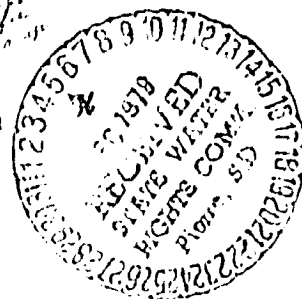


ter Right Number 4357-3

1. Considered JANUARY 31, 19 79
2. Name of Applicant BERT T. YEAGER
3. Post Office Address SIOUX FALLS, SD 35-98-69
4. Amount of water claimed 2.
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION  
Acres to be irrigated 145
7. Water to be diverted and used in CHARLES MIX County  
about 85.7W Miles 2 of PLATTE
8. Proof of Publication  
Received 2-7-79  
Not received \_\_\_\_\_
9. Application  
Approved 2-1-79  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

10. Remarks:

No. 4357-3Map No. 3554-3 Water Division No. 3 MISSOURI 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 Bert T. Yeager *Corres. to: Isabel R. Chapman 3108 S. Holly Ave*  
 Postoffice address 1316 South Lyndale Avenue, Sioux Falls South Dakota 57105

If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Yeager #14. Amount of water claimed (cubic feet per second) 25. Source of water supply Missouri River6. Location of point of diversion NW 35-98-69County Charles Mix7. Annual period or periods during which water is to be used June, July, August, September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 145

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>NW 26-98-69</u> | <u>73.4</u>    |                  |                |
| <u>SW 26-98-69</u> | <u>71.4</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 4 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Platte Enterprise

12. Principal Features of the Proposed Water Supply System.

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

Diesel motor and pump

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

Aluminum Pipe

C. Works proposed to apply water to beneficial use.

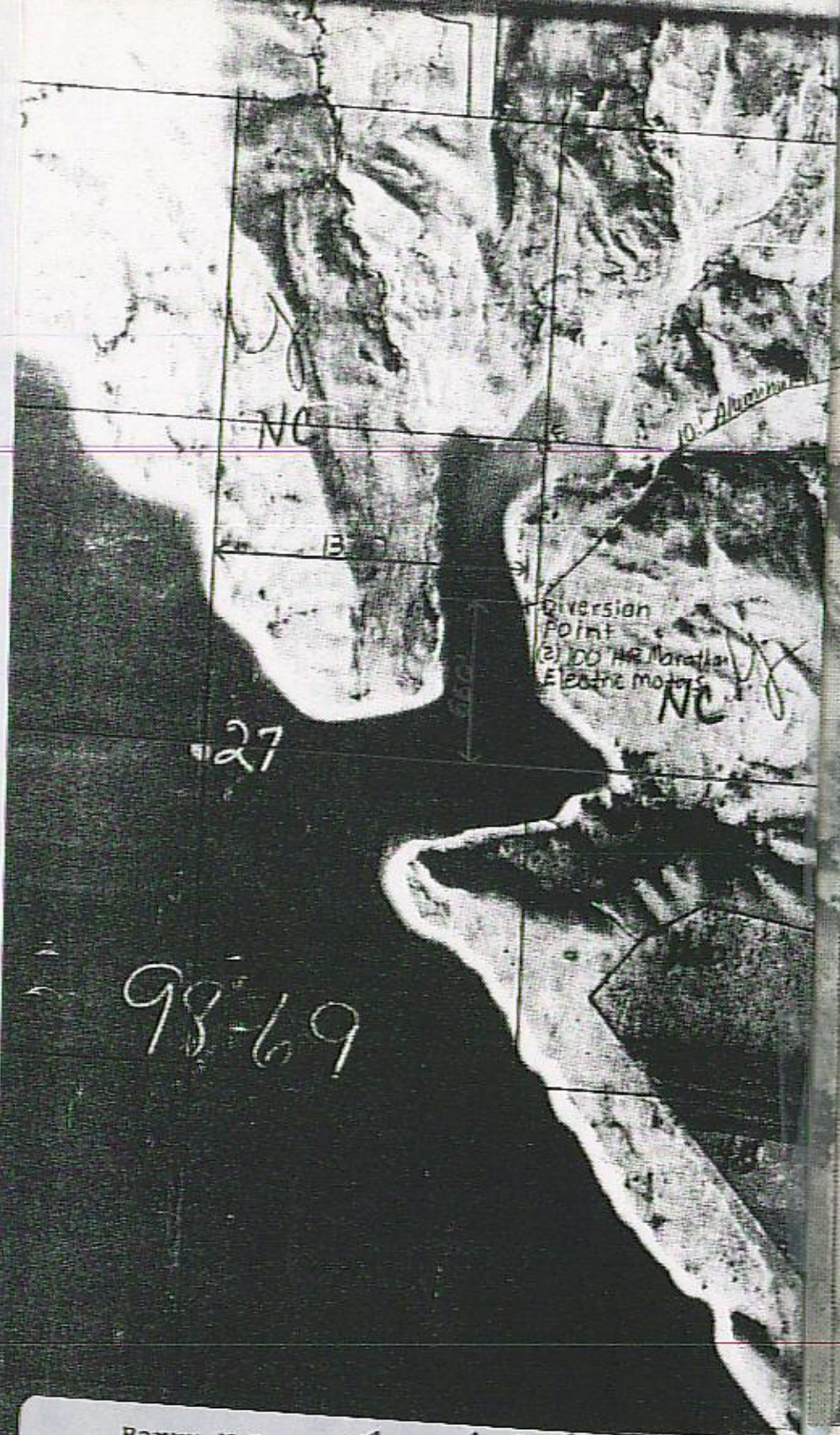
Big GunEstimated Total Cost \$ 34,000Attachments. Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of MinnehahaI, Bert T. Yeager 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 Isabel R. ChapmanSubscribed and sworn to before me this 24<sup>th</sup> day of November 1978Isabel R. Chapman  
Notary Public (or other qualified officer)

NOT TO SCALE

245



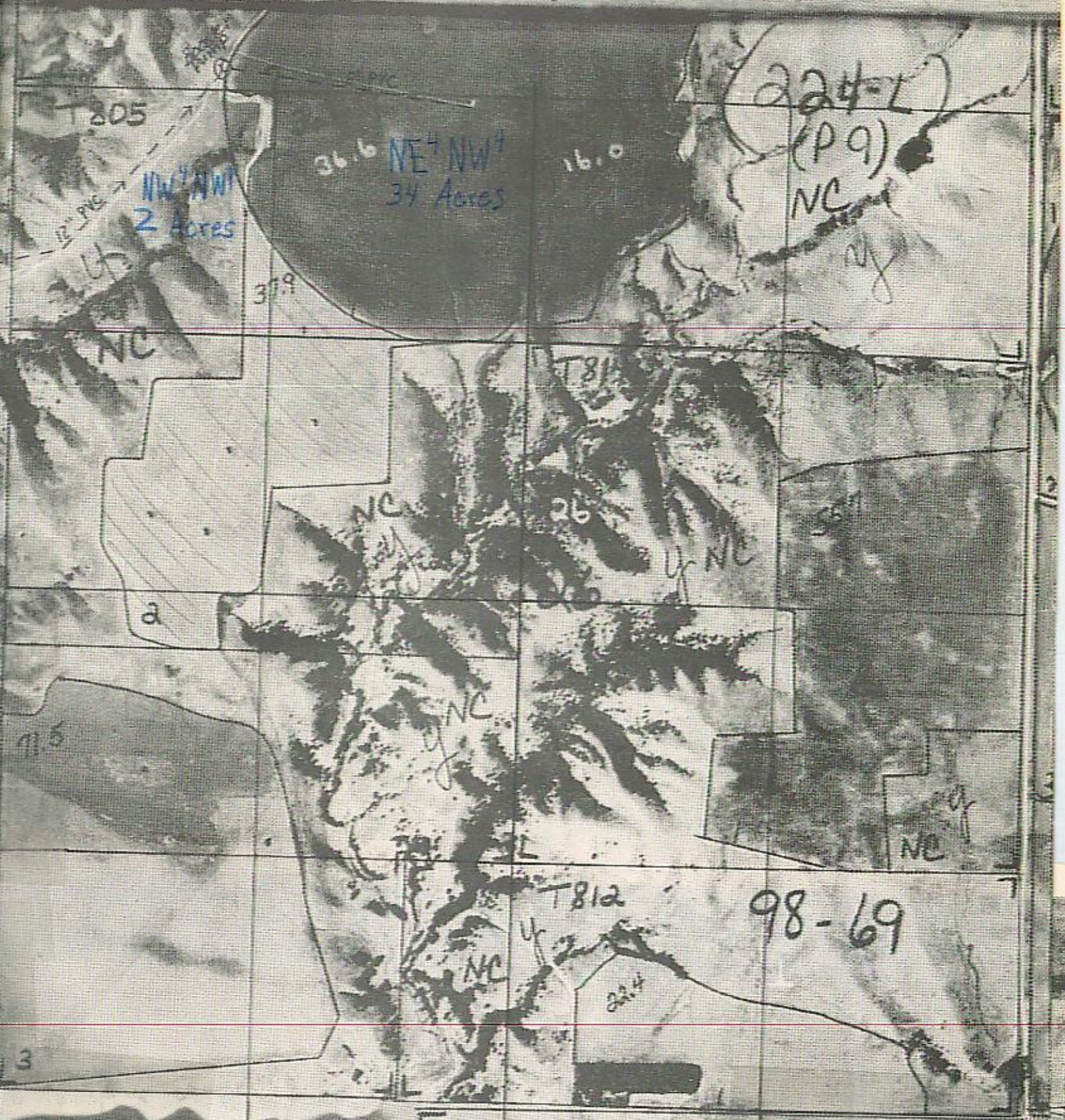
98-69

Barry McLaury *Barry McLaury*  
Natural Resources Analyst  
Division of Water Rights  
Date June 3, 1993  
4357-3

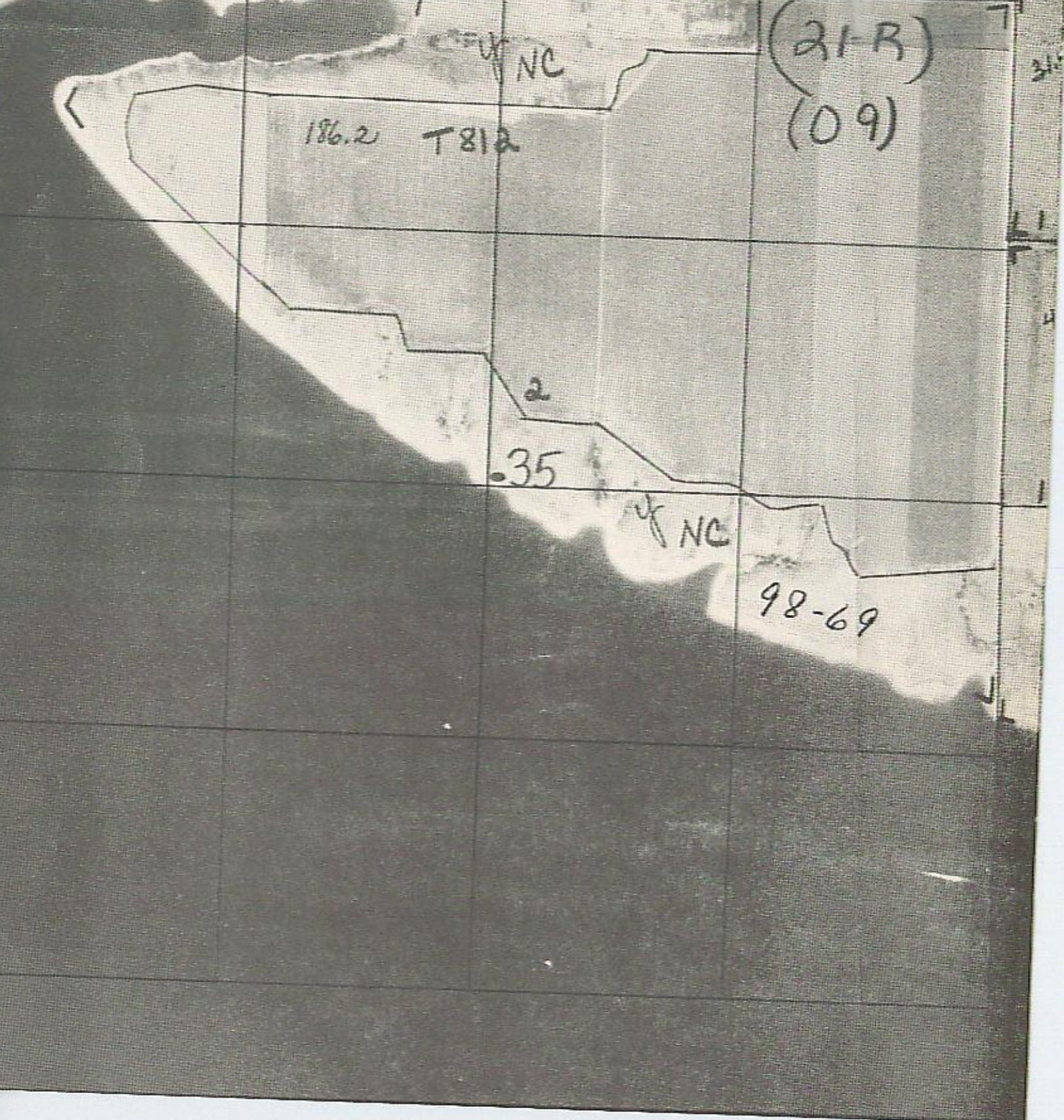
SEE PERMIT  
NO. 2454-3

NOT TO SCALE

4357



98-69



(21-R)  
(09)

98-69

WATER RIGHT APPLICATION - APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4357-3

BERT YEAGER  
(Applicant)

1316 S. LYNDALE AVE  
(Post Office Address)

SIoux FALLS 57101  
(State)

With the following modifications:

Send all correspondence to:  
ISABEL R. CHAPMAN, 3108 S. HOLLY AVE. SIOUX FALLS  
57105

Date of first receipt of application DECEMBER 5, 19 78  
Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19 \_\_\_\_  
Date of receipt of corrected application W8 JANUARY 12, 19 79  
Approved FEBRUARY 1, 19 79, Recorded in Book 20 Page 182

WATER RIGHT PERMIT NO. 4357-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4357-3 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 DECEMBER 5, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 31, 19 81
3. The whole of said work is to be completed on or before FEBRUARY 1, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 1, 19 88
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 2.0 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 2 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 FEBRUARY 1, 19 88; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 28<sup>th</sup> day of FEBRUARY, 19 79

WATER RIGHTS COMMISSION

By:

John Halseth  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_

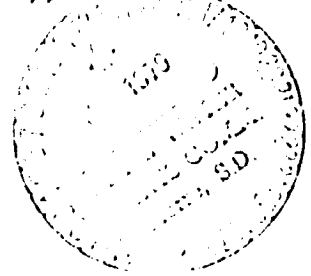
Water License Issued \_\_\_\_\_, 19 \_\_\_\_

CONSERVATION COMMISSION  
FORM WI #1  
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

*Water Rights Copy Surface water -  
Missouri River*



IMPORTANT: Read Instructions Before Proceeding!!!

NAME Bert Yeager  
ADDRESS 1316 S. Lyndale  
COUNTY S. Dak. 57100 Charles Mix Co.

In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Missouri River NE<sup>a</sup> 35-98N-69W
2. LOCATION OF AREA TO BE IRRIGATED (Legal description + town involved)  
Approx 75 Acres NW<sup>4</sup> 26-98-69 + 20A in SW<sup>4</sup> 26-98-69

TYPE OF IRRIGATION:

3. GRAVITY TOWLINE CENTER PIVOT GUN
4. CROPS TO BE IRRIGATED OTHER (SPECIFY)

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER (Randall Reservoir 1976)
6. SALINITY (EC X 10<sup>6</sup>) 6.00 - 7.10
7. SODIUM (SAR) 1.9 - 2.0
8. RESIDUAL SODIUM CARBONATE (meg/l.)

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

SUBSCRIBED AND SWORN BEFORE ME THIS  
DAY OF                     , 19       .

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

*[Signature]*

Approved

Disapproved

Conditionally Approved

(SOILS INFORMATION ON REVERSE SIDE) *in a file*

# BEST IMAGE POSSIBLE FROM POOR ORIGINAL



98-69

75.4

area to be irrigated

(2-151)

55.7

26

71.5

Area to be  
Irrigated

PIPELINE

CH. FURN. PIR. FRONT

22.4

98-69

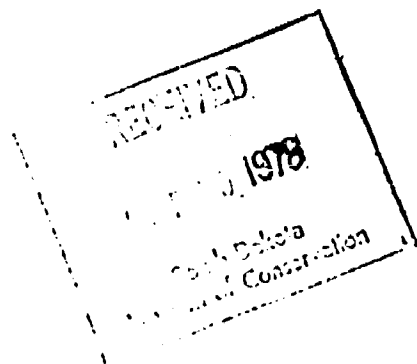
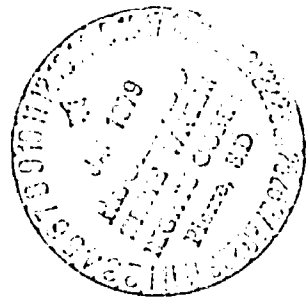
Low Water

Paul Johnson - Bert Yeager, Owner

|     |                 |      |
|-----|-----------------|------|
| 75B | Agar loam       | IIe1 |
| 75A | Agar loam       | IIc2 |
| 70B | Lowry silt loam | IIe1 |
| 45A | Onita silt loam | IIc3 |
| 70A | Lowryssilt loam | IIe1 |

INTAKE RATES

|       |       |
|-------|-------|
| Agar  | 0.5   |
| Lowry | 0.1.0 |
| Onita | 0.5   |





No. 4357-3

Publish first publication, on or before January 18, 1979

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1979

Notice is hereby given Bert T. Yeager whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the Missouri River through the Yeager #2, the point(s) of diversion of which is(are) to be located in the NE 1/4 NW 1/4

of Section 35, Twp. 98N, Range 69W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 and SW 1/4, Section 26, T98N, R69W

This Application No. 4357-3 will be considered by the Water Rights Commission at

SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 31st day of January, 1979

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.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BETTY WESTLUND  
Water Rights Specialist

cc: Bert T. Yeager, 1316 S. Lyndale, Sioux Falls, SD 57101

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

100  
not to  
to fit  
prints  
available

The Platte Enterprise, Platte, Charles Mix Co., S.D.  
Page Four  
Thursday, January 18, 1979

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Charles Mix ) ss.

I, Aaron Huggins hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Platte Enterprise

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

1-18-79

1-25-79

Aaron Huggins  
(Signature)

Secretary  
(Title)

2-3-79

(Date Signed)

NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER

Notice is hereby given that  
Bert T. Yeager, whose post  
office address is Sioux Falls,  
South Dakota, has made an  
application in accordance  
with the provisions of SDCL  
46-1-1 thru 46-1-9, 46-1-14; 46-2-9  
thru 46-2-11, 46-2-13, 46-5-1 thru  
46-5-8, 46-5-10 thru 46-5-41, and  
Commission Rules ARSD 52-  
01:01 thru 52:01:01:13, for a  
permit to appropriate for  
beneficial use 2.0 cubic feet of  
water per second of time from  
the Missouri River through  
the Yeager No. 2, the point of  
diversion of which is to be  
located in the NE 1/4 NW 1/4 of  
Section 35, Twp. 98N, Range  
69W. Said water to be used for  
the purpose of providing irri-  
gation on portions of the  
following described land:  
NW 1/4 and SW 1/4, Section 26,  
T98N, R69W.

This Application No. 4357-3  
will be considered by the  
Water Rights Commission at  
SDEA Auditorium, 411 E.  
Capitol, Pierre, S.D., upon the  
31st day of January, 1979, at 10  
a.m. The Commission is auth-  
orized to make a determina-  
tion on this application at the  
hearing. All interested per-  
sons may appear and be  
heard. Any person who may  
be affected by a Commission  
decision who desires to pre-  
sent evidence or cross-exam-  
ine witnesses according to  
SDCL 1-26 may notify the  
Commission in writing prior to  
the hearing or orally at the  
hearing.

This hearing is an adver-  
sary proceeding. Any person  
has the right to be present or  
be represented by a law-  
yer. These and other due  
process rights will be for-  
feited if they are not exer-  
cised at the hearing. Decisions  
of the Commission may be  
reviewed by the Courts as  
provided by law.  
WATER RIGHTS  
COMMISSION  
Ally Westlund,  
Water Rights Specialist  
(Jan. 18, 25)

October 7, 1980

Isabel R. Chapman  
2108 So. Holly Ave  
Sioux Falls SD 57105

Dear Mr. Chapman:

In answer to your letter of October 2, 1980 regarding water permit No. 4357-3 in the name of Bert Yeager. The permit was approved February 1, 1979 for 2.0 cfs to irrigate 145 acres from the Missouri River in Sections 35/26-T98N-R69W. You have until February 1, 1984 to complete the project.

A Section 10 permit is required from the Corps of Engineers. You should contact Dallas Moon, Real Estate Project Office, Box 670, Pierre SD 57501. Phone No. 224-8618.

Your name has been placed on the water permit to receive all correspondence.

Sincerely,

BETTY WESTLUND  
Water Rights Specialist

BW:kw

cc: Dallas Moon

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N<sup>o</sup> 4 6678

January 4, 1979

PIERRE, \_\_\_\_\_

RECEIVED OF Bert Yeager, 1316 S. Lyndale, Sioux Falls SD

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

|                                                                                                                      |     |    |
|----------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. 4257-3 (examination, processing, recording and filing) _____ | 250 | 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 _____<br>(any other work as provided by law)                                                                 |     |    |
| TOTAL                                                                                                                | 250 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer

JOHN HATCH

# Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division  
605 73-3352

*Microfilm with 4/10*

September 15, 1981

Paul A Johnson  
RR 2  
Platte SD 57369

Dear Mr. Johnson:

In answer to your phone call to this office, September 9, 1981 regarding the additional acreage being covered by a Mr. Bert Yeager's Water Permit No. 4357-3.

Mr. Yeager's permit covers 73.4 acres in the NW 1/4 and 71.4 acres in SW 1/4, both in Section 26, T98N, R69W. Your Permit No. 2454-3 is for 254 acres in the W 1/2 of Section 23, T98N, R69W.

When our engineer inspected your Permit No. 2454-3 he found you were irrigating the following lands not included in either permit.

|                        |          |
|------------------------|----------|
| Section 23, T98N, R69W | acres    |
| NE 1/4 NE 1/4          | 14       |
| SW 1/4 NE 1/4          | 10       |
| SE 1/4 NE 1/4          | 4        |
| NW 1/4 SE 1/4          | 13       |
| SW 1/4 SE 1/4          | 18       |
| Section 26, T98N, R69W |          |
| NW 1/4 NE 1/4          | 17       |
| TOTAL                  | 76 acres |

There is 28 acres in the NE 1/4 NW 1/4 of Section 26, T98N, R69W this acreage is covered by Mr. Yeager's water permit. Do you irrigate this acreage for Mr. Yeager or should it be transferred to your water permit as the owner?

Also as stated in our previous letter it will be necessary to submit a WI-1 form with a soils map covering the transfer of acreage not covered under your permit to the Water Quality Laboratory, Water Resources Research Institute SDSU, Brookings SD 57007, indicating you are using Missouri River water. The soils information can be obtained from the local Soil Conservation District.

Since this involves a transfer of acreage it will have to be advertised for four weeks prior to a Water Management Board meeting. The fee will be \$150, which is the minimum fee for an application to appropriate water. We are enclosing another set of completed forms for your signature.

September 15, 1981  
Paul A Johnson  
Page 2

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND

October 7, 1980

Isabel R. Chapman  
2108 So. Polly Ave  
Sioux Falls SD 57105

Dear Mr. Chapman:

In answer to your letter of October 2, 1980 regarding water permit No. 4357-3 in the name of Bert Yeager. The permit was approved February 1, 1979 for 2.0 cfs to irrigate 145 acres from the Missouri River in Sections 35/26-T98N-R69W. You have until February 1, 1984 to complete the project.

A Section 10 permit is required from the Corps of Engineers. You should contact Dallas Moon, Real Estate Project Office, Box 670, Pierre SD 57501. Phone No. 224-8618.

Your name has been placed on the water permit to receive all correspondence.

Sincerely,

BETTY WESTLUND  
Water Rights Specialist

BW:kw

cc: Dallas Moon

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. \_\_\_\_\_

Map No. \_\_\_\_\_ Water Division No. \_\_\_\_\_ District \_\_\_\_\_  
Above for Office Use

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New \_\_\_\_\_ Vested Right \_\_\_\_\_ Future Use \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion \_\_\_\_\_

Change in Acreage ☒ Additional Acreage \_\_\_\_\_

1 Name of Applicant Paul A. Johnson Phone No. \_\_\_\_\_  
Post Office Address RR #2, Platte State South Dakota 57569  
(Street, RR, or Box) (Town) (Zip Code)  
If a corporation show date and place of incorporation \_\_\_\_\_

2 Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_

3 Name of diversion work Johnson #1 and #2

4 Amount of water claimed (cubic feet per second) 3.6 (No additional)

5 Source of water supply Missouri River

6 Location of point of diversion 2300 ft S and 1200 ft W of the NE cor  
of Section 27, T98N R69W

County Charles Mix

7 Annual period or periods during which water is to be used June thru September

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 255

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>See attached sheet</u> |                |                  |                |
|                           |                |                  |                |
|                           |                |                  |                |

Attach sheet if more space is needed

10 Time required to complete construction of water supply system Completed years Additional time required to complete application of water to the proposed beneficial use \_\_\_\_\_ years

11 Choice of county newspaper for publication of Notice of Intent to Appropriate Water Platte Enterprise

12 Principal Features of the Proposed Water Supply System

A Works proposed to divert water from its natural source

Pump and Engines

B Works proposed to transport water to place of use

Pipe lines

C Works proposed to apply water to beneficial use

Center Pivots and Big Gun

*Note: This application is for a charge to be paid to Permit # 2454-2. For additional information, please contact the Department of Natural Resources. This application will be cancelled upon receipt of this application.*

Paul A Johnson

## Acres To Be Irrigated

The following in Section 23, T8N R69W

NW $\frac{1}{4}$  NW $\frac{1}{4}$  - 27 Ac.  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  - 33 Ac.  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  - 24 Ac.  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  - 32 Ac.  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  - 6 Ac.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  - 14 Ac.  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  - 10 Ac.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  - 4 Ac.  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  - 13 Ac.  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  - 18 Ac.  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  - 29 Ac.

The following in Section 26, T8N R69W

NE $\frac{1}{4}$  NW $\frac{1}{4}$  - 28 Ac.  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  - 17 Ac.

Total. 255 Ac

Count this  
Way do not  
miss

Sioux Falls, South Dakota  
3108 South Holly Avenue

4357-3

Mr. John Hatch, Chief Engineer  
Water Rights Division  
S. D. Department of Water and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

Gentlemen;

Thank you for your letter of March 7, indicating that you have not received the Irrigation Questionnaire on the Water Permit 4357.

I have sent the blank you mailed to me to Paul Johnson who farms this land, and he has told me that he has mailed it to you. Since he is the person who knows how much irrigation he has used, I thought it would be much more accurate for him to complete the form.

Please look in your file for his irrigation permit. I hope you will find the information you want there. If not, we will send him the pink form you enclosed with your last letter.

Also, can you let us know if you can transfer the permit into my name since ownership of the farm has been transferred since last January. Eventually, this farm will be owned jointly by myself and my sister, Isabel R. Chapman - so maybe it would be better to change the names when this has been accomplished. Please let us know about this procedure.

Thank you.

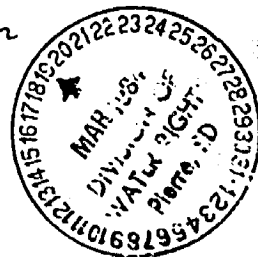
Sincerely,

*Donald L. Yeager*

Donald L. Yeager

*I spoke with Isabel Chapman concerning questionnaire - she indicated the land is now owned by her brother Donald Yeager - they will eventually have joint ownership - I told them to file notice of transfer - Sent form 4/10/84*

*Henry*



4357-3



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 4357-3

April 11, 1984

Donald L Yeager &  
Isabel Chapman  
3108 S Holly Ave.  
Sioux Falls SD 57105

Dear Ms. Chapman & Mr. Yeager:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAAK  
Administrative Aide

enclosure

DWNR-820A-8/83

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: April 11, 1984

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

145 acres - W 1/2 Section 26, T98N, R69W

formerly owned by Bert T Yeager

has been transferred to Donald L Yeager & Isabel Chapman  
3108 S Holly Ave., Sioux Falls SD 57105

(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4357-3 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 Div. of Water Rights, Water Management Board 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 )  
 ) ss.  
County of CHARLES MIX

I Donald Yeager - Isabel R. Chapman being first duly sworn on <sup>our</sup> my oath depose and say:  
That ~~my~~ <sup>our</sup> relation to the above described undertaking is that of Owner; that <sup>we</sup> ~~I~~ have read  
the above foregoing statement, and <sup>we</sup> ~~I~~ know of <sup>my</sup> ~~my~~ own personal knowledge that the information herein stated is true.

Donald Yeager - Isabel R. Chapman  
(Signed)

Subscribed and sworn to before me this 11<sup>th</sup> Day of APRIL, 1984.

M.C. Nelson  
(Notary Public)  
MY COMMISSION EXPIRES APRIL 15, 1985



# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9641

Pierre, April 17, 1984

RECEIVED OF Donald L. Yeager & Isabel Chapman, 3108 S. Holly Ave., Sioux Falls, SD  
the following amount in fees for services rendered as provided for by law: 57105

Fee for Application for Permit No. \_\_\_\_\_ to Appropriate Water, to construct works 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 4357-3 \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for Certified Copy of \_\_\_\_\_

Fee for Print Copy of Map \_\_\_\_\_

Fee for Certifying \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

*John Hatch*  
Chief Engineer JOHN HATCH/ms

No. 4357-3



# Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

April 17, 1984

Donald L Yeager & Isabel Chapman  
3108 S Holly Ave  
Sioux Falls SD 57105

Dear Ms. Chapman & Mr. Yeager:

Enclosed is receipt No. 4 9642 in the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 4357-3.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAACK  
Administrative Aide

enclosure

WNR-621-7/79

Receipt & Notice of filing of Transfer of Water Right

**South Dakota Department of  
Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 17, 1989

D. Yeager & I. Chapman  
3108 S. Holly Ave.  
Sioux Falls, SD 57105

Dear Mr. Chapman:

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

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

The new standards include:

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

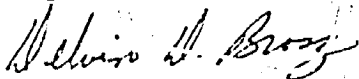


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



for JOHN HATCH, Chief Engineer  
Water Rights Division

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

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

February 9, 1990

DON YEAGER & ISABEL CHAPMAN  
3108 S HOLLY AV  
SIOUX FALLS, SD 57105

**NOTICE**

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4357-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

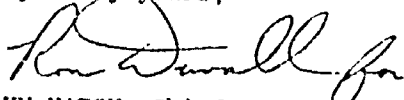
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4357-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

Very truly yours,

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

4357-3

3108 South Holly Avenue  
Sioux Falls, SD 57105

February 12, 1990

Mr. John Hatch, Chief Engineer  
Water Rights Division  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

RE: Violation of Requirement to Submit 1989 Irrigation  
Questionnaire

Your Certified letter stating that you did not receive the 1989 Irrigation Questionnaire for Permit No(s). 4357-3 was a shock to my brother and me. We received the original request, and promptly forwarded it to Paul Johnson, the renter of the farm, and he told us he had sent it in. Paul files our report along with his own permit number when he gets them, and we thought perhaps the two numbers did not come up on your computer, or something.

When my brother contacted Paul yesterday, he told us he, too, had received a certified letter from you, and that he got out the copy of his original report, has made copies, and has already mailed them to you.

Since Paul is convinced that this report was lost in the mail, we will assume that you will accept these copies as having been filed, as stated in the last paragraph of your letter. If you do not receive these reports promptly, please let us know so we can make sure they are mailed again.

Thank you for checking this for us.

Sincerely,

*Don Yeager*  
Donald Yeager

*Isabel Chapman*  
Isabel Chapman

ic

 **Department of  
Water & Natural Resources**

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

February 16, 1990

4357-3

Don Yeager & Isabel L Chapman  
3108 S Holly Ave  
Sioux Falls SD 57105

Dear Mr. Yeager and Ms. Chapman:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 4357-3 received from Paul Johnson. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. The questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

*Bon Duvall* /ks

RON DUVALL  
Natural Resources Engineer  
Water Rights Division



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

D. YEAGER & I. CHAPMAN  
3103 S. HOLLY AVE.  
SIOUX FALLS, SD 57105

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 4357-3

The first notice to file chemigation report(s) for Permit No(s) 4357-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 4357-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

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

1. Suspend or cancel Permit No(s). 4357-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

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

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

*South Dakota*

GREAT LAKES GREAT PLACES

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

February 3, 1992

D. YEAGER & I. CHAPMAN  
3108 S. HOLLY AVE.  
SIOUX FALLS, SD 57105

Dear Mr. CHAPMAN:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No. 4357-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

If you have any questions, please contact me at (605) 773-2352.

Sincerely,

*Don Frye*

DON FRYE, Natural Resources Analyst  
Water Rights Division



4357-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DON YEAGER & ISABEL CHAPMAN  
3108 S HOLLY AV  
SIOUX FALLS SD 57105

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4357-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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 9:30 am, March 3, 1993, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4357-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

4357-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: D. YEAGER & I. CHAPMAN  
3108 S. HOLLY AVE.  
SIOUX FALLS, SD 57105

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 4357-3

The first notice to file chemigation report(s) for Permit No(s) 4357-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 4357-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4357-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

is on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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: 4357-3

4a. Article Number

P906 559 992

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-93

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

is your RETURN A

5. Signature (Addressee)

Isabel Chapman

6. Signature (Agent)

PS Form 3811, December 1991 ☆ U.S.G.P.O. 1992-317-530

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

4357-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 1, 1993

4357-2

Don Yeager & Isabel Chapman  
3108 S Holly Avenue  
Sioux Falls, SD 57105

Dear Mr. Yeager and Ms. Chapman:

I am writing to acknowledge receipt the 1992 irrigation questionnaire and chemical reporting form for Water Permit No. 4357-3. You may disregard the January 29, 1993, Notices of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire and Failure to Report Chemical Use.

The questionnaire and chemical reporting form were received 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  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352



4357-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 16, 1994

NOTICE

TO: D. YEAGER & I. CHAPMAN  
3108 S. HOLLY AVE.  
SIOUX FALLS, SD 57105

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 4357-3

The first notice to file chemigation report(s) for Permit No(s) 4357-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 4357-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 4357-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

CC: Paul A. Johnson, RR2, Platte, SD 57369

on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

4357-3

DON YEAGER & ISABEL CHAPMAN  
3108 S HOLLY AV  
SIOUX FALLS SD 57105

4a. Article Number

P 837 692 499

4b. Service Type

- |                                               |                                                         |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

2-17-94

Is your RETURN:

5. Signature (Addressee)

*Isabel N. Chapman*

6. Signature (Agent)

*R.D. Hansen*

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

PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.



4357-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 16, 1994

DON YEAGER & ISABEL CHAPMAN  
3108 S HOLLY AV  
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 4357-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4357-3 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352



4357-3

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

February 28, 1994

4357-3

Don Yeager & Isabel Chapman  
3108 S Holly Avenue  
Sioux Falls, SD 57105

Dear Mr. Yeager & Ms. Chapman:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire and the information pertaining to chemical use under Water Permit No. 4357-3. The irrigation questionnaire and chemical use information were returned by Paul Johnson. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.**

The questionnaire and chemical use information were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda. I am enclosing a copy of the reports filed by Mr. Johnson.

If you have any questions, please contact me.

Sincerely,

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

cc: Paul Johnson, RR #2 Box 80, Platte, SD 57369

4357-3



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

November 28, 1994

4357-3

Don Yeager  
3108 S Holly Avenue  
Sioux Falls, SD 57105

Dear Mr. Yeager:

Enclosed, as you requested, is the "Annual Water Rights Fee Proposal" dated October, 1994.

Also enclosed, is the water use information Mr. Johnson submitted with regard to your 1994 irrigation questionnaire. He reported the irrigation for your pivot on his questionnaire. It is acceptable to combine irrigation data on one form when it pertains to the same system. Many irrigators report in this manner.

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 Division  
(605) 773-3352

enclosures

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 4357-3

(1) Bert Yeager, Sioux Falls SD made Application No. 4357-3, December 5, 1978 for a water permit to divert 2.0 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 4357-3, with a priority date of December 5, 1978 was approved February 1, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 1, 1984 and for the application to beneficial use of said water on or before February 1, 1988.

Water Permit No. 4357-3 was transferred April 17, 1984 to Donald L. Yeager & Isabel Chapman.

An investigation conducted for licensing purposes found the diversion point authorized under No. 4357-3 was not in the location authorized by the permit. Pursuant to SDC 46-5-13.1, the Chief Engineer made a finding that the change in the location of diversion point does not increase the potential for interference with existing diversions from the Missouri River.

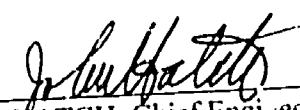
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.51 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet east and 660 feet north from the center of Section 27-T98N-R69W (SW 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

|                      |               |          |
|----------------------|---------------|----------|
| Section 26-T98N-R69W | NE 1/4 NW 1/4 | 34 acres |
|                      | NW 1/4 NW 1/4 | 2 acres  |
| Total                |               | 36 acres |

Water Permit No. 4357-3 is part of a larger pivot system authorized by Water Right No. 5783-3.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald L. Yeager and Isabel Chapman, 1509 S. Sycamore, Sioux Falls SD 57110-3781 the holders and/or owners of Water Permit No. 4357-3 are issued a license to appropriate water, the right to use 0.51 cubic feet of water per second from the Missouri River with a priority date of December 5, 1978 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4357-3 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

SEP 6 1996

date



*Transferred in 1984 to Donald Yeager and Isabel Chapman*

Form 12

**Permit No. 4357-3**  
**Missouri River - Water District**

**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Bert Yeager of 1316 S Lyndale Avenue, Sioux Falls, SD 57101 holder of Permit No. 4357-3, bearing the priority of December 5, 1978 authorizing the diversion of 2.00 cu. ft. of water per second (CFS) from the waters of the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Marathon Electric  
SN 92580-2/11-3  
100 HP

Cornell Pump  
SN 34104  
1100 GPM

Second motor not at site.

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

Booster site:

General Electric  
SN CNJ323432  
50 HP

Cornell Pump  
SN E2399  
7 1/16" impeller

DISTRIBUTION LINES OR CANALS:

|                  |                   |                     |
|------------------|-------------------|---------------------|
| 1) Type PVC      | 2) Size 12 inches | 3) Length 1320 feet |
| 1) Type Aluminum | 2) Size 10 inches | 3) Length 1650 feet |
| 1) Type PVC      | 2) Size 8 inches  | 3) Length 1320 feet |

C. Works used to apply water to beneficial use:

Electrogator Center Pivot  
7 towers  
High pressure with end gun  
1100 GPM

The system is in the following condition Good. The point of diversion is located 1320 feet E and 660 feet N from the center of Section 27 T98N-R69W (SW1/4 NE1/4). The works are capable of diverting and conveying to the place of use 2.44 CFS of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T98N-R69W

Section 26

NE1/4 NW1/4 34 acres  
NW1/4 NW1/4 2 acres

Total 36 Acres

comprising a total of 36 acres of land and the license should be issued for 0.51 CFS.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: 4-26-93

Barry A. McLaury  
Barry A. McLaury  
Natural Resources Analyst  
DENR, Water Rights Division

# REPORT ON INSPECTION OF PERMIT NO. 4357-3

DATE: April 26, 1993

Other permit(s) associated with the project: 2454-3

DIVERSION POINT LEGAL LOCATION: 1320 feet E and 660 feet N from the center of Section 27 T98N-R69W (SW1/4 NE1/4).

## Motors:

- |                                          |                                      |
|------------------------------------------|--------------------------------------|
| 1) Marathon<br>SN 92580-2/11-3<br>100 HP | Cornell Pump<br>SN 34104<br>1100 GPM |
| 2) Second Motor not at pump site         |                                      |

## Booster:

- |                                              |                                              |
|----------------------------------------------|----------------------------------------------|
| 1) General Electric<br>SN CNJ323439<br>50 HP | Cornell Pump<br>SN E2399<br>7 1/16" impeller |
|----------------------------------------------|----------------------------------------------|

## DISTRIBUTION LINES OR CANALS:

- |                         |                          |                            |
|-------------------------|--------------------------|----------------------------|
| 1) Type <u>PVC</u>      | 2) Size <u>12</u> inches | 3) Length <u>1320</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>10</u> inches | 3) Length <u>1650</u> feet |
| 1) Type <u>PVC</u>      | 2) Size <u>8</u> inches  | 3) Length <u>1320</u> feet |

## SYSTEM TYPE:

### Center pivot:

- 1) Make Electroqator
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 190 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1100 GPM

### CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Not visible
- 3) Inspection port/air relief Y
- 4) Low pressure drain N
- 5) Discharge is 20' from source ?
- 6) Interlock type Electric
- 7) Injection pump type Not at site

- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules N
- 11) Comments : Mr. Johnson (renter) and Mr. Yeager (owner) need to be contacted and informed on the rules of chemigation.

#### **PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
WATER RIGHTS PROGRAM

DATE: April 21, 1995

RE: Change in location of diversion point for Water Permit No. 4357-3, Donald Yeager and Isabel Chapman.

An inspection of Permit No. 4357-3 found the diversion point in a location not authorized by the permit. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 4357-3, approved in February 1, 1979, appropriates 2.00 cubic feet of water per second (cfs) from surface water to irrigate 145 acres. The diversion point was to be located in the NW1/4 of Section 35; T98N R69W. The acres to be irrigated are located NW1/4 and SW1/4 of Section 26; T98N R69W. An inspection of Water Permit No. 4357-3 found the works capable of diverting 0.51 cfs from the Missouri River located in the SW1/4 NE1/4 of Section 27; T98N R69W to irrigate 36 acres located in the N1/2 NW1/4 of Section 26; all in T98N R69W.

A review of existing diversions within a one mile radius of Section 27 was conducted based on Water Rights Program records. This review indicates that this diversion point location change does not change the impact potential to existing

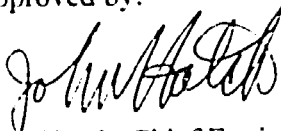
diversions from the **Missouri River**. The diversion point has been in operation at the described location for several years with no known complaint.



Barry A. McLaury  
Environmental Scientist  
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Water Permit No. 4357-3 may be licensed without requiring an application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for a change of diversion point.

Approved by:



John Hatch, Chief Engineer  
Water Rights Program

4357-3

**WATER RIGHTS PROGRAM  
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Donald Yeager & Isabel Chapman

ADDRESS: 3108 S Holly Ave., Sioux Falls, SD 57105

COUNTY: Charles Mix

DATE: June 18, 1996

RE: status of chemigation equipment

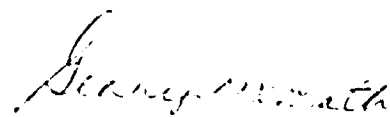
**COMMENTS:**

The investigation report prepared for Water Permit No. 4357-3 indicates that the chemigation equipment at the time of the investigation, was not in compliance with WMB rules.

The 36 acres irrigated under No. 4357-3 is part of a larger pivot system owned and operated by Paul Johnson (Water Right No. 5783-3). Mr. Johnson spoke with Barry McLaury on May 23, 1995, and indicated the chemigation system is no longer used (see file documentation dated 5-23-95 in Water Right No. 5783-3).

**CONCLUSIONS:**

Permit No. 4357-3 can be licensed as soon as the fee is received.



Genny McMath  
Environmental Scientist



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

June 19, 1996

4357-3

Donald Yeager and Isabel Chapman  
3108 S. Holly Avenue  
Sioux Falls, SD 57105

Dear Mr. Yeager and Ms. Chapman:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4357-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

SEP 6 1996

4357-3

Donald L. Yeager and Isabel Chapman  
1509 S. Sycamore  
Sioux Falls, SD 57110-3781

Dear Mr. Yeager and Ms. Chapman:

Enclosed is Water License No. 4357-3 and Receipt No. 415027 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 4357-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

ks  
enclosures

# RECEIPT

Division of Water Rights

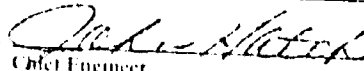
South Dakota Department of Environment and Natural Resources

4357-3  
415027

Pierre, \_\_\_\_\_ July 24, 19 96

RECEIVED OF Don Yeager & Isabel Chapman, 1509 S. Sycamore, Sioux Falls, SD 57110-3731  
the following amount in fees for services rendered as provided for by law.

|                                                                                                                         |       |       |
|-------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                  |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. <u>4357-3</u> _____    | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                      |       |       |
| Fee for Filing Extension Request _____                                                                                  |       |       |
| Fee for _____                                                                                                           |       |       |
| _____                                                                                                                   |       |       |
| _____                                                                                                                   |       |       |
| (Any Other Work Provided by Law)                                                                                        | Total | 50 00 |

By   
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 29, 1997

4357-3

Don Yeager  
1509 S Sycamore  
Sioux Falls, SD 57110-3781

Dear Mr. Yeager:

Enclosed, as we discussed, is a copy of the irrigation questionnaire filed by Paul Johnson. The form includes data for your water right.

I have changed your mailing address in our files to "1509 S Sycamore". Your sister's address is still listed in the files but will not be used for mailing purposes. Future correspondence, including annual irrigation questionnaires will be directed to the Sycamore address. Thank you for calling me about this. If you have any questions, please contact me.

Sincerely,

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

enclosure



4357-3

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

January 9, 1998

**NOTICE****TO: DON YEAGER, 1509 S SYCAMORE, SIOUX FALLS, SD 57110 3781****FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program****SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)**

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 4357-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 4357-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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

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:

4357-3

DON YEAGER  
1509 S SYCAMORE  
SIOUX FALLS SD 57110 3781

4a. Article Number

119 141 183

4b. Service Type

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

7. Date of Delivery

1-13

5. Received By: (Print Name)

Don Yeager

6. Signature (Addressee or Agent)

X [Signature]

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1964

102595-97 B-0179

Domestic Return Receipt

4357-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 1998

4357-3

Don Yeager  
1509 S Sycamore  
Sioux Falls, SD 57110-3781

Dear Mr. Yeager:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 4357-3.

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

Enclosed is a copy of the information as submitted by Mr. Johnson. If you have any questions, please contact me.

Sincerely,

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



4357-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DON YEAGER, 1509 S SYCAMORE, SIOUX FALLS, SD 57110 3781

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No. 4357-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 5, 2003, 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) 4357-3 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, 2003, 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.



4357-3

## Track & Confirm

### Delivery Status

You entered 2301 0370 0000 7540 6536

There is no record of that item. If it was mailed recently, information may not yet be available. Please try again later.

### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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| U.S. Postal Service Signature Confirmation Receipt                                                                                                                      |                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| SIGNATURE CONFIRMATION NUMBER:<br>9559 0454 0000 0400 1002<br>2301 0370 0000 7540 6536                                                                                  | DON YEAGER<br>1509 S SYCAMORE<br>SIOUX FALLS SD 57110 3781 |
|                                                                                                                                                                         | Postmark<br>Here                                           |
| <b>POSTAL CUSTOMER:</b><br>Keep this receipt. For inquiries:<br>Access Internet web site at<br><a href="http://www.usps.com">www.usps.com</a><br>or call 1-800-222-1811 |                                                            |
| <input type="checkbox"/> Priority Mail<br><input type="checkbox"/> Package Services                                                                                     |                                                            |
| PS Form 183, February 2001 (See Reverse)                                                                                                                                |                                                            |

No confirmation on delivery, however the investigation questionnaire was received and no further followup is needed. *Denney*



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 27, 2003

4357-3

Don Yeager  
1509 S Sycamore  
Sioux Falls SD 57110-3781

Dear Mr. Yeager:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire (submitted by Paul A Johnson). You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4357-3.

The information (see enclosed copy) 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



4357-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 31, 2003

5783-3  
4357-3

Paul Johnson  
28276 Johnson Ln  
Platte SD 57369

Dear Mr. Johnson:

Thank you for the prompt return of the 2003 irrigation questionnaires for Water Right Nos. 4357-3 and 5783-3. You indicated 300 acres were irrigated this year. In order for the questionnaires to be considered complete, we need to have you fill out the back of the forms too.

Please write in the acres, pump rate, days per month and average hours per day in the months that water was applied. We use the information to calculate how much water was used from a specific source.

The legal descriptions of the water rights are included on each questionnaire. If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

NOT TO SCALE 4357-3

98-69

73.4

area to be irrigated

(2-151)

5.0

571 Boundary

55.7

26

71.5

Area To be  
To be Irrigated

pipeline

X Pumping Plant

22.4

98-69

Lyle W. Tolera

~~MAP NO. 2554~~ 3 App. 4357-3

Map No. 1821-3 Water Division No. 3 MISSOURI 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)

- Name of Applicant Paul A. Johnson State South Dakota  
Postoffice address Platte  
If a corporation show date and place of incorporation \_\_\_\_\_ contract
- Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_
- Name of diversion work Johnson #1 & 2 3.6 cfs
- Amount of water claimed (cubic feet per second) \_\_\_\_\_
- Source of water supply Lake Francis Case Missouri River
- Location of point of diversion Diversion #1 NE 1/4 SW 1/4 15-98-69  
Diversion #2 NE 1/4 NE 1/4 27-98-69
- Annual period or periods during which water is to be used \_\_\_\_\_ County Charles Mix  
June, July, August, September
- Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation 254  
Total number of acres to be irrigated \_\_\_\_\_
- For irrigation use.

| 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 1/4 NW 1/4 23-98-69                                                                                                |  | 78.9             |  | 48.6           |
| SE 1/4 NW 1/4 23-98-69                                                                                                |  | 40.0             |  | 28.1           |
| SW 1/4 NW 1/4 23-98-69                                                                                                |  | 34.6             |  |                |
| NW 1/4 NE 1/4 23-98-69                                                                                                |  | 23.8             |  |                |

Attach sheet if more space is needed

- Time required to complete construction of water supply system \_\_\_\_\_ 5 years. Additional time required to complete application of water to the proposed beneficial use \_\_\_\_\_ 5 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Platte Enterprise
- Principal Features of the Proposed Water Supply System.

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

Turbine Pump

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

Aluminum, Abestos cement and/or Plastic Pipe

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 127,000

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

STATE OF SOUTH DAKOTA

County of Charles Mix

I, Paul A. Johnson

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

2th

of

Nov.

19 75

Subscribed and sworn to before me this

Notary Public (or other qualified officer)

*5783-3*

*These 2 permits utilize same div. pt. as 4357-3*

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY  
THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION REPRODUCTIONS. REDUCTION 25% ROLL NO 34 DATE MICROFILMED 4-15-82

Form 2 - Application for Permit to Appropriate Water - Original (Includes Approval and Permit)

Map No. \_\_\_\_\_ Water Division No. \_\_\_\_\_ District \_\_\_\_\_  
 Above for Office Use

# APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New ☐ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☒ Additional Acreage ☐

1. Name of Applicant Paul A. Johnson Phone No. \_\_\_\_\_  
 Post Office Address RR #2, Platte State South Dakota 57364  
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor)

3. Name of diversion work Diversion #1 and #2

4. Amount of water claimed (cubic feet per second) 3.6 (No additional)

5. Source of water supply Missouri River

6. Location of point of diversion 2300 ft S and 1200 ft W of the NE cor of Section 27, T98N R69W

County Charles Mix

7. Annual period or periods during which water is to be used June thru September

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 255

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 for | Land Description | No. Acres for |
|---------------------------|---------------|------------------|---------------|
| <u>See attached sheet</u> |               |                  |               |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proper or beneficial use \_\_\_\_\_ years

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Platte Enterprise

12. Principal Features of the Proposed Water Supply System

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

Pump and Engines

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

Pipe lines

C. Works proposed to apply water to beneficial use:

Center Pivots and Dry Gun

~~After Jan 1, 1971, the fee for a charge for the permit is \$250.00. If the permit is not used within 2 years, the fee will be refunded. If the permit is used within 2 years, the fee will be refunded.~~

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY  
 THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO 34 DATE MICROFILMED 4-15-82

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2454-3  
PAUL A. JOHNSON R.R. #2, PLATTE,  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57369 With the following modifications:  
 (State)

Date of first receipt of application NOVEMBER 12 19 75  
 Date of return to applicant for correction, amendments or changes required — 19 —  
 Date of receipt of corrected application — 19 —  
 Approved JANUARY 23 19 76, Recorded in Book 14 Page 212

WATER RIGHT PERMIT NO. 2454-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2454-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 12 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 23 19 78
3. The whole of said work is to be completed on or before JANUARY 23 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 23 19 81
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 3.6 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 JANUARY 23 19 81; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 29<sup>TH</sup> day of JANUARY 19 76

WATER RIGHTS COMMISSION

By:

John H. Hilt  
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY  
 THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORDED AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 34 DATE MICROFILMED 4-15-82  
Annexed: G. Hilt  
 CHIEF ENGINEER

# Part A Acres To Be Irrigated

The following is Section 23, T78N R68W

NW 1/4 NW 1/4 - 27 Ac.  
 NE 1/4 NW 1/4 - 33 Ac.  
 SW 1/4 NW 1/4 - 24 Ac.  
 SE 1/4 NW 1/4 - 32 Ac.  
 NW 1/4 NE 1/4 - 6 Ac.  
 NE 1/4 NE 1/4 - 14 Ac.  
 SW 1/4 NE 1/4 - 10 Ac.  
 SE 1/4 NE 1/4 - 4 Ac.  
 NW 1/4 SE 1/4 - 13 Ac.  
 SW 1/4 SE 1/4 - 18 Ac.  
 SE 1/4 SW 1/4 - 29 Ac.

The following is Section 26, T78N R68W

NE 1/4 NW 1/4 - 28 Ac.  
 NW 1/4 NE 1/4 - 17 Ac.

Total. 255 Ac.

and this  
 does not  
 belong

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO. 34

DATE MICROFILMED 4-15-82

Deborah G. [illegible]



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

December 28, 2012

4357-3

Don Chapman  
3108 S Holly Ave  
Sioux Falls SD 57105-5313

Dear Mr. Chapman:

I am writing in regard to ownership of land described in Water Right No. 4357-3. The water right is currently listed in the name of Don Yeager and Isabel Chapman. It is our understanding that you now own the land.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed a copy of the water license in the event you do not have one. You may keep it for your records. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN - 4 2013

WATER RIGHTS  
PROGRAM

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

No. 4357-3

Date: 1/2/13

I/We request that Water Right No. 4357-3

formerly owned by: Don Yeager & Isabel Chapman

be transferred to: (name & address) DOUGLAS CHAPMAN

3108 S HOLLY AVE  
SIOUX FALLS, SD

Telephone No. 605 334-7115

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

36 acres - N 1/2 NW 1/4 Section 26, T98N, R69W

I/We understand that the validity of Water Right No. 4357-3 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 [Signature], the new owner, certify that the above information is true and correct.

[Signature]  
(Signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

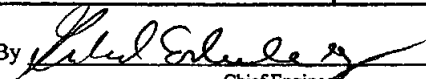
Date 1/4, 20 13

RECEIVED OF Douglas Chapman 3108 S Holly Ave Sioux Falls SD 57105

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

|                                                                                                                |       |    |
|----------------------------------------------------------------------------------------------------------------|-------|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |    |
| Fee for Filing Transfer Form <u>4357-3</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. _____                                             | 50    | 00 |
| 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 |    |
|                                                                                                                | 50    | 00 |

No. **05861**

By   
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 11, 2013

4357-3

Douglas Chapman  
3108 S Holly Ave  
Sioux Falls SD 57105

Dear Mr. Chapman:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4357-3.

The ownership change has been completed. Water Right No. 4357-3 formerly held by Don Yeager and Isabel Chapman is now listed in your name.

Enclosed for your records is Receipt No. 05861 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 19, 2024

**NOTICE**

TO: DOUGLAS CHAPMAN, 3108 S HOLLY AVE, SIOUX FALLS, SD 57105

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 4357-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4357-3 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 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PVIGFJ**

**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

4357-3

January 24, 2024

4357-3

Chad Johnson, Op  
PO Box 323  
Platte SD 57369

Dear Mr. Johnson:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 4357-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

cc: DOUGLAS CHAPMAN, 3108 S HOLLY AVE, SIOUX FALLS SD 57105