

1. Considered SEPT. 25 1980
2. Name of Applicant HUBERT STULKEN
3. Post Office Address SELBY, S.D.
4. Amount of Water Claimed 1.87
5. Source of Water Supply EXISTING 95' WELL
6. Water to be used for IRR.
7. Acres to be irrigated 320-^{NO} ADD'L maximum acre feet
8. Water to be diverted and used in WALWORTH County about 4N, 6 miles WEST of SELBY
9. PROOF OF PUBLICATION Received ~~157~~ 9-28-80
- Not Received
- APPLICATION Approved 9/25/80
- Subject to WTR 10 21
- Not Approved
- Action deferred

Priority Date
Received 9-2-80 Application Complete yes ☒ no ☐ FEE 150⁰⁰

9-2-80
for 1.87 CFS

Remarks Requesting add'l water to operate 2 center pivots from one well. Orig appl # 2948-3 requested 1.9 & was ordered for ³²⁰ acres - 1.9 cfs Sept 30, 1976

Date Information and/or 1310
fee or corrected Application received
Period of Annual use Mar - Nov

WATER
QUALITY

Received yes 7/3/76 no ☐ APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application yes ☒ no ☐ Remarks

Disapproved

Returned

Diversion Point APPROXIMATE
CENTER OF NE⁴ Sec.
15-T124N-R77W

Lands to be irrigated
N¹/₂ Section 15-129-77

WELL
LOG

Remarks Well has 20' of diameter steel screen down
1600 GPM (as per phone call to H. Stulken)

Driller Baron Drilling Co. Licensed yes ☒ no ☐

Depth 95'

MAP Map No. 2448-3 Map located in Water Right X Map file _____
Type of Map Original - not a copy Prepared by Fa. Jones

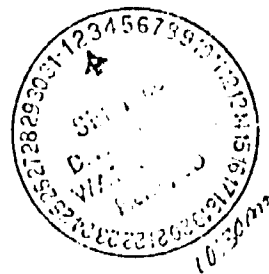
+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 9-25-80.
Betty J. Pittman
6 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. Remarks _____

No. 4544-3Map No. 2280-5 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10130106

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional ~~Water~~ water ☒Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Hubert Stulken Phone No. 649-7230
 Post Office Address RR #1, Selby State S.D. 57472
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

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

3. Name of diversion work Stulken Supplemental4. Amount of water claimed (cubic feet per second) 1.875. Source of water supply groundwater (95' deep well - existing)6. Location of point of diversion center of the NE $\frac{1}{4}$, Section 15, T124N, R77WCounty Walworth7. Annual period or periods during which water is to be used irrigation MARCH - NOVEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) 320 *

9. For irrigation use, Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ Sec. 15, T124N-R77W	160		
NW $\frac{1}{4}$ Sec. 15, T124N-R77W	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Selby Record

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source
well, pump and motorB. Works proposed to transport water to place of use.
mainlineC. Works proposed to apply water to beneficial use
center pivot sprinkler system

This application is to increase the amount of water allowed so two pivots can be pumped at the same time from the existing well under Permit No. 2948-3

*no additional lands

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)
) ss.
County of Walworth)I, Hubert Stulken 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 Hubert Stulken
 Subscribed and sworn to before me this 23rd day of August, 1980
James J. Johnson
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4544-3
HUBERT STULKEN (Applicant) R.R. #1 SELBY (Post Office Address)
SOUTH DAKOTA 57472 With the following 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 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Land covered under this Permit is also covered under Permit No. 2948-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application September 2, 19 80
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application , 19
 Approved September 25, 19 80, recorded in Book 21 Page 286
 WATER RIGHT PERMIT NO. 4544-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4544-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1.87 c.f.s. from Sept. 2, 19 80
1.9 c.f.s. from August 24, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 25, 19 81
3. The whole of said work is to be completed on or before September 25, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is September 25, 19 82
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 1.87 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 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-seventh (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 25, 19 81, said water to be used during the following described annual period: March - November

Witness my hand this 1st day of October, 19 80

THE WATER MANAGEMENT BOARD

By John H. H. H.
 (Signature)
 (Title, Engineer, Water Rights)

Certificate of Construction Issued , 19

Water License Issued , 19

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Rupert Stulken
 Address: Selby, SD 57572
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd August 17, 1976

Sample No. 76-1054

Identification # 1. Well-

WATER ANALYSIS

Calcium (Ca)	86	ppm*	4.30	me/l**
Magnesium (Mg)	18	ppm	1.48	me/l
Sodium (Na)	79	ppm	3.44	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	110	ppm	2.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	9	ppm	0.24	me/l
Bicarbonate (HCO ₃)	439	ppm	7.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	360	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	856	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.02			
Sodium	36.09	% of cations		
Residual sodium carbonate	1.42	me/l		
pH	7.78			

* ppm = parts per million

** me/l = milliequivalents per liter

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

COMMENTS: Total cations 9.53 me/l
 Total anions 9.74 me/l



By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

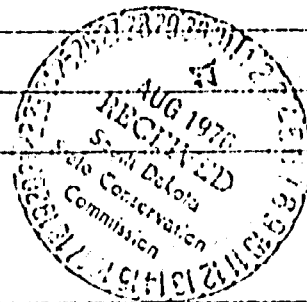
Sample No. 76-1054

Amount Enclosed \$

Signed

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 16-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Hubert Stulken
ADDRESS Selby, South Dakota 57472
COUNTY Walworth



LEGAL DESCRIPTION

1. WELL LOCATION Center of the NE 1/4 of 15-124-77
2. LOCATION OF AREA TO BE IRRIGATED North 1/2 of 15-124-77

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 76-1054
6. SALINITY (EC X 10⁶) 8.56 (med)
7. SODIUM (SAR) 2.02 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 1.42

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 Walworth 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.

Hubert Stulken
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
17 DAY OF August 19 76.

Robert H. Oetting
(TITLE OR SEAL)

Commissioner 11-6-1976
(SOILS INFORMATION ON REVERSE SIDE)

Albert J. Duffell
APPROVED/DISAPPROVED

No. 4544-3

Publish first publication, on or before September 11, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 3, 1980

Notice is hereby given that Hubert Stulken whose post office

address is Selby, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.87 add'l cubic feet of water per second of time from groundwater

(1 well existing) through the Stulken Supplemental, the point(x) of diversion of which is ~~xxxx~~ to be located in the approximate center of NE 1/4

of Section 15, Twp. 124N, Range 77W. Said water to be used for the purpose of providing irrigation on portions of the ~~following xxxxxxxxxxxxxxxxxx~~

same lands that are covered under Permit No. 2984-3, (NE 1/4, Section 15, T124N, R77W)

This Application No. 4544-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Pierre SD, Church & Illinois St. upon the 25th day of September, 1980

at 10 A. .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWMR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

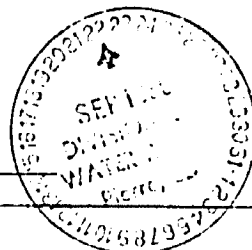
BETTY WESTLUND
Water Rights Specialist

cc: Hubert Stulken
RR #1
Selby SD 57472

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

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

No. 4544-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Fritz Clement hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Selby Record

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 _____

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

September 11, 1980

September 18, 1980

F. Clement
(Signature)

Publisher
(Title)

September 18, 1980
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 3, 1980

Notice is hereby given that
Hubert Stulken, whose post office
address is Selby, South Dakota,
has made an application in ac-
cordance 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 Board
Rules ARSD 52:01:01:01 thru
52:01:01:13, for a permit to ap-
propriate for beneficial use 1.87
add'l cubic feet of water per
second of time from groundwater
(1 well existing) through the
Stulken Supplemental, the point
of diversion of which is to be
located in the approximate
center of NE 1/4 of Section 15, Twp.
124N, Range 77W. Said water to
be used for the purpose of
providing irrigation on portions
of the same lands that are
covered under Permit No. 2984-3,
(N 1/2, Section 15, T124N, R77W).
This application, No. 4544-3 will
be considered by the Water
Management Board at Meeting
Room No. 1, Kneip Building,
Pierre, S.D., Church & Illinois St.
upon the 25th day of September,
1980, at 10 a.m. The Board 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 Board decision who desires
to present evidence or cross-
examine witnesses according to
SDCL 1-26 may notify the Board
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 Board may be
appealed to the Courts as
provided by law.

Any handicapped person
wishing to attend this hearing can
contact the Water Rights
Division, DWRN, Joe Foss
Building, Pierre, S. D., prior to
the hearing date for assistance to
assure access to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist
911-918

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7672

PIERRE, September 2, 1930

RECEIVED OF Robert Stulken, Selby, SD 57472

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

Fee for Application for Permit to Appropriate Water No. 15443 (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 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	150	00

WATER RIGHTS COMMISSION

By (John Hatch) Chief Engineer, Executive Officer
JOHN HATCH

Dear Sirs:

The time limit on permit # 4544-3 is running out. To complete this permit, I need to purchase another pivot. Because of present economic conditions, I don't anticipate installing another pivot until conditions improve. However, we have greatly increased the use of our present pivot, (by towing between the two quarters and increased pumping days), enough to be drawing the additional allotment from permit # 4544-3. If not, I would like an extension on the permit. Please advise.

Yours Truly

Hubert Stulken
Sally J. Dok.
Box 80 B
57472



WATER RIGHTS DIVISION
(605) 773-3352

February 2, 1983

Hubert Stulken
Box 80B
Selby, South Dakota 57472

Dear Mr. Stulken:

In reference to your letter dated December 15, 1982, enclosed please find an Extension of Time request.

Permit No. 4544-3 was approved September 25, 1980, and the date set for completion of the project was September 25, 1981. The permit can be extended to the five year time limit as provided by Statute. The date for completion of works would then be set at September 25, 1985.

Please check over the enclosed request form, complete, sign and return it to this office with a \$2.50 filing fee. Our next Water Management Board Meeting is February 24 and 25, 1983. The extension request and fee must be received in this office before that date in order to be brought before the Board for consideration at this meeting.

If you have any questions, please advise.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

APPLICATION FOR EXTENSION OF TIME

TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date Dec 1 - 1983

Dear Sirs:

In Water Right Permit No. 4544-3 it is specified that the water diversion system is to be completed by September 25, 1981 and that the water is to be put to the limit of beneficial use by September 25, 1982.

I hereby request that the date for completing the diversion system be extended to September 25, 1985 and that the date for putting the water to the limit of beneficial use be extended to September 25, 1989.

The extension of time for the completion of these works is requested for the following reasons: I hesitate to buy an additional pivot at the present time ~~but~~ because of economic conditions. I do intend to expand as my finances improve.
Thank you.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Hubert S. Tulheim
(Signed)

4544-3

Permit Number

APPROVED: February 15, 1984

Board of Water Management

BY:



RECEIPT

Division of Water Rights

No 4 9429

South Dakota Department of Water and Natural Resources

Pierre, December 5, 1983

RECEIVED OF Hubert Stulken, Box 80 B, Selby, SD 57472

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 _____

Fee for Filing Extension Request on VR# 4544-3 _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

JOHN HATCH/ms

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

February 28, 1984

Hubert Stulken
Box 80B
Selby SD 57472

Dear Mr. Stulken:

This is to inform you that your request for extension of time dated
December 1, 1983 for Water Right No. 4544-3 has been
approved by the Water Management Board as follows:

The date for completing construction of the water system has
been extended to September 25, 1985, and the date for
putting the water to the limit of beneficial use has been
extended to September 25, 1989.

Enclosed herewith is Receipt No. 4 9429 for \$2.50 fee for filing
of this Extension of Time.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Division

ks

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

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

March 23, 1987

HUBERT STOLKEN
RR #1 BOX 80B
SELBY, SD 57472

NOTICE

Re: Violation of Water Permit(s). 4544-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4544-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4544-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2983-3 and 2948-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

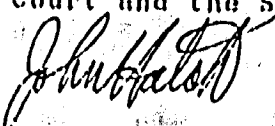
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4544-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2983-3 and 2948-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

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

May 4, 1987

2948-3

2983-3

4544-3

Hubert Stulken
RR #1 Box 80B
Selby, SD 57472

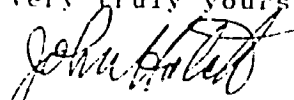
Dear Mr. Stulken:

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. 2983-3, 2948-3 and 4544-3 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



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

HUBERT STULKEN
RR #1 BOX 80B
SELBY SD 57472

NOTICE

RE: Violation of Water Permit Nos 2948-3 & 2983-3, 4544-3 and 1991 Irrigation
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 2948-3 & 2983-3, 4544-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2948-3 & 2983-3 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) 4544-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 4544-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2948-3 & 2983-3 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



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

February 13, 1992

2948-3

2983-3

4544-3

Hubert Stulken
RR #1 Box 80B
Selby, SD 57472

Dear Mr. Stulken:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 2948-3, 2983-3 and 4544-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



4544-3

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

January 29, 1993

NOTICE**TO:** HUBERT STULLEN
RR #1 BOX 80B
SELBY SD 57472**FROM:** Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division**RE:** Violation of Water Permit No(s) 4544-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4544-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4544-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 4544-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: HUBERT STULKEN RR #1 BOX 80B SELBY SD 57472	4. Article Number 4544-3A 906 560 157 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ CRR ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Hubert Stulken</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 1-30-93	

PS Form 3811, Apr. 1989

DOMESTIC RETURN RECEIPT



4544-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

2948-3
2983-3
4544-3

Hubert Stulken
RR #1 Box 80B
Selby, SD 57472

Dear Mr. Stulken:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notices for Violation of Water Permit No. 4544-3 and Violation of the Requirement to Submit 1992 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 us.

Sincerely,

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

4544-3

Permit No. 2948-3 and 4544-3Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Hubert Stulken of RR #1 Box 80B, Selby, SD 57472 holder of Permit No. 2948-3 and 4544-3, bearing the priority of August 24, 1976 and September 2, 1980 authorizing the diversion of 1.9 and 1.87 cu. ft. per second of the waters of Grand-Aquifer for irrigation purposes, in Walworth County.

Selby

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

A. Works used to divert the water:

95' deep well with 75' of casing and 20' of stainless steel screen. Detroit Diesel motor model 471, 150 hp; submersible pump with a 1600 gpm capacity.

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

2770' of 8" aluminum pipe.

C. Works used to apply water to beneficial use:

2 Valley center pivots, 1280' long, 10 and 8 sower, with end gun, low pressure system, 900 gpm each.

The system is in the following condition good. The point of diversion is located 65' N and 100' W of the center of Sec. 15-T124N-R77W. The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Sec. 15 T124N-R77W:

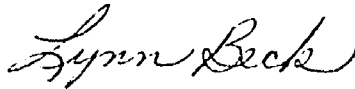
<u>NW 1/4 NW 1/4</u>	<u>32 acres</u>	<u>NW 1/4 NE 1/4</u>	<u>32 acres</u>
<u>NE 1/4</u>	<u>32 "</u>	<u>NE 1/4</u>	<u>32 "</u>
<u>SW 1/4</u>	<u>32 "</u>	<u>SW 1/4</u>	<u>32 "</u>
<u>SE 1/4</u>	<u>32 "</u>	<u>SE 1/4</u>	<u>32 "</u>

comprising a total of 256 acres of land and the license should be issued for 3.56 cfs.

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are:

Date 9-23-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2948-3 and 4544-3DATE 9-23-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: 65' N and 100 W of the center of Sec. 15-T124N-R7 W.WELL INFORMATION: Well Drilling Firm Huron Drilling Comp.No. of Wells 1 Depth(s) 95

- a) Casing: 1) diameter inches b) Screen: 1) type stainless steel
2) length 75 feet 2) length 20 feet
3) type c) Pump 1) make Submersible
d) Static Water Level feet 2) model
e) Motor: 3) size inches
1) make Detroit Diesel 4) capacity 1600 GPM
2) model No. 471 5) turbine pump - No. of stages
3) horsepower rating 150 hp 6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

- a) type aluminum b) size 8 inches c) length 2770 feet

SYSTEM TYPE:

- 1) Center pivot: NW 1/4 Sec. 15
1) make Valley
2) overall length 1280 feet
3) number of towers 10
4) distance between towers feet
5) end gun Y (Y/N)
6) high or low pressure low
7) capacity 900 GPM
2) Center pivot: NE 1/4 Sec. 15
1) make Valley
2) overall length 1280 feet
3) number of towers 8
4) distance between towers feet
5) end gun Y (Y/N)
6) high or low pressure low
7) capacity 900 GPM

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)



4544-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 26, 1993

Permit No. 4544-3

Hubert Stulken
RR 1, Box 80B
Selby, SD 57472

Dear Mr. Stulken:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2948-3 and 4544-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2948-3 will be incorporated into 4544-3.

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

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

Sincerely,

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4544-3
413752

Pierre, _____ April 30, 19 93

RECEIVED OF Virginia Stulken, RR 1 Box 80B, Selby, SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4544-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John H. Heston
Chief Engineer



4544-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 17 1993

4544-3

Hubert Stulken
RR 1, Box 80B
Selby, SD 57472

Dear Mr. Stulken:

Enclosed is Water License No. 4544-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413752 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 4544-3, 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 License, 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

rd
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4544-3

(1) Hubert Stulken, of RR 1 Box 80B, Selby, SD 57472 made Application No. 4544-3, September 2, 1980 for a water permit to appropriate 1.87 cubic feet of water per second from groundwater (one existing well), Walworth County, South Dakota for irrigation purposes. Permit No. 4544-3, with a priority date of September 2, 1980 was approved September 25, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 25, 1985 and for the application to beneficial use of said water on or before September 25, 1989.

Water Permit No. 4544-3 authorizes an additional appropriation from the existing well authorized by Water Permit No. 2948-3. No. 4544-3 did not allow for an increase in the developed acreage.

The applicable portions of Water Permit No. 2948-3 have been incorporated into this Water License No. 4544-3. An August 24, 1976 priority date (established under No. 2948-3) is retained for 1.9 cfs. A September 2, 1980 priority date (established by No. 4544-3) is retained for 1.66 cfs.

(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 3.56 cubic feet of water per second for beneficial use. The location of the diversion point is 65 feet N and 100 feet W of the center of Section 15 T124N-R77W (approximate center of the NE1/4).

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

T124N-R77W	Section 15	NW1/4 NW1/4	32 acres
		NE1/4 NW1/4	32 acres
		SW1/4 NW1/4	32 acres
		SE1/4 NW1/4	32 acres
		NW1/4 NE1/4	32 acres
		NE1/4 NE1/4	32 acres
		SW1/4 NE1/4	32 acres
		SE1/4 NE1/4	32 acres
		Total	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hubert Stulken of RR 1 Box 80B, Selby, SD 57472 the holder and/or owner of Incorporated Water Permit No. 4544-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater (one well) with priority dates of August 24, 1976 and September 2, 1980 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4544-3 and subject to South Dakota State Law.



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

SEP 17 1993

PAGE NO.

Everett Lodge

FOREMAN

PI No.	DEPTH	TIME	REMARKS
			Hole #1
1	0-20		0-2 Topsoil, 2-20 Fine Sand, Goodwater 100%
2	20-35		20-27 Fine Dark Sand, 27-35 Fine Medium Blue Sand
3	35-50		Medium & Coarse Sand, Coar. Very Good Water 100%
4	50-65		50-55 Coarse Sand, 55-65 Gravel
5	65-80		65-75 Gravel, 75-80 Sand & Gravel
6	80		Coarse Sand & Gravel, later deposit of 2'
			Total Depth 95'
			Cased 4" Plastic
			60' Slotted-Bottom
			32' Blank
			2000# Pea Gravel
			Pumped - 100 GPM

4544-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

HUBERT STULKEN
RR #1 BOX 80B
SELBY SD 57472

NOTICE

RE: Violation of Water Permit No 4544-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 4544-3. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 4544-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 4544-3 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4544-3

HUBERT STULKEN
RR #1 BOX 60B
SELBY, SD 57472

4a. Article Number

P757566417

4b. Service Type

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

7. Date of Delivery

2-8-95

5. Signature (Addressee)

6. Signature (Agent)

Hubert Stulken

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

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

4544-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 1995

4544-3

Hubert Stulken
RR #1 Box 80B
Selby, SD 57472

Dear Mr. Stulken:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 4544-3.**

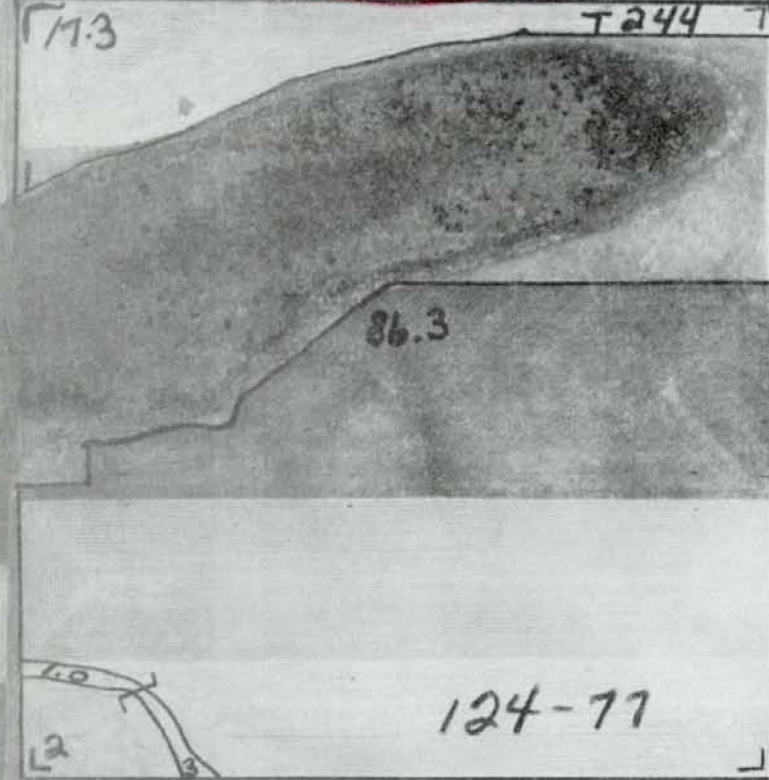
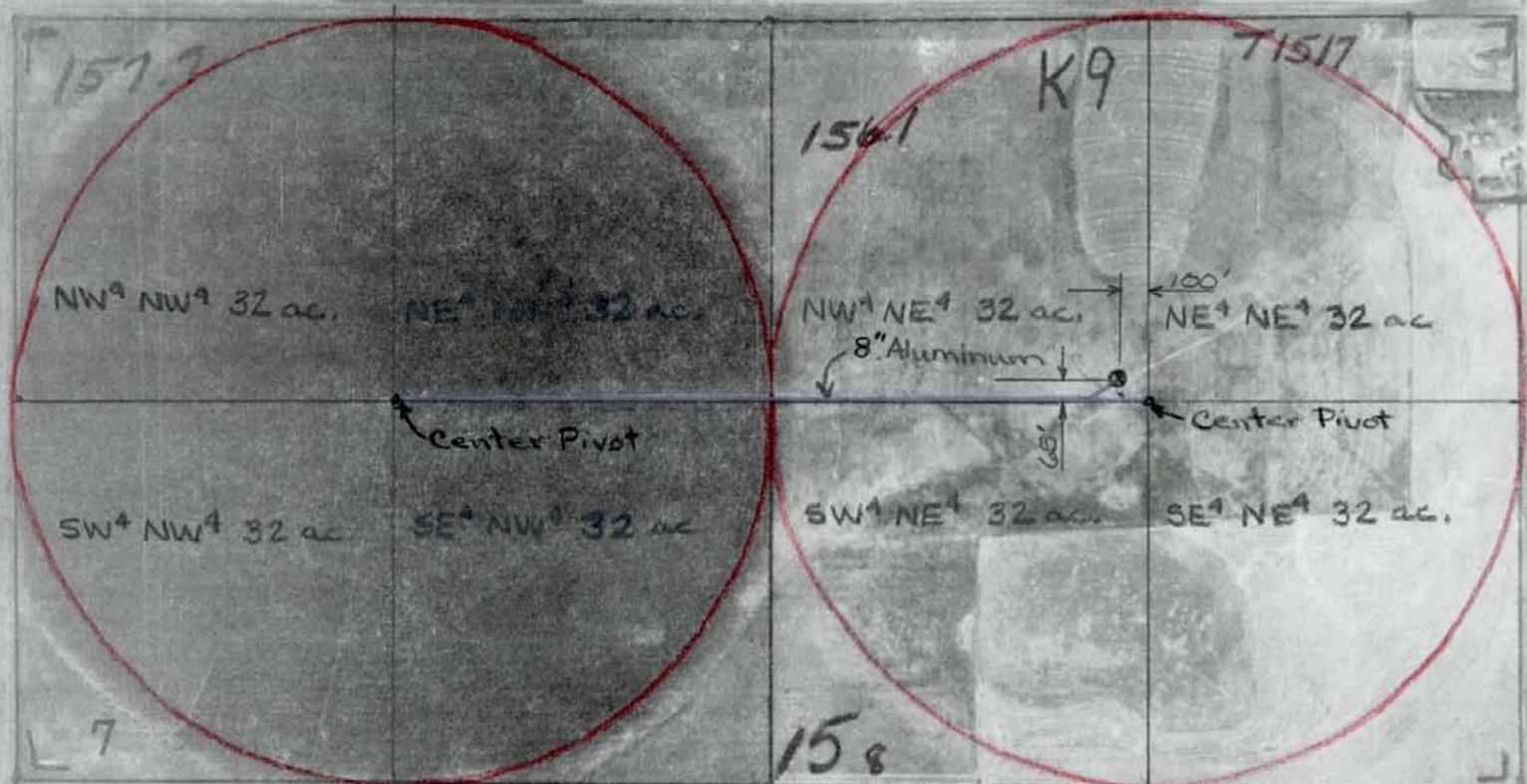
The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



158

157.5

Total Acres = 256

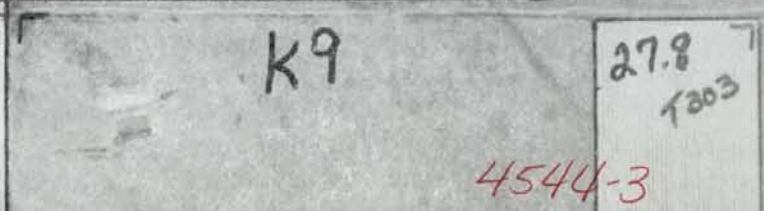
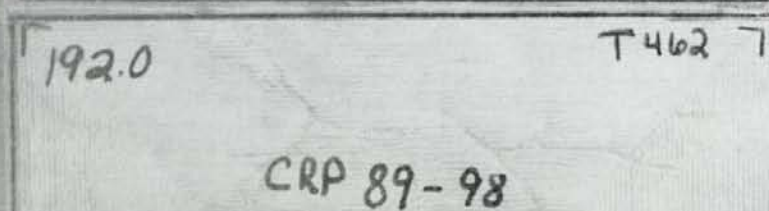
T248

Prepared by:

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

3-31-93





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2009

4544-3

Hubert Stulken
4861 Lincoln Ave
Selby SD 57472

Dear Mr. Stulken:

I am contacting you in regard to your Water Right No. 4544-3 (copy enclosed).

Each year in October we mail out annual irrigation questionnaires for water right holders to complete with information on how much water was used during that specific crop year. We have held up mailing irrigation questionnaires to you because your land was in CRP. Our records show the land came out of CRP last season and should be eligible for irrigation starting in 2009.

Prior to the fall mailing I wanted to touch base with you to see if you still own the land and if any changes need to be made to the water rights. If there are any changes to the water right or if you have re-enrolled the land in CRP, 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**

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

February 9, 2010

4544-3

Bernard Stulken
12565 304th Ave
Selby SD 57472

Dear Mr. Stulken:

Thank you for calling concerning the water right listed in your father's name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

MAR - 2 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4544-3

Date: _____

I/We request that Water Right No. 4544-3

formerly owned by: Hubert Stulken

be transferred to: (name & address) BERNARD STULKEN

12565 304 AVE, SELBY, S.D. 57472

Telephone No. 649-7050

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

256 acres -- N ½ Section 15, T124N, R77W

I/We understand that the validity of Water Right No. 4544-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We BERNARD STULKEN, the new owner, certify that the above information is true and correct.

Bernard Stulken
(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 3/2, 20 10

RECEIVED OF Bernard Stulken 12565 304th Ave Selby SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4544-3</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	50 00

No.

04496

By

Richard E. ...

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2010

4544-3

Bernard Stulken
12565 304th Ave
Selby SD 57472

Dear Mr. Stulken:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 4544-3. The ownership change has been completed. The water right formerly listed in the name of Hubert Stulken is now listed in your name.

Enclosed for your records is Receipt No. 04496 in the amount of \$50.00.

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

enclosure

File No. 2983-3
4544-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bernie Stulken, 12565 304th Ave, Selby SD 57472

DATE: August 2, 2011

TELEPHONE: 605 649-7050

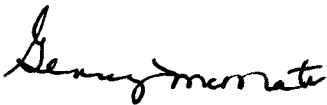
RE: CRP Enrollment

COMMENTS:

Both of Mr. Stulken's permits are for land currently enrolled in CRP. I contacted him to find out if he had re-enrolled the land for another term or if the land was now eligible for irrigation.

He indicated the land is all currently in CRP and he has until the fall of 2011 to make a decision on whether or not to re-enroll in the program. To date he had not done so.

I told him I would be in contact with him again in the summer of 2012 to find out if we needed to start sending him irrigation questionnaires.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 30, 2012

2983-3
4544-3

Bernie Stulken
12565 304th Ave
Selby SD 57472

Dear Mr. Stulken:

I am contacting you in regard to land described in Water Permit No. 2983-3 and Water Right No. 4544-3. Enclosed are copies for your review.

Our records indicate that the land was in CRP through 2011 and could be eligible for irrigation this year. In August of 2011, I spoke with you on the phone and at that time you had not made a decision yet on re-enrolling the land in CRP for another term.

In order to update our records, please answer the questions on the attached page and return it to our office as soon as possible. I have included a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,

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

enclosures

Water Permit No. 2983-3 authorizes irrigation of the SW ¼ Section 11, T124N, R77W

Has the land been re-enrolled in the Conservation Reserve Program?

- Yes _____ through calendar year _____
- No ☒ _____

Water Right No. 4544-3 authorizes irrigation of the N ½ Section 15, T124N, R77W

Has the land been re-enrolled in the Conservation Reserve Program?

- Yes _____ through calendar year _____
- No ☒ _____

Do you still own the land described in Water Permit No. 2983-3 and 4544-3

- Yes _____
- No ☒ (If no, please list name and address of new owner)

I STILL OWN LAND WITH PERMIT NO. 2983-3

I SOLD THE LAND WITH PERMIT NO. 4544-3 TO

*BKV INC,
12980 CEDAR RD,
SELBY, S.D. 57472*

For informational purposes:

**RECEIVED
OCT 26 2012
WATER RIGHTS
PROGRAM**

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

File No. 4544-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Vaughn Thorstenson, 12980 Cedar Rd, Selby SD 57472

DATE: April 15, 2013

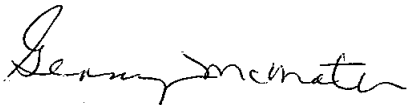
TELEPHONE: 605 649-6262

RE: ownership of Water Right No. 4544-3

Bernard Stulken notified us through the 2012 irrigation questionnaire he had sold the land described in Water Right No. 4544-3.

I contacted Mr. Thorstenson via email and he confirmed that they purchased the property and would be irrigating.

A transfer form was sent along with a copy of the water right.



Genny McMath
Water Rights Program

RECEIVED

APR 17 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4544-3

Date: _____

I/We request that Water Right No. 4544-3

formerly owned by: Bernard Stulken

be transferred to: (name & address)

Lazy TV Ranch

12980 Cedar Rd.

Selby, SD 57472

Telephone No. 605-649-6262

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

256 acres - N ½ Section 15, T124N, R77W

I/We understand that the validity of Water Right No. 4544-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Lazy TV Ranch, the new owner, certify that the above information is true and correct.
Vaughn Thorstenson

Lazy TV Ranch by [Signature] General Partner
(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 4/17, 20 13

RECEIVED OF Lazy TV Ranch 12980 Cedar Rd Selby SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 4544-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 06305

By

Jeannie Dealman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 2013

4544-3

Vaughn Thorstenson
Lazy TV Ranch
12980 Cedar Rd
Selby SD 57472

Dear Mr. Thorstenson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4544-3.

The ownership change has been completed. The water right formerly held by Bernard Stulken is now listed in the name of Lazy TV Ranch.

Enclosed for your records is Receipt No. 06305 in the amount of \$50. 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

enclosure