

Water Right Number 4221-3

1. Considered MARCH 28, 19 78
2. Name of Applicant HARRY BORG
3. Post Office Address WILLOW LAKE, S.D.
4. Amount of Water claimed 2.28
5. Source of Water supply 50' DEEP WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 160.00

7. Water to be diverted and used in CLARK County
about 5 miles SOUTH of WILLOW LAKE

8. Proof of Publication Received 3-10-78

Not Received _____

9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 4221-3Map No. 3442-3 Water Division No. 3 JAMES 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 Harry Borg
Postoffice address Willow Lake, State South Dakota 57278
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Harry Borg Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.28
5. Source of water supply Well
6. Location of point of diversion Center of SE Section 35 Township 113 N Range 57 West

County Clark

7. Annual period or periods during which water is to be used April 1 through October 31
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, 160 Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE SE Sec. 35, T-113, R-57	<u>40 A.</u>		
NE SE Sec. 35, T-113, R-57	<u>40 A.</u>		
SE SE Sec. 35, T-113, R-57	<u>40 A.</u>		
SE SE Sec. 35, T-113, R-57	<u>40 A.</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown Public Opinion
12. Principal Features of the Proposed Water Supply System.

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

Well & Pumping system

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

Pipeline & Pivot-type irrigation system

C. Works proposed to apply water to beneficial use.

Pivot type irrigation systemEstimated Total Cost \$ 50,000.00Attachments: 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 Clark) ss.I, Harry Borg 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 Harry BorgSubscribed and sworn to before me this 12 day of January 1978Shirley Johnson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4221-3

HARRY BORG
(Applicant)

WILLOW LAKE
(Post Office Address)

SOUTH DAKOTA 57278 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 JANUARY 16, 19 78

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

Date of receipt of corrected application JANUARY 11, 19 78

Approved MARCH 28, 19 78, Recorded in Book 19 Page 314

WATER RIGHT PERMIT NO 4221-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4221-3 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 JANUARY 16, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28, 19 80
3. The whole of said work is to be completed on or before MARCH 28, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 86
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; either 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 28, 19 86; said water to be used during the following described annual period: APRIL 1 - OCTOBER 31

Witness my hand this 6TH day of APRIL, 19 78

WATER RIGHTS COMMISSION

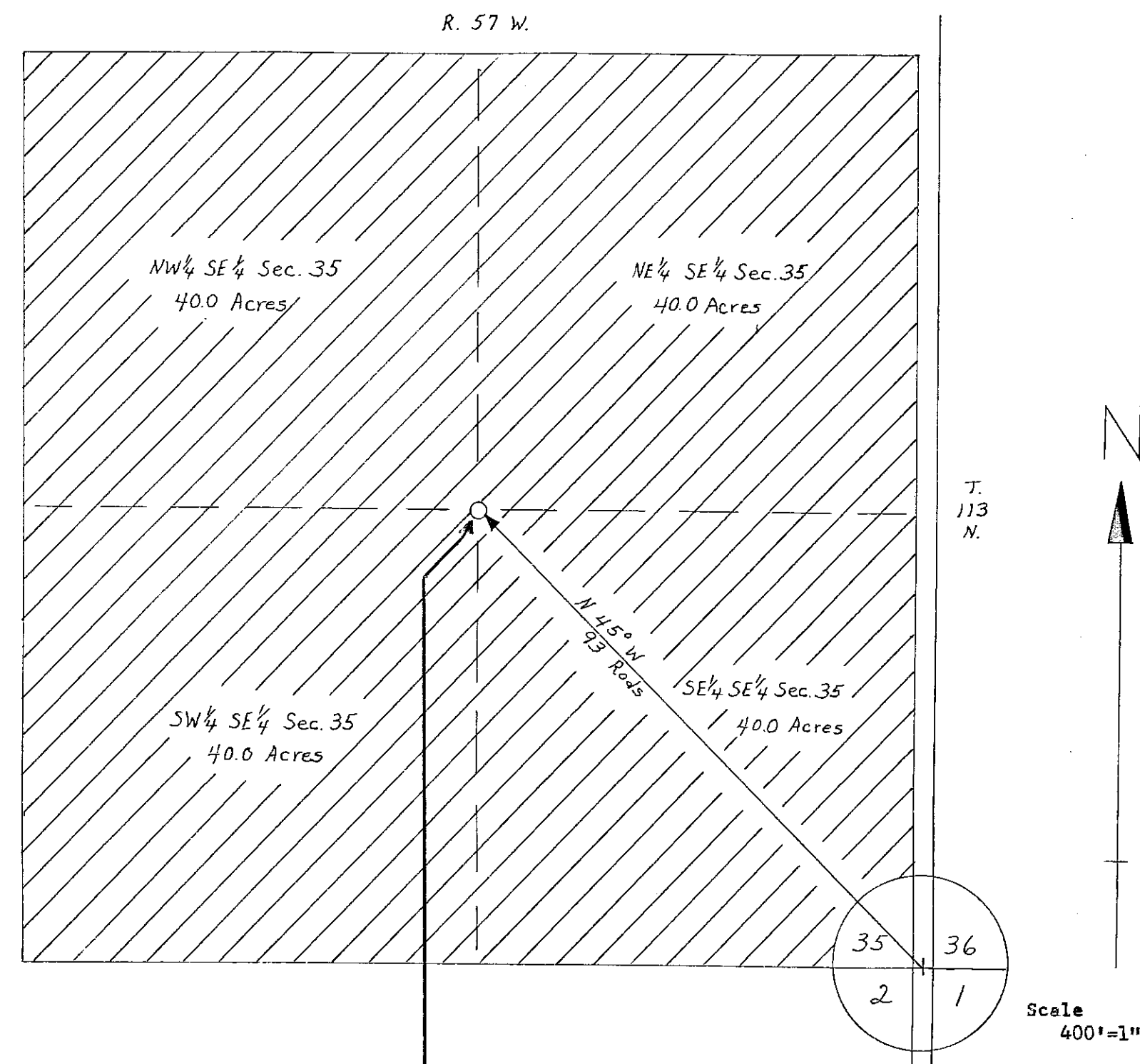
By: John Hatch
(Chief Engineer, Executive Officer)

Certificate of Construction Issued _____, 19 _____

Water License _____, 19 _____

All Lands Described Are Owned By Harry Borg

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SE 1/4	35	113	57	40.0
NE 1/4 SE 1/4	35	113	57	40.0
SW 1/4 SE 1/4	35	113	57	40.0
SE 1/4 SE 1/4	35	113	57	40.0
TOTAL				160.0



Location of the Test Hole and the
Proposed
Harry Borg Irrigation Well No. 1.

I, Emiel E. Belzer, P. E., a Registered Professional Engineer, of the State of South Dakota, hereby states that I have reviewed the above map and all data and information which has been submitted to me in connection therewith.
I feel the above map is in full compliance with all of the facts concerning ownership of the land, description of the land, location of the proposed Water Irrigation Well et cetera.
The Owner of the land, Mr. Harry Borg, Willow Lake, South Dakota, 57278 did appear before me so as to support all facts and data.

My hand and seal affixed this date 14 January, 1978.

Emiel E. Belzer, P. E.,
De Smet, South Dakota, 57231.

Scale 1" = 400'

SURVEYOR'S CERTIFICATE

I, Franklin L. Fite DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD
OF THE LAND OF Harry Borg, NO 1 IRRIGATION
PROJECT AND HAS BEEN PREPARED BY:

SIGNATURE: Franklin L. Fite

TITLE: District Conservationist
Soil Conservation Service

SUBSCRIBED AND SWORN TO ME THIS 9th DAY
OF January, 1978, A.D.

Edvard Swanson
NOTARY PUBLIC

MY COMMISSION EXPIRES March 29, 1984.

IRRIGATION DRILLING CO.

FRANKFORT, SOUTH DAKOTA

PHONE 472-0384

DRILLING REPORT

Date well drilling started _____

Purpose of well _____ Tr. Test hole _____
(domestic, irrigation, industrial, other)

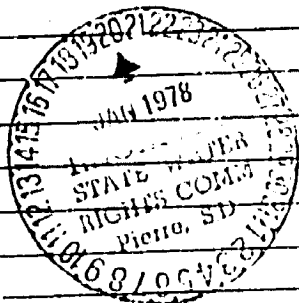
Remarks:



REPORT OF FINAL PUMPING TEST
Write Additional Times and Readings on Back of Page

Date.

Elapsed Time From Start of Pumping		Water Level		Discharge
O hr.	O min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

[illegible]

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 16", Depth 50'
- (2) Casing, Type Fiber Glass Diameter 16" Thickness .25"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Stainless Steel, Diameter 16", Length 25'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 50'

E. Dugout Information or Estimates

- (1) Surface dimensions Not Applicable, 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'-4' = top soil
4'-22' = gravel 44'-45' = Clay
22'-23' = Clay 45'-47' = Gravel
23'-44' = Gravel 47'-50' = Clay

Depth to top of water bearing material 23'

Depth to bottom of water bearing material 47'

Thickness of water bearing material 24'

Depth to water (ground surface to water level) 23'

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

On same owner's property 230 rds. On property owned by others 220 rds.

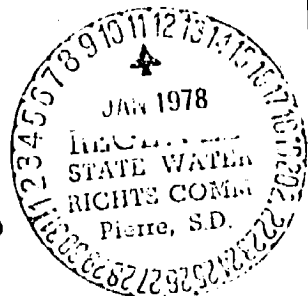
G. Water Storage Dams.

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

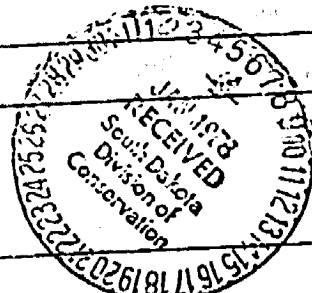
Not Applicable

Harry Bena
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 Harry Borg
ADDRESS Willow Lake, S. Dak.
COUNTY Clark



LEGAL DESCRIPTION

1. WELL LOCATION Center of SW - SE-113-57
2. LOCATION OF AREA TO BE IRRIGATED SE-35-113-57

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT % GUN
4. CROPS TO BE IRRIGATED Corn & Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-1637
6. SALINITY (EC X 10⁶) 717 (medium)
7. SODIUM (SAR) 0.16 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0
Adj. SAR = 0.39

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 Clark 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.

Harry Borg
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12 DAY OF Dec. 1977.

[Signature]
(TITLE OR SEAL)

Albert J. [Signature]
APPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Harry Eorg
 Address: Willow Lake, SD 57278

Date Rec'd: December 29, 1977
 Sample No.: 77-1637
 Identification: Well -
SE1, Sec. 35, T 113N, R 57W

WATER ANALYSIS

Calcium (Ca)	136	ppm*	6.80	me/l**
Magnesium (Mg)	38	ppm	3.15	me/l
Sodium (Na)	8	ppm	0.35	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	211	ppm	4.39	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.27	me/l
Bicarbonate (HCO ₃)	276	ppm	4.52	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	226	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	717	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.16			
Sodium	3.36	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.17			

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 10.43 me/l
 Total anions 9.18 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

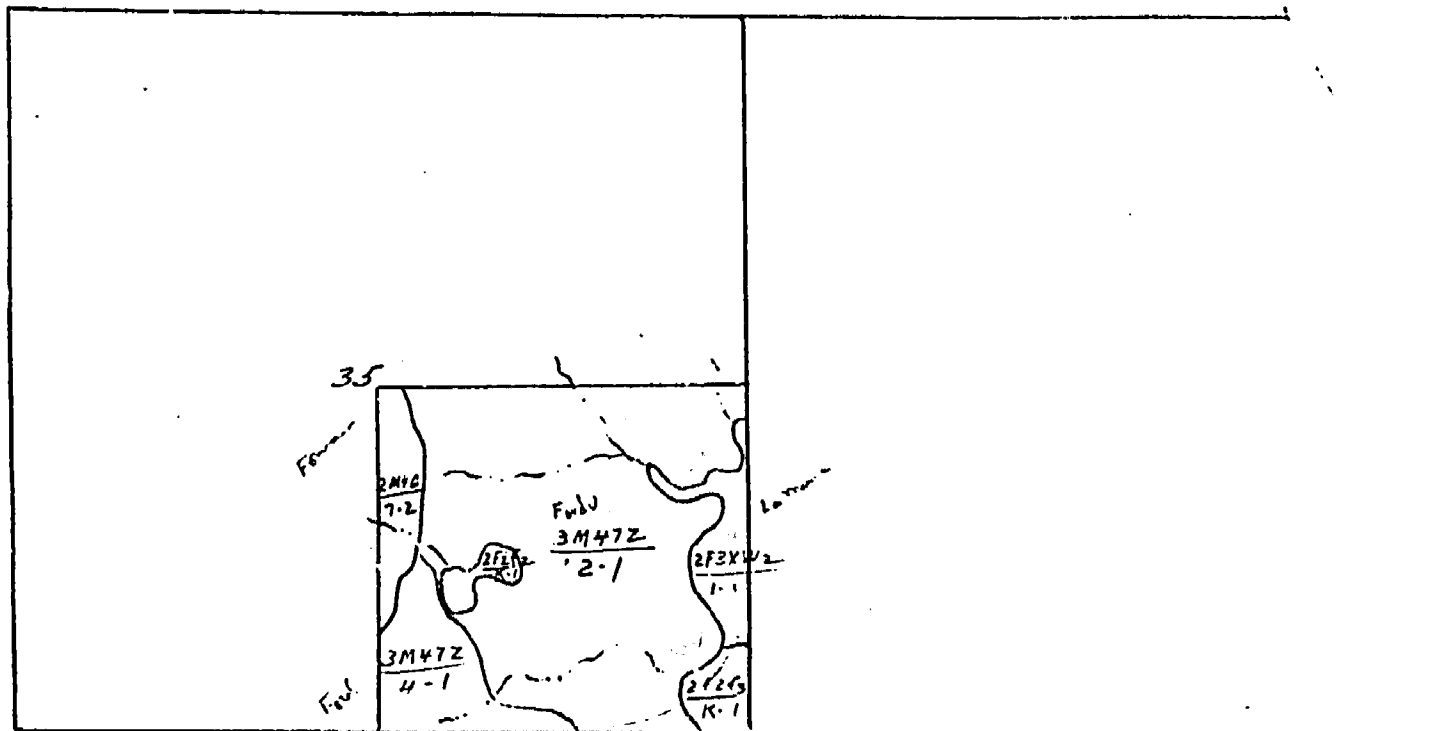
Cut along dotted line and return the lower portion with payment

Sample No. 77-1637

Amount Enclosed \$

Signed

MAP



NARRATIVE

- 3M47Z
2-1 IIIs3 - Fordville - Moderately deep, well drained soils with 20 to 40 inches of loamy material over sand and gravel on nearly level (0 to 2%) upland slopes. Sandy and gravelly subsoils and substrate limit water storage capacity and rooting depths.
- 2F3XW2
1-1 IIw2 - Laloure - Deep, loamy to clayey, somewhat poorly drained, very limy soils with intermittent high water tables. They occupy nearly level to flat slopes or slight depressions. Choice of crops and tillage are restricted by seasonal wetness.
- 2M4G
7-2 IIIe1 - Forman Loam - Deep, loamy, well drained soils on undulating and sloping (6 to 9%) upland and eroded soils on gently undulating (2 to 6%) uplands. They have moderate to severe water erosion hazards.
- 3M47Z
4-1 IIIIs2 - Fordville - Moderately deep, well drained soils with 20 to 30 inches of loamy material over gravel and sand on gently undulating (2 to 6%) slopes. These soils have limited water storage capacity and moderate water erosion hazard.
- 2F2F3
K-1 Vw2 - Parnel Silty Clay Loam - Very poorly drained sandy to clayey soils on bottom lands and in depressions. Part of the vegetation is of marsh type, not suitable for grazing, but more than 50% is suitable.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Harry Borg, Willow Lake, South Dakota

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

Parnell, two small areas, is non-irrigable, but represents a very small portion La Moure, along east side will be traversed by one or two towers. If these areas are not surfaced drained, you would have better overall success if you surface drain, so that water does not pond from irrigation or larger rains.

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

Soil/Water Compatability is O.K.

You will have high intake rates on the major portions (Fordville) and very shlow intake on the minor portions of La Moure and Parnel. You may want to consider automatic shut-off on 3 or 4 towers as your system crosses the depressions west of the pivot center. (See soils map).

Deep Chisel type tillage after crop removal will be an aid in initial irrigation and or rainfall intake. This would only help if surface drainage has been provided first.

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

Form 6 - Notice of Intent to Appropriate Water
GROUND WATER

No. 4221-3

Publish first publication, on or before 2-10-78

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

2-2-78

Notice is hereby given that Harry Borg whose post office address is Willow Lake, 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, 46-5-3, 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, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from groundwater (onewell) through the Borg Irrigation Project #1, the point of diversion of which is to be located in the Center of SW

of Section 35 Twp. 113N Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 35-T113N-R57W

This Application No. 4221-3 will be considered by the Water Rights Commission at

The Guest House, Watertown
Pierre, South Dakota upon the 28th day of March 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.

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Betty Westlund, Water Rights Specialist I
Water Rights Specialist

cc: Harry Borg
Willow Lake SD 57278

*Called 2-16-78
advised wrong.
is going to readvertise
before Comm meeting*

Publish first publication, on or before March 15, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 21, 1978

Notice is hereby given that Harry Borg whose post office address is Willow Lake, 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, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from groundwater (one well) through the Borg Irrigation Project #1, the point of diversion of which is to be located in the Center of SE 1

of Section 35, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1 Section 35-113N-R57W

This Application No 4221-3 will be considered by the Water Rights Commission at

The Guest House, Watertown, SD upon the 28th day of March at 10:00 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

Note: The final proof of publication must be received before the hearing date for the Commission to take action

Betty Westlund
Water Rights Specialist

cc: Harry Borg
Willow Lake SD 57278

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4221-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clark County Courier

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 Clark

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

February 23, 1978

March 2, 1978

Bert Moritz
(Signature)

Editor
(Title)

March 4, 1978
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 2, 1978
Notice is hereby given that
Harry Borg, whose post office
address is Willow Lake, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-3;
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-
1, 46-6-10, 46-6-14 and Com-
mission Rules ARSD 62:01:01:01
thru 62:01:01:15, for a permit to
appropriate for beneficial use
2.28 cubic feet of water per
second of time from ground
water (one well) through the
Borg Irrigation Project No. 1,
the point of diversion of which is
to be located in the Center of
SE 1/4 of Section 55, Twp. 113N,
Range 57W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: SE 1/4,
Section 35 - T113N - R57W.
This Application No. 4221-3
will be considered by the Water
Rights Commission at the Guest
House, Watertown, South Da-
kota, upon the 28th day of
March, at 10 a.m. The Com-
mission 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 de-
cision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.
WATER RIGHTS
COMMISSION
Betty Westlund
Water Rights Specialist
2-23-78



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6317

PIERRE, January 16, 1978

RECEIVED OF Harry Borg, Willow Lake, S.D., 57278 Fund 290

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

Fee for Application for Permit to Appropriate Water No. <u>4221-3</u> (examination, processing, recording and filing)	275	00
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 _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	275	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH bw

Form 10.

No. _____

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Willow Lake S. Dak

Date Feb 5 1982

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

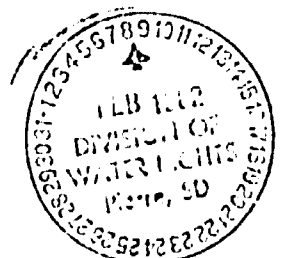
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4221-3.

Water Right Permit No. 4221-3 states that the diversion system is to be constructed by Mar 28, 1983 and that the water is to be put to beneficial use by Mar 28, 1986.

The diversion system was completed on April 28, 1978.
Applying the water to beneficial use was completed on May 15, 1978.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Harry Berg
(Signature)



4221-3

Permit No. ~~4421-3~~Water Division 3 ~~JAMES RIVER~~ Water District
VERMILION RIVERREPORT 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 HARRY
BORG of WILLOW LAKE holder
of Permit No. ~~4421-3~~ bearing date of priority of JANUARY 16, 1978
authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in CLARK 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:

45' DEEP WELL WITH 16" PLASTIC CASING - 20' PLASTIC SCREEN
WESTERN LAND ROLLER 8" PUMP (NO TAG) POWERED BY
60 HP GE ELECTRIC MOTOR @ 1765 RPM

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

150' 8" ALUMINUM PIPE FROM WELL TO PIVOT PAD

C. Works used to apply water to beneficial use.

8 TOWER ELECTROGATOR CENTER PIVOT SYSTEM
WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 1320' N & 1180' W OF THE SE CORNER,
SECTION 35, T113N, R57W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

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

FOR IRRIGATING A 132 ACRE CIRCLE IN THE
SE⁴ SECTION 35, T113N, R57W

comprising a total of 132 acres of land.

Date SEPTEMBER 23, 1982
[Signature]
Signature

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4221-3

(1) WHEREAS, On the 16th day of January A. D. 19 78
Harry Borg

made Water Right Application No. 4221-3 for a permit to use 2.28 cubic feet per second of the waters of groundwater (one well)

County of Grant State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS On the 28th day of March A. D. 19 78

Permit No. 4221-3, with a date of priority of January 16, 1978

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 28th day of March A. D. 19 83 and for the application to beneficial use of said water on or before the 28th day of March A. D. 19 86

and:

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

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

for irrigating a 132 acre circle in the SE¼ Section 35, T113N, R57W (D)

(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 Harry Borg

_____ of Willow Lake, South Dakota

the holder _____ and owner _____ of said permit No. 4221-3 a water right, dating from January 16, 1978

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

of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point 1320'N and 1100'W of the SE

corner, Section 35, T113N, R57W (DD)

and conducted to and upon a 132 acre circle in the SE $\frac{1}{4}$, Section 35, T113N, R57W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4221-3 and subject to the laws of the State of South Dakota.

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

this 21st day of October A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4221-3

Water Diversion No. 3 Vermillion River Water District
10170103

CERTIFICATE OF CONSTRUCTION

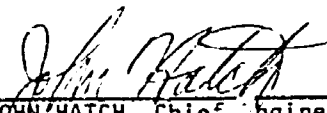
This is to Certify, That Harry Borg

_____ the holder _____ of
Permit No. 4221-3, issued upon Application No. 4221-3 bearing date of priority of January 16,
1978 authorizing the diversion of 2.26 cu. ft. per second of the waters of _____
groundwater (one well) County of Clark, State of South Dakota at _____
a point 1320'N and 1180'W of the SE corner, Section 35, T113N, R57W
(DD)

_____, for irrigation

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

Date October 21, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8992

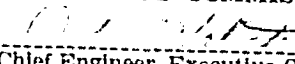
PIERRE, October 21, 1982

RECEIVED OF Harry Borg, RR#1, Box 66, Willow Lake, SD 57278

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. 4221-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4221-3		
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 
Chief Engineer, Executive Officer

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4221-3

HARRY BORG

RR 1 BOX 60

WILLOW LAKE SD 57778

4a. Article Number

P378 081 326

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ Return Receipt for Merchandise

☐ COD

7. Date of Delivery

3-6-97

5. Received By: (Print Name)

Harry Borg

6. Signature: (Addressee or Agent)

X Harry Borg

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

4221-3



February 4, 1997

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

NOTICE

TO: HARRY BORG, RR 1 BOX 60, WILLOW LAKE, SD 57278

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) 4221-3. 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) 4221-3 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 18, 1997

4221-3

Timothy Borg
20180 427th Ave
DeSmet, SD 57231

Dear Mr. Borg:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

I completed a questionnaire for you based on our February 10th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, future irrigation questionnaires will be directed to your attention. Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



4221-03
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: TIMOTHY BORG, OPERATOR, RR 1 BOX 62, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 4221-3 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 8, 2002, 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.

c: HARRY BORG, RR 1 BOX 60, WILLOW LAKE, SD 57278

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.

4221-3

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

TIMOTHY BORG. OPERATOR
RR 1 BOX 62
WILLOW LAKE SD 57278

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

HARRY BORG

01-18-02

C. Signature

X Harry Borg

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. 7001 2510 0004 4797 5477

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Harry Borg
RR 1 Box 60
Willow Lake SD 57278

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Harry Borg

01-18-02

C. Signature

X Harry Borg

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

7001 2510 0004 4797 6795

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0951



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2002

4221-3

Timothy Borg
RR 1 Box 62
Willow Lake, SD 57278

Dear Mr. Borg:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4221-3.

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

I noticed on the questionnaire that you changed the legal description. I reviewed the water right and found that you are correct. The water right authorizes irrigation of 132 acres in the SE ¼ of Section 35, T113N, R57W. I edited the database to correct the error so next year's irrigation questionnaire will carry the correct legal description. Thank you for bringing this to our attention.

If you have any questions, please contact me.

Sincerely,

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

c: Harry Borg, RR 1 Box 60, Willow Lake, SD 57278



4221-3
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: TIMOTHY BORG, OPERATOR, RR 1 BOX 62, WILLOW LAKE, SD 57278

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. 4221-3. 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. 4221-3 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.

c: HARRY BORG, RR 1 BOX 60, WILLOW LAKE, SD 57278

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.



4221-3

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Current Status

You entered 2301 3460 0000 8516 2111

Your item was delivered at 11:39 am on January 21, 2005 in WILLOW LAKE, SD 57278. The item was signed for by H BORG.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2111

HARRY BORG
RR 1 BOX 60
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



4221-3

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Your item was delivered at 11:41 am on January 21, 2005 in WILLOW LAKE, SD 57278. The item was signed for by H BORG.

Here is what happened earlier:

- ACCEPTANCE, January 20, 2005, 10:19 am, PIERRE, SD 57501

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SIGNATURE CONFIRMATION NUMBER:
EFT 9T5 0000 8516 1183
RR 1 BOX 62
WILLOW LAKE SD 57278

TIMOTHY BORG, OPERATOR
RR 1 BOX 62
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



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

January 28, 2005

4221-3

Brad Terhark
RR 1 Box 52
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of the 2004 irrigation questionnaire for Water Right No. 4221-3 listed in the name of Harry Borg. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4221-3.

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

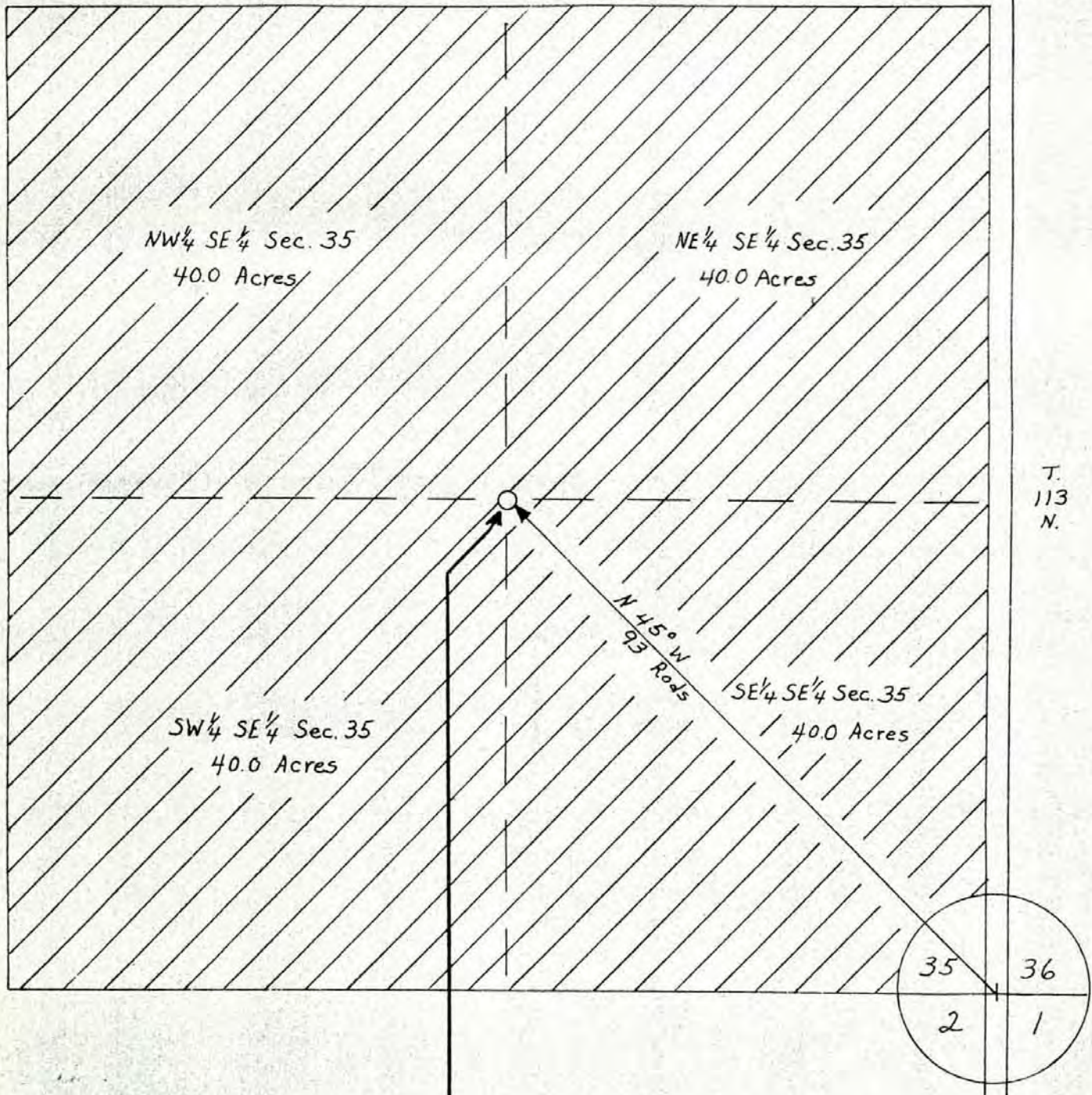
If you have any questions, please contact me.

Sincerely,

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

c: Harry Borg

R. 57 W.



Location of the Test Hole and the
Proposed
Harry Borg Irrigation Well No. 1.

I, Emiel E. Belzer, P. E., a Registered Professional Engineer, of the State of South Dakota, hereby states that I have reviewed the above map and all data and information which has been submitted to me in connection therewith.

I feel the above map is in full compliance with all of the facts concerning ownership of the land, description of the land, location of the proposed Water Irrigation Well et cetra. The Owner of the land, Mr. Harry Borg, Willow Lake, South Dakota, 57278 did appear before me so as to support all facts and data.

My hand and seal affixed this date

14

January, 1978.

Emiel E. Belzer, P. E.,
De Smet, South Dakota, 57231.

NOT TO SCALE

4221-3

113-57

7.0

14.4

97.3

27.4

779-207L

4

38.6

35

141.8

5.4

88.8 88.8

WELL

1180'

1320'

113-57



4221-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: BRAD TERHARK, OPERATOR, RR 1 BOX 52, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 10:30 am, March 2, 2006, 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) 4221-3 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 24, 2006**, 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.

c: HARRY BORG, RR 1 BOX 60, WILLOW LAKE, SD 57278

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



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Current Status

You entered 2303 2160 0000 0799 4503

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2303 2160 0000 0799 4503

BRAD TERHARK, OPERATOR
RR 1 BOX 52
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NO

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HARRY BORG RR 1 BOX 60 WILLOW LAKE SD 57278	
Waiver of Signature ☐ YES ☐ NO	
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**DEPARTMENT of ENVIRONMENT
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PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

February 1, 2006

4221-3

Brad Terhark
RR 1 Box 52
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 4221-3.

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

c: Harry Borg



4221-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: BRAD TERHARK, OPERATOR, RR 1 BOX 52, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4221-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

c: HARRY BORG, RR 1 BOX 60, WILLOW LAKE, SD 57278

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.

4221-3

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Label/Receipt Number: 2303 2160 0000 0799 7306

Status: **Delivered**

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HARRY BORG
RR 1 BOX 60
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NOPostmark
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PS Form 153, May 2002

4221-3

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Pos* ☒ At ☐ Place

BRAD TERHARK, OPERATOR
RR 1 BOX 52
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☒ NO

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PMB 2020
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www.state.sd.us/denr

February 7, 2007

4221-3

Brad Terhark
RR 1 Box 52
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 4221-3.

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

c: Harry Borg



4221-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: BRAD TERHARK, OPERATOR, 19145 429th AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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 11, 2009**, 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) 4221-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

c: HARRY BORG, 42819 195th St, WILLOW LAKE, SD 57278

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

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Your item was delivered at 11:19 AM on January 24, 2009 in WILLOW LAKE, SD 57278. The item was signed for by L TERHARK.

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SIGNATURE CONFIRMATION NUMBER:
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BRAD TERHARK, OPERATOR
19145 429th AVE
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NOPostmark
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(See Reverse)**PS Form 153, May 2002**

4221-3

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Status: **Delivered**

Your item was delivered at 11:39 AM on January 24, 2009 in WILLOW LAKE, SD 57278. The item was signed for by H BORG.

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HARRY BORG
42819 195TH ST
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NOPostmark
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www.state.sd.us/denr

January 28, 2009

4221-3

Brad Terhark
19145 429th Ave
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4221-3.

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

If you have any questions, please contact me.

Sincerely,

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

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

c: Harry Borg



4221-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 21, 2011

NOTICE

TO: BRAD TERHARK, OPERATOR, 19145 429th AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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 9, 2011**, 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) 4221-3 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 4, 2011**, 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>

c: HARRY BORG, 42819 195th St, WILLOW LAKE, SD 57278

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.

4221-3

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Service(s): Signature Confirmation™

Status: Delivered

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Detailed Results:

- Delivered, January 22, 2011, 10:58 am, WILLOW LAKE, SD 57278
- Out for Delivery, January 22, 2011, 7:59 am, WILLOW LAKE, SD 57278
- Sorting Complete, January 22, 2011, 7:49 am, WILLOW LAKE, SD 57278
- Arrival at Post Office, January 22, 2011, 7:08 am, WILLOW LAKE, SD 57278

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1277

HARRY BORG
42819 195TH ST
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NO

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4221-3

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Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:37 am on January 22, 2011 in WILLOW LAKE, SD 57278. The item was signed for by B TERHHARK.

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Detailed Results:

- Delivered, January 22, 2011, 10:37 am, WILLOW LAKE, SD 57278
- Out for Delivery, January 22, 2011, 7:59 am, WILLOW LAKE, SD 57278
- Sorting Complete, January 22, 2011, 7:49 am, WILLOW LAKE, SD 57278
- Arrival at Post Office, January 22, 2011, 7:08 am, WILLOW LAKE, SD 57278

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BRAD TERHARK, OPERATOR
19145 429th AVE
WILLOW LAKE SD 57278

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

January 25, 2011

4221-3

Brad Terhark
19145 429th Ave
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of the 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 4221-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

c: Harry Borg, 42819 195th St, Willow Lake, SD 57278



4221-3
DEPARTMENT of ENVIRONMENT
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January 24, 2014

NOTICE

TO: BRAD TERHARK, OPERATOR, 19145 429th AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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 **9:00 am, March 6, 2014**, 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) 4221-3 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 3, 2014**, 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>

c: **HARRY BORG, 42819 195th St, WILLOW LAKE, SD 57278**

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



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www.denr.sd.gov

January 29, 2014

4221-3

Brad Terhark
19145 429th Ave
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 4221-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

c: Harry Borg

4221-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
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denr.sd.gov

January 22, 2021

NOTICE

TO: BRAD TERHARK, OPERATOR, 19145 429th AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4221-3 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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: MUSQCN**

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.

4221-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
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denr.sd.gov

February 17, 2021

4221-3

Brad Terhark
19145 429th Ave
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 4221-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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



4221-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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January 20, 2022

NOTICE

TO: BRAD TERHARK, OPERATOR, 19145 429th AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 4221-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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 **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4221-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RVATNX**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

4221-3

Brad Terhark
19145 429th Ave
Willow Lake SD 57278

Dear Mr. Terhark:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 422-13. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The water right is still listed under the name of Harry Borg. I know that he passed away in 2017. The water right should be updated to reflect current ownership. Do you now own the land? If not, would you let me know who I should be contacting as far as ownership goes? Thank you in advance for your help.

Sincerely,

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

4221-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 12, 2022

4221-3

Eugene A Borg
15455 110TH St
Norwood Young America MN 55397-9453

Dear Mr. Borg:

I am writing to you in regard to ownership of land described in Water Right No. 4221-3. The water right, currently listed in the name of Harry Borg authorizes irrigation of the SE ¼ Section 35, T113N, R57W in Clark County SD.

Brad Terhark has been operating the irrigation on the land for several years and he is who we send annual irrigation questionnaires too. It is our understanding that the water right should be transferred out of Harry Borg's name. I obtained your name and address from the Clark County Treasurer's Office as being owner of the land.

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

I have also included a copy of the water license and map to give you a better idea of where the land is and what is authorized for irrigation. If you have any questions concerning the water right or filing of the ownership change, please let me know.

Sincerely,

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

enclosures

4221-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date October 31, 2022RECEIVED OF Eugene/Doreen Borg 19368 430 Ave., Bryant SD 57221

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4221-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineervm

PAID

OCT 31 2022

Ck# 651

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT 31 2022

OFFICE OF
WATER

No. 4221-3

Date: _____

I/We request that Water Right No. 4221-3

formerly owned by: Harry Borg

be transferred to: (name & address)

Eugene Borg

19368 430 Ave

Bryant S.D. 57221

Telephone No. _____

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

SE 1/4 Section 35, T113N, R57W

I/We understand that the validity of Water Right No. 4221-3 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 Eugene Borg, the new owner, certify that the above information is true and correct.

Eugene A. Borg

(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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 8, 2022

4221-3

Eugene A Borg
19368 430th Ave
Bryant SD 57221-5506

Dear Mr. Borg:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4221-3.

The ownership change has been completed. The water right formerly held by Harry Borg is now listed in your name.

The receipt for the filing fee you paid is enclosed. Thank you for updating the water right. If you have any questions, please let me know.

Sincerely,

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

enclosures