



December 12, 2003

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)

4459-3

George Dylla  
13807 414<sup>th</sup> Ave  
Andover SD 57422

Dear Mr. Dylla:

Thank you for notifying us of the ownership change for a portion of land described in your Water Right No. 4459-3.

The water right can be divided and reissued to reflect separate ownership. The licenses will be issued as "4459A-3" and "4459B-3". I have partially completed a "Notice of Transfer of Ownership" form with the information you supplied to Ron Duvall with our program. The form should be completed and then signed by the new owner. Upon completion, please return the form 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.

Ron indicated that you will retain ownership of the land in Section 17, however the new owner will be leasing the land and irrigating it from the larger well (labeled Well #1 on the map). I included a notation on the transfer form to that affect. If acceptable to you, this piece of land can be added to the new license.

I made pencil notations on the enclosed copy of the license on how the division of the license will take place. In your review if you feel we have misunderstood and the licenses should be divided and reissued in a different manner, please let me know.

Sincerely,

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

enclosures

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 15, 20 04

RECEIVED OF Roger L. Rix, 12960 406 Ave., Groton SD 57445

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>4459-3</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.

**001086**

By

*Darland Erlend*  
Chief Engineer

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4459-3

Date: 1-10-04

I/We request that Water Right No. 4459-3

formerly owned by: George Dylla

be transferred to: (name & address) Roger L Rix

12960 406 Ave

Groton, SD 57445

Telephone No. 605-397-8378

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

264 acres in the SW ¼ Section 9 and the NW ¼ Section 16, all in T122N, R59W

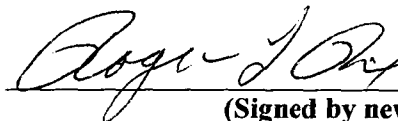
leasing the following land: NE ¼ Section 17, T122N, R59W

I/We understand that the validity of Water Right No. 4459-3 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 Roger Rix, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

**RECEIVED**

**JAN 15 2004**

**WATER RIGHTS  
PROGRAM**

**STATE OF SOUTH DAKOTA**  
**REISSUED WATER LICENSE NO. 4459B-3**  
**DIVISION OF NO. 4459-3 INTO 4459A-3 AND 4459B-3**

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(1) George Dylla was issued Water License No. 4459-3, March 14, 1983 for a water permit to divert 2.61 cubic feet of water per second (cfs) from groundwater (two wells), Day County, South Dakota for irrigation of 411 acres. Water License No. 4459-3 was issued bearing the priority dates of October 29, 1976 and December 3, 1979.

On January 15, 2004, a transfer of ownership was received, transferring a portion of the water right to Roger L Rix. Water Right No. 4459-3 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 4459A-3, George Dylla, 13807 414<sup>th</sup> Ave, Andover SD 57422: irrigation of 37 acres in the SE ¼ Section 15-T122N-R59W (priority date – October 29, 1976).

No. 4459B-3, Roger L Rix, 12960 406 Ave, Groton SD 57445: irrigation of 264 acres in the SW ¼ Section 9, NW ¼ Section 16; all in T122N-R59W (priority date – October 29, 1976).

The remaining 110 acres authorized under No. 4459-3 located in the NE ¼ Section 17 (priority date – December 3, 1979) and the Well #1 located in the SW ¼ SE ¼ Section 15; all in T122N-R59W are owned by George Dylla but leased by Roger L Rix and are included on No. 4459B-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4459B-3 is issued a license, bearing priority dates of October 29, 1976 and December 3, 1979 to appropriate 2.08 cubic feet of water per second from groundwater (one well) to irrigate 374 acres.

The diversion point is located: Well #1 – 1,030 feet east and 970 feet north from the south ¼ corner Section 15-T122N-R59W (SW ¼ SE ¼). The acres authorized for irrigation are as follows:

|                   |            |           |           |                                  |
|-------------------|------------|-----------|-----------|----------------------------------|
| all in T122N-R59W | Section 9  | SW ¼      | 132 acres | October 29, 1976 - priority date |
|                   | Section 16 | NW ¼      | 132 acres | "                                |
|                   | Section 17 | NE ¼ NE ¼ | 11 acres  | December 3, 1979 – priority date |
|                   |            | NW ¼ NE ¼ | 33 acres  | "                                |
|                   |            | SW ¼ NE ¼ | 33 acres  | "                                |
|                   |            | SE ¼ NE ¼ | 33 acres  | "                                |
|                   |            | Total     | 374 acres |                                  |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4459B-3 including the following now applicable qualifications:

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 well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

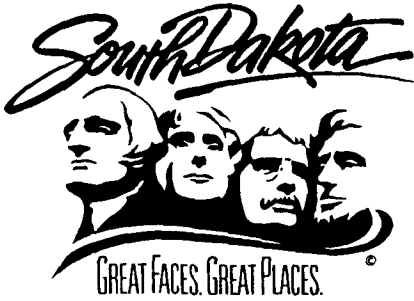


Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 23 2004

date





APR 23 2004

44.59B-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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George Dylla  
13807 414<sup>th</sup> Ave  
Andover SD 57422

Roger L Rix  
12960 406 Ave  
Groton SD 57445

Dear Mr. Dylla and Mr. Rix:

Enclosed is reissued Water License Nos. 4459A-3 and 4459B-3.

On January 15, 2004, a transfer of ownership was received, transferring a portion of the water right to Roger L Rix. Water Right No. 4459-3 has been divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 4459A-3, George Dylla, 13807 414<sup>th</sup> Ave, Andover SD 57422: irrigation of 37 acres in the SE ¼ Section 15-T122N-R59W (priority date – October 29, 1976).

No. 4459B-3, Roger L Rix, 12960 406 Ave, Groton SD 57445: irrigation of 264 acres in the SW ¼ Section 9, NW ¼ Section 16; all in T122N-R59W (priority date – October 29, 1976).

The remaining 110 acres authorized under No. 4459-3 located in the NE ¼ Section 17 (priority date – December 3, 1979) and the Well #1 located in the SW ¼ SE ¼ Section 15; all in T122N-R59W are owned by George Dylla but leased by Roger L Rix and are included on No. 4459B-3.

As long as you use water beneficially, as stated in the water licenses, South Dakota Water Law provides that you have a continuing right to the use of the water.

If you have any questions concerning the reissued licenses, please contact this office.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
605 773-3352

enclosures

NOT TO SCALE

3299

Map # 3686-3



NOT TO SCALE

122-59

8.2

102.4

52.4

2-222B

9

37.4

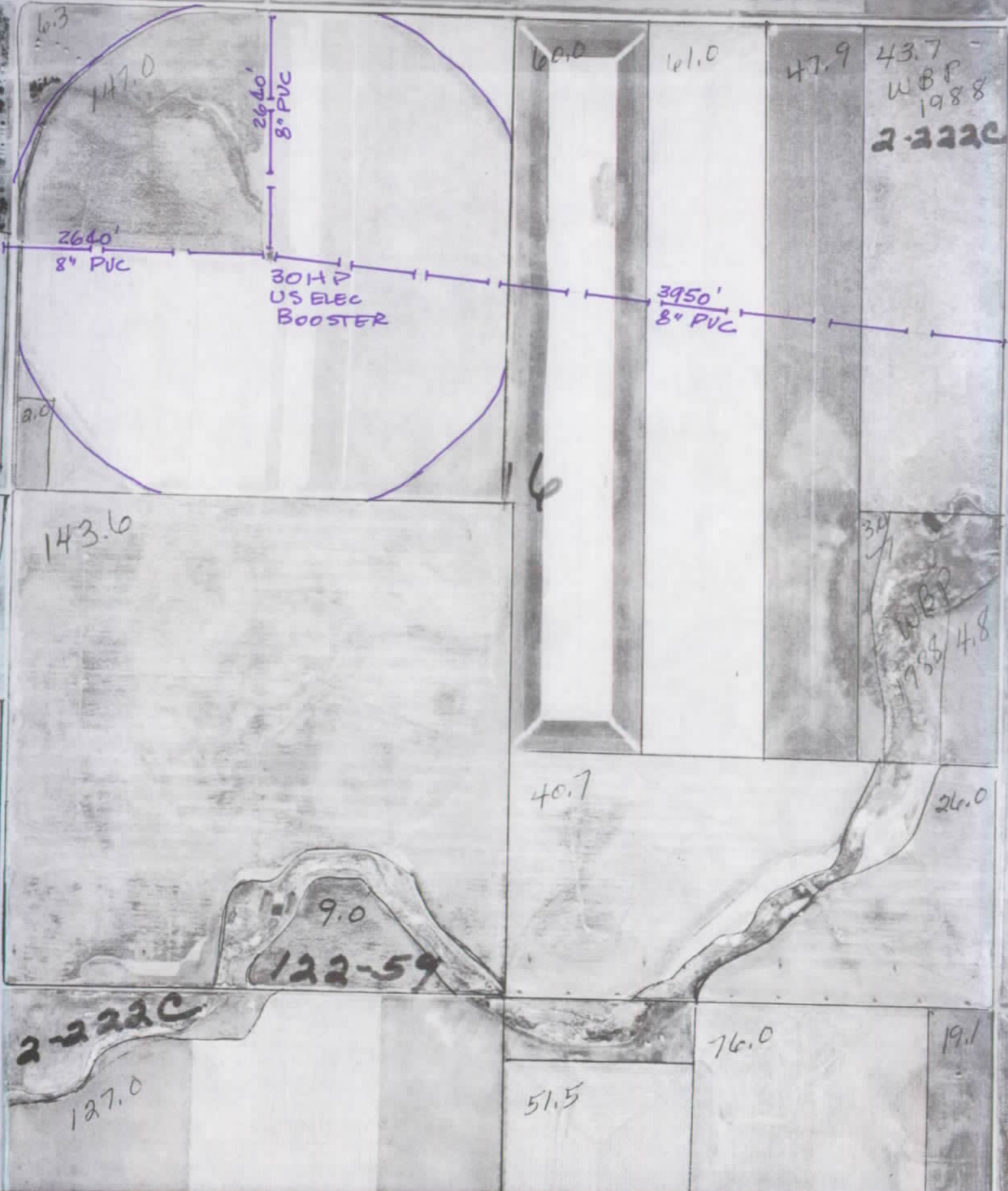
156.2

104.2

5.8

122-59

NOT TO SCALE



Water Right 4459-3

NOT TO SCALE

151.4

33.2

2-222C

20.4

77.4

17

300.8

122-59

163.4

108.5



4459B-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: ROGER L RIX, 12960 406TH AVE, GROTON, SD 57445

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4459B-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4459B-3 qualification:

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

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. 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) 4459B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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](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.



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[www.denr.sd.gov](http://www.denr.sd.gov)

January 28, 2014

4459B-3

Roger L Rix  
12960 406<sup>th</sup> Ave  
Groton SD 57445

Dear Mr. Rix:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 4459B-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](mailto:genny.mcmath@state.sd.us)