

Water Right Number 4392-3

1. Considered MARCH 28, 1979
2. Name of Applicant EDDY MIEDEMA
3. Post Office Address SPRINGFIELD, SD 24/7-93-59
4. Amount of water claimed 1.9
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION  
Acres to be irrigated 135
7. Water to be diverted and used in BON HOMME County  
about 1 1/2 N, 1 Miles EAST of SPRINGFIELD
8. Proof of Publication  
Received 3-23-79  
Not received 3-
9. Application  
Approved 3-29-79  
Subject to 457  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

10. Remarks:

No. 4392-3  
 Map No. 3581-3 Water Division No. 3 MISSOURI RIVER District  
 (Blanks to be Filled by the Engineer for the W. R. C.)



## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Eddy Miedema  
 Postoffice address Box 547, Springfield State South Dakota 57062  
 If a corporation show date and place of incorporation not app.
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work East slope irrigation Project #2
4. Amount of water claimed (cubic feet per second) ~~2.2 GFS~~ 1.9 MAX. ALLOWABLE
5. Source of water supply ~~Interstate R. Diversion~~ (Missouri River)
6. Location of point of diversion NE $\frac{1}{4}$ -Section 24, Twp 93 N, of Range 60, W 5th P.M.,  
Bon Homme County, South Dakota  
 County \_\_\_\_\_
7. Annual period or periods during which water is to be used May 1st to October 1st
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 135

List below each forty acre sub-division, 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. |
|--------------------------------------|----------------|------------------|----------------|
| SW $\frac{1}{4}$ -7-93-59-BH Co., SD | 135            |                  |                |
|                                      |                |                  |                |
|                                      |                |                  |                |
|                                      |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system  $\frac{1}{2}$  years. Additional time required to complete application of water to the proposed beneficial use 0 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Springfield Times, Springfield, S. Dak.
12. Principal Features of the Proposed Water Supply System.

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

Electric Pump

B. Works proposed to transport water to place of use

Buried pipeline

C. Works proposed to apply water to beneficial use.

Center pivot irrigation system

Estimated Total Cost \$53,000.00

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 Bon Homme )I, Eddy Miedema

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

Subscribed and sworn to before me this 9th day of January 19 79

Notary Public (or other qualified officer)

R. James Zieser, Notary Public

NOTE \* Corps of Engineers easement already secured for another system  
 same area, already in operation.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4392-3

EDDY N. EDFMA  
(Applicant)

Box 547 - SPRINGFIELD  
(Post Office Address)

SOUTH DAKOTA 57062 With the following modifications.  
(State)

Date of first receipt of application JANUARY 16, 19 79

Date of return to applicant for correction, amendments or changes required JANUARY 19, 19 79

Date of receipt of corrected application MARCH 9, 19 79

Approved MARCH 29, 19 79, Recorded in Book 20 Page 306

WATER RIGHT PERMIT NO. 4392-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4392-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 16, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JUNE 28, 19 79
3. The whole of said work is to be completed on or before SEPTEMBER 28, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 28, 19 79
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 1.9 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 SEPTEMBER 28, 19 79; said water to be used during the following described annual period: MAY 1st - OCTOBER 1st

Witness my hand this 12<sup>th</sup> day of APRIL, 19 79

WATER RIGHTS COMMISSION

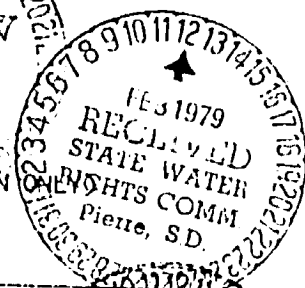
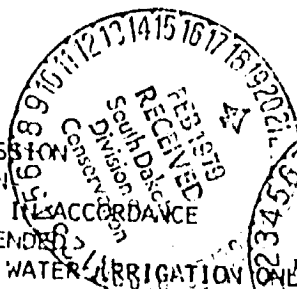
By: John Hatch  
Chief Engineer, Executive Officer

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

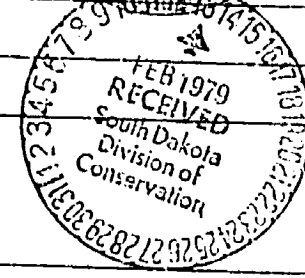
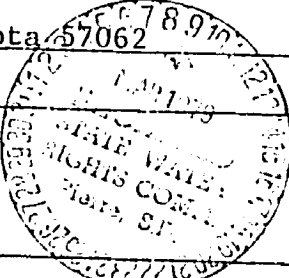
Water License Issued \_\_\_\_\_ 19 \_\_\_\_

*Copy*

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)



NAME Eddy Miedema  
ADDRESS Box 547, Springfield, South Dakota 57062  
COUNTY Bon Homme



LEGAL DESCRIPTION

1. WELL LOCATION Lewis and Clark Lake  
2. LOCATION OF AREA TO BE IRRIGATED Southwest Quarter of Section 7, Township 93 North of Range 59, West of the 5th P. M., Bon Homme County, South Dakota.

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED CORN

WATER QUALITY

Lewis and Clark Lake water USGS 1977 Fort Randall

5. SAMPLE NUMBER \_\_\_\_\_  
6. SALINITY (EC X 10<sup>6</sup>) 610-730  
7. SODIUM (SAR) 1.8-2.2  
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.

*Received Feb 12 but not approved by CCC  
SECURE 2-9-79*

Eddy Miedema  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
2 DAY OF February 1979.

[Signature]  
(TITLE OR SEAL)

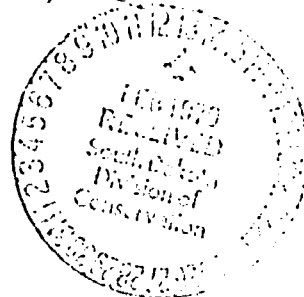
[Signature]  
APPROVED/DISAPPROVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

1-18-79

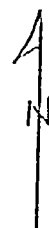
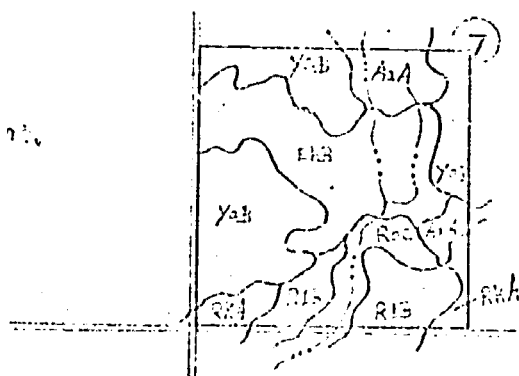
Subject: Soil type, Ten, present  
Van Hornes Co.

To: Ed Miedema  
Box 547  
Springfield, S.D.



Following is an overlay of the S.D. 7-793N-R54W  
and a brief explanation of each mapping unit.

EhB 42h 150h  
YaB 42h 150h  
AaA 42h 150h  
RLB 42h 150h  
RKA 42h 150h



Scale 1 mile = 3.2"

| Mapping Unit | Soil type                               | Permeability index                     | Remarks                                             |
|--------------|-----------------------------------------|----------------------------------------|-----------------------------------------------------|
| AaA          | Alcester silt loam 0-2% slopes          | 0.6-2.0                                |                                                     |
| EhB          | Etham-Alcester complex 2-6% slopes      |                                        |                                                     |
|              | Etham part                              | 0.6-2.0 upper part, 0.2-2.0 lower part |                                                     |
|              | Alcester part                           | 0.6-2.0                                |                                                     |
| RKA          | Robat silt loam 0-2% slopes             | 0.6-2.0                                | Similar to lower                                    |
| RLB          | Robat-Alcester silt loams 2-6% slopes   | 0.6-2.0                                | Robat on higher                                     |
| ROL          | Robat-Etham complex 6-7% slopes         | 0.6-2.0                                | Alcester in some                                    |
| YaB          | Yankton-Alcester silt loams 2-6% slopes |                                        |                                                     |
|              | Yankton part                            | 0.6-2.0 upper part, 0.6-0.8 lower part | (Note: Yankton part is at present 24" in thickness) |

cc: Gary Calumpte DC SCS  
1/16/79

Ed Miedema



*Water rights copy -*

APPROVED

## SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

## DIVISION OF CONSERVATION

NAME OF APPLICANT Eddy Miedema, Springfield,SOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

None

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. ( ) Yes ( ) No Surface drainage suggested on \_\_\_\_\_.
4. ( ) Yes ( ) No Subsurface drainage suggested on \_\_\_\_\_.
5. (x) Deep tillage (for the purpose of aiding movement of water through dense subsoils.  
COMMENTS: **May be of benefit on Yankton soils and upper swale areas.**
6. ( ) Heavy fall application of irrigation water.
7. type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

Soils in the SE quadrant contain some areas of Ethan complex (Roc) that have slopes in the 6% to 9% category. Any small area within this complex area that may exceed 9% should be tied down with permanent type vegetation to stay within erosion tolerable limits.

Copy to applicant  
Copy to Water Rights  
Copy on file

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

N<sup>o</sup> 4 6704

PIERRE, January 16, 1979

RECEIVED OF Eddy Hiedema, Springfield SD 57062

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

|                                                                                                                |     |    |
|----------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. 4392-3 (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 Hatt*  
Chief Engineer, Executive Officer  
JOHN HATT kjw

No. 4392-3

Publish first publication, on or before March 15, 1979

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1979

Notice is hereby given Eddy Mledema whose post office

address is Springfield, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.9 cubic feet of

water per second of time from the Missouri River through the East Slope Irrigation Project #, the point(s) of diversion of which is(are) to be located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$

of Section 24, Twp. 93N, Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ , Section 7, T 93N, R 59W

This Application No. 4392-3 will be considered by the Water Rights Commission at the City Hall Community Room 222 East Dakota, Pierre, SD upon the 28th 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

BETTY WESTLUND

Water Rights Specialist

cc: Eddy Mledema, Box 517, Springfield, SD 57062

No. 4392-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Baughman ) ss.

I, Wayne L. Bertland hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Springfield Times

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

March 15, 1979

" 22, 1979

Wayne L. Bertland  
(Signature)

Publisher  
(Title)

3-22-79  
(Date Signed)

NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER

Pierre, SD 57501

March 9, 1979

Notice is hereby given Ed-  
dy Miedema whose post of-  
fice address is Springfield,  
South Dakota, has made an  
application in accordance  
with the provisions of SDCL  
46-1-1 thru 46-1-9, 46-1-14, 46-2-  
9 thru 46-2-11, 46-2-13; 46-5-1  
thru 46-5-8, 46-5-10 thru 46-5-  
22, 46-5-41, and Commission  
Rules ARSD 52:01:01:01 thru  
52:01:01:13, for a permit to  
appropriate for beneficial  
use 1.9 cubic feet of water  
per second of time from the  
Missouri River through the  
East Slope Irrigation Project  
No. 2 the point(s) of diversion  
of which is (are) to be located  
in the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section  
24, Twp. 93N, Range 60W.  
Said water to be used for the  
purpose of providing  
irrigation on portions of the  
following described land:  
SW<sup>1</sup>/<sub>4</sub>, Section 7, T 93N, R  
59W.

This Application No. 4392-3  
will be considered by the  
Water Rights Commission at  
the City Hall Community  
Room, 222 East Dakota,  
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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 Com-  
mission in writing prior to the  
hearing or orally at the  
hearing.

This hearing is an adver-  
sary proceeding. Any person  
has the right to be present or  
to be represented by a  
lawyer. These and other due  
process rights will be for-  
feited if they are not exer-  
cised at the hearing.  
Decisions of the Commission  
may be appealed to the Cour-  
ts as provided by law.

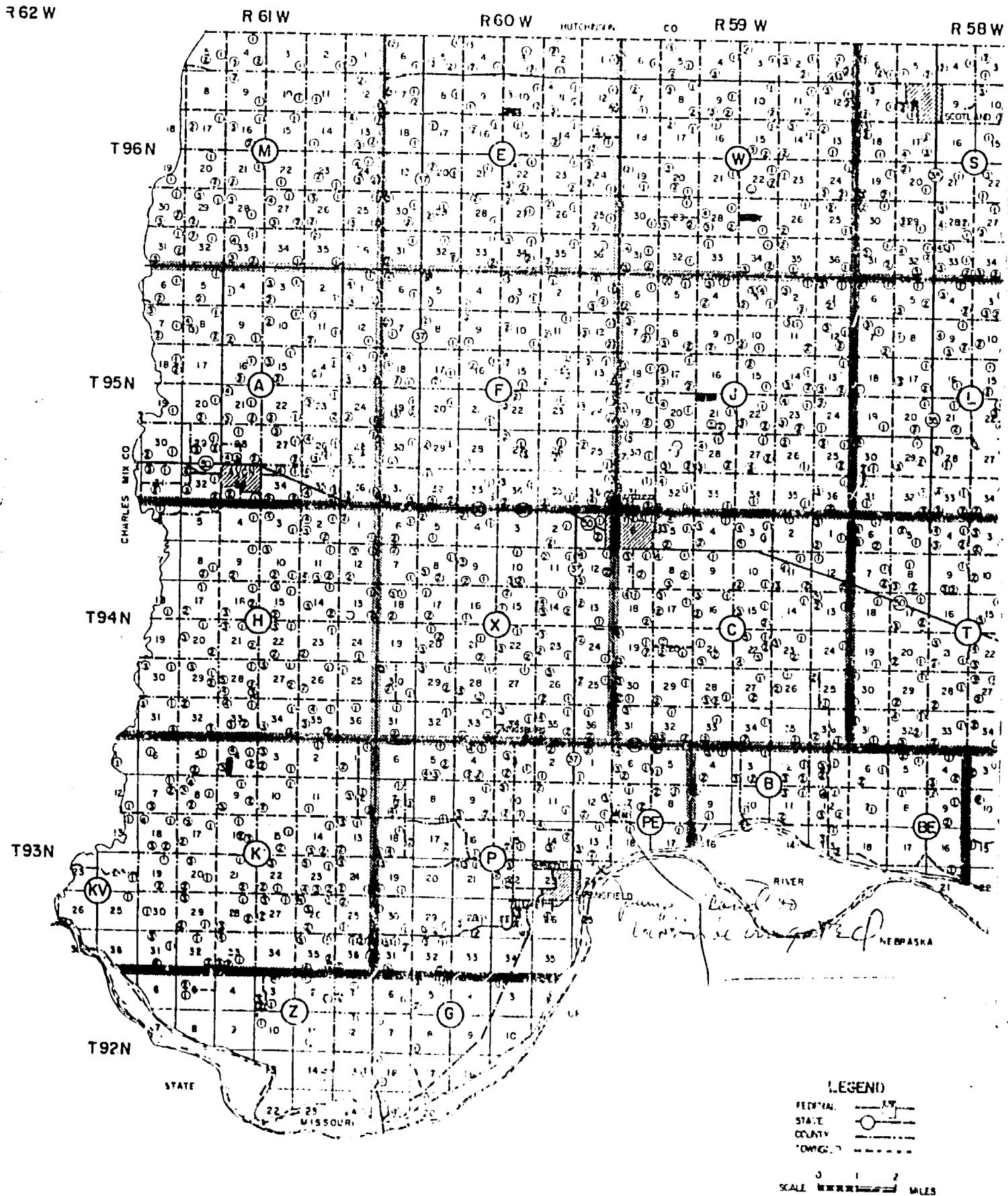
Water Rights Commission  
Betty Westlund  
Water Rights Specialist  
(Mar. 15-22)



# BON HOMME COUNTY

SOUTH DAKOTA

FARM BUILDING LOCATION MAP



SPRINGFIELD

CODE-P

CODE-PE

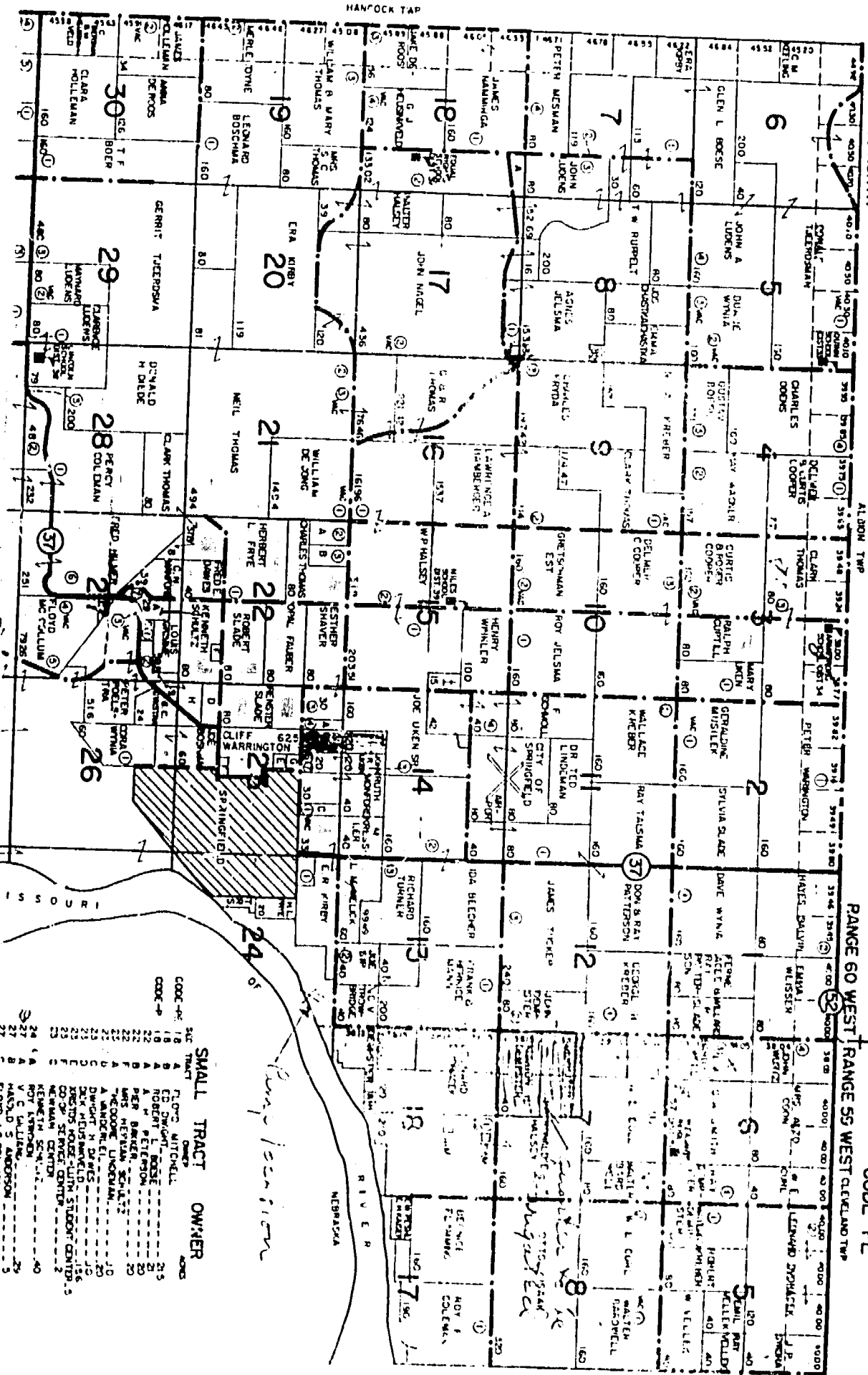
TOWNSHIP 93 NORTH

ALBION TWP

RANGE 60 WEST RANGE 59 WEST ALBION TWP

HANCOCK TWP

14



Water Rights Division - DWR  
Conversation or File Documentation

File No. 2498-3  
4392-3

NAME OF PERSON OR FILE: Bryan Nagel  
ADDRESS: Box 231, Springfield, SD COUNTY Bon Homme  
DATE: May 1, 1984 TELEPHONE 369-2617  
RE: ownership of permits under Ed Miedema's name

COMMENTS:

Bryan Nagel returned query for Ed Miedema's  
permitting to No. 2498-3. Mrs Nagel indicated  
Bryan did not own the land, but worked for  
his father who did own the land. She indicated  
that John Nagel owned all the land formerly  
owned by Ed Miedema.

Send transfer forms to John Nagel

RR

Avon, SD 57315

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Henny McMath



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 2498-3  
4392-3

May 2, 1984

John Nagel  
RA  
Avon, South Dakota 57315

Dear Mr. Nagel:

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

Upon receipt of the enclosed form and the \$2.50 filing fee **for each (total of \$5.00)** the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Skirling  
Staff Assistant

ms/  
Enc.

DWNR-820A-8/83

NO. 4392-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: \_\_\_\_\_



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

135 Acres - SW $\frac{1}{4}$  Section 7, T93N, R59W

formerly owned by Ed Miedema

has been transferred to John Nagel, RR 1 Baylors Avon, SD 57315

(please include complete mailing address)

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

Water Right Permit No. 4392-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA )  
County of Bon Homme ) ss.

I, John Nagel being first duly sworn on my oath depose and say:  
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

John Nagel  
(Signed)

Subscribed and sworn to before me this 24 Day of May, 1984

Howard D. [Signature]  
(Notary Public)

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9672

Pierre, May 31, 1984

RECEIVED OF John H. Nagel, RR#1, Box 108, Avon, SD 57315

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. _____                        |       |      |
| Fee for Filing Transfer Form 4392-3                                                                                        | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                     |       |      |
| Fee for Certified Copy of _____                                                                                            |       |      |
| Fee for Print Copy of Map _____                                                                                            |       |      |
| Fee for Certifying _____                                                                                                   |       |      |
| Fee for _____                                                                                                              |       |      |
| (Any Other Work Provided by Law)                                                                                           | Total | 2 50 |

By John Hatch  
Chief Engineer JOHN HATCH/ms



# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

No. 2498-3

4392-3

4578-3

May 31, 1984

John M. Nagel

RR#1, Box 108

Avon, South Dakota 57315

Dear Mr. Nagel:

Enclosed is receipt Nos. 4 9672, 4 9673 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 2498-3, 4392-3 & 4578-3.

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

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



# Department of Water & Natural Resources

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

January 4, 1990

2498-3  
4392-3  
4578-3

John Nagel  
RR #1 Box 108  
Avon, SD 57315

Dear Mr. Nagel:

The inspection of your water use systems and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 2498-3, 4392-3 and 4578-3 has been completed. The final water right document, a Water License, can now be issued for each permit.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of a Water License. Upon receipt of a \$150.00 fee from you (\$50.00 for each permit), we will begin processing the Water Licenses.

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

Sincerely,

GENNY MCMATH  
Natural Resources Analyst  
(605) 773-3352

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

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

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

- A. Works used to divert the water: The system consists of one Berkley Centrifugal pump powered by a Marathon Electric motor. The pump has a 9-inch diameter impeller. The motor has a horsepower rating of 75 HP. The system is capable of diverting 800 gpm.
- B. Works used to transport water to place of use: The distribution pipeline consists of a total of 8100 feet of 8-inch diameter PVC pipeline.
- C. Works used to apply water to beneficial use: Water is applied to beneficial use through a Valley Center Pivot System. The system has 7 towers, with a total length of 1285 feet. The pivot has an end gun, operates at 22 psi with 800 gpm.

(signature)

LICENSE FOR PERMIT NUMBER 4392-3

1. Legal location of wells: Location of diversion point: 860 feet S9°W from the SE corner of Sec. 13, T93N-R60W. (NE 1/4 SE 1/4 NE 1/4 NE 1/4 Sec. 24, T93N-R60W)

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm \_\_\_\_\_

No. of wells \_\_\_\_\_ Depth \_\_\_\_\_

Casing a) diameter \_\_\_\_\_ Screen a) type \_\_\_\_\_  
b) length \_\_\_\_\_ b) length \_\_\_\_\_  
c) type \_\_\_\_\_ Static Water Level \_\_\_\_\_

Pump a) make Berkley Centrifugal Motor a) make Marathon Electric  
b) model B4EPBL Serial # 7737132 b) model no. 364TTDS7316AAWF1  
c) size 9-inch impeller, 75HP c) horsepower rating 75 HP  
d) capacity 800 GPM d) motor efficiency rating \_\_\_\_\_  
e) turbine pump  
no. of stages \_\_\_\_\_

Serial # EN-93077-12/27-7

3. Distribution lines:

a) size of lines 8-inch Dia.  
b) type PVC  
c) length 8100 feet. (1500 feet from Diversion Point to P<sub>2</sub>, 6600 feet from P<sub>2</sub> to pivot point)

4. Dam information:

a) height to crest \_\_\_\_\_ i) Outlet tubes:  
b) height to spillway \_\_\_\_\_ 1) diameter \_\_\_\_\_  
c) crest width \_\_\_\_\_ 2) type \_\_\_\_\_  
d) crest length \_\_\_\_\_ 3) valued (Y/N) \_\_\_\_\_  
e) spillway length \_\_\_\_\_ 4) valve type \_\_\_\_\_  
f) spillway width \_\_\_\_\_ 5) location on structure \_\_\_\_\_  
g) approx. storage \_\_\_\_\_  
h) Distribution lines or canals:  
1) size \_\_\_\_\_  
2) type \_\_\_\_\_  
3) length \_\_\_\_\_

5. System Type: a) sideroll:

1) length \_\_\_\_\_ feet  
2) diameter of pipe \_\_\_\_\_  
3) make, model & number of sprinklers \_\_\_\_\_  
4) spacing of sprinklers \_\_\_\_\_  
5) nozzle size \_\_\_\_\_

b) towline:

1) length \_\_\_\_\_ feet  
2) make, model & number of sprinklers \_\_\_\_\_  
3) spacing of sprinklers \_\_\_\_\_  
4) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

- 1) make Valley Center Pivot
- 2) number of towers 7
- 3) distance between towers \_\_\_\_\_
- 4) overall length 1285'
- 5) End gun (Y/N) Ne'son 100
- 6) high or low pressure low-high
- 7) make & size of nozzles  
Zimmerman
- 8) PSI reading while system is  
running 22
- 9) GPM 800

g) Gun

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_
- 6) hose size \_\_\_\_\_
- 7) hose length \_\_\_\_\_

d) Gate Pipe

- 1) length \_\_\_\_\_
- 2) diameter \_\_\_\_\_
- 3) spacing of gates \_\_\_\_\_

e) Siphons

- 1) number \_\_\_\_\_
- 2) size \_\_\_\_\_

f) Portable boom

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_

h) Hydromatic

- 1) make \_\_\_\_\_
- 2) model \_\_\_\_\_
- 3) serial number \_\_\_\_\_
- 4) length \_\_\_\_\_
- 5) nozzle size \_\_\_\_\_
- 6) spacing \_\_\_\_\_
- 7) PSI \_\_\_\_\_
- 8) capacity (GPM) \_\_\_\_\_

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.

REMARKS:

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412047

Pierre, January 22, 19 90

RECEIVED OF John Nagel, RR 1, Box 108, Avon SD

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>2498-3 4392-3</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 Hales  
Chief Engineer

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 4392-3

(1) Eddy Miedema of Springfield, SD 57062 made Application No. 4392-3, January 16, 1979 for a water permit to appropriate 1.9 cubic feet of water per second from the Missouri River, Box Homme County, South Dakota for irrigation purposes. Permit No. 4392-3 with a priority date of January 16, 1979 was approved March 29, 1979 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 28, 1979 and for the application to beneficial use of said water on or before September 28, 1979.

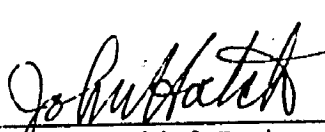
Water Permit No. 4392-3 was transferred on May 31, 1984 to John M. Nagel, Avon, SD.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: 860 feet S 9 degrees W from the SE corner of Section 13, T93N, R60W (NE1/4 NE1/4 Sec 24, T93N, R60W).

(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:

|                      |             |     |       |
|----------------------|-------------|-----|-------|
| T93N, R59W Section 7 | NE1/4 SW1/4 | 34  | acres |
|                      | NW1/4 SW1/4 | 34  | "     |
|                      | SW1/4 SW1/4 | 33  | "     |
|                      | SE1/4 SW1/4 | 34  | "     |
|                      | Total       | 135 | acres |

(4) Pursuant to Section 46-5-30.1 John M. Nagel of RR #1 Box 178, Avon, SD 57315 the holder(s) and/or owner(s) of Water Permit No. 4392-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the Missouri River with a priority date of January 16, 1979 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. 4392-3 and subject to South Dakota State Law.

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

APR 25 1990



# Department of Water & Natural Resources

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

4578-3

4392-3

2498-3

APR 25 1990

John M. Nagel  
RR #1 Box 108  
Avon, SD 57315

Dear Mr. Nagel:

Enclosed are Water License Nos. 4578-3, 4392-3 and 2498-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are Receipt Nos. 412046, 412047 and 412048 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 an existing well, such as the well authorized by Water Right No. 4578-3, constructs a replacement well and does not plan to use the old well, the old well is 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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 23, 1992

2498-3  
3793-3  
4392-3

Bryon Nagel  
RR #1 Box 231  
Springfield, SD 57062

Dear Mr. Nagel:

In response to your 1991 irrigation questionnaires, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 2498-3, 3793-3 and 4392-3.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McNath  
Natural Resources Analyst  
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

July 8, 1992

John M Nagel  
RR #1 Box 108  
Avon, SD 57315

2498-3

3118-3

4392-3

Dear Mr. Nagel:

I am contacting you in regard to ownership of Water Right Nos. 2498-3 and 4392-3. I spoke with Mrs. Nagel on July 7th, and she indicated that the land was now owned jointly between you and Bryan Nagel.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please complete the form where indicated and sign in the presence of a notary. Both you and Bryan will need to sign each of the forms. Upon completion, return them to our office with a total of \$5.00 to cover the cost of the filing fees (\$2.50 each).

I have also enclosed a partially completed transfer form for Water Right No. 3118-3, currently listed in the name of Neil Thomas. The 1991 irrigation questionnaire returned by Mr. Thomas indicated he had sold his land to Blane Nagel. He also indicated the irrigation system had been removed. If Blane Nagel intends to irrigate the acreage, the water right will need to be transferred to his name. If he does not intend to irrigate, the water right will be scheduled for cancellation.

Please contact our office as to the status of Water Right No. 3118-3 (Neil Thomas). The water right authorizes irrigation of 35 acres in portions of the NW 1/4 Section 21, T93N, R60W from Emanuel Creek. If Blane intends to have the water right transferred, the enclosed form will need to be signed and notarized and returned with a \$2.50 filing fee.

If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352

# NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4392-3

Date: July 20, 1992

I\We request that Water Right No. 4392-3

formerly owned by: John M Nagel & Bryan Nagel

be transferred to: (name & address) RR1 Box 231

Springfield, S. Dak (Telephone No.) 605 369-2656

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

SW 1/4 Section 7, T93N, R59W

I\We understand that the validity of Water Right No. 4392-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA )

County of San Humbre )

I\We John M Nagel & Bryan Nagel being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Bryan Nagel John M Nagel  
(Signed)

Subscribed and sworn to before me this 21st day of July, 19 92.

Cornie K. Loomer  
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, SD July 23, 19 92

RECEIVED OF Bryan or Angela Nagel, RR #1 Box 231, Springfield, SD 57062  
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. _____ Water Right No. 1392-5 |       | 50 |
| 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 |

By John Hatch  
Chief Engineer JOHN HATCH



4392-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

July 30, 1992

No. 2498-3  
4392-3

John M. and Bryan Nagel  
RR 1, Box 231  
Springfield, SD 57062

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2498-3 and 4392-3.

Our records now show you as the owner of Water Right Nos. 2498-3 and 4392-3.

Sincerely,

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

enclosure



4392-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

December 4, 2003

2498-3  
4392-3

Bob Hanson Auctions  
PO Box 533  
Salem SD 57058-0533

RE: Nagel property

Dear Mr. Hanson:

Enclosed, as we discussed, are the following copies:

- Water Right No. 2498-3 (including inspection report and map);
- Water Right No. 4392-3 (including inspection report and map);
- The "2002" Water Management Board Irrigation Questionnaires for both water rights; and
- Two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights.

Once the land is sold, the water rights need be transferred to reflect the ownership change. The enclosed transfer forms should be reviewed for accuracy and completed by the new owner. Upon completion, the new owner will need to sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

The only documents we will need to have returned to us are the transfer forms (and filing fees). The remaining materials can be distributed to the new owner(s) if they would like them.

If you have any questions, please give me a call. Thank you for your help.

Sincerely,

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

enclosures

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4392-3

Date: 2-22-04

I/We request that Water Right No. 4392-3

formerly owned by: John M and Bryan Nagel

be transferred to: (name & address) TERRY BALVIN

41726 SD Hwy 52

TYNDALL, SD 57066-6002

Telephone No. 589-3850

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

135 acres in the SW ¼ Section 7, T93N, R59W

I/We understand that the validity of Water Right No. 4392-3 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 TERRY BALVIN, the new owner, certify that the above information is true and correct.

RECEIVED

FEB 26 2004

WATER RIGHTS  
PROGRAM

Terry Balvin  
(Signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 26, 20 04

RECEIVED OF Terry Walvin, 41726 SD Hwy 52, Tyndall SD 57066-6002

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>4392-3</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.

001206

By

Darland Erbe  
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](http://www.state.sd.us/denr)

February 26, 2004

4392-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066-6002

Dear Mr. Balvin:

Thank you for following up on the ownership change for Water Right No. 4392-3. The transfer has been completed. The water right formerly listed in the name of John M & Bryan Nagel is now listed in your name.

Enclosed is your Receipt No. 001206 in the amount of \$2.50. I have included a copy of the water right and inspection report in the event you do not have one. You may keep these for your records. 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](mailto:genny.mcmath@state.sd.us)

enclosure



4392-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: TERRY BALVIN, 41726 SD HWY 52, TYNDALL, SD 57066 6002  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 4392-3 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) 4779-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4779-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4392-3 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 25, 2005, 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.



4392-3

## Track & Confirm

### Current Status

You entered 2301 0370 0000 7541 4739

Your item was delivered at 11:09 am on January 26, 2005 in TYNDALL, SD 57066. The item was signed for by T BALVIN.

[Shipment Details >](#)

### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

### Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Preserving the Trust

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## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 0370 0000 7541 4739

TERRY BALVIN  
41726 SD HWY 52  
TYNDALL SD 57066 6002

Postmark  
Here

### POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐

Priority Mail

☐

Package Services

(See Reverse)

PS Form 153, February 2001



4392-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 8, 2005

4392-3  
4779-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066

Dear Mr. Balvin:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaires. I completed questionnaires for you based on our February 8<sup>th</sup> telephone conversation. Enclosed are copies of the forms for you to keep for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4392-3 and 4779-3. 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

# NOT TO SCALE



FROM P. 2 - 6600 FEET N 160° E

Kat A. Bell  
Kent Bruner  
Mapmaker, Res. Eng.  
Div. of Water Resources

No.  
4392-3



# NOT TO SCALE



1053

17.8

29.2

3-121

7.6

13.2

18.9

64.7

16

9.1

67.5

59

3.9

7.1

13.1

49.1

2.3

4.0

9.7

10.4

19.6

22.7

93-60

17.2

18.1

7.9

11.0

6.6

5.3

13.3

6.5

35.0

14

1052

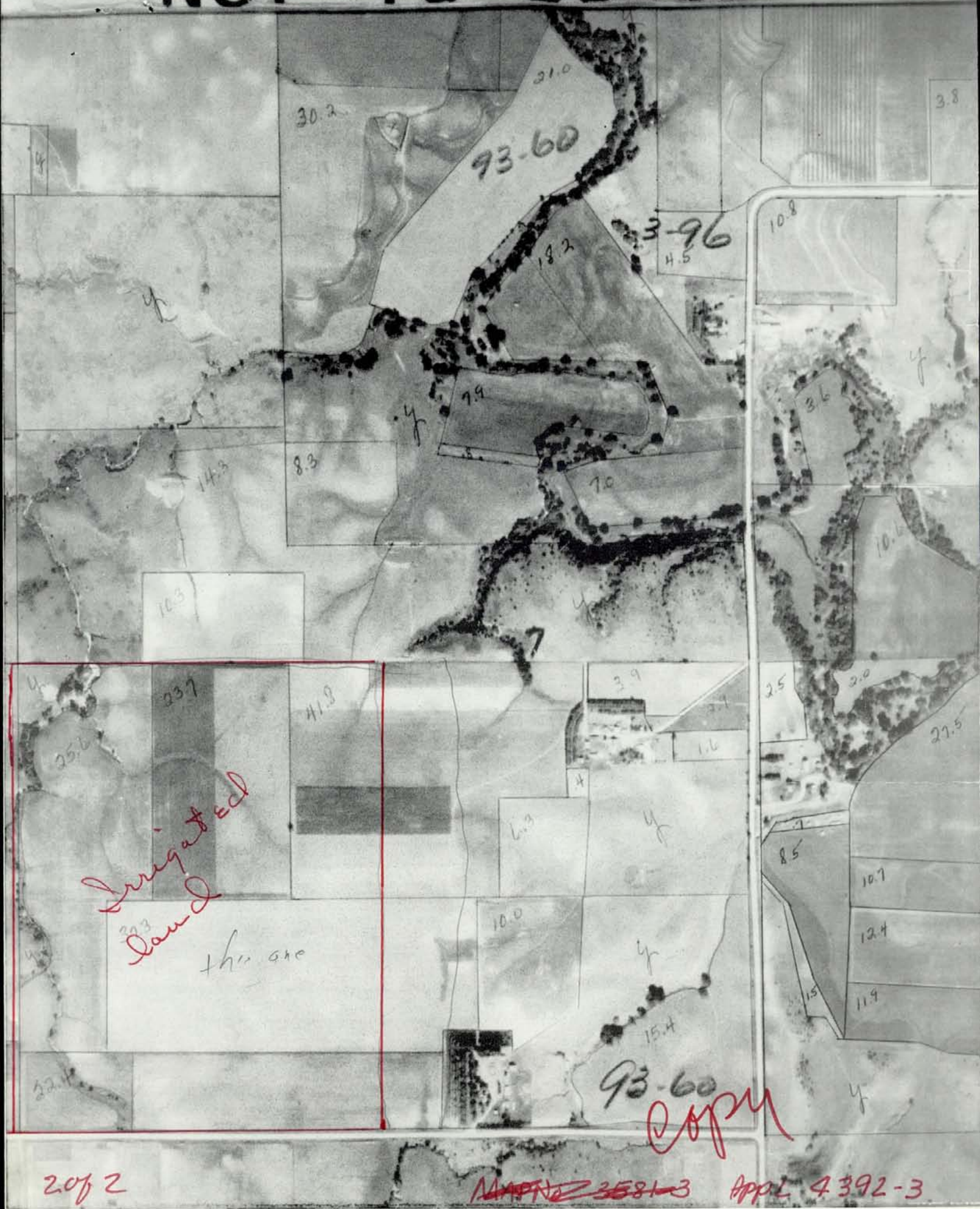
3-121

Pump site

APRIL 4392-3

Pipe line

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 23, 2009

**NOTICE**

TO: TERRY BALVIN, 41726 SD HWY 52, TYNDALL, SD 57066 6002

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4392-3 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) 4779-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4779-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4392-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.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**

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

January 29, 2009

4392-3  
4779-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066

Dear Mr. Balvin:

I am writing to acknowledge receipt of the information for your 2008 irrigation questionnaires. I completed forms for you based on our phone conversation. I have included a copy of each one for you to keep for your records.

You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 4392-3 and 4779-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4392-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: TERRY BALVIN, 41726 SD HWY 52, TYNDALL, SD 57066 6002

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 4392-3 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) 4779-3 qualification:

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

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. 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) 4779-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4392-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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](mailto: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.

4392-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 24, 2013

4392-3  
4779-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066 6002

Dear Mr. Balvin:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires. I completed forms for you based on our phone conversation.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 4392-3 and 4779-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed for your records are copies of the forms I completed. 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](mailto:genny.mcmath@state.sd.us)

enclosures



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

July 20, 2021

4392-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066-6002

Dear Mr. Balvin:

I am writing in follow-up to our phone conversation concerning Missouri River permits in your area.

Enclosed are copies of both of your water rights and a copy of the water right held by the Springfield Golf Course. You can see the entire administrative record for these water rights or any water rights in SD on our website.

The link to our website is: **<https://danr.sd.gov/OfficeOfWater/WaterRights>**  
Once you get to the website, go along the right side of the page where the links to different databases can be found. Click on "Water Rights". It will bring up a separate page where you can scroll down under the map area and enter in any search you want (name, legal description, permit number, source).

If you have any questions or need assistance with the website, please give me a call.

Sincerely,

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

enclosures

4392-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2023

**NOTICE**

TO: TERRY BALVIN, 41726 SD HWY 52, TYNDALL, SD 57066 6002

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 4392-3 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) 4779-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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. 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) 4779-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4392-3 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 before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZVWTEX**

**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

January 24, 2023

4392-3  
4779-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066-6002

Dear Mr. Balvin:

I am writing to acknowledge receipt of the information for your 2022 irrigation questionnaires. Based on our phone conversation, I completed forms for you. Enclosed is a copy for your records.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 4392-3 and 4779-3. 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  
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 14, 2025

**NOTICE**

TO: TERRY BALVIN, 41726 SD HWY 52, TYNDALL, SD 57066 6002

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4392-3 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) 4779-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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. 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) 4779-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4392-3 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ODTYRT**

**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

January 28, 2025

4779-3

4392-3

Terry Balvin  
41726 SD Hwy 52  
Tyndall SD 57066

Dear Mr. Balvin:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4392-3 & 4779-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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