

Water Right Number: 4375-3

1. Considered MARCH 28, 1979
2. Name of Applicant RALPH JOHNSON
3. Post Office Address FRANKFORT, SD 22-117-62
4. Amount of water claimed NO ADD'L (2.2)
5. Source of water supply 50' and 42' wells
6. Water to be used for IRRIGATION
Acres to be irrigated NO ADD'L (160)
7. Water to be diverted and used in SPINK County
about 2E, 5 Miles NORTH of FRANKFORT
8. Proof of Publication Received 3-12-79
Not received _____
9. Application Approved 3-28-79
Subject to WHLR Inter.
Not approved _____
Action deferred _____

10. Remarks:

*add diversion
& Chg diversion
on 4042-3
to be cancelled*

Map No. 3568-3 Water Division No. 3 JAMES RIVER
 (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 Ralph Johnson
 Postoffice address RR #1, Frankfort, 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) completed
 3. Name of diversion work Ralph Johnson
 4. Amount of water claimed (cubic feet per second) no additional water
 5. Source of water supply two wells
 6. Location of point of diversion Well #1: 1120 feet south & 1370 feet west of the NE corner of
Sec. 22, T117N R62W. Well #2: 1120 feet south & 1940 feet west of the NE corner
of Section 22, T117N R62W County Spink
 7. Annual period or periods during which water is to be used May to November
 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 160 (no increase)

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 1/4 NE 1/4 22, T117N R62W</u>	<u>40</u>		
<u>NE 1/4 NE 1/4 22, T117N R62W</u>	<u>40</u>		
<u>SW 1/4 NE 1/4 22, T117N R62W</u>	<u>40</u>		
<u>SE 1/4 NE 1/4 22, T117N R62W</u>	<u>40</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 newspaper for Notice of Intent to Appropriate Water publication Redfield Press
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source:
motors & pumps
 B. Works proposed to transport water to place of use:
underground pipes
 C. Works proposed to apply water to beneficial use:
center pivot

NOTE: This application is for a new point of diversion and an additional well for Permit No. 4042-3

Estimated Total Cost \$ _____

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 Hughes) ss.

I, Ralph 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 Ralph C. JohnsonSubscribed and sworn to before me this 24th day of January, 1979

Betty W. Schuler
 Notary Public (or other qualified officer)
Water Rights Specialist

WATER RIGHT APPLICATION APPROVAL.

The Water Rights Commission hereby approves Water Right Application No. 4375-3
RALPH JOHNSON RR #1, FRANKFORT
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications
 (State) 57440

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

The applicable portions of Permit No. 4042-3 have been incorporated into this Permit No. 4375-3 and Permit No. 4042-3 has been placed in a cancelled status.

Priority for this Permit No. 4375-3 is established by Permit No. 4042-3.

Date of first receipt of application _____ January 24 _____, 19 79
Date of return to applicant for correction, amendments or changes required _____, 19 _____
Date of receipt of corrected application _____, 19 _____
Approved March 28, 19 79, Recorded in Book 20 Page 296
WATER LIGHT PERMIT NO. 4375-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4375-3 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 March 1, 1977
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ Completed
3. The whole of said work ~~to be completed on or before~~ Completed
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is Completed
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 2.2 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 use 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 1 acre of land to which water is

actually and beneficially applied for irrigation on or before This date 192; said water to be used during the following described annual period: May to November

Witness my hand this 11th day of April 1979

WATER RIGHTS COMMISSION

134:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Certificate of Construction Issued 77 Aug. 31, 19 80

Water License Issued May 31 1980

Permit No. 4375-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ralph Johnson

_____ the holder _____ of
Permit No. 4375-3, issued upon Application No. 4375-3, bearing date of priority of March 1, 1977
_____ authorizing the diversion of 2.2 cu. ft. per second of the waters of _____
groundwater (two wells) County of Spink State of South Dakota Well #1 -
1120'S and 1370'W; Well #2 - 1120'S and 1940'E. Both from the NE
corner, Section 22 - T117N - R82W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.33 cu. ft. per second of water.

Date May 21, 1980


JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4375-3

(1) WHEREAS, On the 24th day of January A. D. 19 79
Ralph Johnson

made Water Right Application No. 4375-3 for a permit to use 2.2 cubic feet per second of the waters of groundwater (two wells)
 County of Spink State of South Dakota, for irrigation
 purposes and

(2) WHEREAS, On the 28th day of March A. D. 19 79
 Permit No. 4375-3 with a date of priority of March 1, 1977

was issued to said applicant for the diversion of said water, and recognizing the completion of construction of the water supply system therein described ~~xxxxxx~~ ~~xxxx~~ ~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxx~~ ~~xxxxxx~~

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet per second of water for beneficial use and,

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

to irrigate the following lands all in Section 22 - T117N - R62W

	Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	33
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$	33
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
TOTAL	132 acres

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

of Frankfort, SD

the holder _____ and owner _____ of said permit No. 4375-3 a water right, dating from March 1, 1977

to use of 1.32 cubic feet per second of the waters of groundwater (two wells)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1 - 1120'S and 1370'W;

Well #2 - 1120'S and 1940'W. Both from the NE corner, Section 22 -

T117N - R62W

ed and conveyed to and upon portions of land in Section 22 - T117N - R62W, more
fully described on the face of this
license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4575-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of May A. D.
Nineteen Hundred and Eighty

Board of Water Management

By:

John Hatch
Civil Engineer

JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

No 4 6736

State of South Dakota

PIERRE, January 24, 1979

RECEIVED OF Ralph Johnson, RR #1, Frankfort SD 57440
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4375-3</u> (examination, processing, recording and filing) -----	150	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 filling -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

R. John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. 4375-3

Publish first publication, on or before March 9, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 22, 1979

Notice is hereby given that Ralph Johnson whose post office

address is Frankfort, 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 no add'l cubic feet of water per second of time from groundwater of diversion and add an additional (two wells) through the Johnson #2 to change the point. XXX point(X) of diversion of on an existing permit which XX(are) to be located in the 1/4 NE 1/4

of Section 22, Twp. 117N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 22-T117N-R62W.

This Application No. 4375-3 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, SD upon the 20th day of March, 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

BW:plh

Jetty Westlund,
Water Rights Specialist

cc: Ralph Johnson, R.R. #1, Frankfort, SD 57440

Form 3 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4375-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roberta A. Jock hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Redfield Press

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 Redfield

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

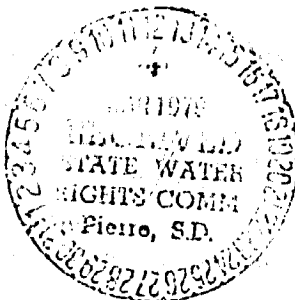
March 1

March 8

Roberta A. Jock
(Signature)

Clark
(Title)

3/8/79
(Date Signed)



No. 76

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
February 22, 1979
Notice is hereby given that
Ralph Johnson whose post office
address is Frankfort, 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 46-3-9; 46-5-10 thru 46-5-22; 46-
5-41; 46-6-3; 46-6-3; 46-6-5; 46-6-
6.1; 46-6-10; 46-6-11 and 7 Com-
mission Rules ARSD 52:01:01:01
thru 52:01:01:13 for a permit to
appropriate for beneficial use no
add'l cubic feet of water per
second of time from groundwater
(two wells) through the Johnson
No. 2 to change the point of
diversion and add an additional
point of diversion on an existing
permit of which are to be located
in the NW 1/4 NE 1/4 of Section 22,
Twp. 117N, Range 62W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: NE 1/4 Section 22, T117N, R62W, S45E, SD 57440
This Application No. 4375-3 will
be considered by the Water
Rights Commission at the
Community Room in the City
Hall, 222 East Dakota, Pierre, SD
upon the 28th day of March, 1979
at 10:00 A.M. The Commission is
authorized to make a deter-
mination 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 present evidence or
cross-examine witnesses ac-
cording 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 repre-
sented 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 Woolley
Water Rights
Specialist

BW:plh
cc: Ralph Johnson, R. R. No. 1,
Frankfort, SD 57440
(March 1, 8)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7425

PIERRE, March 31, 1980

RECEIVED OF Ralph Jonson, RR #1, Frankfort SD 57440

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. <u>4375-3</u>)	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. <u>4375-3</u>)		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

Permit No. 4375-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLIXI., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Ralph Johnson
 of RR #1, Frankfort, S. Dak., 57440 holder
 of Permit No. 4375-3, bearing date of priority of March 1, 1922
 authorizing the diversion of 2.2 cu. ft. per second of the waters of Two Wells
 for Irrigation purposes, in Spink County.

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

The Water Use System consists of,

A. Works used to divert the water:

Well #1 Motor GE, Model 5K6234 X 11503B, 25HP, 1750 RPM
 Ser# FVJ60128 A.
 Pump: Western Land Roller, Ser# C78393, Head 6M-6-10CM-12IN.
 Well #2: GE Model 5K6234 X 11503B, Ser# JN5907316, 25HP, 1750 RPM
 Pump: Western Land Roller, Ser# C78392, Head 5M-6-10CM-12IN.
 Pumping 300 gpm

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

570 ft 6" PVC Pipe
 200 ft 8" PVC Pipe

C. Works used to apply water to beneficial use.

Lockwood Center Pivot, Model 2200, Ser# 342777.

The system is in the following condition: Good

The point of diversion is located Well #1 = 1120' S and 1370' W of the NE cor Sec. 22,
Well #2 = 1120' S and 1440' W of the NE cor Sec. 22, T117N R62W

The works are capable of diverting and conveying to the place of use 1.33cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 22, T117N R62W

N 1/2 NE 1/4 - 33 Ac. NE 1/4 NE 1/4 - 33 Ac. SW 1/4 NE 1/4 - 33 Ac.,
SE 1/4 NE 1/4 - 33 Ac.

comprising a total of 132 acres of land.

Well Data:

Well #1
 Depth 50 ft
 Static 14 ft
 Pumping 300 gpm
 Capacity 350 gpm

Well #2
 Depth 42 ft.
 Static 14 ft
 Pumping 300 gpm
 Capacity 475 gpm

License for 1.33 cfs

Date October 15, 1978

Leroy J. Mennigh
 (Signature)

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

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

March 23, 1987

RALPH JOHNSON
RR 1 BOX 29
FRANKFORT, SD 57440

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). 4374-3, 4375-3. 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). 4374-3, 4375-3 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.



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.

South Dakota
Department of
Water & Natural Resources

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

April 13, 1987

4374-3
4375-3

Ralph Johnson
RR #1 Box 29
Frankfort, SD 57440

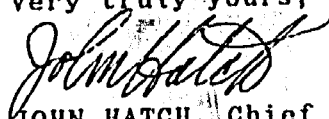
Dear Mr. Johnson:

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. 4374-3 and 4375-3 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

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

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

January 29, 1988

RALPH JOHNSON
RR #1 BOX 29
FRANKFORT, SD 57440

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4374-3, 4375-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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 9:00 am, March 2, 1988 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). 4374-3, 4375-3 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

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

February 5, 1988

4374-3
4375-3

Ralph Johnson
RR 1, Box 29
Frankfort SD 57440

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 4374-3 & 4375-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



4375-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

RALPH JOHNSEN
RR #1 BOX 29
FRANKFORT SD 57440 9752

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 4374-2 & 4375-3. The request for the Questionnaire 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 4374-3 & 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

4375-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 1995

4374-3

4375-3

Ralph Johnsen
RR #1 Box 29
Frankfort, SD 57440-9752

Dear Mr. Johnsen:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of 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,

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

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



4375-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-2181

January 30, 1996

NOTICE**TO:** RALPH JOHNSEN, RR #1 BOX 29, FRANKFORT, SD 57440 9752**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4374-3, 4375-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, 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) 4374-3, 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 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.

4375-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1996

4374-3

4375-3

Ralph Johnsen
RR 1 Box 29
Frankfort, SD 57440-9752

Dear Mr. Johnsen:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

I completed a questionnaire for you based on our February 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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



January 22, 1999

4375-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: RALPH JOHNSON, 219 E 15TH AVE, REDFIELD, SD 57469 1905

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 4375-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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, March 3, 1999, 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) 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, 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.

4375-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional service.
- 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:
RALPH JOHNSEN
219 E 15TH AVE
REDFIELD SD 57469 1905

4a. Article Number
Z 119 141 680

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-23-99

5. Received By: (Print Name)
Ralph Johnsen

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

6. Signature: (Addressee or Agent)
X P Johnson

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 1999

4375-3

Ralph Johnsen
219 E 15th Ave
Redfield, SD 57469-1905

Dear Mr. Johnsen:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 4375-3.

I completed a questionnaire for you based on our January 25th telephone conversation. The questionnaire will reflect that adequate rainfall was received and the land was not irrigated during 1998. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

November 1980

For Dept. use only

--	--

4375-3

RALPH JOHNSON

RR #1

FRANKFORT

SD 57440

SP/JR

G

This is the Water Management Board data sheet for recording 1980 GROUNDWATER source irrigation estimates.

Please fill out and return at once.

No. Acres irrigated with groundwater

If you did not irrigate during 1980-check this box ☐ No system ☐

Type of Power	No. acres irrigated	Total Energy used-1980
1. Electric	☒	_____ kWh
2. Gravity	_____	_____ gal
3. Gasoline	_____	_____ cf
4. Nat. Gas pipeline	_____	_____ gal
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____

Type of System:
1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (# of)
4. Gated pipes
5. Side-spool
6. Towlines
7. Gun type
8. Hydromatic
9. Siphons
10. Flood
11. Other

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use			
				Crop	Acres	Water Used	Water Used
April				Corn	65		
May	4	24	600 gpm	Beans	65		
June	8	24					
July	8	24					
August	July 17 - Harvested						
Sept.							
Oct.							
Other Month							

Season Static Water Level: beginning 19 end 26

Comments:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Owner or address change, if any:

Please complete front and back.



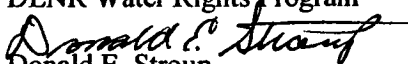
4375-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

Water Right No. 4545-3, Victor Kleinsasser, 40008 198th St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD (605)596-4391

Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782

Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD (605)266-2886

Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD (605)266-2548

No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD (605)472-2573

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD (605)635-6587

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD (605)596-4339

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD (605)596-4271

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD (605)226-0344

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 2514, Willard Wipf, 18371 403rd Ave., Frankfort, SD (605)266-2595

Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files

NOT TO SCALE

4375
Map # 3568

117-62

157.8

6.7

379-20R
139.0

22

45.0

85.0

56.5

126.1

117-62

(Appl # 4375-3)



4375-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 8, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program
FROM: *Donald E. Stroup*
Donald E. Stroup, Natural Resources Project Engineer
SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders and my observations are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD
Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD
No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD
Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02).

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD
No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present.

Water Right No. 4545-3, 40008 198th St., Huron, SD
Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD
Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD
Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (Ray Hofer Operator)
No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (Ray Hofer Operator)
Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (Ray Hofer Operator)
No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD
Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 93, 95, 96 to present.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD
No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD
Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993, 95 to present.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD
Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system not used for awhile as moisture has been adequate and plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD
No sign of irrigation equipment or irrigation. Right transferred to Harvey Wollman May 7th WMB meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (Brett Binger Operator)
Center pivot on-site, appears ready for use. Irrigation questionnaires show irrigation 1992 to present.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD
No irrigation equipment on-site or evidence of irrigation. Swanson purchased land about 4 months ago and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD
No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and hasn't needed to irrigate for years. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987, 91 to present.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD
Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator?)
No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator?)
Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched.

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD
Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD
Center Pivot on-site being used in alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present.

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Center pivot on-site. Mr. Wipf stated system not used for several years due to adequate moisture. Wetter years brought up salt from the soil and he had to idle the area. Should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD
Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good.

cc: individual files



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 23, 2003

4375-3

David Swanson
39840 168th St
Frankfort SD 57440

Dear Mr. Swanson:

The Water Rights Program is aware that you have purchased the NE ¼ of Section 22, T117N, R62W which is described for irrigation in Water Right No. 4375-3. This water right (copy enclosed) is listed in the name of Ralph Johnson. State law requires the filing of the transfer of the water right to the new owner. However, prior to submitting the transfer of ownership form I want to make you aware of concerns we have on the status of the water right. It is prudent to ensure that you have a valid water right before investing in irrigation equipment.

In South Dakota, water must be put to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of non-irrigation. Enclosed is a summary sheet of water laws and Water Management Board rules dealing with issues of abandonment/forfeiture and legal excuse for not irrigating.

Mr. Johnson's submittal of the annual irrigation questionnaire indicates this land has not been irrigated since 1989. Also, a Water Rights staff person was recently in your area to view whether irrigation systems were present on lands covered by water rights. There was no irrigation equipment present but it appeared that the land was being cleared of trees to accommodate irrigation. Based on this information the water right may be subject to cancellation due to forfeiture for nonuse (see enclosed statutes).

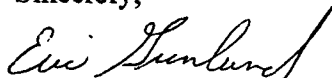
The Water Management Board, a citizen board, is the entity responsible for determining if a water right is valid. Normal procedure to get a determination from the Board is that a hearing is scheduled for cancellation. At the hearing you present information on why the water right should not be cancelled. Ultimately, the Board will decide whether the water right is valid or cancelled. Their decision may be appealed to the circuit court.

I ask that you provide us with any information on the past history of the water right and why it should not be subject to forfeiture for nonuse. Based on the current information available, we feel the water right has not been maintained and will be scheduling a hearing before the Board for cancellation of Water Right No. 4375-3. You will be noticed of the time and date of the hearing once it has been scheduled. Please provide us any information that may change our position to proceed with a cancellation hearing by June 20, 2003.

You are entitled to file the water right ownership change; however, this filing does not revive a water right from being subject to forfeiture due to non-use. Enclosed is a partially completed Notice of Transfer of Ownership form if you choose to file the ownership change prior to getting the status of the water right resolved. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Mr. Swanson, I am writing this letter to inform you of water rights law and that the status of Water Right No. 4375-3 is in question. I encourage you to get the question on the status of the water right answered before making a capital investment in irrigation equipment. There has been a recent instance in the Tulare:East James Aquifer where a new irrigation system was set-up at a substantial expense and the water right then cancelled because of prior years of nonuse. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,



Eric Gronlund
Natural Resources Engineer
Water Rights Program

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4375-3

Date: 2-7-05

I/We request that Water Right No. 4375-3

formerly owned by: Ralph Johnsen

be transferred to: (name & address) David C or Wesley
Swanson

Telephone No. 605-472-2873

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

132 acres in the NE ¼ Section 22, T117N, R62W

I/We understand that the validity of Water Right No. 4375-3 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 Two Dollars and Fifty Cents (\$2.50) 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 David Swanson, the new owner, certify that the above information is true and correct.

David C Swanson
(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.

RECEIVED

FEB 11 2005

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date FEBRUARY 11, 20 05

RECEIVED OF David Swenson, 39840 168th Street, Frankfort SD 57440

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4375-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001 776

By

Darlene Elbe

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 2005

4375-3

David Swanson
39840 168th St
Frankfort SD 57440

Dear Mr. Swanson:

I am writing to acknowledge the "Notice of Transfer of Ownership" form and fee you sent in on February 11th to transfer Water Right No. 4375-3. The transfer has been processed and the water right is now listed in your name. Enclosed is your Receipt No. 001756 in the amount of \$2.50.

On May 23, 2003, Eric Gronlund with our program, wrote to you as the new owner of the land, requesting information on the past history of the water right and why it should not be subject to cancellation due to forfeiture for non-use. The information was to have been submitted when you filed the ownership change.

Under SD Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the years of non-use. Enclosed are excerpts of our Water Laws and Water Management Board Rules dealing with these issues.

Our records show the land has not been irrigated since 1989. In the last couple years, staff have been out to the area and found no evidence of irrigation taking place. During one visit, the land was being cleared of trees. This type of activity suggests that irrigation may at one point have been abandoned and the water right forfeited.

The Water Management Board is the entity responsible for determining if a water right is valid or not. Based on the current information available, we do not feel the water right has been maintained. The water right will be scheduled for cancellation consideration for the next Water Management Board meeting to be held May 4, 2005. You will be notified under separate cover of the exact time and date of the hearing. At the hearing, you will have an opportunity to present testimony on why you feel the water right should not be cancelled.

I would caution you to wait for a board decision before making any capital investments. If I can answer any questions for you, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

March 23, 2005

NOTICE OF CANCELLATION

TO: David C or Wesley Swanson, 39840 168th St, Frankfort SD 57440

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

SUBJECT: Cancellation of Water Right No. 4375-3

Water Right No. 4375-3 authorizes diversion of ground water from the Tulare: East James Aquifer to irrigate 132 acres in the NE ¼ Section 22, T117N, R62W. Irrigation questionnaires on file with the Water Rights Program reflect no irrigation has been done since 1989. Field investigations conducted in the area found no evidence of irrigation equipment on site or any evidence the land has been irrigated. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 4375-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 4375-3 at 10:00 a.m., May 4, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 4375-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 22, 2005. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

March 23, 2005
David or Wesley Swanson
Page 2

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 22, 2005.

Prior to April 22, 2005, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 22, 2005.



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

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 4375-3, DAVID C OR WESLEY SWANSON**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 4375-3.

The Chief Engineer is recommending cancellation of the above Water Right due to abandonment and/or forfeiture. Investigations by Don Stroup, in the spring and summer of 2003 found no evidence of irrigation taking place or of an irrigation system on the land.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
March 23, 2005

CERTIFICATION

I hereby certify that on March 23, 2005, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 23, 2005 regarding Notice of Cancellation of Water Permit No. 5930A-3 & Water Right Nos. 5650-3, 4074A-3, 3210-3, 4375-3 addressed as stated below:

5930A-3

Eugene J & Barbara J Slaba

29251 393rd Ave

Wagner SD 57380

3210-3

Ben Waldner

Red Willow Colony

40361 200th St

Huron SD 57350

4074A-3

Tim Hofer

Wolf Creek Hutterian Brethren Inc

42906 Colony Rd

Olivet SD 57052

5650-3

Russell E Knutson

PO Box 391

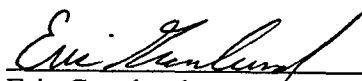
Harrisburg SD 57032-0391

4375-3

David C or Wesley Swanson

39840 168th St

Frankfort SD 57440



Eric Gronlund

Natural Resource Engineer

Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

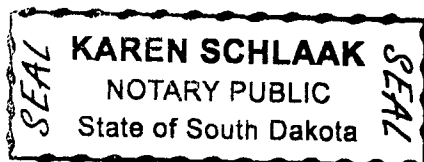
Sworn to, before me, this 24th day of March, 2005.

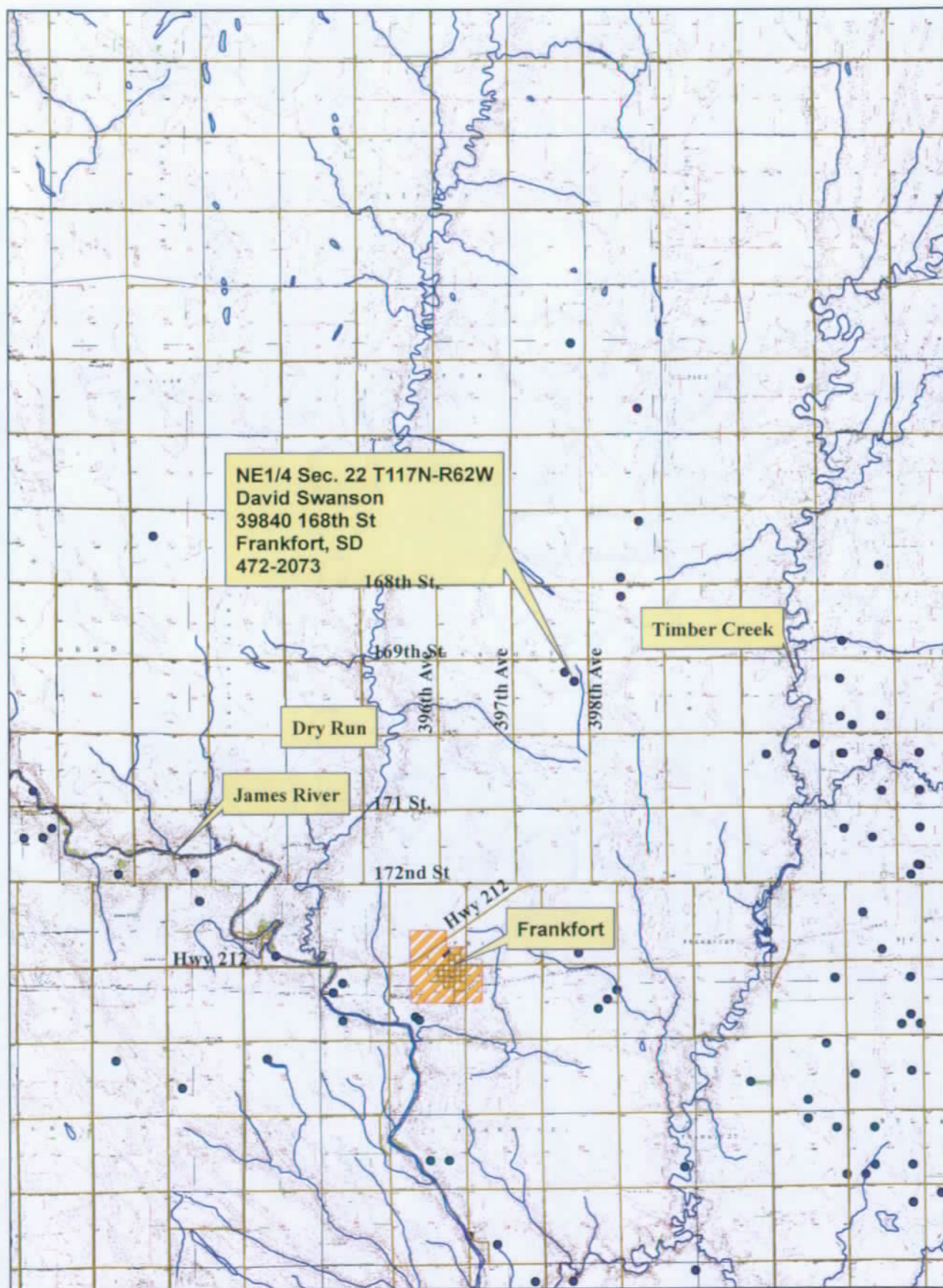


Karen Schlaak

Notary Public

My Commission expires April 1, 2007







Eric,
Here's a picture of the pipe stand.
I could not find any evidence that
he had irrigated. Talk to you
tomorrow.

Mitch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2005

NOTICE

TO: David C or Wesley Swanson, 39840 168th St, Frankfort SD 57440

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

SUBJECT: Cancellation of Water Right No. 4375-3

Pursuant to your telephone request of May 4th, the Water Management Board granted your request for continuance of the hearing on cancellation consideration of Water Right No. 4375-3.

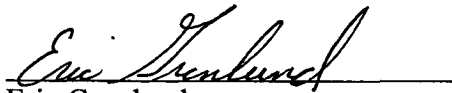
The Water Management Board will consider cancellation of Water Right No. 4375-3 at **10:00 a.m., July 6, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.**

The provisions of the "Notice of Cancellation" dated March 23, 2005 will still apply at the July 6th hearing.

CERTIFICATION

I hereby certify that on May 4, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2005 regarding Notice of cancellation of Water Right No. 4375-3 addressed as stated below:

David C or Wesley Swanson
39840 168th St
Frankfort SD 57440



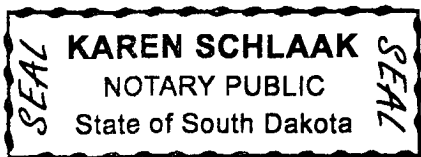
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 2005

David Swanson
39840 168th Street
Frankfort SD 57440

Dear Mr. Swanson:

I am writing to remind you that the hearing before the Water Management Board to consider cancellation of Water Right No. 4375-3 is scheduled for 10:00 AM, July 6th, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD.

I am enclosing a copy of the two previous notices sent to you on this matter.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 2005

NOTICE

TO: David Swanson
39840 168th Street
Frankfort SD 57440

FROM: Garland Erbele, Chief Engineer
Water Rights Program, DENR

SUBJECT: Water Right No. 4375-3

This is to notify you that the Water Management Board ruled on July 6th that Water Right No. 4375-3 has not been forfeited for nonuse and therefore denied cancellation of the water right. Water Right No. 4375-3 appropriates 1.33 cubic feet of water per second (600 gallons per minute) from two wells to irrigate 132 acres in the NE 1/4 Section 22, T117N, R62W. A copy of the water right is enclosed.

Please keep in mind that water rights can be forfeited for nonuse when the water right holder fails to beneficially use the water for the purpose for which it is appropriated for a period of three years.

If you have any questions on the Board's action, please contact Eric Grönlund (605) 773-3352.

Enclosure

c: Diane Best, Assistant Attorney General

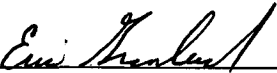
CERTIFICATION

I hereby certify that on July 11, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 11, 2005 regarding Water Rights No. 4375-3 addressed as stated below:

David Swanson
39840 168th Street
Frankfort SD 57440

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



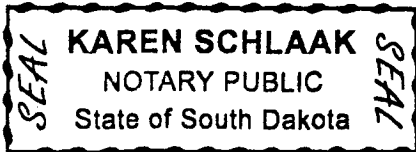
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4375-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: DAVID OR WESLEY SWANSON, 39840 168TH ST, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 4374-3 & 4375-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4374-3 & 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



4375-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4480

Your item was delivered at 10:26 am on January 25, 2006 in FRANKFORT, SD 57440. The item was signed for by D SWANSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

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Enter label number:

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U.S. Postal Service™ Signature Confirmation™ Receipt

NATURE CONFIRMATION NUMBER:
0000 0000 0799 4480

DAVID OR WESLEY SWANSON
39840 168TH ST
FRANKFORT SD 57440

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2006

4374-3
4375-3

David C or Wesley Swanson
39840 168th St
Frankfort SD 57440

Dear Sirs:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 4374-3 and 4375-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: DAVID OR WESLEY SWANSON, 39840 168TH ST, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 4374-3 & 4375-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, 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) 4374-3 & 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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**

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

January 25, 2008

4374-3
4375-3

David C or Wesley Swanson
39840 168th St
Frankfort SD 57440

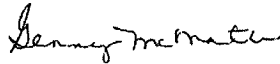
Dear Sirs:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 4374-3 and 4375-3.

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



4375-3

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 18, 2013

NOTICE

TO: DAVID OR WESLEY SWANSON, 39840 168TH ST, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 4374-3 & 4375-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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 7, 2013**, 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) 4374-3 & 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.



4375-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2013

4374-3
4375-3

David or Wesley Swanson
39840 168th St
Frankfort SD 57440

Dear Sirs:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 4374-3 and 4375-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DAVID OR WESLEY SWANSON, 39840 168TH ST, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 4374-3 & 4375-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4374-3 & 4375-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2014

4374-3
4375-3

David or Wesley Swanson
39840 168th St
Frankfort SD 57440

Dear Sirs:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 4374-3 and 4375-3. 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