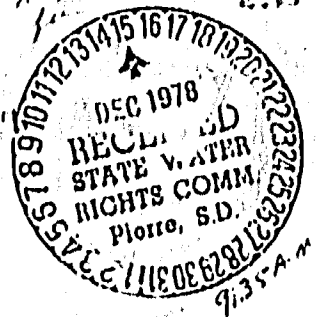


ter Right Number 4360-3

1. Considered JANUARY 31, 1979
2. Name of Applicant DARRELL MULLER
3. Post Office Address MADISON SD 20-105-51
4. Amount of water claimed 2.1
5. Source of water supply 2-52' WELLS
6. Water to be used for IRRIGATION
Acres to be irrigated 156
7. Water to be diverted and used in 756 LAKE County
about ZW Miles of CHESTER
8. Proof of Publication Received 1-20-79
Not received _____
9. Application Approved 2-1-79
Subject to well Interf.
Not approved _____
Action deferred _____

10. Remarks:

No. 4260-3Map No. 3557-3 Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. H. 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 Darrell Muller
Postoffice address Madison, State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract Direct Labor3. Name of diversion work Darrell Muller Irrigation Project #24. Amount of water claimed (cubic feet per second) 2.15. Source of water supply 2 nearly identical wells6. Location of point of diversion #1 - 1650' N 140°W; #2 - 2150' N 150°W
of NE corner of Sec 20-105-51County Lake7. Annual period or periods during which water is to be used April through November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 156

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.
NW 1/4 NE 1/4 Sec 20-105-51	39		
NE 1/4 " " 20-105-51	38		
SW 1/4 " " 20-105-51	40		
SE 1/4 " " 20-105-51	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.11. Choice of newspaper for Notice of Intent to Appropriately Water publication Madison Leader

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. 2 nearly identical wells about 600' apartB. Works proposed to transport water to place of use. buried closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$60,000Attachments: 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 BrookingsI, Darrell Muller 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 Darrell MullerSubscribed and sworn to before me this 27 day of Nov 19 78

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4360-3
Darrell Muller Madison
 (Applicant) (Post Office Address)
South Dakota 57042 With the following modifications:
 (State)

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

Date of first receipt of application DECEMBER 15, 19 78
 Date of return to applicant for correction, amendments or changes required W6, 19 79
 Date of receipt of corrected application JANUARY 12, 19 79
 Approved FEBRUARY 1, 19 79, Recorded in Book 20 Page 177

WATER RIGHT PERMIT NO. 4360-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4360-3 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 15, 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 87
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 2.1 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 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 87; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 27th day of FEBRUARY, 19 79

WATER RIGHTS COMMISSION

By:

John H. Hale
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

GRIMSHAW DRILLING CO.

DRILLING
LOG

South 011

924 South Melrose
Sioux Falls, S.D. 57105
Phone 605-332-6974

Name Darrell Muller Date 11-9-78

Address _____

County LAKE Sec. _____ Twp. _____ Range _____

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>60'</u>	<u>4 3/4"</u>			

BALANCE DUE:

0 ft. to 2 ft. Topsoil _____ ft. to _____ ft.
2 ft. to 6 ft. Brown Clay _____ ft. to _____ ft.
6 ft. to 8 ft. Red Gravel _____ ft. to _____ ft.
8 ft. to 15 ft. Brown Clay _____ ft. to _____ ft.
15 ft. to 34 ft. Blue Clay _____ ft. to _____ ft.
34 ft. to 52 ft. Medium Grey Sand [Uniform] _____ ft. to _____ ft.
52 ft. to 60 ft. Blue Clay _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.
____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL _____ ft. Larry M. Wall
DRILLER

REMARKS: Suggest 12' of .100" slot screen
well should produce 500-700 gpm.

Project # 2

2 nearly identical wells.

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24", Depth 52'
- (2) Casing, Type Plastic (wood, concrete, steel, etc) Diameter 16" Thickness 3/8"
- (3) Perforated Screen.
Type Johnson, Diameter 16", Length 16'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 40'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials See enclosed log

Depth to top of water bearing material 8'

Depth to bottom of water bearing material 52'

Thickness of water bearing material 25'

Depth to water (ground surface to water level) 8'

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

well #1 - 40

On same owner's property No Supply rds. On property owned by others WPH/MS - 70 rds.

G. Water Storage Dams.

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

[Signature]
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 41

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

RECEIVED

NOV 28 1978

South Dakota
Conservation

NAME Darrel Muller
ADDRESS Melrose 3.06 57012
COUNTY Lake

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 Sec 2, T105S, R51E
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4 Sec 2, T105S, R51E

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____
4. CROPS TO BE IRRIGATED Corn, soybeans

WATER QUALITY

5. SAMPLE NUMBER _____
6. SALINITY (EC X 10⁶) _____
7. SODIUM (SAR) _____
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

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

X Darrel Muller
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF _____ 1978.

(TITLE OR SEAL)

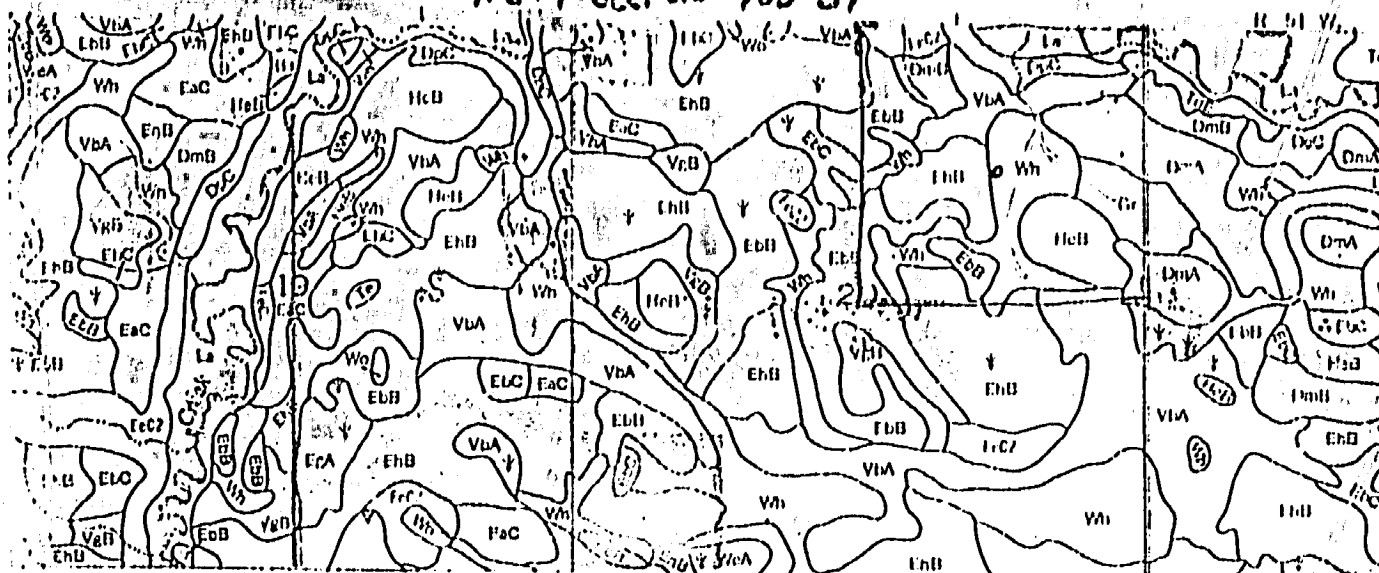
Albert J. Hoff
Conditional APPROVED/

(SOILS INFORMATION ON REVERSE SIDE)

LAKE COUNTY, SOUTH DAKOTA SHE:

73 104 r 105 h.

NE 1/4 Sec. 30 - 105-51


$$* \quad 64 \times 5 = 320 = 2^6 \times 5$$
[illegible]
$$\begin{array}{r} 13 \\ 16 \\ 19 \end{array} \left. \begin{array}{l} \\ \\ \end{array} \right\} 27 \times 100$$

15 18 1900

June 4 7. 5

2.446.60

120 = 1375
 121114 250
 1834

1934-1878
1200
1900

OK with notes - this
- to be the "typ"

$D_{\pi} d = D_{\pi} d^{\text{Pöster}}$ gilt immer o. z. w.

14 f 13 - 11.2 m in 10 dm - 3 G 1 1/2

Dampf - Dampfer still laufen - 3 - 6 %

white wood Sittling to me

$V_b A$ - volume of the body

E6A - Epim - 6.00% complete - 0.3%

Feb 8 - E.g.m. Biddle sample 5 to 6%

ElB - Exp. with North silty clay loam. 2-6%

Hf e B - 8 in K in 10 min. 3 at 1%

$E_g \Delta$. $E_{g,m}$. V_{ib} für λ 3.74 μm bzw. 0.33%

EEC2 - Eff m. B 6 nson Amplify 60 & 70

La - Lamo silly o lsi lism

Opel - Demster - Webster - computer - 66.8%

$E2C2 = \hat{g}_{mc} - \hat{g}_{ham} = 6.9\%$ exobd.

The



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007



Submitted by: 2221 Miller
 Address: Box 2, Box 91
Brookings, SD 57042

Date Rec'd: November 18, 1978
 Sample No. 73-1036
 Identification 011-
113, 100, 20, T 105N, R 51W

WATER ANALYSIS

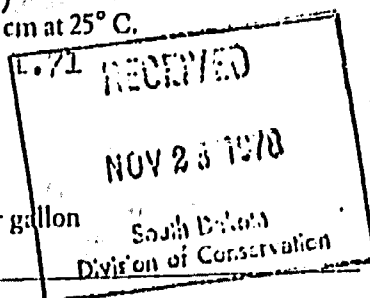
Calcium (Ca)	324	ppm*	16.20	mc/l**
Magnesium (Mg)	65	ppm	5.31	mc/l
Sodium (Na)	44	ppm	1.91	mc/l
Potassium (K)	4	ppm	0.10	mc/l
Sulfate (SO ₄)	762	ppm	15.86	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	2	ppm	0.06	mc/l
Bicarbonate (HCO ₃)	390	ppm	6.40	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	320	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1345	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.58	Adjusted SAR	1.71	
Sodium	8.12	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.08			

Others:

*ppm=parts per million

**mc/l=millequivalents per liter

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



COMMENTS: Total cations 23.92 mc/l
 Total anions 22.32 mc/l

12.41
 21.51
 6.40
 1.9241
 2.1
 6.4040
 2.7251
 1.64

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

615.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-1036

Amount Enclosed \$

Signed

January 4, 1979

To: Conservation Commission c/o Idaho Water Rights Commission
From: Darrell Muller Madison South Dakota

You have received the "papers" for three additional water permits about Dec 1, 1978. The following changes are being requested for the permit on the E² sec. 13-105-52:

- (1) It should be Project #4 not #1 - already have #1 & #2
- (2) Well #2 should be located 5300' N 14° W of SE corner of sec 13-105-52, not 5310' N 25° W as indicated.
- (3) The area to be irrigated should be 140 acres instead of 255 acres as indicated with following legal description:

NW ^{1/4} of NE ^{1/4} sec 13-105-52	16 Acres
NE ^{1/4} " " " " " "	16
SW ^{1/4} " " " " " "	38
SE ^{1/4} " " " " " "	38
NW ^{1/4} of SE ^{1/4} sec 13-105-52	16
NE ^{1/4} " " " " " "	16

140

Confining the irrigation to this area eliminates most of the objectionable soils. You will find enclosed the proper maps.

Could these changes be taken into consideration in reassessing the feasibility of issuing a permit on this piece of land? Mr. Muller expects to appear before the Conservation Commission at its January meeting.

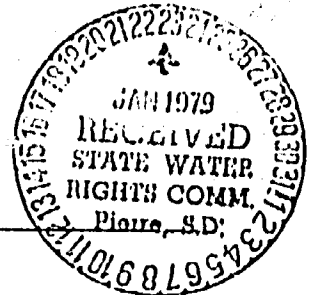
Written by Darrell Muller
by John L. Williams
P.E.H. 7/6



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Darrel Muller, Madison, SD



SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Lamo - Subject to flooding, water logging.

Whitewood - Any area not surface drained will have inadequate aeration and cause restricted crop growth.

Area affected: Approximately 3 acres on west central part and perhaps 10 acres of broad swale area in east central.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 2 to 3 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 2-3 inches of water.
3. () Yes () No Surface drainage suggested on whitewood soils, with
4. () Yes () No permanent solid waterway in swale.
Subsurface drainage suggested on _____
5. (x) Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS: All silty clay loam soils: Whitewood, Viborg and Graceville
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application Approx. 73 rod

GENERAL COMMENTS: radius pivot, with end gun on the eastside.

The above described pivot will exclude the farmstead buildings, the Lamo, and the steep Egan-Ethan on the northwest corner. 105-110 acres system.

The major portion of the Whitewood soils in this unit lie in an elevated position whereby they are naturally drained or can readily be drained. It appears that grassed waterway of approximately 4 acres in the concave or lower part of the swale area would be adequate to meet surface drainage demands in years of above normal rainfall. The exact location will need be determined by instrument. Your local Soil Conservation Service will assist you.

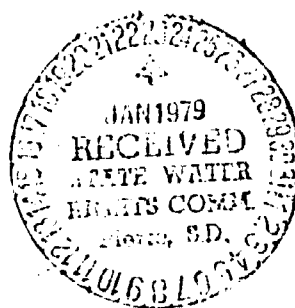
It would be well to realize that grass and/or legume mix would maintain a better water intake rate than, for example, listed row crops. The very nature of a flat even surface compared to a tilled surface will maintain surface drainage patterns.

You should also be aware that in years of excess rainfall, you will probably not need or Copy to applicant want to irrigate the flatter portions of the swale area on the east side. Your system, however, would permit you to swing back and Copy on file

forth on the West $\frac{1}{2}$ when necessary.

Attached is geological survey showing 10 foot elevation con'tour lines and their relationship to soils map.

The sketched grassed waterway is a generalized location only and is suggested as an aid when you contact your local SCS for a waterway layout.



No. 4360-3

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 that Darrell Muller whose post office

address is Madison, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from ground water

(two wells) through the Muller Irrigation Project #2, the point(s) of diversion of which ~~xx~~(are) to be located in the center of the NE $\frac{1}{4}$ and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 20, Twp. 105N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 20, T105N, R51W

This Application No. 4360-3 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

BURTON T. JONES
Water Rights Specialist

cc: Darrell Muller, Madison, SD 57042

January 18, 1979 No. 4360-3

Piefne, South Dakota 57501

address is Madison, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from ground water (well)

through the Muller Inception Project, the point^s of diversion of which ^{are} to be located in the center of the NE² and in the SE¹NE¹

of Section 20, Twp. 105N Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE^a, Acclm 20, TIOSN, R51W

This Application No. 4360-3 will be considered by the Water Rights Commission at

upon the 31st day of January, 1974
at 10:00 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

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

Waver ~~6~~ Rights Specialist

cc: Merrill D. Hunter, P.
Baily, Louise
Friedman, - Del 57042



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-4212

January 12, 1979

Merrill D. Hunter
Daily Leader
Madison, SD 57042

Dear Mr. Hunter:

Enclosed is a Notice of Intent to Appropriately Water by Darrell Muller
Application No. 4360-3, who proposes to divert water from _____
ground water (two wells) in Lake County, So. Dak. Please
publish this notice once a week for two consecutive weeks in your paper, the
Daily Leader as provided for in SDCL 46-5-17, as amended. The first
publication should be on, or before January 18, 1979.

The Applicant should verify to you that the notice is to be published, before you make
the first publication. The applicant is to pay the costs of publication and should
make the necessary arrangements with you to pay these costs.

Please receipt for this notice immediately after first publication attaching thereto
a copy of the first publication so that it may be compared with the records. For your
convenience, you may use the printed form below for this purpose.

After final publication, please complete the enclosed Form No. 8 to furnish Proof of
Publication. The permit to Appropriately Water cannot be issued until this proof of
final publication is received. This Proof of Publication must be filed within 60 days
of this notice for the applicant to retain his priority.

Encl: Forms 6 and 8

Sincerely, WATER RIGHTS COMMISSION

cc: applicant

BURTON F. JONES

Water Rights Specialist

No. 4360-3

Date _____, 19____

TO: WATER RIGHTS COMMISSION

Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

We are in receipt of your letter of _____, 19____ enclosing Notice of
Proposed Appropriation of Water, as proposed in Application No. _____, which
was first published in our issue of _____, 19____.

ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Sincerely,



No. 4360-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

January 12, 1979

Darrell Muller
Madison, SD 57042

Dear Mr. Muller:

You are hereby notified that your Irrigation
Application No. 4360-3 for a permit to appropriate water from ground water (2 wells)

through the Muller Irrigation Project #2

has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. A notice of your intent to appropriate water has been sent to the Publisher of the Daily Leader printed at Madison, South Dakota for your information, a copy of this notice is enclosed.

The Publisher of the Daily Leader has been instructed that he is to publish the notice of your proposed appropriation of water once a week, for two consecutive weeks after you have verified that the notice is to be published. The Publisher has also been informed that you are to pay the cost of publication and that you should make the necessary arrangements with him to pay these costs.

You should know that the Publisher is to furnish proof of publication to the Water Rights Commission within 60 days of the date of this letter, otherwise South Dakota statute requires that your application lose its priority until proof of publication is received in proper form.

You are also notified that SDCL 1-26 provides you the opportunity to meet informally with Commission Staff to discuss proposed recommendations by the staff to the Commission prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on your application before the Commission.

Respectfully,
WATER RIGHTS COMMISSION

BY:

BURTON F. JONES
Water Rights Specialist

enclosure: cc forms 6 and 7 and receipt #46619

RECEIPT

WATER RIGHTS COMMISSION

№ 4 6619

State of South Dakota

PIERRE, December 15, 1978

RECEIVED OF Darrell Muller, Madison SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4360-3 (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 (any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

No. 4360-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Merrill D. Hunter hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Madison Daily Leader

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

City of Madison

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

Wednesday the 17th day of January 1979

Wednesday the 24th day of January, 1979

Merrill D. Hunter
(Signature)

Publisher
(Title)

Jan. 24, 1979
(Date Signed)

Wed., Jan. 17 & 24

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1979

Notice is hereby given that Darrell Muller whose post office address is Madison, 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, 46-3-1 thru 46-3-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-11, 46-6-14 and Commission Rules ARSD 42:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from ground water (two wells) through the Muller Irrigation Project No. 2, the point(s) of diversion of which are to be located in the center of the NE 1/4 and in the SE 1/4 NE 1/4 of Section 20, Twp. 20N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 20, T105N, R51W.

This application No. 4360-3 will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 17th 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
BURTON F. JONES
Water Rights Specialist

4861
1-17-79





Department of Water & Natural Resources

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

March 23, 1987

DARRELL MULLER
RR 2 BOX 91
MADISON, SD 57042

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4361-3, 4360-3, 4311-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 4361-3, 4360-3, 4311-3 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.

A handwritten signature in cursive script, reading "John Hatch".

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

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



**Department of
Water & Natural Resources**

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

April 13, 1987

4311-3
4360-3
4361-3

Darrell Muller
RR #2 Box 91
Madison, SD 57042

Dear Mr. Muller:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 4311-3, 4360-3 and 4361-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

Permit No. 4360-3

Big Sioux 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 Darrel Muller of Madison, SD 57042 holder of Permit No. 4360-3, bearing the priority of December 15, 1978 authorizing the diversion of 2.1 cu. ft. per second and/or the storage of acre-feet of the waters of Big Sioux Aquifer-North Skunk Unit for irrigation purposes, in Lake County.

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

A. Works used to divert the water:

One Well - no well completion report available; 5 Stage Western Land Pump, Model No. 5 10CH, 8", 700 GPM @ 40-50 PSI; International Motor, Model No. 67551, Serial No. IRV 446, Horsepower Unknown

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

50' of 8" Aluminum Pipe

C. Works used to apply water to beneficial use:

Rainke 8 Tower Center Pivot System, 1300' long with Big Gun, Low Pressure and Rain Bird Sprinklers, 650 GPM @ 40-50 PSI

The system is in the following condition good. The point of diversion is located 1254'W and 1307'S of the NE corner of Section 20-T105N-R51W, Lake County, SD. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 20-T105N-R51W:

NW1/4 NE1/4 -- 33 acres

SW1/4 NE1/4 -- 33 acres

NE1/4 NE1/4 -- 29 acres

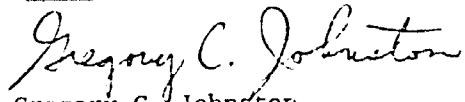
SE1/4 NE1/4 -- 33 acres

comprising a total of 128 acres of land and the license should be issued for 1.44 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date 9/4/91


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

4360-3

LICENSE FOR PERMIT NUMBER 4360-3

1. Legal location of wells: 1254'W and 1307'S of NE corner of Section 20-T105N-R51W, Lake County, SD

Dams and Structures None

2. Well Information: Well Drilling Firm Grimshaw

Completion Report? Yes No X No. of Wells 1 Depth(s) feet

Casing a) diameter inches Screen a) type
b) length feet b) length feet
c) type Static Water Level feet

Pump a) make Western Land Roller Motor a) make International
b) model 5 10CH b) model no. 67551
c) size 8" c) horsepower rating N/A
d) capacity 700 GPM d) serial no. IKV 446
e) turbine pump - no. of stages 5
f) operating PSI 40 -50

3. Distribution lines or canals

a) size 8 inches
b) type Aluminum
c) length 50 feet

4. System Type

a) gun:	b) center pivot:
1) make	1) make <u>Reinke</u>
2) nozzle size	2) number of towers <u>8</u>
3) capacity (GPM)	3) distance between towers
4) hose size inches	4) overall length <u>1300</u> feet

5) hose length feet

5) end gun (Y/N) Y

e) gated pipe:

6) high or low pressure Low

1) length feet

7) make and size of nozzles:

2) diameter inches

Rain Bird

3) spacing of gates inches

8) capacity (GPM) 650

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes No Check Items

X 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit?

X 2. Special qualifications to permit being abided by?

X 3. All structures, wells and lands on map?

X 4. Irrigation Questionnaires checked to determine if permit
owner started irrigation by end of construction period?

X 5. Is chemigation used?

N/A 6. If yes, does equipment comply with chemigation rules?

REMARKS: Well completion report unavailable - Grimshaw Drilling no longer in
business



4360-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 30, 1992

4311-3
4360-3

Darrell Muller
RR 2, Box 91
Madison, SD 57042

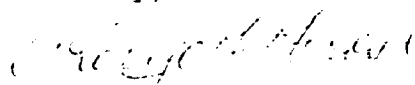
Dear Mr. Muller:

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 Nos. 4311-3 and 4360-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water License. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fees have been paid. Please contact us if you have any questions.

Sincerely,


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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 14, 1947

RECEIVED OF Mrs. Darrell Muller, RR 2 Box 91, Madison, SD 57042

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

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. <u>4360-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By

John H. Hatch
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4360-3

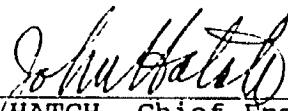
(1) Darrell Muller of RR 2, Box 91, Madison, SD 57042 made Application No. 4360-3, December 15, 1978 for a water permit to appropriate 2.10 cubic feet of water per second from groundwater (two wells), Lake County, South Dakota for irrigation purposes. Permit No. 4360-3 with a priority date of December 15, 1978 was approved February 1, 1979 and issued to applicant(s) 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, 1987.

(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 1.44 cubic feet of water per second for beneficial use. The location of the diversion point is: 1254'W and 1307'S of the NE corner of Section 20, T105N, R51W (NE 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:

T105N, R51W Section 20	NW 1/4 NE 1/4	33 Acres
	SW 1/4 NE 1/4	33 Acres
	NE 1/4 NE 1/4	29 Acres
	SE 1/4 NE 1/4	33 Acres
	Total-----	128 Acres

(4) Pursuant to Section 46-5-30.1 Darrell Muller of RR 2, Box 91, Madison, SD 57042 the holder(s) and/or owner(s) of Water Permit No. 4360-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from groundwater (one well) with a priority date of December 15, 1978 from the location specified in (2) of this license. The water is 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. 4360-3 and subject to South Dakota State Law.

 **AUG 5 1992**
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



AUG 5 1992

4360-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4311-3
4360-3

Darrell Muller
RR 2, Box 91
Madison, SD 57042

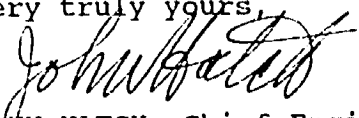
Dear Mr. Muller:

Enclosed are Water License Nos. 4311-3 and 4360-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 413305 and 413306 in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right Nos. 4311-3 and 4360-3, constructs replacement wells and does not plan to use the old wells, the old wells are considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


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

enclosures

L



4360-3

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

February 7, 1995

DARREL MULLER
RR #2 BOX 91
MADISON SD 57042

NOTICE

RE: Violation of Water Permit No(s) 4311-3 & 4360-3, 4361A-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 4311-3 & 4360-3, 4361A-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 4311-3 & 4360-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4361A-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4361A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4311-3 & 4360-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

4360-3



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

February 27, 1995

4311-3
4360-3 ✓
4361A-3

Darrell Muller
RR #2 Box 21
Madison, SD 57042

Dear Mr. Muller::

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit and the Requirement to Submit the 1994 Irrigation Questionnaires.

The questionnaires were 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 Division
(605) 773-3352



February 4, 1997

NOTICE

4360-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DARREL MULLER, RR 2 BOX 91, MADISON, SD 57042

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

SUBJECT: Violation of Water Permit No(s) 4361A-3, 4311-3 & 4360-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4361A-3, 4311-3 & 4360-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 4311-3 & 4360-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4361A-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4361A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4311-3 & 4360-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

4360-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1997

4311-3

4360-3

4361A-3

Darel Muller
RR 2 Box 91
Madison, SD 57042

Dear Mr. Muller:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permits and 1996 Irrigation Questionnaire Requirements.

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

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DARREL MULLER, RR 2 BOX 91, MADISON, SD 57042

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit No(s) 4361A-3, 4311-3 & 4360-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4311-3 & 4360-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4361A-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4361A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4311-3 & 4360-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

4360-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

4311-3
4360-3
4361A-3

Darrel Muller
RR 2 Box 91
Madison, SD 57042

Dear Mr. Muller:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 4311-3, 4360-3 and 4361A-3.

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

If you have any questions, please contact me.

Sincerely,

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



January 22, 1999

4310-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DARRELL MULIER, RR 2 BOX 91, MADISON, SD 57042

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4361A-3, 4311-3 & 4360-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4311-3 & 4360-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4361A-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4361A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4311-3 & 4360-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



43403
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

4311-3
4360-3
4361A-3

Darrell Muller
RR 2 Box 91
Madison, SD 57042

Dear Mr. Muller:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 4311-3, 4360-3 and 4361A-3.

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

If you have any questions, please contact me.

Sincerely,

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

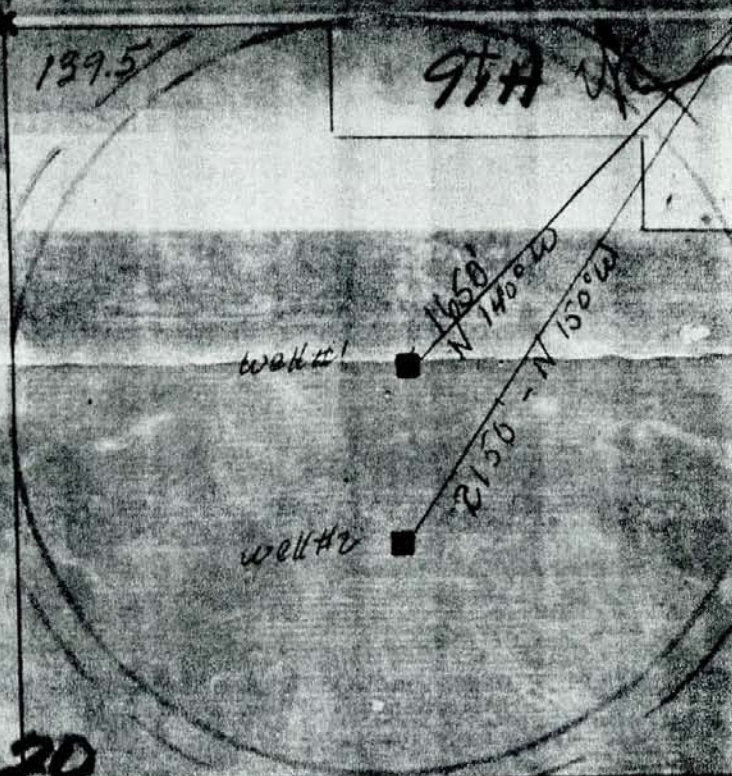
105-51

142.8

139.5

9th

Darrel Muller
Irrigation Project #2
Madison S. Dak.



Water claimed - 2.1 cfs

143.4
Acres irrigated - 156

150.5

[Handwritten signature]

[Handwritten signature]

105-51

APP. # 4360-3

[Handwritten signature]

11-27-78
C. J. [unclear]
[unclear]

Section 20-
T105N-R51W:

$NW\frac{1}{4}NE\frac{1}{4} = 33 \text{ acres}$
 $SW\frac{1}{4}NE\frac{1}{4} = 33 \text{ acres}$
 $NE\frac{1}{4}NE\frac{1}{4} = 29 \text{ acres}$
 $SE\frac{1}{4}NE\frac{1}{4} = \underline{33 \text{ acres}}$
 $\text{Total} = 128 \text{ acres}$

N
1"=660'

~~NW¹/₄ NE¹/₄ = 50.733 acres~~

~~NE 1/4 NE 1/4 =
29 acres~~

SW¹/₄ NE¹/₄ =
33 acres

Well Pivot
SE 1/4 NE 1/4 =
33 acres
1257'

NO. 4360-3

Darrell Muller

Drawn by: Gregory C. Johnston

Gregory C. Johnston
Natural Resources Eng.
Water Rights Division,
DENR

11/12/91

4360-3

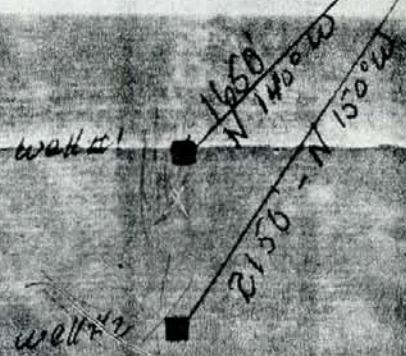
105-51

142.4

139.5

9TH

Darrel Muller
Irrigation Project #2
Madison S. Dak.



Water claimed - 2.1 c.s.s.

20

143.4

Acres irrigated - 156

150.5

Listed in

Madison County

105-51

MAP # 3557-3 (APP. 4360-3)

46-27-28
California
1923

4360-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 29, 2016

4360-3

Darrell Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

Enclosed is the 2016 irrigation questionnaire for Water Right No. 4360-3. I am returning it to you for completion. The front of the form indicates 129 acres were irrigated in 2016; however the back of the form was blank.

Please complete and return the questionnaire by **December 9th**. If you have any questions, please give me a call. I have included a postage paid envelope for your convenience.

Thank you in advance,

Sincerely,

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



4360-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: DARRELL MULLER, 23985 458TH AVE, MADISON, SD 57042

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 4360-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4360-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2018

4360-3

Darrell Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit No. 4360-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4360-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: DARRELL MULLER, 23985 458TH AVE, MADISON, SD 57042

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 4360-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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, February 26, 2020 at 8:30 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) 4360-3 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: HVRNAG**

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.

4360-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

4360-3

Darrell Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 4360-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

4360-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DARRELL MULLER, 23985 458TH AVE, MADISON, SD 57042

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 4360-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 4360-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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.

4360-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

4360-3

Darrell Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 4360-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

4360-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 3, 2023

4360-3

Jeff Muller
23985 458th Ave
Madison SD 57042

Dear Mr. Muller:

Thank you for sending in the 2022 irrigation questionnaire. It is my understanding from your note the water right should be transferred to your name.

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

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

Sincerely,

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

encl



**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: DARRELL MULLER, 23985 458TH AVE, MADISON, SD 57042

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) 4360-3 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) 4360-3 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. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OZFTKC**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 15, 2024

4360-3

Jeff Muller
23985 458th Ave
Madison SD 57042

Dear M. Muller:

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). 4360-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

I have also received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 4360-3 previously owned by Darrell Muller is now listed under Jeffrey J Muller. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 14 2024

OFFICE OF
WATER

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

PAID

FEB 14 2024

Ck# 0444
Rec't# 2119124

No. 4360-3

Date: 1-25-2024

I/We request that Water Right No. 4360-3

formerly owned by: Darrell Muller

be transferred to: (name & address) Jeffrey John Muller

Telephone No. 605-270-0733

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

128 acres – NE ¼ Section 20, T105N, R51W

I/We understand that the validity of Water Right No. 4360-3 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 Jeffrey John Muller, the new owner, certify that the above information is true and correct.

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 14, 2024

RECEIVED OF Jeffery J. Muller 23985 458th Ave., Madison SD 57042

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4360-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer DM