

W2

1. Considered MAY 1 19 81
2. Name of Applicant HENRY MUHLENKORT
3. Post Office Address RRI. BOX 78. BERESFORD 57004
4. Amount of Water Claimed .86
5. Source of Water Supply 98' WELL
6. Water to be used for IRR
7. Acres to be irrigated 60 maximum acre feet _____
8. Water to be diverted and used in UNION County
about 7 1/2 miles SE of BERESFORD
9. PROOF OF PUBLICATION Received (initials) 4-27-81
Not Received _____
APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

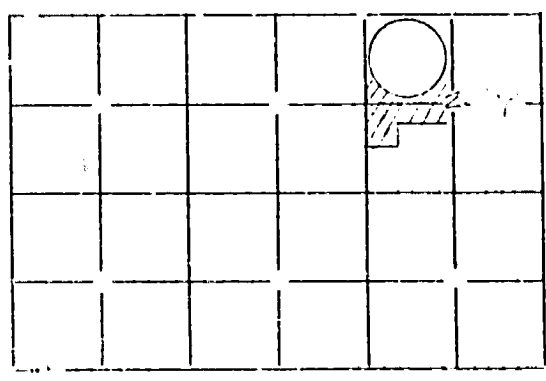
Priority 3-12-81
605 licensed

Date Received 3-12-81 Application Complete yes ☒ no _____ FEE 150.00
Remarks add diversion & 60 acres on W/L 605-3

WATER
QUALITY

Date information and/or fee or corrected Application received _____
Period of Annual use MAY THRU AUGUST
Received yes 4/10/81 no _____ APPROVED (CONDITIONAL) (Circle one)
WI-1 Description same as application yes ☒ no _____ Remarks _____

Disapproved _____ Returner _____



Diversion Point NE 1/4 SW 1/4 2-94-50

Lands to be irrigated N 1/2 SW 1/4 AND PORTIONS of NW 1/4 Sec 2-94-50
add additional acreage on W/R 605-3

WELL
LOG

Remarks _____
Driller James Wetmore Licensed (yes) no _____
Depth 98' deep

MAP

Map No. 3895-3 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by W. A. Smith

+++++

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 5-1-81.

Betty Westlund
(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

ETC.

was adopted _____

Remarks _____

No. 4684-3Map No. 3895-3 Water Division No. 3 BIG SIOUX 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 Henry W. & James Muhlenkort Phone No. 605 957-4269
 Post Office Address RR 1, Box 78, Beresford, State SD 57004
 (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 Muhlenkort well #34. Amount of water claimed (cubic feet per second) .865. Source of water supply ground water

6. Location of point of diversion 2,640' South and 2,175' East of NW Corner of Sec. 2, T 94N, R50
Union County, South Dakota.

County Union7. Annual period or periods during which water is to be used May through August8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 60

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.
N ¹ / ₂ SW ¹ / ₄ except the South 56 rods except the West 60 rods, 2-94-50	60		

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 1 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Leader Courier
Elk Point, SD 57025

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.

Pipeline

C. Works proposed to apply water to beneficial use.

GunEstimated Total Cost \$ 20,000.00

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)
) ss.
 County of Union)

I, Henry W. Muhlenkort 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 Henry W. MuhlenkortSubscribed and sworn to before me this 11th day of March, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4684-3

HENRY & JAMES MUHLENKORT Rt #1, Box 78, BERESFORD
(Applicant) (Post Office Address)

SOUTH DAKOTA 57004
(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 MARCH 12, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application APRIL 10, 1981

Approved MAY 1, 1981, Recorded In Book 22 Page 129

WATER RIGHT PERMIT NO. 4684-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4684-3 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 MARCH 12, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 1, 1983
3. The whole of said work is to be completed on or before MAY 1, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1987
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 .86 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 MAY 1, 1987; said water to be used during the following described annual period: MAY THRU AUGUST

Witness my hand this 19TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By John H. Hatt
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

A. E. De Smet
Co. Exp Agent

MAP №38953 APPL №4684-3



P.O. Box 577
Elk Point, South Dakota 57025
Phone (605) 338-6272

5W = 1 1/2 S at end and 1/4 of distance

No.	Description	Amount
0-2	top soil	
2-78	coarse sand	
78-86	clay	
86-98	coarse sand & gravel	
98-100	shale	
James Wetmore 1/2 SW 1/4 EXCEPT THE SOUTH 56 RODS EXCEPT THE WEST 10 RODS SEC. 2 - 94-50		

TOTAL

Please Pay By Invoice
No Statement Will Be Sent

D Well Information

- (1) Drill Hole, Diameter 22", Depth 98'
- (2) Casing, Type PVC (wood, concrete, steel, etc) Diameter 16", Thickness 1/2"
- (3) Screen, Type PVC, Diameter 16", Length 60"
- (4) Gravel Pack, Thickness 3", Length of gravel pack 85'

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 15'

Depth to bottom of water bearing material 98'

Depth to water (ground surface to water level) 12'

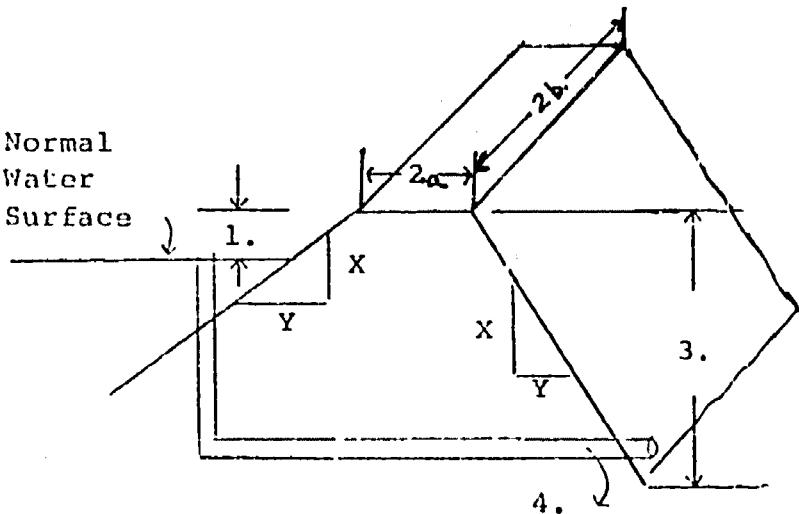
- (2) Distance to nearest existing household or livestock watering well

On same owner's property _____ rds.

On property owned by others 160 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 _____

Henry A. Muhlentert
Signature of Applicant

4687-3

Conditional

15/5/54

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT James and Henry Muhlenkoit

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

CnD2 - Crofton Nora silt loams

Any of these soils with slopes in excess of 10 % should be kept in permanent vegetation.

RECOMMENDED MANAGEMENT:

11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532
 533

4687-3

Conditional

N² SW⁴ - Sec. 26 - T9S - R50

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION



NAME OF APPLICANT James and Henry Muhlenkort

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

CnD2 - Crofton Nora silt loams

Any of these soils with slopes in excess of 9 % should be kept in permanent vegetation.

RECOMMENDED MANAGEMENT:

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

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.

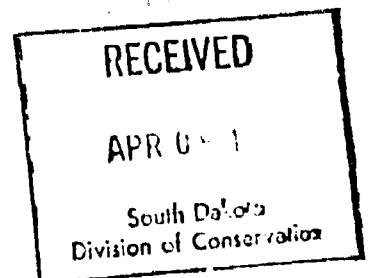
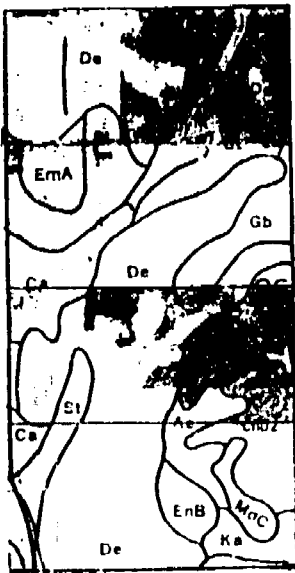
Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private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

NOTE: 1. If at all possible, provide information concerning subsoil physical conditions.

2. Indicate non-irrigated areas and approximate acres on map. (Farmstead, shelterbelts, etc).

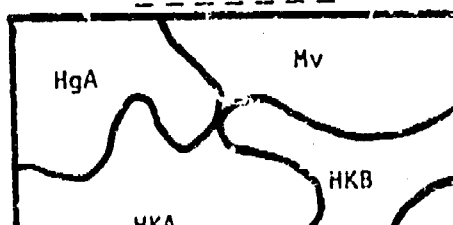
MAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #3 ON THE WI #1 FORM BEFORE COMPLETING THIS SECTION.



PLEASE USE THIS SHEET FOR NARRATIVE OR ATTACH SEPARATE SHEET

E X A M P L E



Publish first publication, on or before April 10, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Henry Muhlenkort whose post office address is Beresford, 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 .86 cubic feet of water per second of time from groundwater (one well) through the Muhlenkort Well #3 to add an additional xxx point xx of diversion of which is (xxx) to be located in the NE 1/4 SW 1/4

of Section 2, Twp. 94N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 SW 1/4 and NW 1/4, Section 2 - T94N - R50W

This Application No. 4604-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 1st day of May 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, DVNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Henry Muhlenkort
RR 1, Box 78
Beresford, SD 57004

BETTY WESTLUND
Water Rights Specialist

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

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8065

March 12, 1981

PIERRE,

RECEIVED OF Henry Muhlenkott, RR 1, Box 78, Geresford, SD 57904

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

Fee for Application for Permit to Appropriate Water No. 4684-3 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

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

4684-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 14, 1987

Merle Miller, Trustee
Union County Land Trust
3317 South West Ave
Sioux Falls SD 57105

Dear Mr. Miller:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$15.00 total).

Upon receipt of the enclosed forms and filing fees the permits will be transferred to the proper name. South Dakota Water Law 46 5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

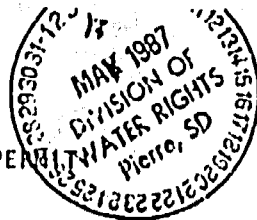
Please advise if you have any questions.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

enclosures



NO. 4684-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-15-87

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

60 acres - N 1/2 SW 1/4 Section 2, T94N, R56W

formerly owned by James & Henry Muhlenkort
has been transferred to Union County Land Trust, 3317 So. West Ave.
Sioux Falls, S.D. 57105
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4684-3 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, Merle W. Miller 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.

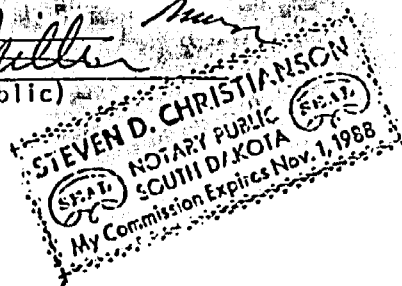
Merle W. Miller, Trustee
(Signed)

Subscribed and sworn to before me this 1st Day of May, 1987.

John D. Quint
Notary

Merle W. Miller
(Notary Public)

Commission expires 9-10-93



RECEIPT

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

410381

Pierre, _____, 19____

RECEIVED OF Merle W. Miller, Trustee, Union County Land Trust, 3317 South West Avenue
the following amount in fees for services rendered as provided for by law; Sioux Falls, SD 57105

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 <u>4684-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH ms

SOUTH DAKOTA

Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 12, 1987

Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

Enclosed are receipt Nos. 410876, 410877, 410878, 410879, 410880 and 410881 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 605-3, 2007-3, 2193-3, 2194-3, 4605-3 and 4684-3.

Our records now show Union County Land Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

4684-3



Department of Water & Natural Resources

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

March 23, 1987

HENRY MUHLENKORT
RR #1 BOX 78
BEVERSFORD, SD 57004

NOTICE

Re: Violation of Water Permit(s). 4685-3, 4684-3 and 1986
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4685-3, 4684-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4685-3, 4684-3 qualification:

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

The hearing will also be to determine if Permit No(s). 605-3, 2193-3, and 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

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

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4685-3, 4684-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 605-3, 2193-3, and 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

May 5, 1987

605-3	2007-3
2193-3	2194-3
4684-3	4685-3

Merle Miller
Union County Land Trust
3317 S West Ave
Sioux Falls, SD 57105

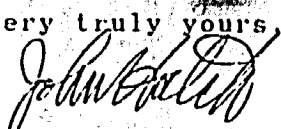
Dear :

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to James, Henry, & Leo Muhlenkott March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

The notice dated March 23, 1987 can be disregarded. These permit numbers have been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,


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

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

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

February 8, 1989

MERILE MILLER
UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS, SD 57105

NOTICE

RE: Violation of Water Permit No(s) 4684-3 4685-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4684-3, 4685-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No. 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

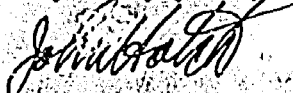
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4684-3, 4685-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 605-3, 2007-3, 2193-3, 2194-3 also held by UNION COUNTY LAND TRUST to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

March 6, 1989

605-3
2007-3
2193-3

2194-3
4684-3
4685-3

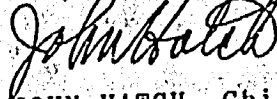
Merle Miller
Union County Land Trust
3317 So West Ave
Sioux Falls, SD 57105

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES
February 1, 1991

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4684-3, 4685-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 5, 1991

Merle Miller
Union County Land Trust
3317 So. West Avenue
Sioux Falls, SD 57105

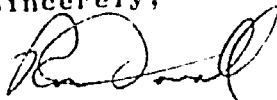
RE: Receipt of Irrigation Questionnaires for Water Permit Nos.
605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division



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

January 16, 1992

4684-3

Larry Andrews
RR #1 Box 68
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 4684-3. The water permit is currently listed in the name of Union County Land Trust.

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

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

Also enclosed is the 1991 irrigation questionnaire pertaining to Water Permit No. 4684-3. Please complete the form and return it to our office as soon as possible. If you have any questions, please contact me.

Sincerely,

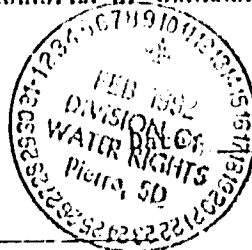
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4684-3



I/We request that Water Permit No. 4684-3

formerly owned by: Union County Land Trust (Merle Miller)

be transferred to: (name & address) Larry D. Andrews, R. 1, Box 68,
Beersford, S.D. 57004 (Telephone No.) (605) 283-2216

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

60 acres - N 1/2, SW 1/4 Section 2, T94N, R50W

I/We understand that the validity of Water Permit No. 4684-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of South Dakota)

I/We Larry D. Andrews being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Larry D. Andrews
(Signed)

Subscribed and sworn to before me this 7th day of February, 1992.

Paul S. Jordahl
(Notary Public)
Paul S. Jordahl Expires 2-8-99

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF Barry or John Andrews, Box 1, Box 94, Sarsfield, SD 57094
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 <u>Water Permit No. 4684-3</u>		
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

[Signature]
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 10, 1992

RECEIVED OF Larry or Jolene Andrews, RR 1, Box 68, Beresford, SD 57004

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 _____ Water Permit No. 4684-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

[Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

February 13, 1992

No. 4684-3

Larry D. Andrews
RR 1, Box 68
Bersford, SD 57004

Dear Mr. Andrews:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4684-3.

Our records now show you as the owner of Water Permit No. 4684-3.

Sincerely,

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

enclosure

4684-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

LARRY D ANDREWS
RR #1 BOX 68
BERESFORD SD 57004 9735

NOTICE

RE: Violation of Water Permit No 4684-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 4684-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 4684-3 qualification:

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

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

1. Suspend or cancel Permit No 4684-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN Address indicated on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4684-3

LARRY D ANDREWS

RR #1 BOX 68

BERESFORD, SD 57004 9735

4a. Article Number

P 757 566 347

4b. Service Type

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

7. Date of Delivery

2-9-95

5. Signature (Addressee)

6. Signature (Agent)

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

4684-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1995

4684-3

Larry D Andrews
RR #1 Box 68
Beresford, SD 57004-9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of Water Permit No. 4684-3.

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

If you have any questions, please contact me.

Sincerely,

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



4684-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: LARRY D ANDREWS, RR 1 BOX 68, BERESFORD, SD 57004 9735
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4684-3 & 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4684-3 & 5950-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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) 4684-3 & 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



4684-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

Larry D Andrews
30077 471st Ave
Beresford, SD 57004

RE: Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 & 5950-3

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 and 5950-3.

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5950-3

(1) Larry Andrews, 30077 471st Ave, Beresford SD 57004 made Application No. 5950-3, August 7, 1996 for a water permit to divert 1.05 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 5950-3, with a priority date of August 7, 1996 was approved November 12, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2001 and for the application to beneficial use of water on or before November 12, 2005.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on January 30, 1997. The *Notice* stated the diversion system was completed on June 1, 1996 and the water placed to beneficial use on June 1, 1996.

Water Permit No. 4684-3, with a priority date of March 12, 1981 authorized 0.86 cfs to irrigate 60 acres. The applicable portions of No. 4684-3 are incorporated into No. 5950-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5950-3 is issued a license, bearing priority dates of March 12, 1981 (0.86 cfs) and August 7, 1996 (0.79 cfs) to appropriate 1.65 cfs from groundwater (one well) to irrigate 116 acres.

The diversion point is located: 1,800 feet east of the West ¼ corner of Section 2-T94N-R50W. The acres authorized for irrigation are as follows:

Section 2-T94N-R50W	NE ¼ SW ¼	34 acres
	NW ¼ SW ¼	34 acres
	SW ¼ SW ¼	34 acres
	SE ¼ SW ¼	14 acres
Total 116 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5950-3 including the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

NOV 26 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 26 2002

5950-3

Larry Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Water License No. 5950-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000342 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5950-3, 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.

Sincerely,

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

NOTE: The applicable portions of No. 4684-3 are incorporated into Water License No. 5950-3.

enclosures