

Water Right Number 4152-3

1. Considered 11-30, 19 77
2. Name of Applicant DARYLE GETTING
3. Post Office Address HURLEY
4. Amount of water claimed 2.1
5. Source of water supply 42' & 46' WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 146
7. Water to be diverted and used in TURNER County
about 4N, 2E Miles of HURLEY
8. Proof of Publication
Received 11-22-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks: 1.0 cfs old priority
1.1 New Priority

No. 4152-3Map No. 3382-3 Water Division No. 3 VERMILLION RIVER District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Daryl Gething Dennis Ihnen
Postoffice address 2604 S. Lincoln State Sioux Falls, S.D.
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Loring Gething Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.1
5. Source of water supply 2 wells
6. Location of point of diversion well #1 - 5440' N 45° W of SE corner
Sec 12 - 98 - 53; well #2 - 1100' N 55° W of SE corner
Sec 12 - 98 - 53. County Turner
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 146

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>N 1/2 SE 1/4 of Sec 12 - 98 - 53</u>	<u>40</u>		
<u>NE 1/4 " " " "</u>	<u>39</u>		
<u>SW 1/4 " " " "</u>	<u>39</u>		
<u>SE 1/4 " " " "</u>	<u>28</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Horley Leader
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. 2 wells with deep well turbine.B. Works proposed to transport water to place of use. close conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$ 50,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Berkshire)I, Daryl Gething the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Daryl GethingSubscribed and sworn to before me this 8 day of Sept 1927

Notary Public (or other qualified officer)

Note - This land is under previous permit # 44-3
under name of Loring Gething. This is a
request for more water.

WATER RIGHT APPLICATION APPROVAL

DENNIS Thoen
The Water Rights Commission hereby approves Water Right Application No. 4152-3

DARYLE GETTING
(Applicant) 57036

2604 S. LINCOLN, SIOUX FALLS
(Post Office Address) Hurley

SOUTH DAKOTA 57101
(State)

With the following modifications:

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

The applicable portions of Permit No. 1349-3 have been incorporated into this Permit No. 4152-3 and Permit No. 1349-3 has been placed in a cancelled status.

Date of first receipt of application SEPTEMBER 15, 1977

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

Date of receipt of corrected application SEPTEMBER 15, 1977

Approved MARCH 29, 1978, Recorded in Book 19 Page 302

WATER RIGHT PERMIT NO. 4152-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4152-3 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 1.0 FROM JANUARY 16, 1967 2.1 FROM SEPT. 15, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 29, 1980
3. The whole of said work is to be completed on or before MARCH 29, 1983
4. The limit of time from proof of beneficial use of water appropriation in accordance herewith is MARCH 29, 1986
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 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 2.1 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 MARCH 29, 1986, said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 6th day of APRIL, 1978

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

700 wells

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 2-8", Depth Well #1 - 46'
Well #2 - 42'
- (2) Casing, Type Well #1 - concrete, Diameter Well #1 - 18", Thickness Well #1 - 2"
Well #2 - 5 feet, Diameter Well #2 - 10", Thickness Well #2 - 1/2"
 (wood, concrete, steel, etc)
- (3) Perforated Screen, Type Well #1 - concrete, Diameter Well #1 - 18", Length Well #1 - 10'
Well #2 - Cont slot steel, Diameter Well #2 - 14", Length Well #2 - 10'
- (4) Gravel Pack, Thickness 5", Length of gravel pack Full length

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 0' to 13' top sand, 2' to 12' yellow sand,
13' - 46' - water bearing sands, 46' to 50'
blue clay

Depth to top of water bearing material 11'

Depth to bottom of water bearing material Well #1 - 46'
Well #2 - 42'

Thickness of water bearing material Well #1 - 35'
Well #2 - 31'

Depth to water (ground surface to water level) 12'

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

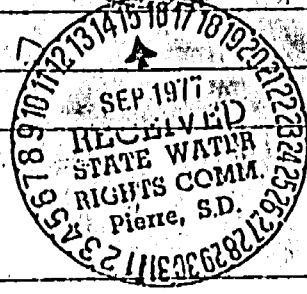
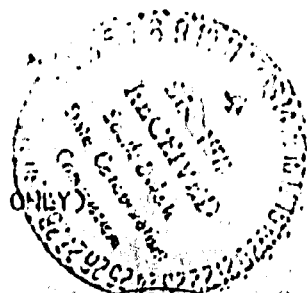
On same owner's property No supply rods. On property owned by others Well #2 - 20 rods.

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.

Signature of Applicant

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



NAME Daryle L. Getting

ADDRESS 2604 S. Lincoln Street Falls S.D.

COUNTY Minnehaha Turner

LEGAL DESCRIPTION

1. WELL LOCATION Approx. 500' W. & 500' N. of the SE
2. LOCATION OF AREA TO BE IRRIGATED the SE 1/4 12-98-53
(SE 1/4 12-98-53)

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-1311
6. SALINITY (EC X 10⁶) 1239 (high)
7. SODIUM (SAR) 0.72 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

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

Daryle L. Getting
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
8 DAY OF Sept 1977.

John S. ...
(TITLE OR SEAL)

Albert L. ...
APPROVED/

(SOILS INFORMATION ON REVERSE SIDE)

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Daryle Getting, Sioux Falls

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

Permitted EC 1900-2300

Actual EC 1239

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

Your biggest management problem occurs because of the different water holding capacities of your soil depth over sand and/or gravel.

Leaching of soil nutrients (fertilizer) into the sands will occur sooner and faster on those areas where sand is at a depth of 10 to 20 inches as opposed to sand and gravel at 20 to 40 inches.

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

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

Submitted by: Darryle Gettings
 Address: 2604 S. Lincoln
Sioux Falls, SD 57105

Date Rec'd: August 26, 1977
 Sample No. 77-1311
 Identification Well-
SE 1/4, Sec. 12, T 98N, R 53W

WATER ANALYSIS

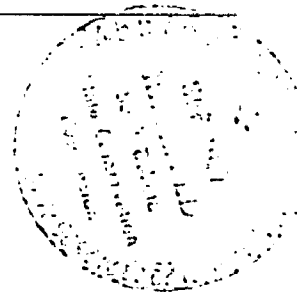
Calcium (Ca)	167	ppm*	8.35	me/l**
Magnesium (Mg)	67	ppm	5.49	me/l
Sodium (Na)	13	ppm	0.57	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	427	ppm	8.88	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	15	ppm	0.43	me/l
Bicarbonate (HCO ₃)	295	ppm	4.84	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	242	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1239	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.22			
Sodium	3.93	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.40			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 14.49 me/l
 Total anions 14.15 me/l



By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

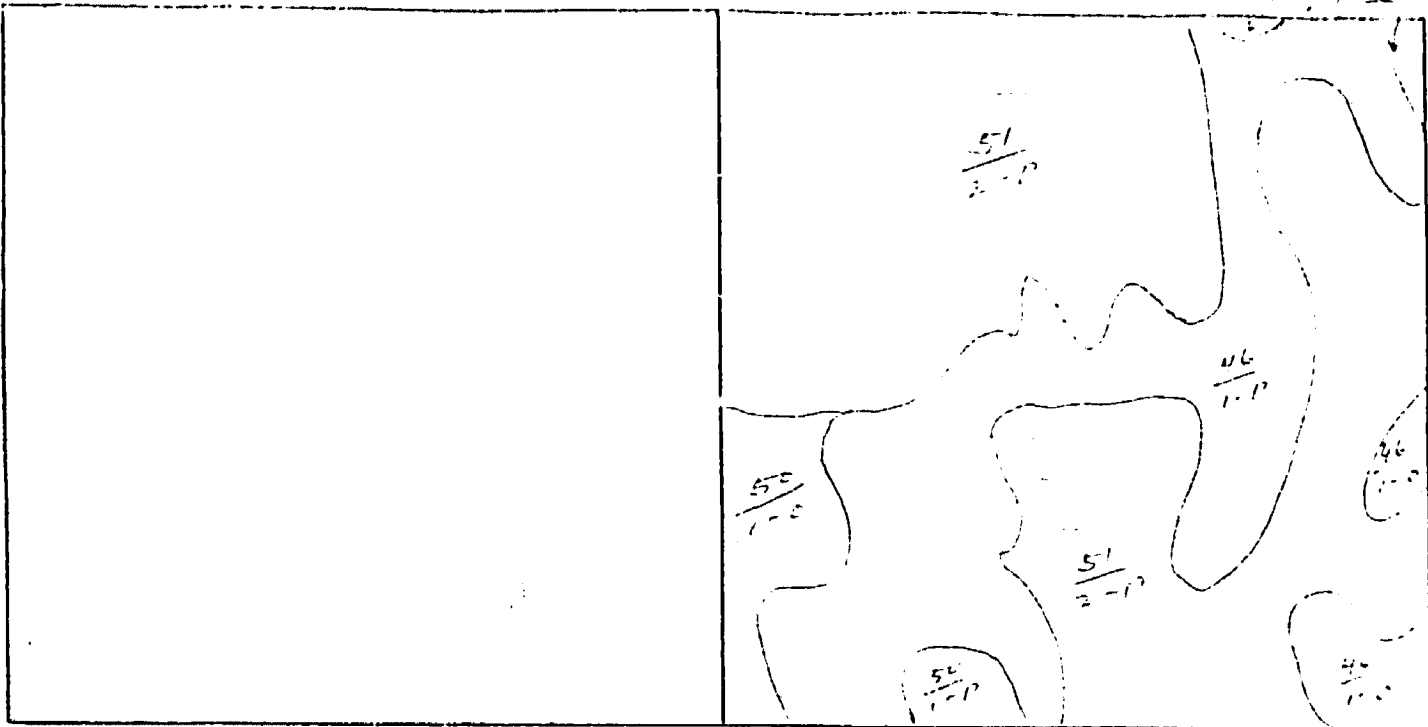
Cut along dotted line and return the lower portion with payment

Sample No. 77-1311

Amount Enclosed \$

Signed

MAP



SE 12-78-53

NARRATIVE

$\frac{46}{1-0}$ & $\frac{46}{1-P}$ Moderately deep, well drained soils with 20-40" of loamy material over sand and gravel on nearly level (0-2%) upland slopes. Sandy and gravelly subsoils and substrata limit water storage capacity and rooting depths. Capability Unit = IIIs3

$\frac{50}{1-0}$ & $\frac{51}{1-2}$ Shallow soils with 10-20" of dark, loamy material over sand and gravel on nearly level (0-2%) slopes. They have low water storage capacity and limited rooting zone. Cap. Unit IIIs3.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. #152-3

(1) WHEREAS, On the 15th day of September A. D. 19 77

Daryle Getting

made Water Right Application No. 4152-3 for a permit to use 2.1 cubic feet per second of the waters of groundwater (two wells)

County of Turner, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 29th day of March A. D. 19 78

Permit No. 4152-3, with a date of priority of 1.0 cfs from January 16, 1967 & 1.1 from Sept 15, 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 29th day of March A. D. 19 83 and for the application to beneficial use of said water on or before the 29th day of March A. D. 19 86

WHEREAS, on July 25, 1978 Permit No. 4152-3 was transferred to Dennis Ihnan, Hurley SD

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 1.85^{ft} cubic feet per second of water for beneficial use and,

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

to irrigate the following lands all in Section 12, T99N, R53W

acres

NE 1/4 S 1/4 38

NE 1/4 S 1/4 35

SW 1/4 S 1/4 34

SE 1/4 S 1/4 23

TOTAL 130 acres

* Priority dates: 1.10 cfs from January 16, 1967

.75 cfs from September 15, 1977

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

_____ of Hurley SD

the holder _____ and owner _____ of said permit No. 4152-3 a water right, dating from January 16, 1967 and

September 15, 1977 to use of 1.85 cubic feet per second of the waters

of groundwater (two wells)

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

purposes hereinbelow mentioned, to be diverted at Well #1 - N 45° W, 2440'; Well #2 - N 53° W,

1100', both from the SE corner, Section 12, T99N, R53W

and conducted to and upon portions of land in Section 12, T99N, R53W more fully described

on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4192-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 19th day of September A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 4152-3

Water Diversion No. 3 Vermillion River Water District

10170102

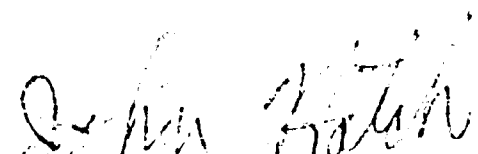
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Daryle Getting

_____ the holder _____ of
Permit No. 4152-3, issued upon Application No. 415203, bearing date of priority of 1.00 cfs from
Jan. 16, 1967 & 1977
1.1 cfs from Sept 15, authorizing the diversion of 2.1 cu. ft. per second of the waters of _____
groundwater (2 wells) County of Turner, State of South Dakota at _____
Well #1 - N 45°W, 2440'; Well #2 - N 53°W, 1100', both from the SE corner,
Section 12, T98N, R53W
_____, for irrigation

purposes, has S 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.

Date September 19, 1980



JOHN HATCH, Chief Engineer
Water Rights Division

No. 4152-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hurley Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Hurley

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

Thursday, November 10, 1977

Thursday, November 17, 1977

James E. Wipf
(Signature)
Owner - Publisher
(Title)
11-19-77
(Date Signed)



No. 4152-3

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, SD 57501
October 31, 1977

Notice is hereby given that
Daryle Getting, whose post of-
fice address is Sioux Falls, S.D.,
has made an application in ac-
cordance 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 46-5-4; 46-5-10 thru 46-5-22,
46-5-41, 46-8-3, 46-8-5, 46-8-6.1,
46-8-10, 46-8-14 and Commission
Rules ARSD 52:01:01:01 thru 52:
01:01:13 for a permit to appro-
priate for beneficial use 2.1 cu-
bic feet of water per second of
time from groundwater through
the LeRoy Getting Irr. Proj. No.
1, the point of diversion of
which are to be located in the
SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 12, Twp. 98N, Range 53
W.

Said water to be used for the
purpose of providing irrigation
on portion of the following de-
scribed land: SE $\frac{1}{4}$ of Section 12,
T98N, R53W. This application No.
4152-3 will be considered by the
Water Rights Commission at the
office at Pierre upon the 30 day
off November, 1977, at The
Commission is authorized to al-
so 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 Commis-
sion decision who desires to pre-
sent 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 Comm.
James Winterton
Water Right Specialist

My Commission Expires 2-1-81

James E. Wipf
11-19-77



Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

March 21, 1978

TO: Persons concerned with deferred applications in Turner County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of deferred applications in Turner County

The Water Rights Commission will reconsider Water Right Applications in Turner County at 10:00am, March 29, 1978, at the Guest House, 101 Broadway, Watertown, 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.

The Applications were deferred by the Water Rights Commission during 1977, pending Staff investigation.

After reconsideration of Applications deferred in Turner County the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report on deferred applications in Turner County" is enclosed for your information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh

Enclosure

REPORT ON
Deferred Applications in Turner County
March 6, 1978

Deferred Applications

*	3966-3	Dale Gocken	(New well - deeper formation)
W.T.	4105-3	Terry Flyger	
W.T.	4122-3	Jerry Adrian	
W.T.	4152-3	Daryle Getting	(on the same acreage as 1349-3, but 1349-3 is subject to cancellation)
*	4172-3	James and Delores Stapleton	

* Artesian Wells

W.T. - Water Table

Reasons Applications Were Deferred

1. The Water Rights Commission and Staff were concerned about possible domestic well interference problems in the Chancellor and Davis areas.
2. The Water Rights Commission and Staff were concerned as to why individual permit holders were drilling new deeper wells than what the original permits authorized.
3. Complaints were received involving the drying up of the Vermillion River.
4. The Water Rights Commission Staff was drilling, developing and monitoring 26 new observation wells. This information is now available for consideration.

Historical Water Level Data

The historical water level measurements of the shallow water table aquifer in the Parker-Hurley-Centerville area shows no serious effects due to irrigation withdrawals. The records cover a period of time from 1956 to present. The following table is a listing of selected observation wells with their characteristics. Typically the water table wells decline from 1 - 3 feet from spring to fall and recover with the spring runoff. Such wells show periods of drought and wet years by general decreases or increases in the water level. Also typically the artesian wells fluctuate 10 - 30 feet with the pumping season and begin to recover as soon as the pumping season is over. There is only one year of records available for the artesian wells.

Report on Deferred Applications in Turner County
March 6, 1978
Page Two

Obs. Well	Highest Reading	Lowest Reading	Fluctuations	Historical Trend	Period of Record
W.T. PH-A	13.8' 5/30/73	21.2' 4/14/65	1-2 feet*	Shows cyclic precipitation	1956
W.T. PH-J	12.1' 5/30/73	18.6' 7/27/64	1-2 feet*	"	1956
W.T. PH-M	12.5' 4/14/65	21.2' 7/23/77	2-4 feet*	"	1956
W.T. PH-N	14.7' 5/30/73	21.6' 8/27/77	2-3 feet*	"	1956
W.T. V-1	13.9' 5/30/73	19.7' 10/26/77	1-2 feet*	"	1957
W.T. V-2	2.0' 7/11/62	9.8' 2/ 7/77	1-2 feet*	"	1957
W.T. V-3	2.1' 4/13/62	12.0' 8/27/77	1-2 feet*	"	1957
W.T. TU-77A	21.4' 6/ 1/77	23.2' 9/14/77	1-2 feet	?	1977
A. TU-77B	34.8' 2/ 8/78	58.4' 8/10/77	25-30 feet	?	1977
W.T. TU-77C	20.3' 6/30/77	22.0' 9/14/77	1-2 feet	?	1977
A. TU-77D	16.6' 2/ 8/78	28.6' 7/27/77	10-15 feet	?	1977
W. TU-77E	11.2' 6/29/77	13.7' 8/27/77	2-3 feet	?	1977
A. TU-77F	19.1' 2/ 8/77	38.8' 7/27/77	20-30 feet	?	1977
A. TU-77G	21.1' 2/ 8/77	39.7' 7/27/77	20-30 feet	?	1977
A. TU-77H	13.6' 12/13/77	20.0' 7/27/77	10-15 feet	?	1977
A. TU-77I	15.0' 12/13/77	29.7' 7/27/77	15-20 feet	?	1977
W.T. TU-77J	10.1' 6/29/77	11.4' 10/26/77	1-2 feet	?	1977
W.T. TU-77K	12.0' 2/ 8/78	14.7' 8/27/77	2-3 feet	?	1977
A. TU-77L	14.0' 2/ 8/78	24.2' 8/10/77	10-15 feet	?	1977
A. TU-77M	60.8' 2/ 8/78	65.4' 7/27/77	4-5 feet	?	1977
W.T. TU-77N	9.8' 6/29/77	11.5' 9/14/77	2-3 feet	?	1977

*Normal annual fluctuation

Some Conclusions After Examination of Water Level Data

1. The water levels in the water table aquifer were lower during past drought years.
2. The water levels in the newly completed artesian wells recovered to the previous spring levels.
3. Drawdowns were particularly exaggerated in the northern area of the artesian aquifers, but have recovered.
4. This area is complicated hydrologically. A great deal of work needs to be done before total water use estimates can be obtained. Until that time the Water Rights Commission Staff will continue to recommend the present slow approach in this area.

Recommendations:

The Water Rights Commission Staff recommends:

1. That the shallow water table Application Nos. 4105-3, 4122-3, and 4152-3 be approved.

2. That Application No. 3966-3 for a well from an artesian aquifer be approved.

If approved all four applications should include the qualification:

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.

3. That Application No. 4172-3 for wells from an artesian aquifer remain in deferred status. This application is located in a portion of the aquifer where significant drawdowns occurred during 1977.

James Goodman
Hydrologist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6498

RECEIVED OF Mary Kay Ihnen, (Dennis Ihnen), Hurley, SD 57036 PIERRE, July 25, 1999
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. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>transfer of Water Right No. 4152-3</u>	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Haeck
Chief Engineer, Executive Officer
JOHN HAECK

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: July 18, 1978

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

146 acres in the SE $\frac{1}{4}$ of Section 12, T98N, R53W

formerly owned by Daryle Getting, 2604 S. Lincoln, Sioux Falls, SD 57101

has been transferred to Dennis Ihnen, Hurley, SD 57036

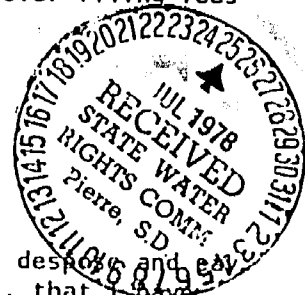
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4152-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Turner) ss.



I, Dennis Ihnen 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.

Dennis Ihnen
(Signed)

Subscribed and sworn to before me this 20th Day of July 19 78.

M. J. SOMMERVOLD
Notary Public, STATE OF SOUTH DAKOTA
My Commission Expires February 11, 1982

M. J. Sommer vold
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7624

PIERRE, Aug. 4, 1980

RECEIVED OF Dennis Ihnen, Hurley, SD 57036
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. 4152-3	50	.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4152-3		
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 *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / (bt)

Permit No. 4152-3Water Division 3 VERMILION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by DENNISTHNEN of HURLEY holderof Permit No. 4152-3, bearing date of priority of 1.00 CFS FROM JAN 16, 1967
1.10 CFS FROM SEPT. 15, 1977authorizing the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in TURNER County.

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

The Water Use System consists of,

- A. Works used to divert the water:
- WELL #1 46' DEEP WITH 18" STEEL CASING - 15' OF SS SCREEN
LAYNE BOWLER VERT. LINE 8" PUMP #N10775, POWERED
BY MODEL #243-4A, MINNEAPOLIS MOINE DIESEL ENGINE
- WELL #2 42' DEEP WITH 14" STEEL CASING - 10' OF S.S. SCREEN
NORTHERN 8" PUMP - SERIAL #76-286, POWERED BY
60 HP US ELECTRIC MOTOR.

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

WELL #1 - 10' OF 8" LINE TO CENTER OF PIVOT
WELL #2 - 900' OF 8" BURIED PLASTIC TO S. PIVOT POINT
1050' OF 8" BURIED PLASTIC TO N PIVOT POINT

- C. Works used to apply water to beneficial use.

#1 7 TOWER WATER DRIVE VALVEY CENTER PIVOT WITH #100 END GUN
#2 5 TOWER VALVEY ELECTRIC DRIVE CENTER PIVOT WITH #100 END GUN
(5 TOWER SYSTEM TOWED BETWEEN TWO POINTS)

The system is in the following condition: GOODThe point of diversion is located WELL #1 - N45°W, 2440'; WELL #2 - N53°W, 1100', BOTH FROM THE SE CORNER, SECTION 12, T98N, R53WThe works are capable of diverting and conveying to the place of use 2.2 (500 GPM PER WELL.)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 12, T99N, R53W

NW ⁴ SE ⁴	33 ACRES
NE ⁴ SE ⁴	35 "
SW ⁴ SE ⁴	34 "
SE ⁴ SE ⁴	23 "

comprising a total of 130 acres of land.Lic 1.10 CFS FROM 1-15-67
175 " " 4-15-77Date JUNE 19, 1980
Durton Jones
(Signature)

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

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

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

www.wfss.com

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

Francis M. Smith, of
Counsel

Melvin T. Woods
(1899-1983)

Howell L. Fuller
(1909-1981)

John B. Shultz
(1912-1975)

April 9, 2003

Christine K. Lillo, CLAS
clillo@wfss.com

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

RE: Transfer of Ownership / Ihnens to Cooperative Credit Company

To Whom it May Concern:

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

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

Christine K. Lillo, CLAS
Paralegal

Enclosure

cc: Cooperative Credit Company

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 11, 2003

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4152-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000749

By

Donal Schell
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
APR 11 2003
WATER RIGHTS
PROGRAM

Water Right/Permit No. 4152-3

Dated: February 26, 2003

We request that Water Right/Permit No. 4152-3 formerly owned by:
Dennis Ihnen be transferred to:

New Owner Name: Cooperative Credit Company
Address: 128 Third Street N.W., P.O. Box 80
City, State, Zip: Sioux Center, Iowa 51250-0080 Telephone No.: (800) 681-1975

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

The Southeast Quarter (SE $\frac{1}{4}$), except the South 920 feet of the East 635 feet and a tract 30 feet by 30 feet in the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) all in Section Twelve (12), Township Ninety-eight (98) North, Range Fifty-three (53) West of the 5th P.M., Turner County, South Dakota

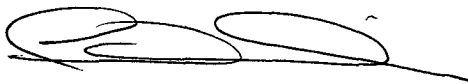
☒ We understand that the validity of Water Right/Permit No. 4152-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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

COOPERATIVE CREDIT COMPANY

By 
Its Sam Oro

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 2003

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

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

Dear Mr. Van Veldhuizen:

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

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

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

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

Sincerely,

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

enclosure

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

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

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

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

www.wfss.com

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

Francis M. Smith, of
Counsel

Melvin T. Woods
(1899-1983)

Howell L. Fuller
(1909-1981)

John B. Shultz
(1912-1975)

November 18, 2003

Christine K. Lillo, CLAS
clillo@wfss.com

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

RE: Transfer of Ownership Permit No. 4152-3

To Whom it May Concern:

Enclosed for filing with your office is a Notice of Transfer of Ownership for Permit No. 4152-3 together with our firm check in the amount of \$2.50. Please transfer the permit from Cooperative Credit Company to the Grabers.

Thank you.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.



Christine K. Lillo, CLAS
Certified Paralegal

Enclosures
cc: Mr. Lee Van Veldhuizen

RECEIVED
NOV 20 2003
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 20, 20 03

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4152-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000920

By

Darland Erbe
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 4152-3

Dated: November 17, 2003

We request that Water Right/Permit No. 4152-3 formerly owned by:
Cooperative Credit Company be transferred to:

New Owner Name: Calvin & Linda Graber and Jay Graber

Address: 45486 282nd Street

City, State, Zip: Hurley, SD 57036

Telephone No.: 605-925-4688

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

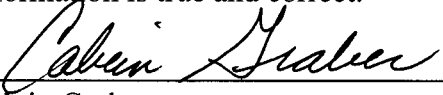
The Southeast Quarter (SE $\frac{1}{4}$), except the South 920 feet of the East 635 feet and a tract 30 feet by 30 feet in the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) all in Section Twelve (12), Township Ninety-eight (98) North, Range Fifty-three (53) West of the 5th P.M., Turner County, South Dakota

☒ We understand that the validity of Water Right/Permit No. 4152-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

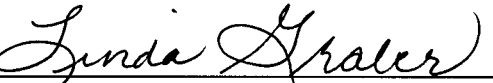
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

Calvin and Linda Graber and Jay Graber, the new owners, certify that the above information is true and correct.


Calvin Graber


Jay Graber


Linda Graber

RECEIVED

NOV 20 2003

WATER RIGHTS
PROGRAM

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 2003

Calvin, Linda & Jay Graber
45486 282nd St
Hurley SD 57036

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

RE: Water Right No. 4152-3

Dear Sirs:

The ownership change for Water Right No. 4152-3 has been completed. The water right formerly listed in the name of Cooperative Credit Company is now listed in the names of Calvin, Linda and Jay Graber.

The receipt for the filing fee is included with the letter to Christine Lillo. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure: Receipt No. 000920 (to Ms. Lillo)



4152-3
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: CALVIN/LINDA/JAY GRABER, 45486 282ND ST, PARKER, SD 57036

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 4152-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No. 4152-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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.



4152-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1435

Your item was delivered at 11:45 am on January 22, 2005 in HURLEY, SD 57036. The item was signed for by C GRABER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
5EHT 9T58 0000 09HE 10E2

CALVIN/LINDA/JAY GRABER
45486 282ND ST
PARKER SD 57036

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 159, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2005

4152-3

Calvin Graber
44797 281st St
Parker SD 57053

Dear Mr. Graber:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4152-3.

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

98-13



149.5
Crown Point to ...
...
...

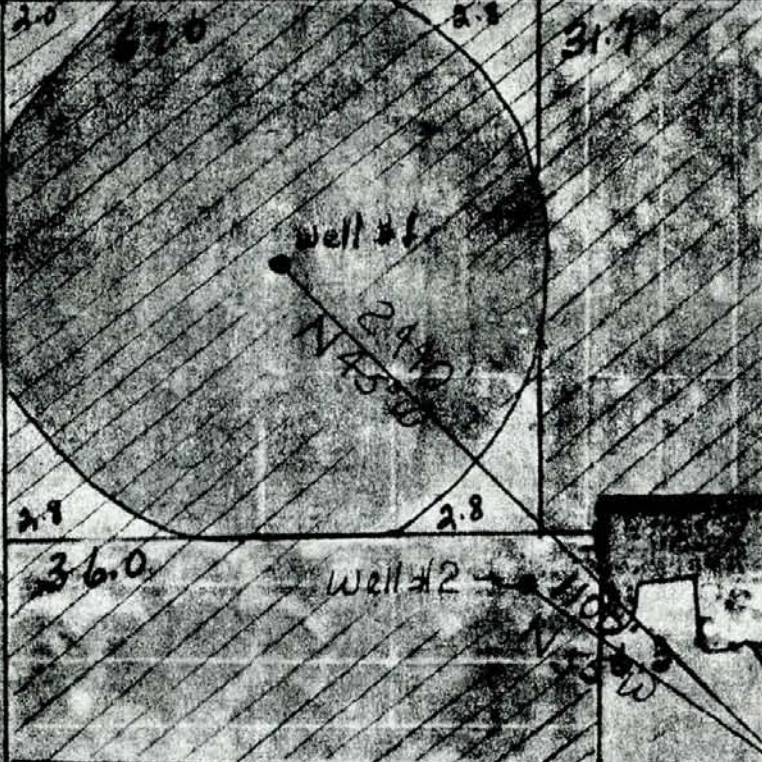
Note - This land is under previous permit #1349-3 which calls for 1.0 cfs. This is request to increase this to 2.1 cfs. Previous permit is under name of LeRoy Getting Acres Irrigated - 146 Water claim - 2.1 cfs

22.0

3-19
Daryle Getting
Irrigation Project

31.5 Sioux Falls
Land in Turner County

84.4



16.1

9-2-79

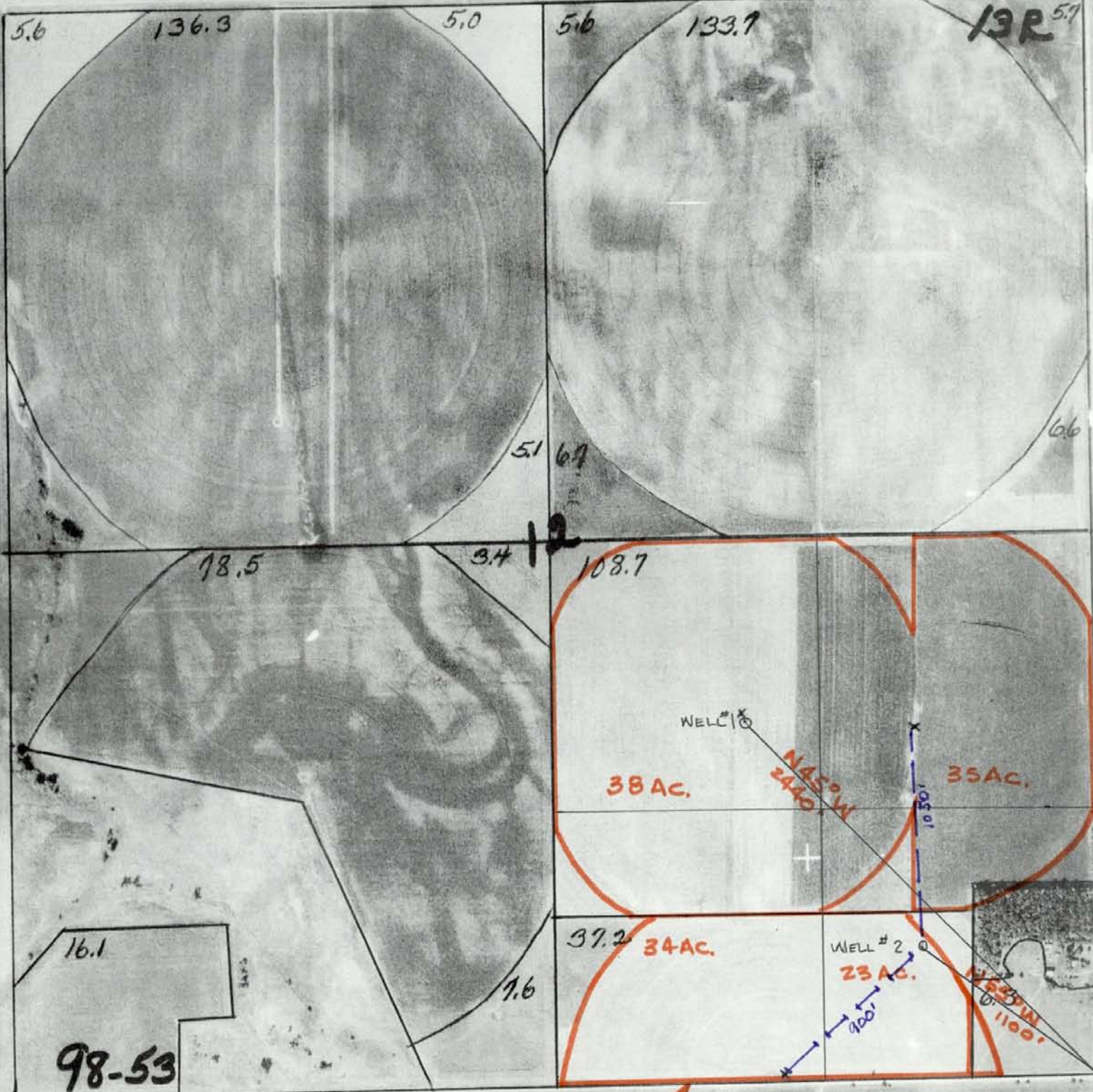
LeRoy Getting

John L. ...

3 APPEND 4152-3

NOT TO SCALE

98-53



PERMIT NO 4162-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2005

4152-3

Calvin Graber
44797 281st St
Parker SD 57053

Dear Mr. Graber:

Thank you for the return of your 2005 irrigation questionnaires.

I noticed on the questionnaire for Water Right No. 4152-3 that you crossed off Linda and Jay's names. I am assuming from your notation that you wish to have the water right listed solely in your name. In order to do this, a "Notice of Transfer of Ownership" will need to be filed. This may seem very bureaucratic but we are unable to make changes to ownership records without something signed by the owner.

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

As soon as we receive the signed form and the filing fee back from you, all records pertaining to No. 4152-3 will be transferred to your name. If I have misunderstood and you do not wish to have the names changed, please contact me.

Sincerely,

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

enclosures



4152-3
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: JAY & CALVIN GRABER, 44797 281ST ST, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 176-3, 1967-3 & 4152-3 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) 5448-3 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, 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. 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) 5448-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 176-3, 1967-3 & 4152-3 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 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.

4152-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2012

Jay & Calvin Graber
44797 281st St
Parker SD 57053

RE: Water Right Nos. 176-3, 1967-3, 4152-3 and 5448-3

Dear Sirs:

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. 176-3, 1967-3, 4152-3 and 5448-3. 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