August 16, 2016 12:35 AM
To: Gronlund, Eric
Subject: august 13 overspray

On 8-13-16 at 9:40pm

T98N R53W

Sec 1 SE 1/4

Hurley Township

Water was spraying on 280th street. It was dark and the way this pivot goes thru the field it was covering a lot of the road.

Kelly Knittel
Freeman SD
605 929 6340

3903-3 Burnett Sawyer, Owner

Shon Sawyer
28122 Hwy 19
Hurley 57036

letters 7-22-15
7-30-15



3903-3
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: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 456-3 & 3903-3 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) 6433-3 & 7910-3 qualification:

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

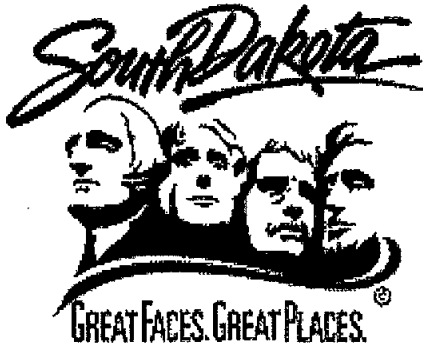
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 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 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 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: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2018

Shon, Julie & Burnette Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Irrigation Questionnaires for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 6433-3,
7791-3 and 7910-3

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with a large, stylized "G" and "M".

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



3903-3

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 25, 2019

NOTICE

TO: BURNETTE C SAWYER, 28122 HWY 19, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 456-3 & 3903-3 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) 6433-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 6433-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3 & 3903-3 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 6, 2019** 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: <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.

3903-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2019

Shon, Julie & Burnette C Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit or Right Nos. 456-3, 3903-3, 6433-3 & 7910-3 (Burnette Sawyer)
Water Right No. 510-3 (Julie K Sawyer) and
Water Permit No. 7791-3 (Shon Sawyer)

Dear Shon, Julie & Burnette:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: Shon Sawyer, 28122 Hwy 19, Hurley SD 57036
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 456-3, 510-3 & 3903-3 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) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 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 8, 2023** 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: JDLTIJ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2023

Shon Sawyer
28122 Hwy 19
Hurley SD 57036

RE: Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3

Dear Mr. Sawyer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit/Right Nos. 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: SHON SAWYER, 28122 HWY 19, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 456-3, 510-3 & 3903-3 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) 4645A-3, 6433-3, 7791-3 & 7910-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 4645A-3, 6433-3, 7791-3 & 7910-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 456-3, 510-3 & 3903-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DCALGZ**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2024

3903-3, 456-3, 6433-3
7910-3 & 4645A-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing you today to follow up on our telephone conversation from earlier in the week, in regard to transferring ownership of the five water permits/rights held by Burnette C Sawyer, to yourself.

I have enclosed a partially completed "Notice of Transfer of Ownership" form for each permit/right. There is a \$50.00 fee for each transfer, totaling \$250.00. Please complete the highlighted portions of each transfer form and return them in the prepaid envelope with a check made payable to "SD Water Rights Program".

If you wish to pay with a card, you may call our Fiscal Office at 605.773.4216. If you choose to pay over the phone, these forms will still need to be returned.

Please feel free to contact me with any questions.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2024

456-3, 510-3
3903-3, 4645A-3,
6433-3, 7791-3 & 7910-3

Shon Sawyer
28122 HWY 19
Hurley SD 57036

Dear Mr. Sawyer:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 456-3, 510-3, 3903-3, 4645A-3, 6433-3, 7791-3 & 7910-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2024

456-3, 3903-3, 4645A-3
6433-3 & 7910-3

Shon Sawyer
45690 280th St
Hurley SD 57036

Dear Mr. Sawyer:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment for your records.

Water Right/Permit Nos. 456-3, 3903-3, 4645A-3, 6433-3, and 7910-3 previously owned by Burnette C Sawyer are now listed under yourself and I have updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights/Permits, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights/permits will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

RECEIVED

MAR 04 2024

OFFICE OF
WATERNOTICE OF TRANSFER OF OWNERSHIP
PAID

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

MAR 04 2024

Ck# 6991
Rec't# _____No. 3903-3Date: 2-29-24I/We request that Water Right No. 3903-3formerly owned by: Burnette C Sawyer, Hurley SD

be transferred to: (name & address)

Shon Sawyer
45690 280th Street
Hurley, SD 57036Telephone No. 605-351-1416

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

136 acres: SE ¼ Section 1 – T98N – R53W

I/We understand that the validity of Water Right No. 3903-3 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 Shon Sawyer, the new owner, certify that the above information is true and correct.

Alex Gomez

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 4, 2024

RECEIVED OF J & S 45690 280th Street 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>3903-3</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 Nordlund
Chief Engineer
vm