

1. Considered January 28 19 81

2. Name of Applicant Dennis J. De Boer

3. Post Office Address R.R. #1, Box 111, Avon, S.D. 57315

4. Amount of Water Claimed 1.2- 1.14 MAP ALLOWABLE

5. Source of Water Supply 160' well

6. Water to be used for IRR

7. Acres to be irrigated 80 maximum acre feet

8. Water to be diverted and used in Bon Homme County
about 11S, 2E miles west of Avon

9. PROOF OF PUBLICATION Received (initials) 2-10-81
Not Received _____

APPLICATION Approved 1/29/81
Subject to DW-I R
Not Approved _____
Action deferred _____

Priority 10/17/80 Date 10/17/80 Application Complete yes xx no _____ FEE 225.00

Remarks application had to be corrected, corrections received Dec. 4, 1980

Date information and/or fee or corrected Application received 12-4-80

Period of Annual use May through October

WATER QUALITY Received yes 11/24/80 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes xx no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point NW⁴ NE⁴
31-T 93N-R61W

Lands to be irrigated NE⁴ 31-93N-61W

					(*)

WELL LOG

Remarks _____

Driller Christensen Well Co. Licensed (yes) no _____

Depth 160' well.

MAP Map No. 3796-3 Map located in Water Right xx Map file
Type of Map aerial Prepared by ASCS

++++++
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 1/28/81. Betty Westland
(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. 4578-3

10:15 a.m.

Map No. 3796-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10170101**APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota**

Check one of the following

New XX Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Dennis J DeBoer Phone No. 369-5513
 Post Office Address RR #1, Box 111 Avon State SD 57315
 (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) contract3. Name of diversion work DeBoer #14. Amount of water claimed (cubic feet per second) 1.25. Source of water supply well6. Location of point of diversion corner NW 1/4 NE 1/4, Section 31, T93N, R61WCounty Bon Homme7. Annual period or periods during which water is to be used May through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 80

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 NE 1/4	33 ac		
NE 1/4 NE 1/4	14 ac		
SW 1/4 NE 1/4	24 ac		
SE 1/4 NE 1/4	9 ac		

all in Sec. 31-T93N, R61W Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Avon Clarion

12. Principal Features of the Proposed Water Supply System.

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

well

B. Works proposed to transport water to place of use.

aluminum pipe

C. Works proposed to apply water to beneficial use.

sprinklerEstimated Total Cost \$ 44,000.00

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) ss.I, Dennis J DeBoer 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 Dennis J DeBoerSubscribed and sworn to before me this 21 day of December, 19 80Wendy Schneider
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No

4578-3

Dennis J. De Boer
(Applicant)

R.R. #1, Box 111, Avon
(Post Office Address)

South Dakota 57315 With the following qualifications
(State)

The irrigation well approved under this Permit is located near domestic 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.

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

Date of first receipt of application OCTOBER 17, 1980
Date of return to applicant for correction, amendments or changes required OCTOBER 20, 1980
Date of receipt of corrected application DECEMBER 4, 1980
Approved JANUARY 29, 1981, Recorded in Book 22 Page 23

WATER RIGHT PERMIT NO. 4578-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4578-3 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 OCTOBER 17, 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 29, 1983
3. The whole of said work is to be completed on or before JANUARY 29, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29, 1990
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 1.14 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 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 JANUARY 29, 1990; said water to be used during the following described

annual period: MAY THRU OCTOBER

Witness my hand this 12th day of MARCH, 1981

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19 _____

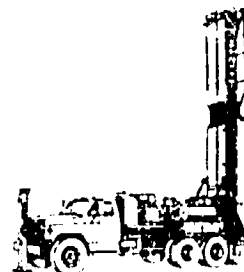
Water License Issued _____, 19 _____



CHRISTENSEN WELL CO.

Phone 254-6809

Hartington, Nebr. 68739



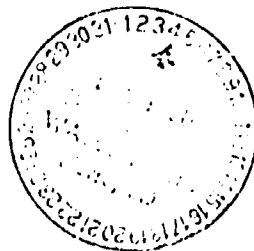
July 1980

Dennis Deboer Test hole
Log of formations encountered

0 to 10 topsoil & sandy clay
10 to 18 yellow clay & stones
18 to 40 coarse sand
40 to 43 yellow clay
43 to 80 med sand
80 to 96 chalk & shale leaks
96 to yellow chalk lost all water
96 to 102 yellow chalk
102-160 shale drills easy with crevices or fractures



William J. Christensen



D Well Information

- (1) Drill Hole, Diameter 12", Depth 160'
- (2) Casing, Type plastic (wood, concrete, steel, etc.), Diameter 12", Thickness unknown
- (3) Screen, Type Johnson, Diameter To be Determined, Length _____
- (4) Gravel Pack, Thickness To be Determined, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 107'

Depth to bottom of water bearing material 160'

Depth to water (ground surface to water level) 107'

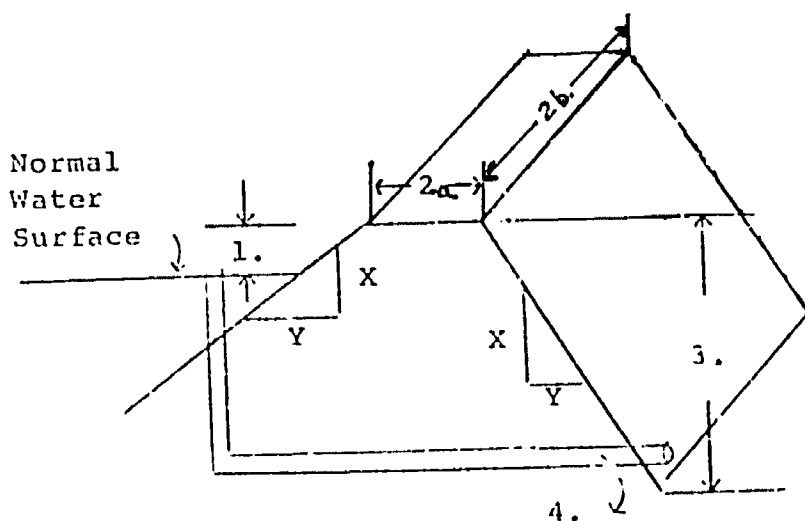
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 120 rds.

On property owned by others 60 rds.

G Water Storage Dams

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



1. Freeboard _____
- 2a Crest width _____ b, length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width: _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Lewis J. De Boer
Signature of Applicant

CONSERVATION COMMISSION
WI#1 FORM
7/79

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Dennis De Boer OWNERS ADDRESS: RR 1 P.O. Box 111
Axon S.D. 57315
COUNTY LAND LOCATED IN: BH PHONE: 369-5513
TENANT'S NAME AND ADDRESS: (If Other Than Owner) 260.5-BH

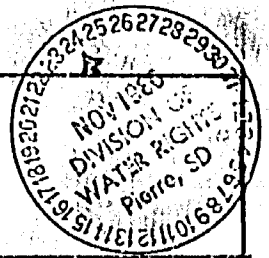
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NW corner NW 1/4 NE 1/4 Sec 31 T93N R61W
2. SURFACE WATER SOURCE changed 12/4/80 call SCC - DT & BW
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 Sec 31 T93N R61W (70.80 Acres)
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY ☐ TOWLINE ☐ CENTER PIVOT ☒ GUN ☐ OTHER (Specify):
6. CROPS TO BE IRRIGATED Corn, Alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LAND:
IN WHAT NAME:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 80-670 80-827
9. SALINITY (EC x 10⁶) 15.75 1630
10. SODIUM (SAR) 1.15 1.55 ADJUSTED (SAR) 3.20 4.20 (7) = 7.92



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 8:00 A.M./P.M., on August 18, 1980, at the following location: NW corner NE 1/4 NE 1/4 Sec 31 T93N R61W by Dennis De Boer (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Box 1000 Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

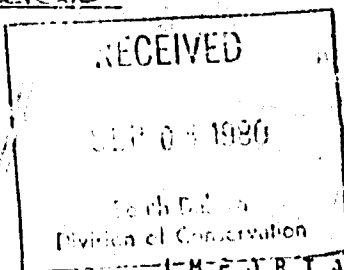
SUBSCRIBED AND SWORN BEFORE ME THIS
18 DAY OF August, 1980.

Wendy B. Schneider
(NOTARY PUBLIC)

Dennis De Boer
APPLICANT'S SIGNATURE

Kath L. Harner
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
☒ CONDITIONALLY APPROVED

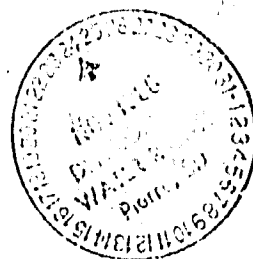
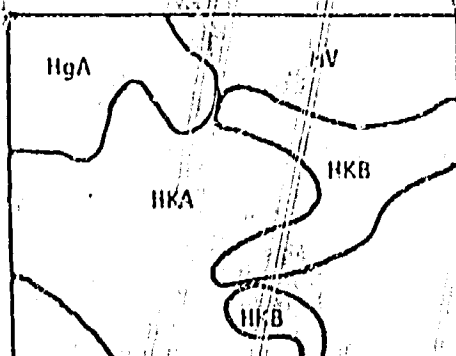


IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

E X A K P L E



- HgA - Highmore - DeGrey silt loams - 0-2% slopes
DeGrey soils have a shallow clay pan and have slow to very slow permeability generally not suitable for irrigation.
- HKA - Highmore - Eakin silt loams - 0-2% slopes
Soils have a high available water capacity and moderate permeability.
- HKB - Highmore - Eakin silt loams - 2-5% slopes
Same physical composition as HKA - moderate erosion problems.
- Hv - Hunjor fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.

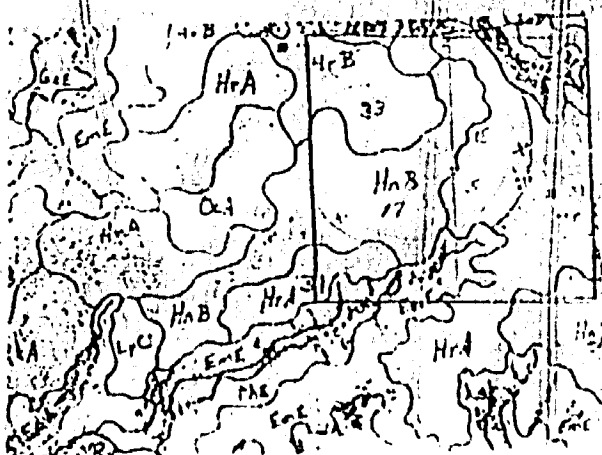
Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: If at all possible, provide information concerning subsoil physical conditions.

ЧАР

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #4 ON FRONT SHEET BEFORE COMPLETING THIS SECTION.



Yoga La Carte
District Conservationist
8-19-80

RECEIVED

SEP 08 1980

Division of Conservation

PLEASE USE BACK OF THIS SHEET FOR NARRATIVE
OR ATTACH SEPARATE SHEET

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

Submitted by: Donnis DeLoer
 Address: Rt. 1, Box 111
Avon, SD 57315

Date Rec'd: September 25, 1980
 Sample No.: 80-827
 Identification: Cell-1601
Res., Sec. 31, T. 93N, R. 61E

WATER ANALYSIS

Calcium (Ca)	218	ppm*	10.38	me/l**
Magnesium (Mg)	37	ppm	3.07	me/l
Sodium (Na)	94	ppm	4.09	me/l
Potassium (K)	18	ppm	0.47	me/l
Sulfate (SO ₄)	490	ppm	10.19	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	15	ppm	0.42	me/l
Bicarbonate (HCO ₃)	403	ppm	6.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.*
Alkalinity (Methyl Orange)	330	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1630	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.55	Adjusted SAR	4.20	2.7
Sodium	22.10	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.11			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 18.51 me/l
 Total anions 17.21 me/l

RECEIVED

OCT 18 1980

South Dakota
 Division of Conservation

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 80-827

Amount Enclosed \$

Signed

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Dennis DeBeer

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

Water should not be applied more than 3 times during the irrigation season.
Each uninterrupted application should be of at least 2 to 4 inches of water.
Surface drainage suggested on any area that tends to pond water.
Occasionally used, deep tillage will help on the heavier soils and should
be coordinated with the heavy fall application of irrigation water.
Rainfall on irrigated soils having slow permeability may cause erosion.

No. 4578-3

Publish first publication, on or before December 18, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 9, 1980

Notice is hereby given that Dennis J. DeBoer whose post office

address is Avon, 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 1.2 cubic feet of water per second of time from groundwater

(one well) through the DeBoer #1, the point (xx) of diversion of which is xxxx to be located in the NE 1/4, 10E 1/4

of Section 31, Twp. 93N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 31-T93N-R61W

This Application No. 4578-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building,
Church & Illinois, Pierre SD upon the 28th day of January, 1981

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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

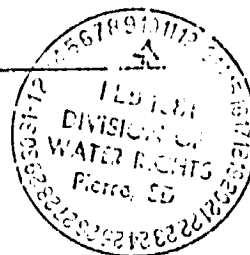
WATER MANAGEMENT BOARD

cc: Dennis J. DeBoer
Avon SD 57315

BETTY WESTLUND
Water Rights Specialist

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

No. 4587-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bon Homme) ss.

I, Clair R. Breen hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Avon Clarion

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

Dec. 17, 1980

Dec. 25, 1980

Clair R. Breen
(Signature)

Publsher
(Title)

2/9/81
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

December 9, 1980

Notice is hereby given that
Dennis J. DeBoer whose post
office address is Avon, South
Dakota, has made an applica-
tion, 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 thru
52:01:01:13, for a permit to
appropriate for beneficial use
1.2 cubic feet of water per
second of time from ground-
water (one well) through the

DeBoer #1, the point of
diversion of which is to be
located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 31, Twp. 93N, Range
61W. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land:
NE $\frac{1}{4}$, Section 31-T93N-R61W
This Application No. 4578-3
will be considered by the
Water Management Board at
Meeting Room #1, Knisp
Building, Church & Illinois,
Pierre, S.D. upon the 28th day
of January, 1980 at 10 a.m.
The Board is authorized to
make a determination on this
application at the hearing. All
interested persons may ap-
pear and be heard. Any
person who may be affected
by a Board decision who
desires to present evidence or
cross-examine witnesses ac-
cording to SDCL 1-26 may
notify the Board in writing
prior to the hearing or orally
at the hearing.

This hearing is an advers-
ary 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, SD, prior to
the hearing date for assist-
ance to assure access to the
hearing.

Water Management Board
Betty Westlund
Water Rights Specialist

Attest

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7735

PIERRE, _____ October 17, 1962

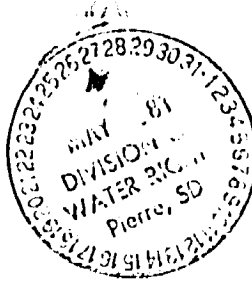
RECEIVED OF Donald J. DeBoer, Avon, SD 57315

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

Fee for Application for Permit to Appropriate Water No. <u>1579-2</u> (examination, processing, recording and filing) _____	225	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	225	00

WATER RIGHTS COMMISSION

By (J. H. HATCH)
Chief Engineer, Executive Officer
J. H. HATCH / b7


 No. 4578-3
4578-3

 NOTICE OF COMPLETION OF WORKS AND/OR
 APPLICATION OF WATER TO BENEFICIAL USE

 Post Office RR 1 Box 111 Aven S. D.

 Date 5/27/81

 TO: Water Rights Commission
 Joe Foss Building
 Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4578
4578-3.

Water Right Permit No. 4578
4578-3 states that the diversion system is to be constructed by Contract (Hydro Engineering), and that the water is put to beneficial use by Dennis DeBar.

The diversion system was completed on 4/1/81. Applying the water to beneficial use was completed on 5/5/81.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Dennis DeBar
 (Signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4578-3
Dennis J Deboer
RR 1 Box 111
Avon SD 57315

Dear Sir:

Water Permit No. 4578-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure



4578-3

May 8, 1984

Water Rights Commission,
John Hated

I am writing to you about
our Water Permit No. 4578-3.

On January 27 1984 I
turned the land and irrigation
system back to Farmer's Home
Administration in Yankton.

On April 5 FHA sold the
land and irrigation system to
John Nagel.

If you have any questions
on it. call FHA in Yankton.
605-665-2450.

Sincerely yours,
Dennis Rebaer
R.R. 1 Box 111
Auron, S.D. 57315

Water Rights Division - DWR
Conversation or File Documentation

File No. 4578-3

NAME OF PERSON ~~OR FILE~~ FHA, Yankton, SD

ADDRESS: _____ COUNTY _____

DATE: May 9, 1984 TELEPHONE 665-2450

RE: address for John Nagel

COMMENTS:

Dennis DeBoer stated in a letter dated May 8, 1984 his land had been
turned over to the Farmers Home Administration in Yankton and then
sold to John Nagel. I called the FHA to obtain an address for Mr. Nagel.

Address: John M Nagel

RR #2

Avon, SD 57315

Phone: 369-2656

Send transfer form to Mr. Nagel.

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: Seany Mema

Water Rights Division
605 773-3352

May 9, 1984

4578-3

John M Nagel
RR #2
Avon SD 57315

Dear Mr. Nagel:

This letter is in reference to Water Permit No. 4578-3, listed in the name of Dennis DeBoer. Mr. DeBoer contacted our office and indicated the land covered under his permit had been turned over to the FHA in Yankton and later sold to you. In order to keep our records up-to-date, it will be necessary for you to file a "Notice of Transfer" with our office.

Enclosed is a partially completed transfer form. Please check over, date, sign before a notary and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your 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.

If you have any questions, please contact us.

Sincerely,

GEMMY MCMATH
Natural Resources Analyst

GM:ks

encl.

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:

80 acres - NE 1/4 Section 31, T93N, R61W

formerly owned by Dennis DeBoer

has been transferred to John M Nagel, RR 2, 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. 4578-3 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 M. 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 M. Nagel
(S. Jue)

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

[Signature]
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9673

Pierre, May 31, 1984

RECEIVED OF John H. Hagel, 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 4578-3 _____		
Fee for Filing Extension Request _____		2 50
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

No. 2498-3
4392-3
4578-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

May 31, 1984

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

Dear Mr. Nagel:

Enclosed is receipt Nos. 4 9674
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.



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.

LICENSE FOR PERMIT NUMBER 4578-3

1. Legal location of wells: 2230 feet S 23°W from the NE corner of Sec. 31, T93N-R61W
(NE 1/4 SW 1/4 NW 1/4 NE 1/4 Sec. 31, T93N-R61W)

dams & structures: _____

2. Well Information: Well Drilling Firm Hydro Eng., Inc. (SD Driller's License No. 428)

No. of wells one Depth 165

Casing a) diameter 16-inch Dia. Screen a) type Not Screened, Perforated
b) length 165 feet b) length ? Casing
c) type steel Static Water Level 105'

Pump a) make Worthington Motor a) make Ford industrial propane
b) model not available b) model no. V-8
c) size 8-inch c) horsepower rating not available
d) capacity 625 GPM d) motor efficiency rating
e) turbine pump not available
no. of stages 5 stage

NOTE: Owner bought system complete, was not sure of pump size, or motor HP, ID plates were not on pump or motor, therefore Model and Serial #'s were not available

3. Distribution lines:

a) size of lines 8-inch diameter
b) type PVC
c) length 500 feet

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

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 _____

System Type: c) center pivot

- 1) make Olson
- 2) number of towers 7
- 3) distance between towers
unknown
- 4) overall length unknown
- 5) End gun (Y/N) yes
- 6) high or low pressure High
- 7) make & size of nozzles
unknown
- 8) PSI reading while system is
running 75
- 9) GPM 625

NOTE: No ID Plate on pivot, therefore
Model # and Serial # are not
available

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
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒	☐	2. Special Qualifications to permit being abided by.
☒	☐	3. All Structures, wells and lands on map.

REMARKS:

Terry Zigan, 4-28-81
Signed By Driller Date

Date _____

Form 12

Permit No. 4578-2

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Dennis J. De Boer

_____ of RR #1, Box 111, Avon, SD _____ holder of

Permit No. 4578-3, bearing the priority of October 17 1980 authorizing

the diversion of 1.14 cu. ft. per second of the waters of groundwater

for irrigation purposes, in Ron Homme County.

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

- A. Works used to divert the water: The system consists of one well 165 feet deep constructed by Hydro Eng., Inc., (SD Driller's License No. 428). The well is 165 feet deep and is cased with 16-inch diameter steel casing. The pump is a Worthington turbine pump with 5 stages, capable of 625 gpm. The motor is a Ford Industrial Propane V-8 engine. There is a Johnson Gear between the Motor and Pump, (Serial # 72464).
- B. Works used to transport water to place of use:
Water is transported through a 8-inch diameter PVC pipeline approximately 500 feet long.
- C. Works used to apply water to beneficial use: Water is applied to beneficial use through a Olson Center Pivot System. The system has 7 towers and irrigates a circle approximately 2050 feet Diameter. The system has an end gun and operates at 75 psi with 625 gpm.

The system is in the following condition GOOD

The point of diversion is located 2230 feet S23°W from the NE corner of Sec. 31, T93N-R61W
(NE 1/4 SW 1/4 NW 1/4 NE 1/4 Sec. 31, T93N-R61W)

The works are capable of diverting and conveying to the place of use 1.4

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: NE 1/4 NE 1/4 - 12 acres, NW 1/4
NE 1/4 - 31 acres, SW 1/4 NE 1/4 - 22 acres, SE 1/4 NE 1/4 - 8 acres; all of Sec. 31,
T93N-R61W

comprising a total of 73 acres of land and the license should be issued for 1.04 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No *Inspection Conducted Sept 3, 1952*

Exceptions to compliance are: _____ Date Dec 13, 1989

K. A. Bell
(signature)

(signature)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412048

Pierre, January 22, 1990

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. 4578-3 _____

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

50 00

By

John Hatch

Chief Engineer

JOHN HATCH

(ks)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4578-3

(1) Dennis J. DeBoer of Avon, SD 57315 made Application No. 4578-3, October 17, 1980 for a water permit to appropriate 1.14 cubic feet of water per second from groundwater (one well), Bon Homme County, South Dakota for irrigation purposes. Permit No. 4578-3 with a priority date of October 17, 1980 was approved January 29, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before January 29, 1986 and for the application to beneficial use of said water on or before January 29, 1990.

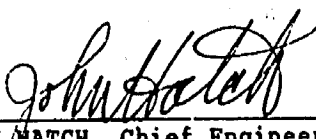
On May 31, 1984, Water Permit No. 4578-3 was transferred to John M. Nagel, Avon, SD.

(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 1.04 cubic feet of water per second for beneficial use. The location of the diversion point is: 2230 feet S 23 degrees W from the NE corner of Section 31, T93N, R61W (NW1/4 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:

T93N, R61W Section 31	NE1/4 NE1/4	12	acres
	NW1/4 NE1/4	31	"
	SW1/4 NE1/4	22	"
	SE1/4 NE1/4	8	"
	Total	73	acres

(4) Pursuant to Section 46-5-30.1 John M. Nagel of RR #1 Box 108, Avon, SD 57315 the holder(s) and/or owner(s) of Water Permit No. 4578-3 is issued a license to appropriate water, the right to use 1.04 cubic feet of water per second from groundwater (one well) with a priority date of October 17, 1980 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. 4578-3 and subject to South Dakota State Law.


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

APR 25 1990

South Dakota 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
PR #1 Box 108
Avon, SD 57315

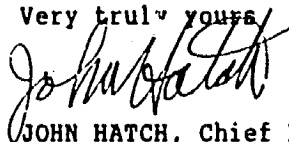
Dear Mr. Nagel:

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.

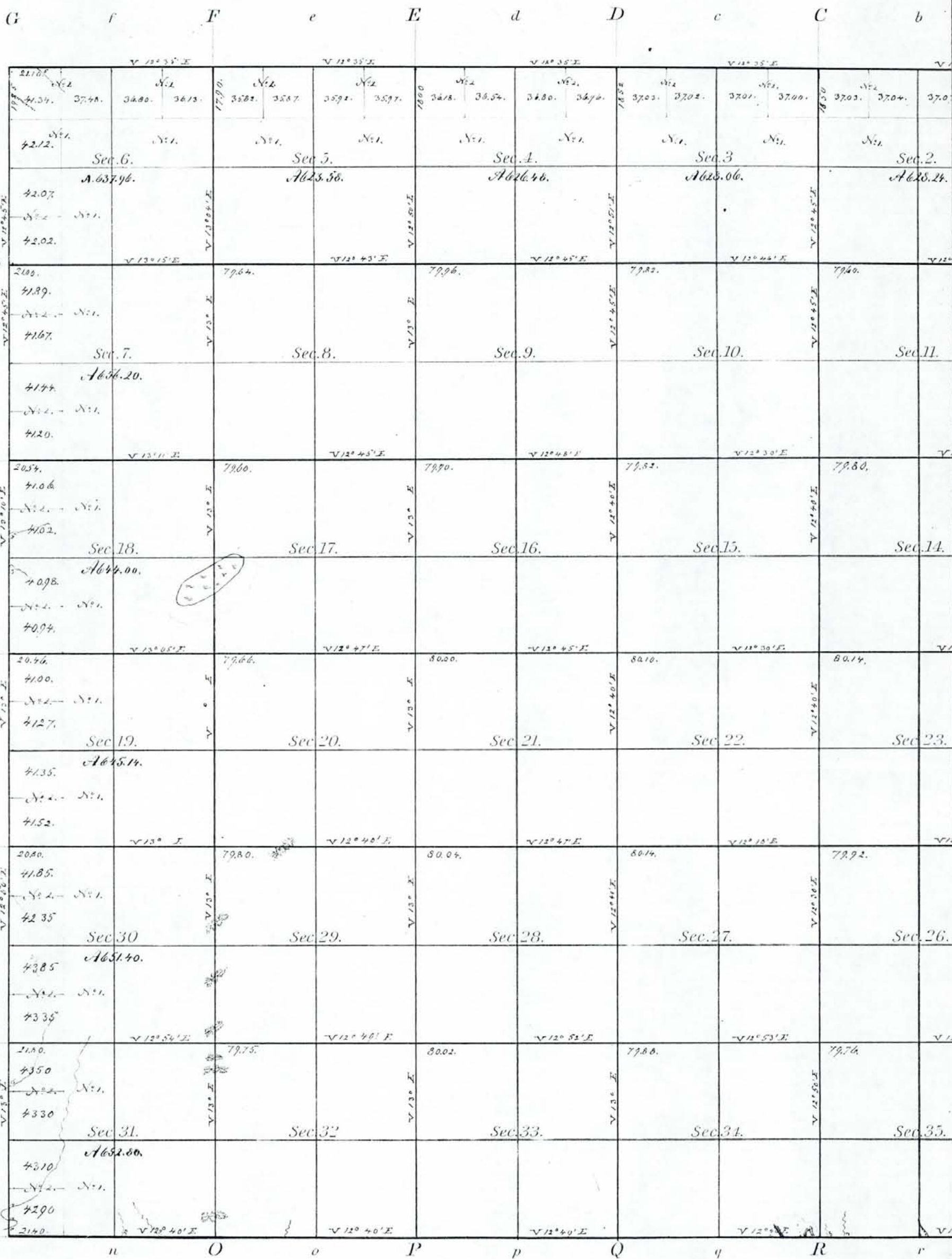
Very truly yours,



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

enclosures

TOWNSHIP N^o 93 North RANGE N^o 61 West of the 5th Principal Meridian



Total number of Acres. 23,048.10.

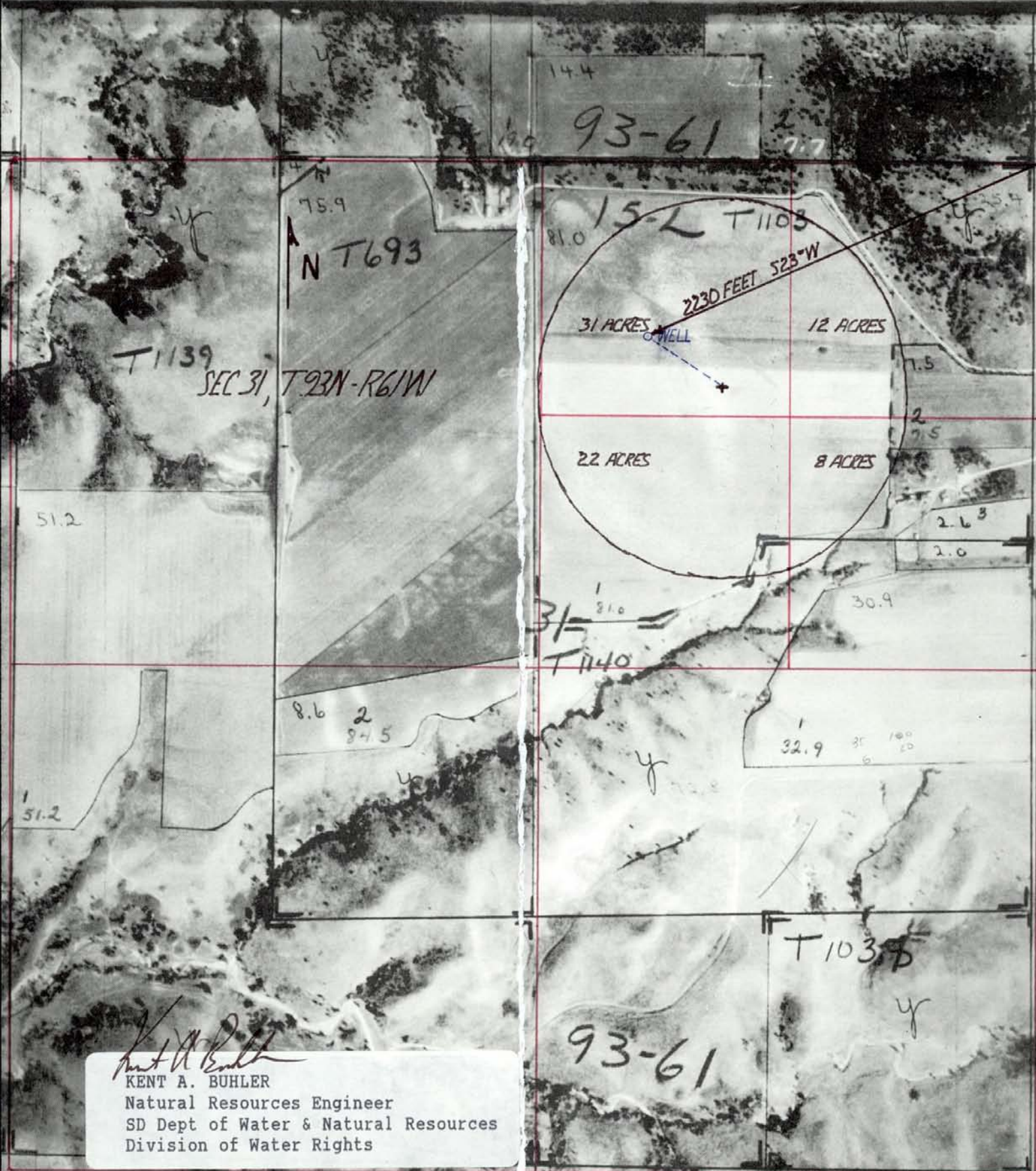
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John R. Rice	August 1 st 1860	M. 1 st Ch. 9 th 1860	Oct. 1 st 1860.
Subdivisions	Charles F. Rice	July 12 th 1862.	59 - 92 - 99	August 22 nd 1862.

The above
Principal
notes of the
Survey
Sanborn



q *R* *r* *S* *s* *T*

NOT TO SCALE



Water Right No. 4578-3

NOT TO SCALE

93-61

75.9

81.0

15-L

33ac

14ac

17.5

9ac

24ac

4.6

51.2

8.6

30.9

31

Point of Diversion
NW 1/4 NE 1/4 - 31-93-61
Pipeline
Approx 600'

1 Acres in
NE 1/4 - 31-93-61
Owner = Dennis J. DeBoer

Acres 80
irrigated are
approximate

Prepared by
May L. Long
District Conservationist
Box 45
Tyndale, N.S.D.
93-61

~~APR 11 1963~~ Appl: 4578-3



4578-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: JOHN M NAGEL, 1104 COLLEGE ST, SPRINGFIELD, SD 57062

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4578-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 4578-3 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 9, 2011** 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) 4578-3 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

4578-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0454

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:38 am on January 22, 2011 in
SPRINGFIELD, SD 57062. The item was signed for by D NAGEL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 10:38 am, SPRINGFIELD, SD 57062
- Out for Delivery, January 22, 2011, 9:41 am, SPRINGFIELD, SD 57062
- Sorting Complete, January 22, 2011, 9:31 am, SPRINGFIELD, SD 57062
- Arrival at Post Office, January 22, 2011, 8:16 am, SPRINGFIELD, SD 57062
- Processed through Sort Facility, January 22, 2011, 3:54 am, SIOUX FALLS, SD 57104

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

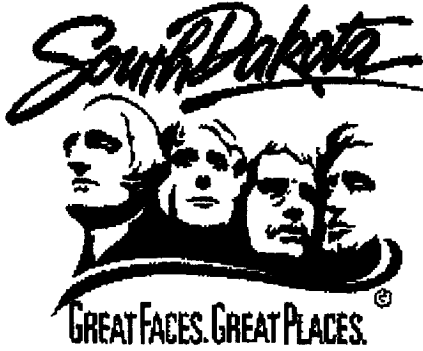
Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0454	JOHN M NAGEL 1104 COLLEGE ST SPRINGFIELD SD 57062		mailing.
	Waiver of Signature ☐ YES ☐ NO		
	Postmark Here		
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811		
		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2011

4578-3

John M Nagel
1104 College St
Springfield SD 57062

Dear Mr. Nagel:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 4578-3. 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
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

March 1, 2011

4578-3

Jim Nagel
40381 309th St
Avon SD 57315

Dear Mr. Nagel:

Thank you for calling concerning the need for an ownership change for Water Right No. 4578-3. I have enclosed a copy of the water right for your records.

Also 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,

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

enclosures

RECEIVED

MAR - 7 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4578-3

Date: 3-4-2011

I/We request that Water Right No. 4578-3

formerly owned by: John M Nagel

be transferred to: (name & address) Darlene Nagel/Revocable Trust

40381 309th St. Avon, SD 57315

Telephone No. 605-286-3771

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

73 acres - NE ¼ Section 31, T93N, R61W

I/We understand that the validity of Water Right No. 4578-3 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 Darlene Nagel, the new owner, certify that the above information is true and correct.

Darlene Nagel
(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 3/7, 20 11

RECEIVED OF James C Nagel 40381 309th St 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 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 <u>4578-3</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. **04944**

By

Garland Erbe
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 7, 2011

4578-3

Darlene Nagel
40381 309th St
Avon SD 57315

Dear Ms. Nagel:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 4578-3. The ownership change has been completed. The water right formerly held by John M Nagel is now listed in the name of "**Darlene Nagel Revocable Trust**".

Enclosed is your Receipt No. 04944 in the amount of \$50.00. You may keep this for your records. If you have any questions, please contact me.

Sincerely,

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

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

enclosure

McMath, Genny

From: DANRnoreply@caspio.com
Sent: Wednesday, November 17, 2021 4:53 PM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 4578-3 IQ Reported Use in 2021, Yes, 75.00 acres irrigated

Permit Holder:

DARLENE NAGEL REVOCABLE TRUST
40381 309TH ST
AVON SD 57315

abnagel@gwtc.net

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	ALF, 40	CRN, 35	,	,
June	ALF, 40	CRN, 35	,	,
July	ALF, 40	CRN, 35	,	,
Aug	ALF, 40	CRN, 35	,	,
Sep	,	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:**Additional Info:**

The land has been sold by Contract for Deed to Nagel Feedyard LLC Jon Bryan Nagel mgr for 2022 contact info is Jon Bryan Nagel 40510 314th st. Avon SD 57315 phone 605-369-2617 cell 605-464-1709 email abnagel@gwtc.net



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 12, 2022

4578-3

Jon Bryan Nagel
Nagel Feedyard LLC
40510 314th St
Avon SD 57315

Dear Mr. Nagel:

I am writing in follow-up to the annual irrigation questionnaire you submitted back in November concerning Water Right No. 4578-3 listed under Darlene Nagel Revocable Trust. It is our understanding the land has been sold to Nagel Feedyard.

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

Thank you for updating the water right. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 6, 2022

4578-3

Jon Bryan Nagel
Nagel Feedyard LLC
40510 314th St
Avon SD 57315

Dear Mr. Nagel:

I am writing regarding ownership of land described in Water Right No. 4578-3 listed under Darlene Nagel Revocable Trust. On April 12, 2022, a transfer form was sent to you based on last year's irrigation questionnaire indicating an ownership change was needed. To date, we have not received anything back from you.

In the event you do not have the original form, enclosed is another partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

4578-3

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date July 8, 2022RECEIVED OF Nagel Feed Yard LLC 40510 314th St., 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 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>4578-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
 Chief Engineer



PAID

JUL 8 2022

Ck# 637

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No.

4578-3

JUL 08 2022

Date:

7-5-22

OFFICE OF
WATER

I/We request that Water Right No. 4578-3

formerly owned by: Darlene Nagel Revocable Trust

be transferred to: (name & address)

Nagel Feedyard LLC Bryan Nagel owner
40510 314th St Avon SD 57315

Telephone No. 605-369-2617

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

73 acres – NE ¼ Section 31, T93N, R61W

I/We understand that the validity of Water Right No. 4578-3 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

Bryan Nagel

, the new owner, certify that the above information is true and correct.

Bryan Nagel
(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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 11, 2022

4578-3

Bryan Nagel
Nagel Feedyard LLC
40510 314th St
Avon SD 57315

Dear Mr. Nagel:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4578-3.

The ownership change has been completed. The water right formerly held by Darlene Nagel Revocable Trust is now listed under "Nagel Feedyard LLC".

Enclosed for your records is a receipt for the filing fee that was paid.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 29, 2024

3793-3

4578-3

Bryan Nagel
301 Chestnut St
Springfield SD 57062

Dear Mr. Nagel:

Enclosed is a "Notice" dated January 19, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to 40510 314th St, Avon SD 57315. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *QIWBZM*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

558 NFE 114112410010/26/24
RETURN TO SENDER
NAGEL
301 CHESTNUT ST
SPRINGFIELD SD 57062-2294

RETURN TO SENDER

