

1. Considered 3/25 1981
2. Name of Applicant ALLEN UPMAYER
3. Post Office Address RR #1, UTICA, SD 57067
4. Amount of Water Claimed 2.30
5. Source of Water Supply 138' DEEP WELL
6. Water to be used for IRR
7. Acres to be Irrigated 320 maximum acre feet
8. Water to be diverted and used in YANKTON County
about 3/4 N. 1/2 miles WEST of UTICA
9. PROOF OF PUBLICATION Received (1st) 3-23-81

APPLICATION

Not Received _____
 Approved 3/25/81
 Subject to WI-IQ
 Not Approved _____
 Action deferred _____

Priority _____ Date Received 2/4/81 Application Complete yes no FEE 325.00

Remarks _____

WATER QUALITY

Date Information and/or fee or corrected Application received _____
 Period of Annual use MARCH 1st TO NOV. 1st

Received yes 3/5/81 no _____ APPROVED (CONDITIONAL) (Circle one)

WI-I Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

SE⁴NW⁴ 31-95-56

Lands to be Irrigated _____

NW⁴, W^{1/2}SE⁴, N^{1/2}SW⁴

& SE⁴SW⁴ - 31-95-56

WELL LOG

Remarks _____

Driller Wetmore, Billings Licensed yes no _____

Depth 188' Deep

Water Right No. _____

MAP

Map No. 3876-3 Map located in Water Right ☒ Map file _____

Type of Map Aerial Prepared by Co Agent

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 3/25/81. BDJ & BJR
(Signed)

PROTESTS

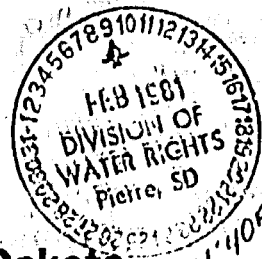
+++++
Letters/Petitions in File - Yes _____ no _____ Remarks _____

REMARKS

F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

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

No. 4661-3
 Map No. 3876-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use



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 Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant ALLEN UPMAYER Phone No. 364-7339
 Post Office Address PRI UTICA State S.D. 57017
 (Street, Rm. 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) CONTRACT
3. Name of diversion work ALLEN UPMAYER No. 2
4. Amount of water claimed (cubic feet per second) 2.3
5. Source of water supply WELL
6. Location of point of diversion SE 1/4 of SE 1/4 of NW 1/4 31-95-56

- County YANKTON
7. Annual period or periods during which water is to be used March 1 - April 1
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For Irrigation Use, Total number of acres to be irrigated 320

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.
<u>W 1/2 of SE 1/4 31-95-56</u>	<u>80</u>
<u>E 1/2 of SW 1/4 31-95-56</u>	<u>80</u>
<u>NW 1/4 of SW 1/4 31-95-56</u>	<u>40</u>
<u>S 1/2 of NW 1/4 31-95-56</u>	<u>80</u>

Land Description	No. Acres Irr.
<u>S 1/2 of NW 1/4 31-95-56</u>	<u>40 A</u>

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 2 years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Press YANKTON
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.

PIPE

C. Works proposed to apply water to beneficial use.

PIVOT TYPE STEELEstimated Total Cost \$ 65,000

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 YANKTON

I, Allen D. Upmeyer
 and have examined the attached map and that the
 complete the necessary construction.

I, the applicant, certify that I have read the foregoing application
 and the matters therein stated are true and that I intend, and am able to

Signed Allen D. Upmeyer

Subscribed and sworn to before me this 5th day of February, 1981

Elaine Brown
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4661-3

ALLEN UPMAYER

(Applicant)

RT #1 UTICA

(Post Office Address)

SOUTH DAKOTA 57067

(State)

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.

Date of first receipt of application

FEBRUARY 9, 1981

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

FEBRUARY 9, 1981

Date of receipt of corrected application

MARCH 5, 1981

Approved

MARCH 26, 1981

Recorded in Book

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Page

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WATER RIGHT PERMIT NO. 4661-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4661-3 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 FEBRUARY 9, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 26, 1983
3. The whole of said work is to be completed on or before MARCH 26, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1988
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.3 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 MARCH 26, 1988, said water to be used during the following described annual period: MARCH 1 - NOVEMBER 1

Witness my hand this 21ST day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By:

John Halish
Chief Engineer, Water Rights

Certificate of Construction issued

19

Water License Issued

19

D. Well Information

- (1) Drill Hole, Diameter 2.2", Depth 1.98'
- (2) Casing, Type PVC (wood, concrete, steel, f.c), Diameter 1.6", Thickness 1/2"
- (3) Screen, Type Slotted PVC, Diameter 1.6", Length 80'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 120'

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 _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

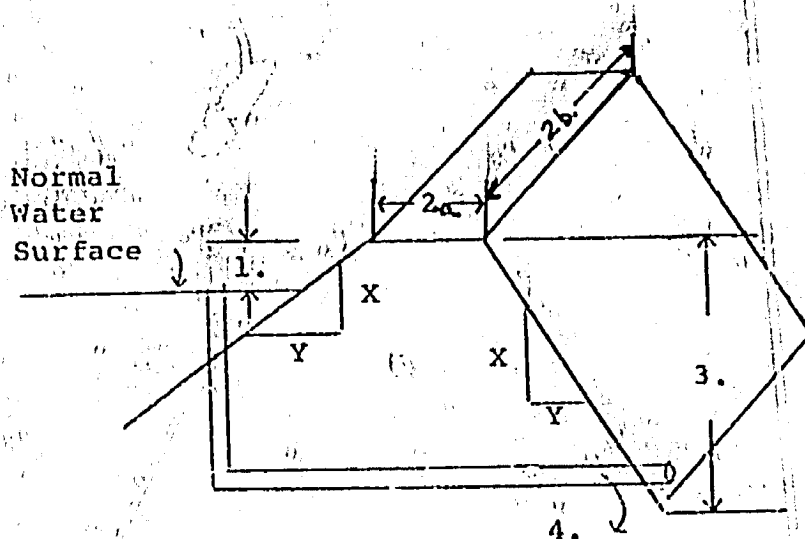
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ 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 _____

Allen R. Upmeyer
Signature of Applicant

4-78

Water Level Information:
 Static water level 4' 3" below land surface
 If flowing: closed in pressure _____ PSI
 rate of flow _____ GPH
 Controlled by:
☒ Valve ☒ Reducers ☒ Other
 If other; specify _____

Well Test Data:

☒ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

43. ft. After 2 Hrs. pumped 105 gpm

_____ " " _____ " " _____ " "

_____ " " _____ " " _____ " "

[illegible]

Method of Drilling: ☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Was casing end left open no
Was a well screen installed yes
Describe Well Screen
Diameter 16" Material _____
Slot size 150
Was well gravel packed yes
Was well grouted no
Was water sample taken yes

Date Completed: 12 - 23 - 80
James Watson
 Driller:
Watson Pauling 341
 Driller's or Firm's Name License NO.
Box 77
 Address
Elk Point 5D
James Watson 12-23-80
 Signed By Date

COMMISSION

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: ALLEN UPMEYER OWNERS ADDRESS: RR 1 UTICA, S.D.
COUNTY LAND LOCATED IN: YANKTON Co. PHONE: 364-7339 21P-57067
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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: SE 1/4 SE 1/4 NW 1/4 31-95-56
2. SURFACE WATER SOURCE: In a well NW 1/4 SW 1/4 31-95-56
3. LOCATION OF AREA TO BE IRRIGATED: W 1/2 SE 1/4 31-95-56 S 1/2 NW 1/4 31-95-56
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
SE 1/4 SW 1/4 31-95-56 S 1/2 NW 1/4 NW 1/4 31-95-56

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 - SOYBEANS - ALFALFA
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: None
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 81-065
9. SALINITY (EC X 10⁶) 2359
10. SODIUM (SAR) 2.05 ADJUSTED (SAR) 6.15 4.31

RECEIVED

FEB 13 1981

South Dakota
Division of Conservation

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 4:30 A.M. (P.M.), on Jan 19, 1981, at the following location: _____
by ALLEN UPMEYER (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 YANKTON Co. Soil 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
5th DAY OF February, 1981.

E. Lynne Symons
(NOTARY PUBLIC)



Allen Upmeyer
APPLICANT'S SIGNATURE
Jack M. O'Neil
Director, Division of Conservation
APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED

IMPORTANT

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

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

REC. MGMT/FORM
7/80

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

4661-3

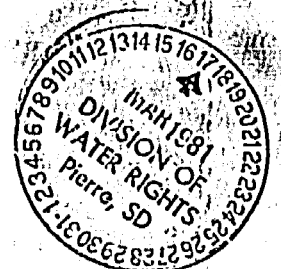
NAME OF APPLICANT Allen Immer

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

Slopes greater than 6%

These slopes must be maintained in permanent vegetation.



RECOMMENDED MANAGEMENT:

Each uninterrupted application should be of at least 4 inches of water.
Deep tillage for the purpose of aiding movement of water through dense
subsoils will be beneficial.

A heavy fall application of irrigation water should be applied.

Type of irrigation system recommended for use on this application is center
pivot.

Application of water should exceed crop requirements to promote leaching
of salts.

No. 4661-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Allen Upmeyer whose post office

address is Utica, 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 2.3 cubic feet of water per second of time from ground water (in well) through the Upmeyer #2, the point of diversion of

which is (~~are~~) to be located in the SE 1/4 NW 1/4

of Section 31, Twp. 95N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, W 1/2 SE 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 31, T95N, R56W

This Application No. 4661-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Sioux Room Water town, SD upon the 25th day of March, 1981

at 1:00 P.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 Ross Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Allen Upmeyer
RR #1, Utica, SD 57067

BETTY WESTLUND
Water Rights Specialist

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

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

No. 4661-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.

I, Larry Benson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Yankton Daily Press & Dakotan

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 Yankton

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

March 12, 1981

March 19, 1981

Larry A. Benson
(Signature)

Business Manager
(Title)

3-20-81
(Date Signed)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER
Notice is hereby given that Allen Upmeyer, whose post office address is Ulfich, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-3-1 thru 46-3-8, 46-3-10 thru 46-3-22, 46-4-11, 46-6-3, 46-6-3.1, 46-6-6, 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 2.3 cubic feet of water per second of time from ground water (one well) through the Upmeyer #2, the point of diversion of which is to be located in the SE 1/4 NW 1/4 of Section 31, Twp. 65N, Range 56W. Said water to be used for the purpose of providing irrigation of portions of the following described land: NW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 SE 1/4, SW 1/4, Section 31, Twp. 65N, Range 56W. This Application No. 4661-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Ploom, Watertown, SD upon the 25th day of March, 1981 at 1:00 p.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-examination witnesses according to SDCL 1-28 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, SD, prior to the hearing date for assistance to assure access to the hearing.
WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist



RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7973

February 9, 1981

PIERRE,

RECEIVED OF Allen W. Meyer, Rt. 1, Utica, SD 57067

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

Fee for Application for Permit to Appropriate Water No. 4651-3 (examination, processing, recording and filing)	325.00
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	325.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *JD*

SOUTH DAKOTA

Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

4661-3
Allen Upmeyer
RR 1
Utica SD 57067

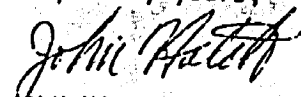
Dear Sir:

Water Permit No. 4661-3 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,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

4555-3
4661-3

WOODS, FULLER, SHULTZ & SMITH, P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

336-3890

AREA CODE 605

MELVIN T. WOODS (1969-1983)
HOWELL L. FULLER (1909-1984)
JOHN B. SHULTZ (1912-1975)

FRANCIS H. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
TIMOTHY J. NIMICK
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIDE
GARY P. THIMSEN
BRADLEY C. GROENSENBERG
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. McDOWELL III
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERICK H. ENTWISTLE
VINCENT A. PURTELL

August 14, 1986



Ms. Genny McMath
South Dakota Department of
Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Allen and Jeanette Upmeyer
Yankton County, South Dakota

Dear Genny:

Once again our firm is representing the Prudential Insurance Company of America. Prudential holds a mortgage on real property owned by Allen and Jeanette Upmeyer in Yankton County, South Dakota. The Upmeyers have defaulted under the terms of their mortgage and are deeding the property to Prudential in lieu of foreclosure. It is my understanding that Upmeyers have an irrigation system on their property. I do not have a water right permit number available, but believe that the Upmeyers do have a water right permit. It will be necessary to transfer the permit to Prudential. Could you please provide a notice of transfer form. The legal description for the land involved is:

SW $\frac{1}{4}$ 30-95-56; NW $\frac{1}{4}$ and S $\frac{1}{2}$ EX 31-95-56; S $\frac{1}{2}$ NE $\frac{1}{4}$ Ex and SE $\frac{1}{4}$ Ex
and N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26-95-57; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ 36-95-57.

Your cooperation is greatly appreciated. If you have any questions, please contact me.

Sincerely,

WOOD, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
James M. Wiederrich

cc: Mr. William Grisamore

August 14, 1986
Ms. Genny McMath
Page -2-

P.S. Also please send a copy of the original permit.

WATER RIGHTS DIVISION
(605) 773-3352

August 15, 1986

James M. Wiederrich
Woods, Fuller, Shultz & Smith, P.C.
310 South First Avenue
Sioux Falls, South Dakota 57102

Dear Mr. Wiederrich:

In reference to our telephone conversation of August 15, 1986 enclosed are copies of Mr. Allen Upmeyer's permits and two partially completed transfer forms.

Please have the transfer forms signed, dated and notarized before returning them to our office. A \$2.50 filing fee is required for each (total \$5.00).

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 I can answer any questions, please contact me.

Sincerely,

Genny McHath
Natural Resources Analyst

GM:ms
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 24, 1986

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

320 acres-W₂SE₄, E₂SW₄, NW₂SW₄, S₂SW₄ and S₂NW₄ of Section 31, T95N-R56W

formerly owned by Allen Upmeyer, Utica, SD
has been transferred to The Prudential Insurance Company of America
1431 Opus Place, Suite 665, Downers Grove, IL
60515
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4661-3 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 Minnehaha) ss.

I, Allen Upmeyer 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.

Allen Upmeyer
(Signed)

Subscribed and sworn to before me this 24th Day of September, 1986.

JAMES M. WIEDERRICH
(Notary Public)

JAMES M. WIEDERRICH
My commission expires June 11, 1988

WNR-820-9/83

Notice of Transfer of Water Permit

WOODS, FULLER, SHULTZ & SMITH, P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

336-3890

AREA CODE 605

MELVIN T. WOODS 1992-1993
HOWELL L. FULLER 1993-1994
JOHN B. SHULTZ 1994-1995

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
TIMOTHY U. NIMICK
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THIMSEN
BRADLEY C. GROSSENBURG
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. McDOWELL
ROGER W. DANGAARD
BARBARA ANDERSON LEWIS
FREDERICK M. ENTWISTLE
VINCENT A. PURTELL

September 26, 1986

Ms. Genny McMath
South Dakota Department of
Water & Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Water Permit Nos. 4661-3 and 4555-3

Dear Ms. McMath:

Enclosed please find the following:

1. Notice of Transfer of Water Permit No. 4661-3;
2. Notice of Transfer of Water Permit No. 4555-3;
3. Check in the sum of \$5.00.

Please confirm the transfer of the water permits to The Prudential Insurance Company of America and further acknowledge receipt of the \$5.00 transfer fees. Thank you for your cooperation.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
James M. Wiederrich

Enclosures

cc: Mr. William Grisamore



RECEIPT

Division of Water Rights

410580

South Dakota Department of Water and Natural Resources

(Submitted by: Woods, Koller, Shultz & Smith, P.C.) Pierre, September 29, 1986

RECEIVED OF Prudential Insurance Company of America, 1431 Opus Place, Suite 665
the following amount in fees for services rendered as provided for by law: Downers Grove, IL 60515

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 4381-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

JOHN HATCH

INS



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

4555-3
4661-3

September 30, 1986

James Wiederrich
WOODS, FULLER, SHULTZ & SMITH, P.C.
310 South First Avenue
Sioux Falls, South Dakota 57102

Dear Mr. Wiederrich:

Enclosed is receipt Nos. 410579 and 410580 in the amounts of \$2.50 each which you paid for transfer of Water Permit Nos. 4555-3 and 4661-3. These permits were formerly owned by Allen Upmeyer. Our records now show Prudential Insurance Company of America as the owner of these Water Permits.

Sincerely,

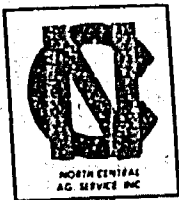
Genny McMath
Natural Resources Analyst

GM:ms
Enc.

cc: Prudential Insurance Co. of America

Equal Opportunity Employer

4661-3



REALTORS®

NORTH CENTRAL® AGRICULTURAL SERVICE, INC.

P.O. Box 26 • 815 E. DePue • Olivia, Minnesota 56277 • (612) 523-1951



December 1, 1988

Mr. John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

The enclosed properties are no longer owned by Prudential Insurance Company.

I have indicated the new owner and address of each of the following properties:

- No. 4555-3
- No. 4661-3
- No. 4687-3B
- No. 3168-3

If you have any questions, you may call me at 612/523-1951.

Sincerely,

Leon Carlson

Leon Carlson
Farm Manager

LC/nk

Enclosure



SALES • EXCHANGES • MANAGEMENT

Members of the Realtors Land Institute of National Association of Realtors, and
The American Society of Farm Managers and Rural Appraisers



SOUTH



Department of Water & Natural Resources

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

December 8, 1988

4555-3
4661-3

Doug T Conti
4172 Clover St
Honeyoe Falls, NY 14472

Dear Mr. Conti:

I am contacting you with regard to ownership of the land described in Water Permit Nos. 4555-3 and 4661-3, currently listed in the name of Prudential Insurance Company of America. North Central Agricultural Service in Olivia, Minnesota has notified our office that you now own the land. I have enclosed copies of the permits for your review.

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 4555-3 and 4661-3. Please complete the forms and sign in the presence of a notary public. Upon completion, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The permits will then be transferred to your name.

Also enclosed are the 1988 irrigation questionnaires pertaining to these permits. Please complete the forms and return them to us by December 30, 1988. If you did not acquire the property until after the 1988 irrigation season, please indicate this when returning the forms. Enclosed is a postage-paid envelope for your reply.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

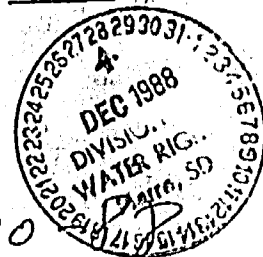
enclosures



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-20



This is to notify you that the title to the lands described as follows:
320 acres - W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 31, T95N, R56W

formerly owned by Prudential Insurance Company of America

has been transferred to Douglas T. and Sheila M. Conti
(please include complete mailing address) 4172 Clover St
together with any rights to the beneficial use of water thereon as evidenced by Honeye Falls
Water Right Permit No. 4661-3 as provided for in SDCL 46-5-32 and 46-5-33. NY 14472

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 New York)
~~SOUTH DAKOTA~~) ss.
County of MONROE)

I, DOUGLAS T. CONTI be 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 infor-
mation herein stated is true.

Douglas T. Conti
(Signed)

Subscribed and sworn to before me this 20 Day of Dec., 1988.

Marilyn Arons
(Notary Public)

MARILYN ARONS
Notary Public in the State of New York
MONROE COUNTY
Commission Expires July 31, 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411568

Pierre, December 28, 1988

RECEIVED OF Douglas & Sheila Conti, 4172 Clover St, Honeoye Falls NY 14472

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. _____	2	50
Fee for Filing Transfer Form for Water Permit No. 4661-3		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	2	50

By Arthur Hatch
Chief Engineer /KS

South Dakota Department of
Water & Natural Resources

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

February 23, 1989

Douglas & Sheila Conti
4172 Clover Street
Honcove Falls, NY 14472

Dear Mr. & Mrs. Conti:

Enclosed is Receipt No. 411568 in the amount of \$2.50 which you paid
for transfer of Water Right No. 4661-3.

Sincerely,

Marie R. Arthur

Marie R. Arthur
Secretary
Water Rights Division

4661-3

File No. 4661-3
4555-3

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Doug Conti

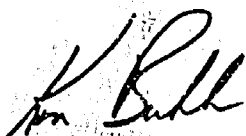
ADDRESS: 30267 435 Ave., Utica SD COUNTY: Yankton

DATE: October 6, 1993 TELEPHONE: (605)665-6839

RE: Cancellation of Water Permit No. 4661-3 and Water Permit No. 4555-3

COMMENTS:

On October 6, 1993, I contacted Doug Conti concerning Water Permit No. 4661-3 and 4555-3. Mr. Conti informed me that he has owned the land covered under these permits since 1987. He stated that the lands have not been irrigated since he has owned the land. He said that a system was developed but the irrigation equipment had been repossessed before he bought the land. He stated that the wells are still there with pumps and electricity. He agreed that we should schedule Water Permit No. 4661-3 and Water Permit No. 4555-3 for cancellation due to forfeiture or abandonment.



Ken Buhler
Natural Resources Engineer



4661-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 8, 1993

NOTICE OF CANCELLATION

TO: Douglas & Sheila Conti, 30267 435 Ave, Utica, SD 57067

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

SUBJECT: Cancellation of Water Permit Nos. 4555-3 and 4661-3

The Water Management Board will consider cancellation of Water Permit Nos. 4555-3 and 4661-3 at 9:00 am, on December 1, 1993, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3:1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Permit Nos. 4555-3 and 4661-3 due to abandonment and/or forfeiture.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit Nos. 4555-3 and 4661-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Permit Nos. 4555-3 and 4661-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 22, 1993. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

October 8, 1993
Douglas/Sheila Conti
Page 2

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Prior to November 22, 1993, contact the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting to be held in Pierre, SD on March 2, 1994. Any request for extension must be filed with the Chief Engineer by November 22, 1993.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NOS. 4555-3 AND 4661-3, DOUGLAS & SHEILA CONTI

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Nos. 4555-3 and 4661-3.

The Chief Engineer is recommending cancellation of the above Water Permit Nos. 4555-3 and 4661-3 due to abandonment and/or forfeiture. On October 6, 1993, Mr. Conti was contacted by Ken Buhler, staff engineer, concerning the status of the permits. Mr. Conti stated the land has not been irrigated since he purchased the land in 1987. The systems were developed, but the irrigation equipment was repossessed before the land was purchased.



RON DUVALL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
October 8, 1993

4661-3

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Doug Conti

ADDRESS: COUNTY: Yankton

DATE: 11/18/93 TELEPHONE: 665-6839

RE: Cancellation of Permit Nos. 4555-3 and 4661-3

COMMENTS:

Mr. Conti called regarding the cancellation of these permits. He asked if the cancellation hearing could be delayed. He said he was investigating purchase of some irrigation equipment. I explained SPCL 46-5-37 and that if the permit were cancelled he could apply for new water permits.

He said he was going to write to request a delay of the December 1, 1993 hearing.

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.

NAME: Eric M. Munk

4661-3



Nov. 22, 1993
RR1, Box 152
Utica, SD 57067

Mr. Eric Gronland
Dept. of Environment and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

re: Water Permits No. 4555-3 and 4661-3

Dear Mr. Gronland:

Please continue the hearing scheduled for December 1, 1993, to a later date. I am exploring options for using these permits.

Thank you.

Sincerely,
Douglas Conte

4661-3

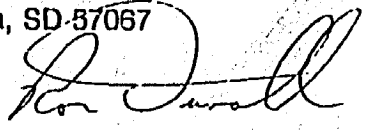


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

November 30, 1993

TO: Douglas & Sheila Conti, RR #1 Box 152, Ulica, SD 57067
FROM: Ron Duvall, Natural Resources Engineer IV 
SUBJECT: Automatic Continuance for Cancellation Consideration of Water Permit Nos.
4555-3 and 4661-3

Pursuant to SDCL 46-2A-5 and your petition dated November 22, 1993, the time of hearing scheduled for December 1, 1993 to consider cancellation of Water Permit Nos. 4555-3 and 4661-3 has been delayed. Tentatively, the hearing before the Water Management Board to consider this matter, has been scheduled for 10:00 am, May 4, 1994 in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, Pierre, SD.

The Water Management Board will make a decision based upon the evidence presented at the hearing. The Board considers how many years water was not put to beneficial use and if legal excuse exists for the nonuse of water. We need to caution you about making any investment towards irrigation equipment prior to the status of your permits being determined by the board.

A follow-up notice will be sent to you in 1994 when the hearing date and time becomes finalized. If you have any questions, please contact us.

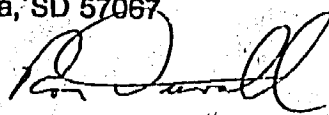
4661-3



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

NOTICE

March 4, 1994

TO: Douglas & Sheila Conti, RR #1 Box 152, Utica, SD 57067
FROM: Ron Duvall, Natural Resources Engineer IV, 
SUBJECT: Automatic Continuance for Cancellation Consideration of Water Permit Nos. 4555-3 and 4661-3

On November 30, 1993, the time of hearing for cancellation consideration of Water Permit Nos. 4555-3 and 4661-3 was tentatively scheduled for May 4, 1994. This hearing date has been changed. The hearing before the Water Management Board to consider this matter has been scheduled for 10:00 am, April 6, 1994, in the Conference Room of the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Applicable portions of the October 9, 1993 "Notice of Cancellation" (copy enclosed) will still apply. If you have any questions, please contact us.

4661-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

April 8, 1994

TO: Douglas and Sheila Conti
RR #1 Box 152
Utica, SD 57067

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352 *John Hatch*

SUBJECT: Water Permit Nos. 4555-3 and 4661-3

On April 6, 1994, the Water Management Board adopted a motion to "Deny Cancellation of Water Permit Nos. 4555-3 and 4661-3". Based upon evidence you presented at the hearing, the Board determined legal excuse existed for the years of non-use of water.

Once your systems are in place and water is put to beneficial use, an inspection will be conducted for licensing purposes. The right to use the water is not lost unless, 1) conditions or qualifications to the water right are violated, 2) the water is not used for a period of three or more years with no legal excuse, or 3) the water use is abandoned.

If you have any questions concerning the Water Management Board's decision, please contact us.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

4661-3
DOUGLAS T & SHEILA M CONTI
RR 1, BOX 152
UTICA SD 57067

5. Received By: (Print Name)

Doug Conti

6. Signature: (Addressee or Agent)

X Doug Conti

PS Form 3811, December 1994

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

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

Consult postmaster for fee.

4a. Article Number

P 378 081 424

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-14-97

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

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

4661-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: DOUGLAS T & SHEILA M CONTI, RR 1 BOX 152, UTICA, SD 57067

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

SUBJECT: Violation of Water Permit No(s). 4555-3 & 4661-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4555-3 & 4661-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 4555-3 & 4661-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4555-3 & 4661-3 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 February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4661-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1997

Doug Conti
30267 435th Ave
Utica, SD 57067

Dear Mr. Conti:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 4555-3 and 4661-3.

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

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

Sincerely,

Genny McMath

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

Permit No. 4661-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, September 14, 1998, made a thorough examination of the water use system constructed by Douglas T. and Sheila M. Conti of 30267 435th Avenue, Utica SD 57067 holder of Permit No. 4661-3, bearing the priority of February 9, 1981 authorizing the diversion of 2.30 cu. ft. per second of the waters of ground water for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Motor:

- 1) Make General Electric
- 2) Horsepower rating 75 hp

Pump:

- 1) Make Fairbanks Morse

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2,840 feet

C. Works used to apply water to beneficial use:

Center Pivot

- 1) Make Zimmatic (towable)
- 2) Number of towers 7
- 3) Distance between towers 179 feet

- 4) End gun Y
- 5) Medium pressure 40 psi
- 6) Capacity 800 GPM

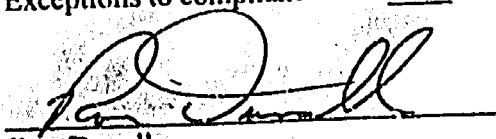
The system is in the following condition good. The point of diversion is located Well: 450 feet W from the center of section 31-T95N-R56W (SE $\frac{1}{4}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ all in section 31-T95N-R56W	15	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38
NE $\frac{1}{4}$ NW $\frac{1}{4}$	6	SE $\frac{1}{4}$ SW $\frac{1}{4}$	32
SW $\frac{1}{4}$ NW $\frac{1}{4}$	19	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32
SE $\frac{1}{4}$ NW $\frac{1}{4}$	27	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32
NW $\frac{1}{4}$ SW $\frac{1}{4}$	5	Total	206

comprising a total of 206 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: October 26, 1998


 Ron Duvall

Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 4661-3

DATE OF INVESTIGATION	September 14, 1998
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Douglas Conti
NAME & ADDRESS OF PERMIT HOLDER	Douglas T. and Sheila M. Conti 30267 435 th Avenue Utica SD 57067
DIVERSION POINT LEGAL LOCATION	Well: 450 feet W from the center of section 31-T95N-R56W (SE ¹ / ₄ NW ¹ / ₄)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 200 feet
- 4) Well log is available Y

Screen:

- 1) Type ?
- 2) Diameter 16 inches
- 3) Static water level 43 feet

Casing:

- 1) Diameter 16 inches
- 2) Type Plastic

Pump:

- 1) Make Fairbanks Morse

Motor:

- 1) Make General Electric
- 2) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2,840 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic (towable)
- 2) Overall length feet
- 3) Number of towers 7
- 4) Distance between towers 179 feet
- 5) End gun Y
- 6) Medium pressure 40 psi
- 7) Capacity 800 GPM

(continued)

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source N
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Not onsite
- 9) Injection line check valve or positive displacement pump Y
- 10) All present chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y (need hose on low pressure drain when chemigating)

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1998

4661-3

Douglas T. and Sheila M. Conti
30267 435th Ave.
Utica, SD 57067

Dear Mr. And Ms. Conti:

The investigation of your water use system was conducted on September 14, 1998, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 4661-3. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 415933

Pierre

December 4, 1998

RECEIVED OF Douglas T. Corlett, 30267 435 Ave. 1, Utica, SD 57067

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. 4661-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John H. H. H. H.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 19 1999

4661-3

Douglas T & Sheila M Conti
30267 435th Ave
Utica SD 57067

Dear Mr. & Mrs. Conti:

Enclosed is Water License No. 4661-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415933 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

The investigation of your water use system included the chemigation equipment. The equipment was properly installed and complies with chemigation laws and rules with the exception of the low pressure drain. Prior to using the chemigation equipment, you must add a hose on the low pressure drain to ensure the discharge is at least 20 feet from the well.

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. 4661-3, 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 Program
(605) 773-3352

ks

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4661-3

(1) Ailen Upmeyer, Utica SD made Application No. 4661-3, February 9, 1981 for a water permit to divert 2.3 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 4661-3, with a priority date of February 9, 1981 was approved March 26, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 26, 1986 and for the application to beneficial use of said water on or before March 26, 1988.

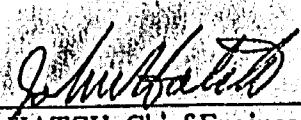
On December 28, 1988, Water Permit No. 4661-3 was transferred to Douglas T and Sheila M Conti.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 450 feet west from the center of Section 31-T95N-R56W (SE ¼ NW ¼).

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

Section 31-T95N-R56W			
NW ¼ SW ¼	5 acres	NW ¼ NW ¼	15 acres
NE ¼ SW ¼	38 acres	NE ¼ NW ¼	6 acres
SE ¼ SW ¼	32 acres	SW ¼ NW ¼	19 acres
		SE ¼ NW ¼	27 acres
NW ¼ SE ¼	32 acres		
SW ¼ SE ¼	32 acres		
Total 206 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Douglas T and Sheila M Conti, 30267 435th Ave, Utica SD 57067 the holders and/or owners of Water Right No. 4661-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of February 9, 1981 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 Water Right No. 4661-3 and subject to South Dakota State Law.


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

JAN 19 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2004

4661-3

Douglas T Conti
30267 435th Ave
Utica SD 57067

Dear Mr. Conti:

Thank you for the prompt return of your 2004 irrigation questionnaire. I noted on the form that the water right should be listed in your name only. In order to change the name on a water right, a "Notice of Transfer of Ownership" will need to be completed and filed with us.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please sign and return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 22, 20 04

RECEIVED OF Douglas Conti, 30267 435th Ave, Utica SD 57067

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>4661-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000000

By

Darland Culbreth

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4661-3

Date: _____

RECEIVED

NOV 22 2004

I/We request that Water Right No.

4661-3 WATER RIGHTS
PROGRAM

formerly owned by: Douglas T & Sheila M Conti

be transferred to: (name & address) Douglas T Conti, 30267 435th Ave, Utica SD 57067

Telephone No. 605 364-7650

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

206 acres – N ½ SW ¼, SE ¼ SW ¼, W ½ SE ¼ and NW ¼ Section 31, T95N, R56W

I/We understand that the validity of Water Right No. 4661-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Douglas T. Conti, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 24, 2004

4661-3

Douglas T Conti
30267 435th Ave
Utica SD 57067

Dear Mr. Conti:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you sent in for Water Right No. 4661-3. The transfer has been completed. The water right is now listed in your name only.

Enclosed is your Receipt No. 001470 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosure

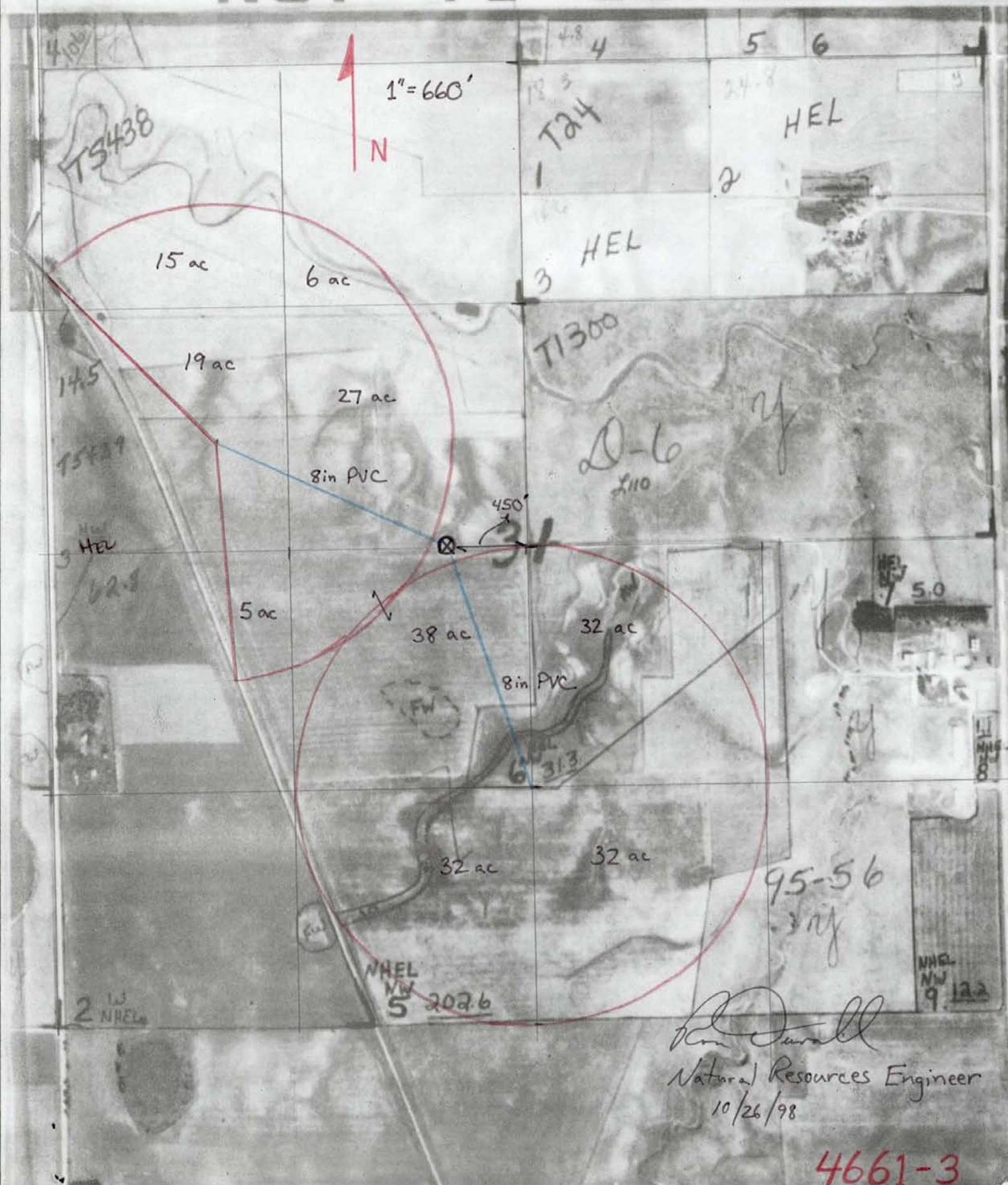
NOT TO SCALE

MAP NO. 38763 APPL NO. 4661-3



4661-3

NOT TO SCALE 1998





4661-3
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 23, 2009

NOTICE

TO: DOUGLAS T CONTI, 30267 435TH AVE, UTICA, SD 57067

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4661-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4661-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4661-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6531
Status: **Delivered**

Your item was delivered at 3:07 PM on January 26, 2009 in UTICA, SD 57067. The item was signed for by D CONTI.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#) [Return to USPS.com Home >](#)

Notification Options

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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 >](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6531

DOUGLAS T CONTI
30267 435TH AVE
UTICA SD 57067

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

USPS FORM 3800, JAN 2007

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

PS Form 3800, JAN 2007



**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 29, 2009

4661-3

Douglas T Conti
30267 435th Ave
Utica SD 57067

Dear Mr. Conti:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4661-3.

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

If you have any questions, please contact me.

Sincerely,

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



4661-3
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 15, 2016

NOTICE

TO: DOUGLAS T CONTI, 30267 435TH AVE, UTICA, SD 57067
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4661-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 4661-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4661-3 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

4661-3

Douglas T Conti
30267 435th Ave
Utica SD 57067

Dear Mr. Conti:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 4661-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4661-3
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 26, 2018

NOTICE

TO: DOUGLAS T CONTI, 30267 435TH AVE, UTICA, SD 57067
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4661-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 4661-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4661-3 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 before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 2018

4661-3

Douglas Conti
30267 435th Ave
Utica SD 57067

Dear Mr. Conti:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 4661-3. 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 black ink that reads 'Genny McMath'.

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