

1. Considered March 12, 1957
2. Name of Applicant Terrie O. Gault # 398-3
3. Post Office Address Tulare, South Fork
4. Amount of water claimed 2.0
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 1120
7. Water to be diverted and used in Spink County about
2 miles SE of Tulare.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 278-17Water Division No. 27 James Hill District
(Blanks to be filled by the Engineer for the W. D. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

5-4-73 GARY JEITZEL

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

1. Name of applicant

~~James O. Reinbolt~~ TRANSFERRED 4-30-65 TO M. J. BRUGGER

Postoffice address

Care ~~Box 185~~, County Spink, State South DakotaI. If a corporation none

(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, \$ 750.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed two cubic feet per second4. Source of water supply well5. Location of point of diversion 32 - rods east and 118 rods north of SW corner ofSec 2 T11hN R6hW on Spink bank Spink County.6. Annual period or periods during which water is to be used April to October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? combination(a) Number of acres to be irrigated 110 acres(b) Legal subdivisions to be irrigated 110 acres of SW 1/4 Sec 2 T11h R6h

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

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

additional water for crop production on SW 1/4 Sec 2 T11h R6h

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

(a) Nature of use Stock Water

Name any of the above uses claimed

(b) Amount of power to be generated none horse power.Amount claimed for engine cooling none(c) Location of plant at well(d) Method of developing power electric or internal combustion(e) Point where water will be returned to stream to be absorbed in the soil

Map No. 500-3

8. Estimated cost of work:

(a) Head Gates, \$ 25.00 (b) Pumping plant, \$ 3000.00
 (c) Fluming, \$ 1500.00 (d) Canalearth, \$ 100.00 Rock, \$ 150.00
 (e) Other structures Stillinz tank, concrete \$ 100.00 Total, \$ 3150.00

9. Description of diversion works:

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

Fluming plant, flume, ditch

II. Dimensions of works: N/A

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

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

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-FOOT CAPACITY
	N/A	

Measuring device installed in pipeline.

(c) Head gate: Width _____ feet; height _____ feet; Material _____

(d) Canal: Total length _____ miles.
 and Gated Pipe. 1 1/3 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At all Mile	2.0 feet	1.0 feet	3.0 feet	5.28 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 _____ two _____ years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Redfield Press, Redfield, S.D.

STATE OF SOUTH DAKOTA
 County of S. D. K } ss.

I, JESSIE O. RAINBOLT, 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.

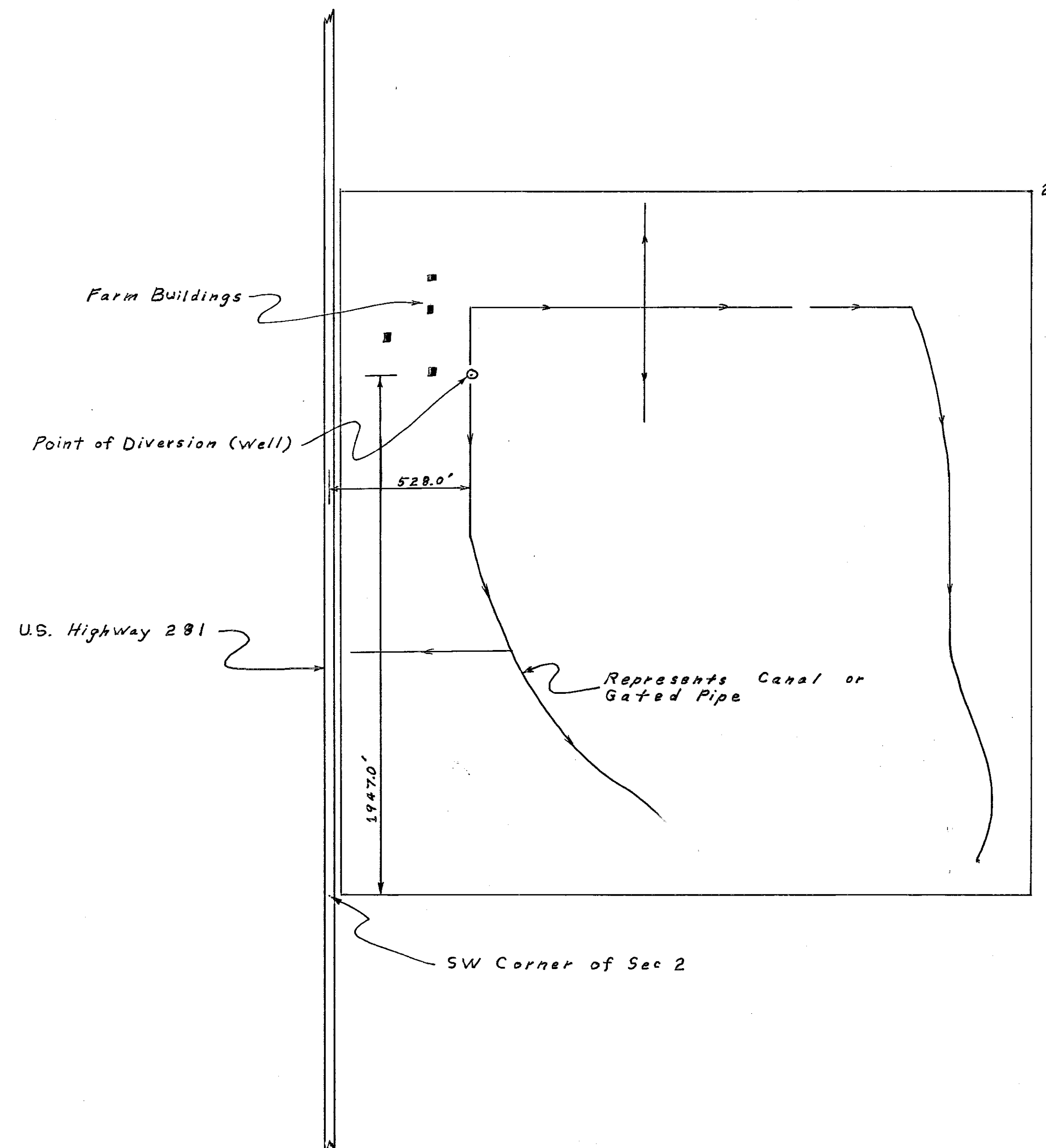
Signed JESSIE O. RAINBOLT

Subscribed and sworn to before me this 21st day of January 1957.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. V. WOOD, NOTARY PUBLIC
 MY COMMISSION EXPIRES NOVEMBER 2, 1958



SURVEYOR'S CERTIFICATE

I Robert M. Myers hereby certify that I am a registered land surveyor in and for the state of South Dakota. That Bruce H. Kidman, acting under my supervision, did make a survey of Jessie O. Rainbolt's Irrigation Project. The survey was made on Jan. 17, 1957, in the SW 1/4 S.2 - T114N R64W. 5th PM. I certify that this plat is a true and correct illustration of that survey, made at the request of Jessie O. Rainbolt.

Robert M. Myers
Reg. Land Surveyor #367

ACKNOWLEDGMENT

Be it known that on the 15 day of Jan 1957, personally appeared before me Robert M. Myers, known by me to be the surveyor named above and, acknowledged that he did execute the above certificate.

Dred J. Jersch
NOTARY PUBLIC

PLAT OF PROPOSED IRRIGATION
PROJECT IN SW 1/4-2-T114N R64W,
SPINK CO., S. DAK..
Property of Jessie O. Rainbolt.
Survey -1-17-57 by Bruce H. Kidman
and Robert M. Myers.

Scale 1 in = 330 ft.

Map No. 300-3
(Appl. No. 398-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Flagg } ss.

Pierre, South Dakota, January 29, 1957

This is to certify that the foregoing application was received by the Commission at 12:30 o'clock
9 a.m. upon the 29 day of January, 1957

State Water Resources Commission

By: J. O. Brinner

Chief Engineer, Executive Officer

Number of permit 398-3

Date of first receipt of application January 29, 1957

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 January 29, 1957

Approved March 13, 1957, Recorded in Book 4 Page 29

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 _____

March 13, 1958 March 13, 1961

2nd. The whole of said work is to be completed on or before March 13, 1959

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

March 13, 1962 (Commission Action 3.6-60)

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.00 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 March 13, 1960; said water to be used during the following described annual period:

April to September inclusive

Witness my hand this 23 day of March, 1957

State Water Resources Commission

By: J. O. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued May 16, 1962

Water License issued May 16, 1962

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32" , Depth 60'
 Type of casing Steel or Concrete
 (wood, concrete, steel, etc.)
 Size of casing 16" , Thickness of casing 3/8"
 Length of casing 60' . If collection gallery, length, size and depth of
 gallery N/A

(b) Screens

Type of perforated screen iron pipe
 Size of perforated screen 1 1/2" or less 15' or more
 (diameter) (length)
 Thickness of gravel pack 6" if needed , length of gravel pack 60' if needed

(c) Water Bearing Materials

Distance to water 20' . Character of water bearing materials
 Course sand and gravel
 Thickness of water bearing material 38'

(d) Pump and Motor

Type of pump Centrifugal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump , size 900 gal/min
 Kind of motor gas or electric
 (gasoline, electric, diesel, etc.)
 Horsepower 50 , Name of Motor

(e) Complete well

Capacity 2 CFS at drawdown of 20' . Estimated cost \$3150.00

(f) Owner of land upon which well is located Jessie O. Rainolt
 Name
 Tulare, South Dakota
 Address

(g) Distance to nearest existing wells

On same owner's property 15 rods. On property owned by others 170 rods

Permit No. 398-3Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Jeannie O. Rainbolt

of Tulare, County of Spink, and State of South Dakota, the holder of Permit No. 398-3, issued upon Application No. 398-3, bearing date of priority of January 29, 1957, authorizing the diversion of 2.00 cu. ft. per second of the waters of ground water

County of Spink, State of South Dakota, at a point 32 rods E and 118 rods N of the SW corner Sec. 2, T114N, R64W

for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.2 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in Section 2, T114N, R64W

SW¹/₄ SW¹/₄ 38 acres

NE¹/₄ SW¹/₄ 38 "

NE¹/₄ SW¹/₄ 32 "

SE¹/₄ SW¹/₄ 32 "

140 "

Witness my hand this 16th day of May A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. CRILES

STATE OF SOUTH DAKOTA

WATER LICENSE No. 398-3

WHEREAS, On the 29th day of January A. D. 1957

Jessie O. Painbolt

of Tulare County of Spink and State of South Dakota duly made application (No. 398-3) to us for a permit to use 2.00 cubic feet per second of the waters of ground water County of Spink, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 25rd day of March A. D. 1957 Permit No. 398-3 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 13th day of March A. D. 1961 and for the application to beneficial use of said water on or before the 13th day of March A. D. 1962 and,

WHEREAS, On the 11th day of May A. D. 1962 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2.2 cubic feet per second of said waters, as evidenced by our Certificate No. 398-3 dated May 16, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of priority of January 29, 1957 and and

WHEREAS, On the 11th day of May A. D. 1962 proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water; for irrigation of 140 acres in the SW 1/4 Section 2, T114N, R64W

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 Jessie O. Rainbolt
of Tulare the holder and owner of said permit No. 398-3
a water right, dating from January 29, 1957 to the use of 2.0
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point 32 rods E. and 118 rods N
of the SW corner Section 2, T114N, R64W
and conducted to and upon 140 acres of the SW Section 2, T114N, R64W

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 16th day of May A. D. Nineteen
Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. CRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

398-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date MAY 4, 1973

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

SW 4, SECTION 2, T114N, R64Wformerly owned by M. J. BRUGGER, TULAREhas been transferred to GARY NEITZEL, TULARE

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 398-3 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 Hughes) ss.

I, Gary Neitzel, 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.

Gary Neitzel
 (Signed)

Suscribed and sworn to before me this 4th day of May, 1973.

Dotty Westlund
 (Notary Public)
 Technical Ass't. - W.R.C.

Permit No. 398-3
 Water Division No. 3 JAMES 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 _____
 19____, I have this day made a thorough examination of the diversion works constructed by JESSIE
O. RAINBOLT _____, of TULARE
SPINK _____ County, South Dakota, holder of Permit No. 398-3, issued
 upon Application No. 398.3, bearing date of priority of JANUARY 29, 1957, authorizing the
 diversion of 2.00 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: Well drilled to depth of 59' with
10" centrifugal pump powered by 15 hp GE electric
motor capable of producing 1000 GPM @ 1500 RPM
main ditch follows high point on contour of land &
spreads water both directions from ditch.
 and the system is in the following condition: EXCELLENT

The point of diversion is located 32 rods E & 118 rods N of the
SW corner, Section 2, T114N R64W.

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

The legal sub-divisions to be irrigated are: 140 acres in the SW 1/4,
Section 2, T114N R64W

_____ comprising a total of 140 acres of land.

The domestic use intended comprises STOCKWATER

The utilization for power, mining, or other beneficial uses comprises: NONE

Witness my hand, this 11th day of

May

A. D. 1962

—SEAL—

Burton J. Jones
 Examining _____
officer

Permit No. 578-3

Water Division No. _____ 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.) _____

(Date) _____

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.50
_____ cu. ft. per second of the waters of the state from _____
through the Rainbow Well
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 _____

Jessie D. Rainbolt

2. The postoffice address of such person or the place of business of such corporation is _____

County of Spink State of South Dakota3. The number of such permit is 578-3 and the date set for the completion of such work is _____March 13, 19164. 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 accompanying the application for such permit, is _____ cubic feet per second.

6. The amount of land for which said water is available is 140 acres,
particularly described as follows: _____

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

(Signature of Owners)

Jessie D. Rainbolt

—Bullock, Le. Dak.

March 25. 1960

State Water Resources Commission

Mr. Burton J. Gorman

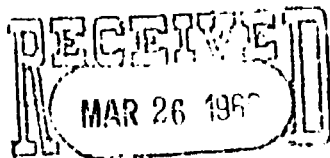
Dear Sir;

My project isn't completed,
and I would like some additional
time. R.E.A. is making available
three phase power soon for irrigation
and we want to change over.

We don't have all the leveling
completed, because there hasn't been
the kind of equipment available
to do the leveling with. We hope to
complete this project in 1960.

Thanks for notifying us, and hope
to hear from you soon.

Jessie C. Reinbolt.



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

(First Publication February 8, 1957.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 30, 1957.

Notice is hereby given that Jessie O. Rainbolt whose postoffice address is Tulare S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.00 cubic feet of water per second of time from the ground water through the irrigation system, the point of diversion of which is to be located at the ~~XXXXXX~~ in the NW 1/4 of the SW 1/4 of Section 2 Twp. 114N Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4 Sec 2, T. 114 N., R. 64 W.

~~XXXXXX~~ XXXXXX

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

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

State Water Resources Commission

By:

J. W. Grimes,

Chief Engineer, Executive Officer

CC-Mr. Harold Jones, Manager
The Redfield Press
Redfield, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } 38.Harold D. Jones being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----Redfield Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the -----City of Redfield County of Spink and State of South Dakota; that the said notice was published in said newspaper on the following dates:Feb. 7, 14, 21, 28in each and every issue of the full number thereof, the first publication being made on the 7th day of Feb.1952 and the last publication on the 28th day ofFebruary 1952, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas editor the printer and publisher of the said newspaper.Harold D. JonesSubscribed and sworn to before me this 28th day of February A. D. 1952Wm. George E. Jones
Notary Public Spink County, S. D.No. 21
APPROPRIATION OF WATER
Office of State Water Resources
CommissionPierre, So. Dak., January 30, 1957
Notice is hereby given that Jesse O. Rainbolt, whose postoffice address is Tulare, 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 200 cubic feet of water per second of time from ground water through the irrigation system, the point of diversion of which is to be located in the NW¹/₄ of the SW¹/₄ of Section 2 Twp. 114N Range 14W. Said water to be used for the purpose of providing irrigation on the following described land:SW¹/₄ Sec 2 T 114 N. R 14 W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1957, at 2:00 P. M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.State Water Resources Commission
By: J. W. Grimes
Chief Engineer, Executive Officer
(Feb. 7, 14, 21, 28)

 **Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

December 11, 1985

398-3
962-3
1040-3
1119-3
1203-3
1923-3

Jim Laird
Norwest Capitol Management
PO Box 849
Aberdeen SD 57401-0849

Dear Mr. Laird:

In response to our recent telephone conversation, enclosed are the 1985 Irrigation Questionnaires for Water Rights listed under the name of Gary Neitzel. Upon completion of the forms, return them to our office. December 20, 1985 is the deadline for returning the questionnaires; however, since you did not receive them earlier, please try to have them to us by January 10, 1986.

All of Mr. Neitzel's water rights will be listed as "Gary Neitzel's Estate" as we discussed and, if acceptable to you, the yearly questionnaires will be sent directly to Norwest Capitol Management for completion. If the status of these water rights should change, please contact us.

A postage paid envelope is enclosed for your convenience in returning the questionnaire. If you have any questions, please advise.

Sincerely,

Genny McMath

GENNY MCMAITH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

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

1040-3

962-3

1923-3

398-3

1203-3

February 17, 1989

Neitzel Norwest Capitol Mgmt
PO Box 849
Aberdeen, SD 57401

Dear Sir:

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

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

The new standards include:

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

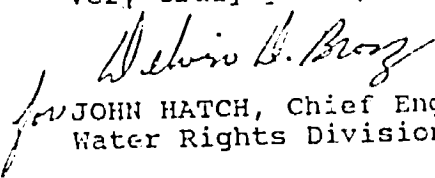


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



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

NEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1040-3; 398-3; 962-3; 1923-3

The first notice to file chemigation report(s) for Permit No(s) 1040-3; 398-3; 962-3; 1923-3 was dated November 27, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1040-3; 398-3; 962-3; 1923-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the date, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 1040-3; 398-3; 962-3; 1923-3 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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

REDUCED RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE



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

February 7, 1992

HEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

Dear Sir:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1040-3; (198-31) 962-3 & 1923-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

DON ERVE, Natural Resources Analyst
Water Rights Division

WATER RIGHTS PROGRAM
FILE DOCUMENTATION

NAME OF PERSON: Norwest Bank Capitol Mgmt (on behalf of Neitzel Estate)

ADDRESS: PO Box 1238, Huron, SD

DATE: January - 1998

RE: questionnaires for Neitzel Estate (Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3)

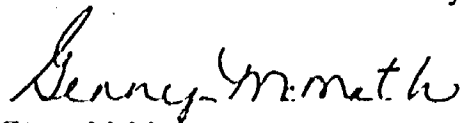
COMMENTS:

A letter from Norwest Capitol Mgmt called in regard to the "Notice" they received concerning reporting requirements for the 1997 irrigation questionnaires. She indicated the Estate was settled and the land dispersed to the heirs. She indicated the land has been divided as follows:

- 1) Allan Neitzel, 1616 N Harrison St, Aberdeen, SD: NE $\frac{1}{4}$ Section 2, NE $\frac{1}{4}$ Section 9 and NW $\frac{1}{4}$ Section 14, T114N, R64W
- 2) Monte Neitzel, 1102 S Main, Redfield, SD and Lisa Zens, RR 3, Zell, SD: W $\frac{1}{2}$ Section 2, NW $\frac{1}{4}$ Section 27, T114N, R64W and NW $\frac{1}{4}$ Section 33, T115N, R64W

On February 17, 1998, I spoke with Monte Neitzel (472-4127) concerning the water rights. It would seem from reviewing the files that he has the majority of the acreage under the water rights. He said the land was not irrigated in 1997 due to excessive moisture. We discussed ownership of the water rights and he indicated he would review copies of the rights and complete the transfer forms accordingly.

Concerning the irrigation questionnaires for 1997 - The matter has been withdrawn from the February Board meeting agenda because 1) improper notice was given (the questionnaires and following notice were mailed to the bank instead of Monte Neitzel) and 2) the information was received from Monte Neitzel February 17, 1998.


Genny McMath
Environmental Scientist



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: NEITZEL- NORWEST CAPITOL MGMT, PO BOX 1238, HURON, SD 57350 1238

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



398-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

February 18, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me yesterday about water rights held by Gary Neitzel. Enclosed are copies of Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3.

I noticed when reviewing Water Right No. 1923-3 that it contained an error in the legal description of the irrigated acres. The description should be the NW $\frac{1}{4}$ Section 27 instead of Section 17. The water license will be reissued to correct the error.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

It is my understanding that Allan Neitzel may own some of the acreage involved. If any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



398-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191
www.state.sd.us/denr

May 19, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

This letter serves as a reminder that we have not yet heard from you regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel.

In February, I forwarded transfer forms to you for filing ownership changes with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

As I indicated in my February correspondence to you, if any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 772-3352

encl



398-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 17, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

I am contacting you once again regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel. I forwarded transfer of ownership forms to you in February and also sent a reminder notice to you May 19th. To date, I have not heard from you.

The reason I am continuing to try and resolve the ownership issue is because we will be mailing out irrigation questionnaires in October and need to be able to get them to the correct owner/address. Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, as with the case of the irrigation questionnaires, a notice from our office may include an order which could result in up to one year suspension of a water right or other penalty if not complied with.

I am enclosing a additional set of forms in the event the first set of forms were mislaid. Please review the forms and make any necessary corrections. You will need to complete the portion titled "to be transferred to, (name and address)....". Once completed, they should be signed in the presence of a notary public and be returned to our office with a required filing fee of \$2.50 each (total of \$12.50).

If you have any questions or if I should be contacting someone else concerning the transfer of the above water rights, please get in touch with me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 398-3

Date: 9-28-98

I/We request that Water Right No. 398-3

formerly owned by: Gary Neltzel

be transferred to: (name & address) Monte Neltzel 1102 S. main Redfield SD 57469

Telephone No. 605-472-4127

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

SW 1/4 Section 2, T114N, R64W

I/We understand that the validity of Water Right No. 398-3 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.

STATE OF SOUTH DAKOTA)

County of Brown)

I/We Monte Neltzel 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 that I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 28 day of September, 1998.

MY COMMISSION EXPIRES 9/1/2004

[Signature]
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO. 415879

Pierre, _____

September 29, 1998

RECEIVED OF Alan or Debra Neitzel (Monte Neitzel), 1616 N. Harrison, Aberdeen, SD 57401
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 Using Water
License No. _____

Fee for Filing Transfer Form _____ Water Right No. 398-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch 



398-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 2 1998

398-3
962-3
1203-3
1923-3

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for returning the "Notice of Transfer of Ownership" forms for transferring water rights held by Gary Neitzel. The transfers have been completed and Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are now listed in your name. The receipts for the filing fees were forwarded to Alan Neitzel.

Enclosed is Reissued Water License No. 1923-3. The water license was reissued to correct an error in the description of the acres irrigated. Reissuance of the water license does not alter the remaining portions of the license. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

The 1998 irrigation questionnaires will be mailed to South Dakota irrigators around the middle of October. The questionnaires request information on the number of acres irrigated and the amount of water used during this crop season. The forms for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 will be directed to your attention. If you have an operator(s) and would like the forms forwarded to them instead, please notify Genny McMath with our program, at (605) 773-3352.

If you have any questions concerning the transfers or the reissued water license, please contact Genny at the above phone number.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

enclosure



January 22, 1999

398-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469

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 has not been submitted for Permit No(s) 398-3, 962-3, 1203-3 & 1923-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 398-3, 962-3, 1203-3 & 1923-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

398-5

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 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:

MONTE NEITZEL
1102 S MAIN
REDFIELD SD 57459

4a. Article Number

P375 080 682

4b. Service Type

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

7. Date of Delivery

1-25-99

5. Received By: (Print Name)

6. Signature: Addressee or Agent

X *[Signature]*

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 1999

NOTICE OF AMENDMENT OF WATER RIGHT

TO: MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Amendment to Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing March 3, 1999, the Water Management Board has amended Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3 to add the following qualification:

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

This action was taken for failure to return the 1998 irrigation questionnaires. The addition of this qualification to your Water Rights means that failure to submit required irrigation questionnaires in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding Amendments, One Year and Three Year Suspensions of Water Rights/Permits shown below, addressed as stated below:

The following are Amendments to Water Rights:

- W.R. #402-1: Calvin/Jana Meyers, HC 69, Box 22, Belle Fourche, SD 57717-9302.
- W.R. #100-3: Harold Weismantel, 1425 15th Ave. SE Apt. 223, Aberdeen, SD 57401-7780.
- W.R. #'s 398-3, 962-3, 1203-3 & 1923-3: Monte Neitzel, 1102 S. Main, Redfield, SD 57469.
- W.R. #1231-3: Lynn Christopherson, Mgr., P.O. Box 217, Howard, SD 57349-0217.
- W.R. #2943-3: Irvin Rogers, 13575 383rd Ave., Aberdeen, SD 57401.
- W.R. #3026-3: George Waldne, Hillcrest Colony, Box 17, Garden City, SD 57236.

The following are One Year Suspensions of Water Rights/Permits:

- W.R. #418-1: Dennis Lien, RR 1, Box 8B, Vale, SD 57788.
- W.R. #1222A-1 & W.P. #1524-1: John Ismay, DVM, P.O. Box 396, Sturgis, SD 57785-0396.
- W.R. #954-2: Kimberly Kaye Sealine, 24300 173rd Ave., Caputa, SD 57725.
- W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.
- W.R. #1172-3: Jesse Wright, 10 Bittersweet Ln., Atkinson, NH 03811.
- W.R. #2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
- W.R. #3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.

The following are Three Year Suspensions of Water Rights:

- W.R. #1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:

George W. Jenter, 748 Park Sturgis, SD 57785.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1999


Notary Public
KAREN SCHLAAK
KAREN SCHLAAK, Notary Public
My Commission Expires
 NOTARY PUBLIC
SOUTH DAKOTA 



398-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 398-3, 962-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 398-3, 962-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 398-3, 962-3, 1203-3 & 1923-3 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 2, 2001, 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.

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MONTE NEITZEL
1 COUNTY RD 24
TULARE SD 57476

A. Restricted by (Please Print Clearly) D. Date of Delivery

MD Neitzel 1-20-01

C. Signature

X *[Signature]* ☐ Agent ☐ Addressee

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2188

PS Form 3811, July 1999

Domestic Return Receipt

102593-03-14 0262



398-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has ordered:

That Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 be suspended until December 31, 2001, for failure to submit the 2000 Irrigation questionnaires.

Suspension of a water permit or right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.

398-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

March 13, 2001

Monte Neitzel
1 County Rd 24
Tulare, SD 57476-2101

Dear Mr. Neitzel:

Thank you for contacting me with regard to the "2000" irrigation questionnaires and the action taken by the Board on March 7th. Enclosed are additional "2000" irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3. I have included the legal description for each water right on their respective forms.

I have reviewed our files again and did not find the forms you indicated you mailed around three weeks ago. I did find one for Alan Neitzel that was submitted towards the end of January, 2001. Was this the form you were referring too? Alan's water right authorizes irrigation of the SW ¼ Section 4, T114N, R64W. This would be in the vicinity of the acreage covered under your water rights.

Our March 9th notice outlined the procedure for getting the suspensions reviewed by the Water Management Board. In short, what you will need to do is to complete and submit the enclosed irrigation questionnaires and write a short letter to us requesting the matter be placed on the agenda for the next Water Management Board meeting. Your letter should include the reasons for not returning the questionnaires in a timely manner and any circumstances that you feel the Board should know.

Make every effort to get the information to us as soon as possible. As soon as we receive your letter and the irrigation questionnaires, we will schedule a hearing before the Board by including the matter on their next agenda. Their next meeting is May 2nd. You will be notified of the time and place of the hearing once it is scheduled.

If you have any questions, please do not hesitate to call me.

Sincerely,

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

enclosures



398-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2001

NOTICE

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476-2101

FROM: Garland Erb, Chief Engineer, Water Rights Program *Garland Erb*

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3

On April 30, 2001, a letter was received from you explaining the reason your "2000" irrigation questionnaires were not returned in a timely manner. In a follow-up telephone conversation, you requested the water rights be brought back before the Board to have them consider lifting the one year suspension.

Your request to have the suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 2, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

398-3

I'm sorry I did not
get in mail last
fall. It sat on my
desk until probably
mid Feb. Then I did
mail them. With
all the snow we
had the snow plow
hit my Mail Box
3 times this winter
and the original papers
must have got lost
one of those times



A handwritten signature or set of initials, possibly "M.D.", written in dark ink.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATIONNAME & ADDRESS: Monte Neitzel, 1 County Rd 24, Tulare, SDDATE: May 1, 2001TELEPHONE: 605 596-4158RE: suspended water rights**COMMENTS:**

Mr. Neitzel submitted his "2000" irrigation questionnaires on April 30, 2001. He included a letter outlining the circumstances for the delay in getting the forms submitted. I called Mr. Neitzel to find out if he wanted the suspended water rights brought back before the WMB for hearing and he said that he did. He went on to say that he would not be able to attend the hearing. He wanted to be assured that the Board would give him back his water rights. I told him there was no certainty in that and although they have never "not" given a permit back, they have deferred action till a later date when the owner could attend the hearing. I told him I would present his letter to the Board and they would make the final decision.

We discussed the renter status of the water rights. He indicated that he has two renters and has to contact them for the irrigation questionnaire information. We discussed the option of mailing the yearly questionnaires directly to the renters and he indicated he would like us to start doing that.

Tom Gilbert, 18658 387th Ave, Hitchcock, SD 57348 will receive questionnaires for the following:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

Larry Nelson, 18476 385th Ave, Tulare, SD 57476 will receive a questionnaire for the following:

- No. 962-3 NW ¼ Section 33, T113N, R64W

Larry Nelson

**IRRIGATION QUESTIONNAIRE VIOLATIONS
WATER RIGHT NOS. 398-3, 962-3, 1203-3 & 1923-3
MONTE NEITZEL**

BRIEF DESCRIPTION:

Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are held by Monte Neitzel, 1 County Rd 24, Tulare, SD. The land located in Spink County is described as follows:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 962-3 NW ¼ Section 33, T115N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

The above water rights were transferred to Monte Neitzel on September 29, 1998.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1998	December 1, 1998	March 5, 1999	March 3, 1999**
October 1999	December 1, 1999	December 27, 1999	none
October 2000	December 1, 2000	April 30, 2001	March 7, 2001

** The water rights were amended to include the mandatory irrigation questionnaire qualification. This action was taken for failure to return the 1998 irrigation questionnaires.

January 19, 2001: A certified letter was sent to Monte Neitzel requesting the 2000 irrigation questionnaires be returned prior to the March 7, 2001, hearing date. The notice outlined what action the Board could take concerning the past due questionnaires.

March 7, 2001: The Board suspended Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year for failure to submit the 2000 irrigation questionnaires.

March 9, 2001: A notice was sent to Mr. Neitzel informing him of the Board's action to suspend Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year.

March 13, 2001: In response to a telephone conversation with Mr. Neitzel, additional irrigation questionnaires were mailed to him.

April 30, 2001: The irrigation questionnaires were received along with a letter from Mr. Neitzel outlining the circumstances involving the delay for submitting the forms (see attached copy).

Monte Neitzel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2001

NOTICE

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaires were now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Jenny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General



May 8, 2001

398-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

398-3
1203-3
1923-3

Tom Gilbert
1855B 387th Ave
Hitchcock, SD 57348

Dear Mr. Gilbert:

I am contacting you in regard to Water Right Nos. 398-3, 1203-3 and 1923-3, held by Monte Neitzel. Mr. Neitzel contacted our office and indicated he rents the land described in the water rights to you. Enclosed are copies for your review.

For ease in annual water use reporting, Mr. Neitzel has requested that the yearly irrigation questionnaires for these water rights be sent directly to you. You already receive one irrigation questionnaire from us each year so I know that you are already aware of what type of information is needed.

The 2001 irrigation questionnaires will be sent out to South Dakota irrigators in October. Thank you in advance for your help. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

c: Monte Neitzel



398-3
**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 26, 2007

NOTICE

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 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 questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

398-3

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2303 2160 0000 0799 7160

Post

Air

Phone

.....

THOMAS D GILBERT
18658 387TH AVE
HITCHCOCK SD 57348

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 5, 2007

398-3
1203-3
1923-3
3126-3

Thomas D Gilbert
18658 387th Ave
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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



**DEPARTMENT of ENVIRONMENT
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PMB 2020
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523 EAST CAPITOL
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: THOMAS D GILBERT, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3126-3 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 questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

398-3

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THOMAS D GILBERT
18658 387TH AVE
HITCHCOCK SD 57348

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

January 28, 2008

398-3
1203-3
1923-3
3126-3

Tom Gilbert
18658 387th Ave
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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



DEPARTMENT of ENVIRONMENT
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January 22, 2010

NOTICE

TO: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 3126-3 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) 398-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of three years.**
2. Amend Permit No(s) 3126-3 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 questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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.aspx>

cc: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

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

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TOM GILBERT, OPERATOR
18658 387TH AVE
HITCHCOCK SD 57348

Waiver of Signature ☐ YES ☐ NO

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398-3

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- Out for Delivery or Available at PO Box, January 23, 2010, 8:22 am, TULARE, SD 57476
- Sorting Complete, January 23, 2010, 7:52 am, TULARE, SD 57476
- Arrival at Post Office, January 23, 2010, 7:29 am, TULARE, SD 57476

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FOIA

MONTE NEITZEL
1 COUNTY RD 24
TULARE SD 57576

Signature Confirmation Number: 2303 2160 0000 0802 9822

Waiver of Signature ☐ YES ☐ NO

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

February 3, 2010

398-3
1203-3
1923-3
3126-3

Tom Gilbert
18658 387th Ave
Hitchcock SD 57348

Dear Mr. Gilbert:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3.

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

If you have any questions, please contact me.

Sincerely,

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

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

c: Monte Neitzel

398-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 2014

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401 8176

RE: Water Right Nos. 962-3 & 1040-3 (Alan Neitzel) and
Water Right Nos. 398-3, 1203-3 & 1923-3 (Monte Neitzel)

Dear Mr. Neitzel:

I am writing in follow-up to your March 3rd visit with Eric Gronlund in our program. Enclosed are copies of all five water rights listed above.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 398-3, 1203-3 and 1923-3. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

As requested, the annual irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 & 1923-3 will be sent to you. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



398-3
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: TOM GILBERT, OPERATOR, 18658 387TH AVE, HITCHCOCK, SD 57348
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) 3126-3 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) 398-3, 1203-3 & 1923-3 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) 398-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend to the Board these water rights be suspended for a period of up to three years.**
2. Amend Permit No(s) 3126-3 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>

c: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476

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.

398-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

398-3
1203-3
1923-3
3126-3

Tom Gilbert
18658 387th Ave
Hitchcock SD 57348

Dear Mr. Gilbert:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 398-3, 1203-3, 1923-3 and 3126-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As requested, the irrigation questionnaire for Water Right No. 1923-3 will be directed to Alan Neitzel beginning in the fall of this year. If you have any questions, please contact me.

Sincerely,

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

C: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476

398-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 23, 2022

398-3
1203-3
1923-3

Alan Neitzel
17739 385th Ave
Redfield SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me concerning water rights listed in the name of Monte Neitzel.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed are copies of Water Right Nos. 398-3, 1203-3 and 1923-3 listed under Monte's name and Water Right No. 1040-3, listed under your name. You may keep these for your records.

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

398-3 & 1203-3

October 27, 2023

398-3
1203-3

Alan Neitzel
17739 385th Ave
Redfield SD 57469

Dear Mr. Neitzel:

This letter is to follow up on our conversation regarding the Irrigation Questionnaires for Water Right Nos. 398-3 & 1203-3.

In our telephone conversation you said that you now own these acres. Currently they are held in the name of Monte Neitzel. I have enclosed two partially completed transfer of ownership forms for you.

Please review these forms, fill in any missing information, sign, and return them to our office in the pre-paid envelope with a check for \$100.00 (\$50 per transfer), made payable to SD Water Rights.

If you have any questions, I would be happy to assist.

Sincerely,

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

398-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 16, 2024

398-3
1203-3

Alan Neitzel
17739 385th Ave
Redfield SD 57469

Dear Mr. Neitzel:

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

Water Right Nos. 398-3 & 1203-3 previously owned by Monte Neitzel are now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights, 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 water rights 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 11, 2024

RECEIVED OF Alan/Debra Neitzel 17739 385th Ave., Redfield SD 57469

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>398-3</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
EM

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

JAN 11 2024
Ck# 1062
Rec't# 11124

No. 398-3

Date: 12-27-23

I/We request that Water Right No. 398-3

formerly owned by: Monte Neitzel

be transferred to: (name & address) Alan Neitzel

17739 385th Ave
Redfield SD 57469

Telephone No. 605-380-8920

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

All in Section 2 T114N-R64W:

SW ¼ SW ¼ = 38ac, NW ¼ SW ¼ = 38ac, NE ¼ SW ¼ = 32ac, SE ¼ SW ¼ = 32ac

TOTAL: 140ac

I/We understand that the validity of Water Right No. 398-3 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 Alan Neitzel, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIVED

JAN 11 2024

**OFFICE OF
WATER**