

Water Right Number 4097-3

1. Considered 10-6, 1977
2. Name of Applicant VAN DYKE FARMS
3. Post Office Address WOONSOCKET
4. Amount of water claimed 2.28
5. Source of water supply 55' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in WIERAULT County
about 4.3 Miles of ALPENA
8. Proof of Publication Received 9-16-77
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
- Approved
11-30-77*

10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4097-3
VAN DYKE FARMS WOONSOCKET
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57385 With the following modifications:
 (State)

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

Date of first receipt of application AUGUST 2, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application AUGUST 16, 19 77
 Approved NOVEMBER 30, 19 77, Recorded in Book 19 Page 189

WATER RIGHT PERMIT NO. 4097-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4097-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 2, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 30, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 30, 19 78
4. The limit of time from proof of beneficial use of water appropriate in accordance herewith is NOVEMBER 30, 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 NOVEMBER 30, 19 78; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 7TH day of DECEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

BOX 82
WOONSOCKET SOUTH DAKOTA 57385

Depth _____ ft. Casing Diameter _____ inches		NORTH	
Slot Size _____ Screen Size _____			
Screen Depth: From _____ ft. to _____ ft.			
Remarks: _____			
_____		1 Mile	

[illegible]

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32", Depth 49'
(2) Casing, Type steel (wood, concrete, steel, etc) Diameter 16" Thickness 1/4"
(3) Perforated Screen.
Type Johnson-Troyer, Diameter 16" - 60 slot, Length 20 feet
(4) Gravel Pack, Thickness 8" around, Length of gravel pack 49'

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 already in your possession
0-1 top soil

1-8 fine sand
8-12 clay
13-20 sugar sand
20-46 EXcellent gravel

Depth to top of water bearing material 20'

Depth to bottom of water bearing material 48'

Thickness of water bearing material 26'

Depth to water (round surface to water level) 13'

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

On same owner's property 3/4 mile On property owned by others 3/4 mile

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.

L. J. Von Dyle Farms
Signature of Applicant

by
Don Schuchitz

CONSERVATION
COMMISSION
FORM W1 #1

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 ONLY)



NAME Mr. Dyke Farms
ADDRESS Woonsocket, South Dakota 57395
COUNTY Jerauld

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 Section 35 108-63 Alpena Township Jerauld County
2. LOCATION OF AREA TO BE IRRIGATED 108-63-35

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT x GUN x
4. CROPS TO BE IRRIGATED Milo, Alfalfa, Blue Grass, Reeds Canary Grass

WATER QUALITY

5. SAMPLE NUMBER 76-561 May 27, 1976
6. SALINITY (EC X 10⁶) 992
7. SODIUM (SAR) 0.87
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 Jerauld County 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.

[Signature]
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
7 DAY OF June 1977.

[Signature]
(TITLE OR SEAL)

[Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Van Dyke Farms, Wrentham, S. D.

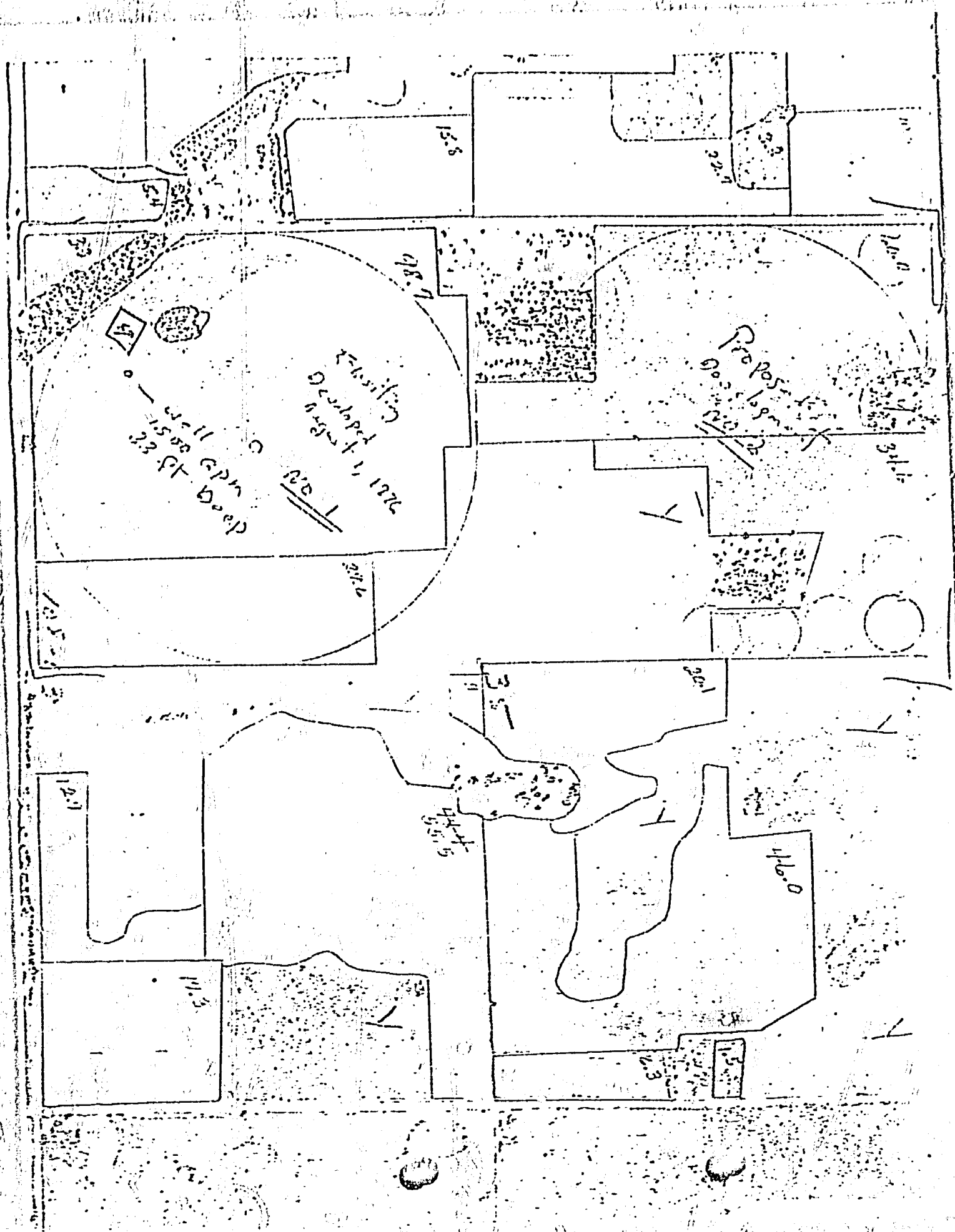
RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season,
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, (2, 3) 4, inches of water.
3. (☒) Yes () No Surface drainage suggested
4. () Yes () No Subsurface drainage suggested
5. (☒) Yes () No Specific land areas that should be avoided

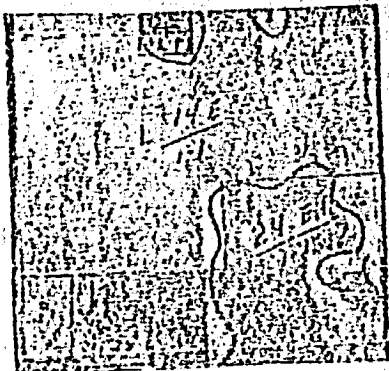
Depression areas can probably be managed, if necessary to do so, by either draining or by moving soil into the wheel tracks that traverse the depression areas.

6. (☒) Deep tillage (For the purpose of aiding movement of water through dense subsoils)
7. (☒) Heavy fall application of irrigation water

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1



MAP



MAP 35-108-63

NARRATIVE
NAME

INDEX FAMILY

SYMBOL

Enet loam and silt loam
1% slope

1.0

DESCRIPTION: Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam, clay loam or silty clay loam underlain by sand and gravel between 20 to 40 inches.

SYMBOL
1-1

Bendit loam and silt loam
1% slope

1.0

DESCRIPTION: Moderately deep, well drained soils of loam and silt loam surfaces and moderately permeable subsoil of loam, clay loam or silty clay loam underlain by sand and gravel between 20 and 40 inches.

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 29, 1977

Notice is hereby given that Van Dyke Farms whose post office address is Woonsocket, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-2, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through the Van Dyke Farms Irr. #2, the point of diversion of which is to be located in the _____

center of the NW 1/4
of Section 35, Twp. 108N Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 35, T108N, R63W

This Application No. 4097-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6th day of October, 1977 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: **Van Dyke Farms,**
Woonsocket, SD 57386

No. 4097-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jerome) ss.

I, A. L. Webb hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Merriam Springs Independent

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 Merriam Springs

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

7 September '77

14 September '77

(Signature)

(Publisher)
(Title)

14 September '77
(Date Signed)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, S. Dak. 57501
August 29, 1977

Notice is hereby given that Van Dyke Farms whose post office address is Woonsocket, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-8.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from ground water through the Van Dyke Farms Irr. #2, the point of diversion of which is to be located in the center of the NW 1/4 of Section 35, Twp. 108N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 35, T108N, R63W.

This Application No. 4097-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, S.D. upon the 6th day of October, 1977 at 10 a.m. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing. —Water Rights Commission, James Winter-son, Water Rights Specialist.

c-50-51





No. 4097-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

October 17, 1977

Van Dyke Farms
Woonsocket
South Dakota 57385

Dear Sirs:

The Water Rights Commission deferred action on your Application
No. 4097-3 at the October 6-7, 1977
Commission meeting, pending investigation by the Commission Staff.
If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

#4097-3

October 18, 1977

Mr. L. J. Van Dyke
Van Dyke Farms
Woosocket, SD 57385

Dear Mr. Van Dyke:

In response to our telephone conversation, your application no. 4097-3 was deferred primarily because of large fluctuations of the water levels occurring in the observation wells in your area during this past year. The Water Rights Commission wishes to hold up on any additional permits until the recovery of the water levels can be determined.

You will be informed when your permit application is reconsidered. Please advise this office if there are any questions.

Sincerely,

James Winterton
Water Resources Engineer

JW:plh

4097-3

November 18, 1977

TO: Mr. L. J. Van Dyke
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Water Right 4097-3

The Water Rights Commission will reconsider Water Right Application No. 4097-3 at 3:30 P.M., December 1, 1977 at the South Dakota Education Association Building, 411 East Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application No. 4097-3 was deferred by the Water Rights Commission on October 6-7, 1977, pending Staff Investigation.

After reconsideration of Application No. 4097-3 the Commission can approve, defer, or deny all or part of the Application.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/GS/bw

Please re-issue us forms
Conser. in J. V. P.



Thank you

Don Schenck
Vernon, S. D.

We just developed the NW $\frac{1}{4}$ and
irrigated with a Center Pivot this year.

ATT. John Hatch

we have final Document

Water License no 2781-3
for our 1st irrigation quarter

located on the SW $\frac{1}{4}$ of

Section 35 - T-108-N - R-63-W

Alpena Township, Jerauld County

but no licenses on the NW $\frac{1}{4}$

of Section 35 - T-108-N-R-65-W

Alpena Township, Jerauld County

4097-3
Jennell.

Le Roy Mernaugh

Don Scherschli called Feb. 5, 1979
stating L.J. Van Dyke Farmer. - Sec. ^{NW} 35-108N-63W
4097-3 - ready for inspection.

Told him it would be awhile before
it would be inspected, but he didn't
need to do anything else until it was
inspected and then we would notify
them regarding the fee required for
the issuance of the Water License.

Betty Westlund

Feb. 5, 1979

Permit No. 4097-3
 Water Division 3 JAMES RIVER Water District

REPORT 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 VANDYKE FARMS
 of WOODSOKET holder
 of Permit No. 4097-3, bearing date of priority of AUGUST 2, 1977
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in JERARD 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:

63' DEEP WELL - 16" STEEL CASING WITH 20' SS SCREEN
BERKELEY 8" TURBINE PUMP (NOTAG), POWERED BY
60 HP NEWMAN ELECTRIC MOTOR AT 1760 RPM

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

970' OF 8" PVC TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

9 TOWER ARAPAHOE CENTER PIVOT SYSTEM,
WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 980' E & 500' S OF THE NW CORNER,
SECTION 35, T108N, R63W

The works are capable of diverting and conveying to the place of use ~~1.78~~ 1.78 (800 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 125 ACRE CIRCLE IN THE
NW⁴ SECTION 35, T108N, R63W

comprising a total of 125 acres of land.

JUNE 21, 1982
Austin J. [Signature]
 (Signature)

No. 4097-3

 **Department of
Water & Natural Resources.**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

July 15, 1982

Van Dyke Farms
Woonsocket
South Dakota 57385

Dear Sirs:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 4097-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

WATER LICENSE NO. 4097-3

(1) WHEREAS, On the 2nd day of August A. D. 19 77
Van Dyke Farms

made Water Right Application No. 4097-3 for a permit to use 2.28 cubic feet per second of the waters
of groundwater (one well)
County of Jerauld, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 30th day of November A. D. 19 77
Permit No. 4097-3, with a date of priority of August 2, 1977
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 30th day of November A. D. 19 78 and for the
application to beneficial use of said water on or before the 30th day of November A. D. 19 78

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 1.78 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,
for irrigating a 125 acre circle in the NW¼, Section 35, T108N, R63W

(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 Van Dyke Farms

_____ of Woonsocket, South Dakota

the holder S and owner S of said permit No. 4097-3 a water right, dating from _____

August 2, 1977 to use of 1.78 cubic feet per second of the waters

of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point 980' E and 500' S of the NW Corner,

Section 35, T108N, R63W (BB)

and conducted to and upon a 125 acre circle in the NW 1/4, Section 35, T108N, R63W,

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4097-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of July A. D.
Nineteen Hundred and Eighty-Two

By: John Hatch
WATER MANAGEMENT BOARD
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4097-3

Water Diversion No. 3 James River Water District
10160011

CERTIFICATE OF CONSTRUCTION

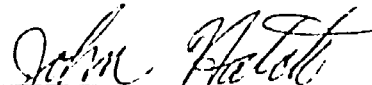
This is to Certify, That Van Dyke Farms

_____ the holder^s of
Permit No. 4097-3, issued upon Application No. 4097-3, bearing date of priority of _____
August 2, 1977 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Jerrell, State of South Dakota at _____
a point 980'E and 500'S of the Nw Corner, Section 35, T108N, R63W (BB)

_____ for Irrigation

_____ purposes, have 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 1.78 cu. ft. per second of water.

Date July 29, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8921

PIERRE, July 28, 1902

RECEIVED OF Van Dyke Farms, Moonsocket, SD 57385

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

Fee for Application for Permit to appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. 4007-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4007-3		
Fee for issuing Location Certificate-Dry Draw. No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By 111 7/28
Chief Engineer, Executive Officer
JOHN H. HATCH, JR.

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

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

November 3, 1988

2781-3
4097-3

Van Dyke Farms
Box 278
Woonsocket, SD 57385

Dear Sirs:

This letter will acknowledge receipt of your 1988 irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. Thank you for returning them so promptly.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



#4097-3
#2781-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Van Dyke Farms
Box 278
Woonsocket, SD 57385

Dear Sirs:

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;

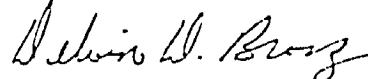


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

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

February 9, 1990

VAN DYKE FARMS
BOX 278
WOONSOCKET, SD 57385

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate ~~that~~ the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). (4097-3, 2781-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 3:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

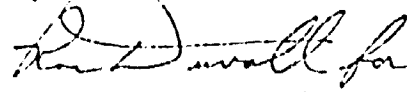
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4097-3, 2781-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

February 23, 1990

2781-3
4097-3

Don Scherschlight
Van Dyke Farms
Box 278
Woonsocket SD 57385

Dear Mr. Scherschlight:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2781-3 and 4097-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /KS

RON DUVALL
Natural Resources Engineer
Water Rights Division



4097-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 1995

Don Scherschligt
Van Dyke Farms
Box 278
Woonsocket, SD 57385

No. 2781-3
4097-3

Dear Mr. Scherschligt:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Van Dyke Farms.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

4697-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 10, 1995

No. 2781-3

4097-3

Leroy Arhart
31128 227 St.
Woonsocket, SD 57385

Dear Mr. Arhart:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Van Dyke Farms.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

4097-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4097-3

Date: April 29, 1995

I/We request that Water Right No. 4097-3

formerly owned by: Van Dyke Farms

be transferred to: (name & address)

Phyllis Eckhart Living Trust
Judy Eckhart Living Trust
39128 224th St Woodstock, SD 57385-5912 (Telephone No) 605-849-3467
605-849-3483

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

a 125 acre circle in the NW 1/4 Section 35-T109N-R63W divided 1/2 interest

I/We understand that the validity of Water Right No. 4097-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Jessie)

I/We Phyllis Eckhart 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.

Phyllis Eckhart Trustee of Phyllis Eckhart Living Trust
Judy Eckhart Living Trust by Judy Eckhart Trustee
(Signed)

Subscribed and sworn to before me this 21st day of April, 19 95

My Commission expires June 1, 2002

[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

414490

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, May 1, 19 95

RECEIVED OF LeRoy Arhart, Rte 1 Box 455, Woonsocket, SD 57385-9518

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 _____ Water Right No. 4097-3	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John W. Hatch
Chief Engineer



4097-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 1995

No. 2781-3

4097-3

LeRoy Arhart
Rt 1, Box 455
Woonsocket, SD 57385-9518

Dear Mr. Arhart:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2781-3 and 4097-3.

Our records now show Arhart Living Trust, Phyllis/Judy Arhart, as the owner of Water Right Nos. 2781-3 and 4097-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Phyllis and Judy Arhart

4097-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: ARHART LIVING TRUST
39128 227th STREET
WOONSOCKET SD 57385

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

RE: Failure to Report Chemical Use under Water Permit No(s) 4097-3 & 2781-3

The first notice to file chemigation report(s) for Permit No(s) 4097-3 & 2781-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 4097-3 & 2781-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and 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 dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East 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 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 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). 4097-3 & 2781-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.



February 4, 1997

NOTICE

4097-3

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

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th STREET,
WOONSOCKET, SD 57385 5912

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2781-3 & 4097-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 2781-3 & 4097-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

2781-3

4097-3

Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket, SD 57385-5912

Dear Phyllis & Judy:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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



4097-3

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

January 9, 1998

NOTICE

TO: ARHART LIVING TRUST, 39128 22nd STREET, WOODSOCKET SD 57385

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4097-3 & 2781-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing 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 dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, February 25, 1998, 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). 4097-3 & 2781-3 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. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



4097-3

January 9, 1998

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th STREET,
WOONSOCKET, SD 57385 5912

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) 2781-3 & 4097-3. 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) 2781-3 & 4097-3 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.



4097-3

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

January 26, 1998

2781-3
4097-3Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket, SD 57385-5912

Dear Phyllis & Judy:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 2781-3 and 4097-3.

The information was received on January 15th from LaVerne Arhart. Since the forms were received prior to the Water Management Board meeting, your names have been deleted from the agenda.

If you have any questions, please contact me.

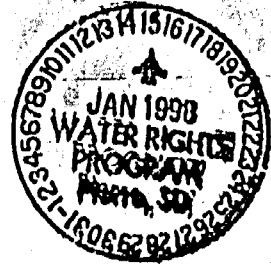
Sincerely,

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

c: LaVerne Arhart, 39088 224th St, Alpena, SD 57312-5417

4097-3

27-81-3 - SIU



110 A. of Corn

pump 800 gal. per min.

pumped water 8 days in July

pumped water 12 days in Aug.

pumped water 5 day in Sep.

We pumped from 9:00 PM to 9:00 AM

we applied 28-0-0 at 25 gal. per hour 4 days in July and 4 days in Aug.

40-97-3 NW

70 A. of Corn

pump 850 gal. per min.

pumped 4 days in July

pumped 10 days in Aug.

pumped 4 day in Sep.

pumped from 9:00 PM to 9:00 AM.

Applied 28-0-0 4 day in July and 4 days in Aug.
at 25 gal per hour.

If you need more info call me at 849-3483

Laverne Archer

39088 224th St.

Alpena S.D. 57312



4097-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th ST, WOONSOCKET, SD 57385 5912

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 2781-3 & 4097-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit Nos. 2781-3 & 4097-3 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 questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



4097-3
**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 25, 2005

2781-3
4097-3

Phyllis or Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket SD 57385 5912

Ladies:

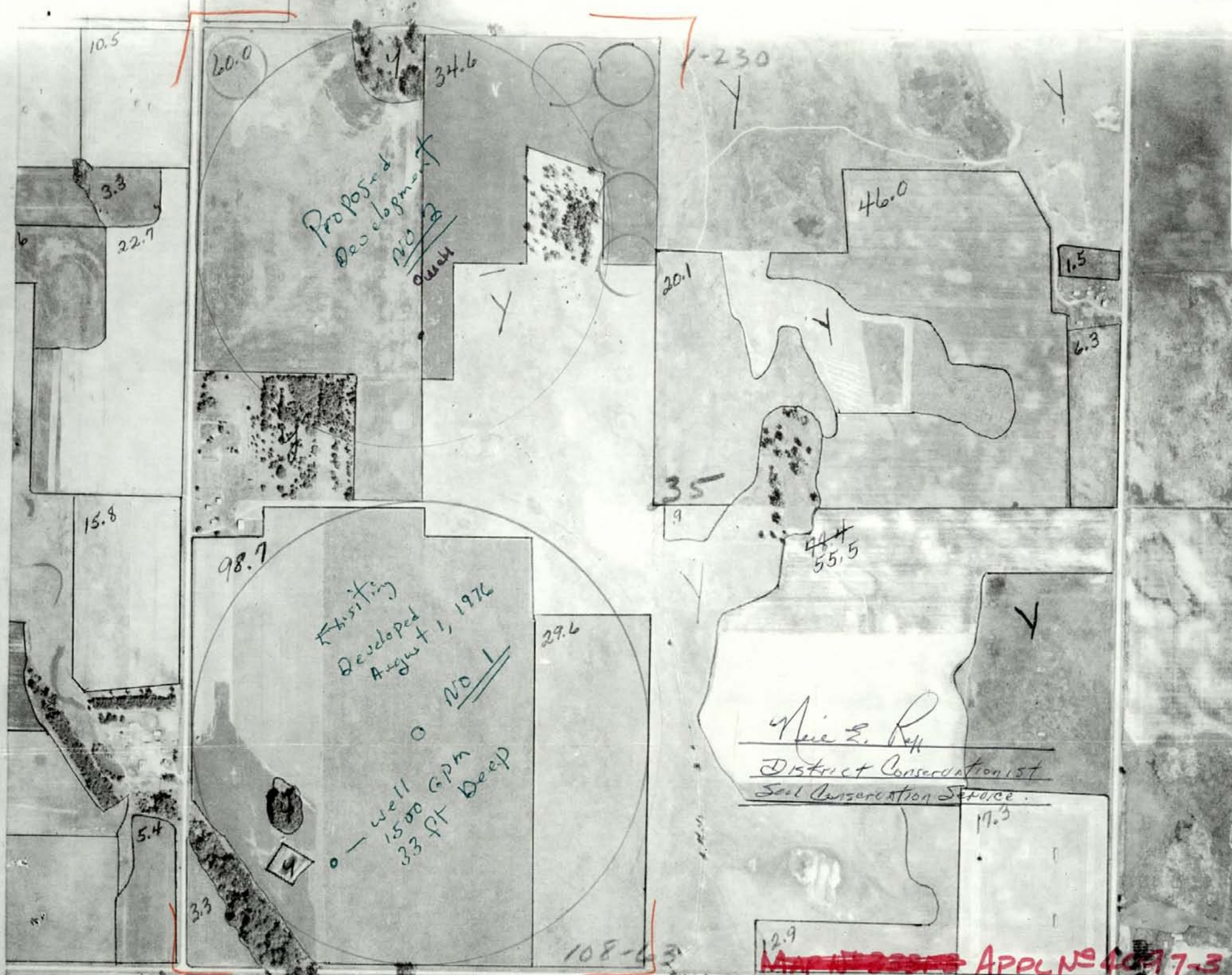
I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2781-3 and 4097-3.

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,

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



10.5

20.0

34.6

Y-230
Y

3.3

22.7

Proposed Development
~~NO 2~~
over

46.0

1.5

6.3

20.1

35
9

44.4
55.5

15.8

98.7

Khrising
Developed
August 1, 1976

NO 1

29.6

well 1500 Gpm
33 ft Deep

Alice E. Ruff

District Conservationist
Soil Conservation Service

17.3

5.4

3.3

108-43

12.9

~~MAP N° 4017-3~~ APPL N° 4017-3

NOT TO SCALE





4097-3

**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 6, 2009

2781-3
4097-3

Laverne Arhart
39088 224th St
Alpena SD 57312

Dear Mr. Arhart:

I am writing in regard to the notations you made on irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. It is my understanding that the ownership should be changed on those water rights from Arhart Living Trust to your name.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, sign 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.

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

Sincerely,


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

enclosures

4097-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

RECEIVED
FEB - 6 2009
WATER RIGHTS
PROGRAM

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

January 6, 2009

2781-3
4097-3

Laverne Arhart
39088 224th St
Alpena SD 57312

Dear Mr. Arhart:

I am writing in regard to the notations you made on irrigation questionnaires for Water Right Nos. 2781-3 and 4097-3. It is my understanding that the ownership should be changed on those water rights from Arhart Living Trust to your name.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, sign 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.

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

Sincerely,

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

*The ownership stays the same.
I farm the land so I would like to
have the ball reported sent to me.*

enclosures

Laverne Arhart



4097-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: ARHART LIVING TRUST, PHYLLIS/JUDY ARHART, 39128 227th ST, WOONSOCKET, SD 57385 5912

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 2781-3 & 4097-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 2781-3 & 4097-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

2781-3
4097-3

Phyllis & Judy Arhart
Arhart Living Trust
39128 227th St
Woonsocket SD 57385 5912

Dear Ms. Arhart:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2781-3 & 4097-3. 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
email: genny.mcmath@state.sd.us

4097-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 21, 2015

2781-3
4097-3

Andrew Arhart
Arhart Farms Inc.
22429 390th Ave
Alpena SD 57312

Dear Mr. Arhart:

Thank you for returning my call concerning the changes needed for Water Right No. 2781-3 and 4097-3. It is my understanding that both water rights need to be transferred from Arhart Living Trust to Arhart Farms Inc.

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

Thank you in advance for updating the water rights. If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

4097-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 25, 2017

2781-3
4097-3

Arhart Living Trust
Phyllis/Judy Arhart
3408 W Ralph Rogers Rd Apt C202
Sioux Falls SD 57108-2671

Dear Phyllis & Judy:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaire.

The notice was originally mailed to 39128 227th St, Woonsocket SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 13, 2017

2781-3
4097-3

Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2781-3 and 4097-3. The water rights are currently listed in the name of Arhart Living Trust, Phyllis/Judy Arhart.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

2017 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2017**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 4097-3

PHYLLIS/JUDY ARHART

ARHART LIVING TRUST

39128 227th ST

WOONSOCKET SD 57385 5912

Any address/ownership corrections?

Jonathan Arhart

22488 392nd Ave Alpha, SD 57812

Email jjarhart@snet.net

Phone 605-350-0618

1. Did you irrigate in 2017? *yes ☒ **no ☐

*If yes, number of acres irrigated? 125

**If no, check reason(s) for not irrigating acres covered by Permit No. 4097-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2017? yes ☐ no ☒

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.

Comment Box



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

DEC 01 2017

WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 4097-3

(see above section map for help reading legal descriptions)

sec 35-T108N-R63W, NW1/4 - 125.0 acres

Please provide your 2017 water use to irrigate the above acreage on the REVERSE side of this form.

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 21 2017

WATER RIGHTS
PROGRAM

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

No. 4097-3

Date: 12/19/17

I/We request that Water Right No. 4097-3

formerly owned by: Arhart Living Trust, Phyllis/Judy Arhart

X be transferred to: (name & address) Jonathan Arhart
22488 392nd Ave
Alpena, SD 57312 Telephone No. 605-849-3306

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

125 acres – NW 1/4 Section 25-T108N-R63W

I/We understand that the validity of Water Right/Permit No. 4097-3 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 Jonathan Arhart, the new owner, certify that the above information is true and correct.

X Jonathan Arhart
(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 December 21, 20 17

RECEIVED OF Arhart Farms Inc. 2249 390th Ave Alpena 57312

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 4097-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08461**

By

Jeanne Goodman
Chief Engineer



4097-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2017

2781-3
4097-3

Jonathan Arhart
22488 392nd Ave
Alpena SD 57312

Dear Mr. Arhart:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 2781-3 and 4097-3.

The ownership changes have been completed. The water rights formerly listed in the name of Arhart Living Trust are now listed in your name.

Enclosed for your records are Receipt Nos. 08400 and 08401 in the amounts of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures