

1. Considered June 28, 1957

2. Name of Applicant R. R. Walker

3. Post Office Address Tulare, S. Dak.

4. Amount of water claimed 244 cfs

5. Source of water supply ground water

6. Water to be used for irrigation

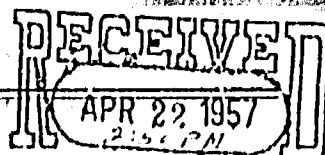
Acres to be irrigated 160

7. Water to be diverted and used in Franklin County about
5 miles west of Tulare

8. Proof of Publication Received ✓
Not Received

9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 472-3
 Water Division No. 3 James River District
 (Blanks to be filled by the Engineer for the W. R. C.)

 STATE WATER RESOURCES COMMISSION
 BIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant James Walker KENNETH BRETHOUWER 292-1555
1555 MADISON AVE., OGDEN, UTAH, 84404
 Postoffice address Tulsa, Okla., County Spink, State South Dakota

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Walker
 3. Amount of water claimed 2 1/4 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion 1315 W., 1326 N. of S.E. Corner Sect. 30, T.115 N., R. 64 W., 5E. on _____ bank _____ County.
 6. Annual period or periods during which water is to be used April thru Oct.
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Overhead Sprinkling

- (a) Number of acres to be irrigated 160 acres.

- (b) Legal subdivisions to be irrigated S.E. 1/4, Sect. 30, T.115 N., R. 64 W., 5 PM

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
 Name any of the above uses claimed _____
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

Map No. 364-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Well and Overhead Sprinkling

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface ----- high water mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 3 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate Daily Plainsman,
Sioux Falls, S. Dak.

STATE OF SOUTH DAKOTA

County of Bendle

ss.

I, B. C. Walker, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

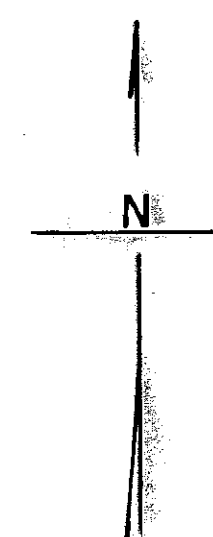
B. C. Walker

Subscribed and sworn to before me this 5th day of March

19

Therman H. Bander
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SECT. 30, T.115N., R. 64W., 5 P.M.

STATE OF SOUTH DAKOTA)
COUNTY OF SPINK) SS

WITNESS MY HAND AND SEAL THIS 12TH DAY OF FEB 1957.

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS

Harlan Meyer
REGISTERED LAND SURVEYOR

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 12TH DAY OF FEB. 1957.

Herman H. Bander
NOTARY PUBLIC

MY COMMISSION EXPIRES JUNE 13, 1957.

SHOWING AREA AND WELL LOCATION WHERE WATERS
WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

B. C. WALKER - OWNER
HARLAN W. MEYER, SURVEYOR

FEB. 1957

Map No. 364-3
Appl. No. 472-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 11, 1957

This is to certify that the foregoing application was received by the Commission at 2:50 o'clock

P m. upon the 22 day of April, 1957

State Water Resources Commission

By:

Joe Brines

Chief Engineer, Executive Officer

Number of permit 472-3

Date of first receipt of application April 22, 1957

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 22, 1957

Approved June 28, 1957, Recorded in Book 4 Page 138

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

December 28, 1958

2nd. The whole of said work is to be completed on or before June 28, 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____

June 28, 1961

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who 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.

6th. The amount of the appropriation herein granted shall not exceed 2.25 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 June 28, 1961; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 11 day of September, 1957

State Water Resources Commission

By:

Joe Brines

Chief Engineer, Executive Officer

Certificate of Construction Issued March 3, 1958

Water License Issued March 3, 1958

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32", Depth 183

Type of casing wood, concrete, steel, etc.)

Size of casing 16", Thickness of casing 10 gauge

Length of casing 133. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 3/16" slotted

Size of perforated screen 16" (diameter), 40' (length)

Thickness of gravel pack 8", length of gravel pack full depth

(c) Water Bearing Materials

Distance to water 28'. Character of water bearing materials medium sand

Thickness of water bearing material 97'

(d) Pump and Motor

Type of pump Turbine (centrifugal, propeller, mixed flow, etc.)

Name of pump Fairbanks Morse, size 8"

Kind of motor L.P. Gas (gasoline, electric, diesel, etc.)

Horsepower 65, Name of Motor Ford

(e) Complete well

Capacity 1000 gal at drawdown of 60ft. Estimated cost \$6000.00

(f) Owner of land upon which well is located E. C. Walker, Name
Tulare, South Dakota, Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 160 rods

Permit No. 472-3Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That B. C. Walker

of Tulare, County of Spink, and State of South Dakota, the holder of Permit No. 472-3, issued upon Application No. 472-3 bearing date of priority of April 22, 1957, authorizing the diversion of 2.25 cu. ft. per second of the waters of ground water County of Spink, State of South Dakota, at 1315 feet west and 1326 feet north of the SE Cor., of Sec. 30, T. 115N, R. 64W for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.25 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE 1/4, Sec. 30, T. 115N, R. 64W - 160 acres

Witness my hand this 3rd day of March A. D. 1958.

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 472-3

WHEREAS, On the 22nd day of April A. D. 1957

B. C. Walker

of Tulare County of Spink and State of
South Dakota duly made application (No. 472-3) to us for a permit to use 2.25
cubic feet per second of the waters of ground water
County of Spink, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 16th day of September A. D. 1957
Permit No. 472-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 28th day of
June A. D. 1960 and for the application to beneficial use of said
water on or before the 28th day of June A. D. 1961
and,

WHEREAS, On the 18th day of February A. D. 1958
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.25
cubic feet per second of said waters, as evidenced by our Certificate No. 472-3
dated March 3, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.25 cubic feet per second of water, with date of
priority of April 22, 1957 and,

WHEREAS, On the 18th day of February, 58 A. D. 1958
proof was duly made of the application to beneficial use of 2.25 cubic feet per second of said water;
on 160 acres located in the SE 1/4, Sec. 30, T. 115N, R. 64W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to B. C. Walker
of Tulare, South Dakota the holder and owner of said permit No. 472-3
a water right, dating from April 22, 1957 to the use of 2.25
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 1315 feet west and 1326 feet
north of the NE Cor Sec. 30 T. 115N., R. 64W.
and conducted to and upon the SE 1/4 Sec. 30, T. 115N., R. 64W.

for the purpose of Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 3rd day of March A. D. Nineteen
Hundred and fifty-eight

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

(First Publication before May 31, 1957)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 11, 1957

Notice is hereby given that A. G. Walker whose postoffice address is Tulare S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from ~~the~~ ground water through the Walker # 1, the point of diversion of which is to be located ~~in the~~ in the ~~NE 1/4 of the SE 1/4 of Section 30~~ NE 1/4 of the SE 1/4 of Section 30 Twp. 115 N Range 64 W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Sec 30, T 115 N, R 64 W

~~XXXXXX~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June, 1957, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~

Les Wyborny, Water Rights Engineer

cc Mr. Robert D. Lusk, Publisher
The Daily Plainsman
Huron, South Dakota

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, }
COUNTY OF BEADLE } ss.

I, Robert D. Luck

being duly sworn on oath, say that THE HURONITE AND DAILY PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date; that said newspaper is printed in whole or in part, in an office maintained at said place of publica-

tion; that I am publisher of said newspaper and know the facts herein stated. The annexed notice headed

Appropriation of Water

was published for 4 successive weeks once each week, the same day each week, in said newspaper, and not in any supplement of the said newspaper, the first publication

on the 17 day of May 19 57 and

the last publication on the 7 day of June

19 57. That the full amount of the fee charged for publishing the same, to-wit:

Ten & 80/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 6 day

of June, 19 57

A. J. Papovich
Notary Public, South Dakota

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, }
COUNTY OF _____ } ss.

I,

being duly sworn on oath, say that I am the authorized attorney for the party foreclosing the mortgage described in the annexed notice; that no agreement or understanding for any division of the fees therefor has been made with any person whomsoever, and that no part thereof has been refunded or rebated by the party publishing this notice.

Subscribed and sworn to before me this _____

day of _____, 19 _____

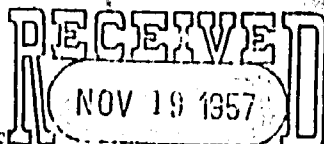
F. P. 3-17-1937 L. P. 6-7-1937
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., May 11,
1937.
Notice is hereby given that B. C. Walker, whose post office address is Tullare, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.23 cubic feet of water per second of time from ground water through the Walker No. 1, the point of diversion of which is to be located in the NE 1/4 of the SE 1/4 of Section 20, Twp. 115N., R. 64W. Said water to be used for the purpose of providing irrigation on the following described land: SE 1/4, Sec. 30, T. 115N., R. 64W. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 23rd day of June, 1937, at 2:00 p.m. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has been taken for the consideration of the application presented.
S. W. Water Resources Commission
L. J. Horny
Rights Engineer
No. 197 (adv.)

RECEIVED
JUN 17 1957

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 472-3

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Notice of Application of Water to Beneficial Use**

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

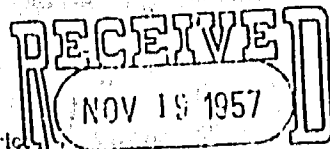
(P. O.) TULARE S. DAKOTA(Date) 11-18-57

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 18 day of NOV, 1957, at TULARE County of SPINK State of South Dakota, before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 2.25 cubic feet per second of the waters of _____ in accordance with the terms and conditions of Permit No. 472-3 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are TULARE S. DAK. BOX 196
- The use to which said water has been applied is SPRINKLER IRRIGATION
- The amount applied to beneficial use is 500 GAL. PER MINUTE
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) S.E. 1/4 SEC. 30, T. 11 N., R. 14 W.
- The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
- The right to take the water from such works is based upon permit No. 472-3
- The source of supply from which such water is diverted is _____
- The date of priority which said user is prepared to establish is _____

(Sign) C. C. Walker

Permit No. 475-3

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

TULARE, S. DAK.

(Date)

11-18-57

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of WATER

WALKER #1 2.25 cu. ft. per second of the waters of the state from _____

through the _____

for SPRINKLER IRRIGATION purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is B.C. Walker

2. The postoffice address of such person or the place of business of such corporation is TULARE
County of SPINK State of S. DAK.

3. The number of such permit is 475-3 and the date set for the completion of such work is

IT HAS BEEN COMPLETED SOME TIME

4. Said water to be used for SPRINKLER IRRIGATION purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.25 cubic feet per second.

6. The amount of land for which said water is available is SE. 1/4 SEC. 30, T2S-64, R16E acres,
particularly described as follows: _____

I hereby certify that the facts set forth in the above notice are true.

B.C. Walker

(Signature of Owners) _____

Permit No. 472-3

Water Division No. _____

Water District _____

Certificate of Examination of Works**Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~letter~~ authorization dated _____
 on February 18, 1958
 I have ~~thoroughly~~ made a thorough examination of the diversion works constructed by B. C.

Walkerof SpinkCounty, South Dakota, holder of Permit No. 472-3, issuedupon Application No. 472-3, bearing date of priority of April 22, 1957, authorizing the

diversion of 2.25 cu. ft. per second of the waters of ground water for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Layne-Bowler pump #N5103; Hollow Shaft Gear
Converter #1108463; Ford V-8, Ind. #332 engine; 1/2 mile of 6 inch pipe;
Vermeer boom type irrigator, Model #140, Serial #1424; Vermeer boom type
irrigator Model #140 Serial #1433; The pump has a pressure gauge and each
irrigator has 2 gauges

and the system is in the following condition: excellent

The point of diversion is located 1315 feet west and 1326 feet north of the
SE Cor., Sec. 30, T 115N, R 64W

The works are capable of diverting and conveying to the place of use 2.25 cu. ft. per second of water,
 which is to be used for irrigation

The legal subdivisions to be irrigated are: SE 1/4, Sec. 30, T 115N, R 64W

comprising a total of 160 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 3rd day of March, A. D. 1958.

--SEAL--

Les Wyborny

Examining Engineer.

Water Right 472-3

Formerly owned by B.C. Walker. Bill Elliott checked and found the following:

West 80 Acres now owned by Eugene Myers, Tulare, S.D.

East 80 Acres now owned by Ronald Miller, Tulare, S.D.

Irrigation Letter sent to these two owners for Water right 472-3/

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date December 27, 1972

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

SE $\frac{1}{4}$, Section 30, T115N, R64W

formerly owned by B. C. Walker, Tulare, S.D.

has been transferred to Kenneth Brethower, 1555 Madison Ave., Ogden, Utah 84401

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 472-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

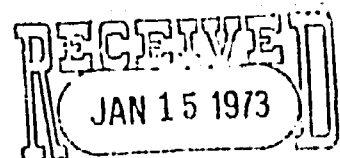
STATE OF UTAH)
SOUTH DAKOTA) ss.
County of WEBER)

I, Kenneth Brethower 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.

Kenneth Brethower
(Signed)

Suscribed and sworn to before me this 9th day of January, 1973

Nathaniel W. Peterson
(Notary Public)



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

WATER RIGHTS DIVISION

(605) 773-3352

October 30, 1984

Tim & Shirley Binger
RR, Box 77
Tulare, South Dakota 57472

Dear Mr. & Mrs. Binger:

This letter is in reference to our telephone conversation of October 30, 1984 concerning transfer of Water Right No. 472-3 to your names. As we discussed, the Spink County Register of Deeds indicated you now owned the land.

Enclosed is a partially completed transfer form. Please check over, date, sign before a notary and return the form to our office with a \$2.50 filing fee. The water right will then be transferred to your name.

Also enclosed is the 1984 Irrigation questionnaire. Please complete the form and return it along with the transfer form. Enclosed is a postage-paid envelope for your convenience.

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

If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

Second Notice

Permit No. 472-3

January 29, 1985

Tim & Shirley Binger
RR, Box 77
Tulare, SD 57472

Dear Mr. & Mrs. Binger:

On October 30, 1984 notice was sent to you concerning the transfer of Water Permit No. 472-3 in the name of Kenneth Brethower which covers irrigation of 160 acres in the SE 1/4, Section 30, T15N, R64W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

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

ES09.12R

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
 Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☒ Show to whom and date delivered \$
 - ☐ Show to whom, date, and address of delivery.. .. \$
 - 2. ☐ **RESTRICTED DELIVERY** \$
 (The restricted delivery fee is charged in addition to the return receipt fee.)
- TOTAL \$

3. **ARTICLE ADDRESSED TO:**
 Tim & Shirley Blinger
 RR Box 77
 Tulare, SD 57472

4. TYPE OF SERVICE:	ARTICLE NUMBER
☐ REGISTERED ☐ INSURED	
☒ CERTIFIED ☐ COD	404 786 553
☐ EXPRESS MAIL	

(Always obtain signature of addressee or agent)

I have received the article described above:
SIGNATURE ☒ Addressee ☐ Authorized agent

5. DATE OF DELIVERY 1-30-85	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)	

7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS EA
--------------------------------------	--------------------------------------

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-30-85

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

160 acres - SE 1/4 Section 30, T115N, R64W

formerly owned by Kenneth Brethower
has been transferred to Tim & Shirley Binger, RR# Box 77, Tulare SD 57472
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 472-3 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 Spink) ss.

I, Tim Binger 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 infor-
mation herein stated is true.

Tim Binger
(Signed)

Subscribed and sworn to before me this 30 Day of January, 1985

Ronald Peterson
(Notary Public)

RECEIPT

Division of Water Rights

No 4-9952

South Dakota Department of Water and Natural Resources

Pierre, February 15, 1985

RECEIVED OF Tim and Shirley Blinger, RR#1, Box 77, Tulare, SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 472-3	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)	T 1	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

No. _____

472-3

February 15, 1985

Tim & Shirley Binger
RR#1, Box 77
Tulare, South Dakota 57472

Dear Mr. & Mrs. Binger:

Enclosed is receipt No. 4 9952 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 472-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

Observations during the Field Inspection of February 18, 1958 of the B. C. Walker Project relative to Permit #472-3.

Mr. B. C. Walker accompanied me on the inspection and was very cooperative and helpful.

This project is located in the SE $\frac{1}{4}$ Sec. 30, T 115N, R 64W and was divided into 20 acres of alfalfa and 140 acres of corn. The well was located about 10 rods north of the center of the quarter.

The well is 80 feet deep and I was told that it was test pumped @ 1400 gpm with a 55 foot d/d and 1000 gpm with a 45 foot d/d.

Equipment consisted of a Layne-Bowler pump, Serial #N5103 with a 70 foot setting and a pressure gauge; a Hollow Shaft Gear Converter, type GP, Serial #1108463, driver rpm's @ 2200 and pump @ 1760; Ford V-8 engine, Model #332, Serial #2585-G18CH and Type #B6RL-6003-C; $\frac{1}{2}$ mile of 6 inch pipe; Vermeer boom type irrigator Model #140, Serial #424; Vermeer boom type irrigator Model #140, Serial #433; each boom has 2 pressure gauges and nozzles as follows 1-1/2", 2-3/8", 1-5/16", 1-1/4", 1-3/16" and 1-1". The manufacturers spec's claim the irrigators will operate at 60 - 80 psi and the operator claims that he has operated at these pressures.

The system was not in operation at the time of the inspection but there was evidence that the project had been irrigated.

The equipment was in excellent condition.

The capacity of the works to divert and convey water to the place of use and the acreage met the conditions as set forth in the application and permit.

Les Wyborny
Les Wyborny

March 3, 1958

South Dakota
Department of
Water & Natural Resources

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

February 5, 1988

472-3
960-3
4897-3

Tim & Shirley Binger
Rt 1, Box 77
Tulare SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 472-3, 960-3 & 4897-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



February 16, 1994

TIM & SHIRLEY BINGER
RT 1 BOX 76
TULARE SD 57476

472-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 472-3 & 960-3 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) 4897-3 qualification:

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

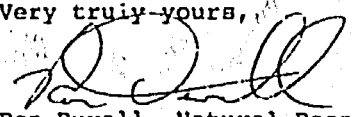
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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 April 1, 1994, 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
605 773-3252



472-3

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

February 24, 1994

472-3
960-3
4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 15, 1994, Notice of Violation of Water Permit Nos. 472-3, 960-3 & 4897-3 and the 1993 Irrigation Questionnaire Requirements.

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



472-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

TIM & SHIRLEY BINGER
RR 1 BOX 77
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. The request for the Questionnaires 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 be to determine if Permit No(s) 472-3 & 960-3 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) 4897-3 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(s) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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 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

472-3



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

February 15, 1995

472-3

960-3

4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit and the 1994 Irrigation Questionnaire Requirements.

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



472-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: TIM & SHIRLEY BINGER, 18410 382ND ST, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3 & 6142-3, 472-3 & 960-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 472-3 & 960-3 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) 4897-3 & 6142-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 4897-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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 February 28, 2000, 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.



472-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2000

Tim & Shirley Binger
18410 382nd St
Tulare, SD 57476

RE: Water Right or Permit Nos. 472-3, 960-3, 4897-3 & 6142-3

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. The questionnaires were submitted by Brett Binger. It is my understanding that future questionnaires can be directed to Brett for completion. This does not alter ownership of the permits, it merely allows us to send the questionnaires to another person.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right or Permit Nos. 472-3, 960-3, 4897-3 and 6142-3. 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

c: Brett Binger

Brethowers

1999 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 1, 1999

472-3
TIM & SHIRLEY BINGER
18410 382ND ST
TULARE SD 57476

CHANGES TO ADDRESS LABEL, IF ANY:

Telephone No. 596-4295

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57801-3181 (605) 773-3352

IS SYSTEM CONSTRUCTED? YES ☐ NO ☒ DID YOU IRRIGATE IN 1999? *YES ☐ *NO ☒

* IF YES, NUMBER OF ACRES IRRIGATED _____ *IF NO, LIST REASON(S) IN COMMENT SECTION

IS LAND ENROLLED IN CRP? YES ☐ NO ☐ IF YES, THROUGH WHAT YEAR? _____

DID YOU APPLY CHEMICALS OR FERTILIZER THROUGH THE SYSTEM IN 1999? YES ☐ NO ☒

SOURCE OF WATER _____

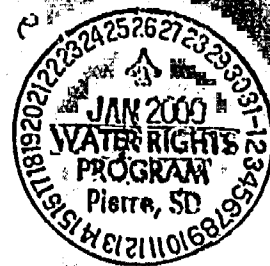
TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS ☐ TOWNLINES ☐ BIG GUN ☐

FLOOD ☐ SPRINKLERS ☐ OTHER ☐

COMMENT SECTION:

Do Not use Well any More
Abandoned



THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE.
LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF ALFALFA). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 8 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 22 DAYS ON THE ALFALFA:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	8	24
	ALFALFA	60	800 GPM	10	24
JULY	ALFALFA	60	800 GPM	12	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED. FOR KILOWATT HOURS, INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 2000

472-3

Tim Binger
18410 382nd St
Tulare, SD 57476

Dear Mr. Binger:

I am contacting you in regard to Water Right No. 472-3. The water right authorizes irrigation of 160 acres in the SE ¼ Section 30, T115N, R64W (former Brethower property). I have enclosed a copy of the water right for your review.

On the 1999 irrigation questionnaire, a notation was made that the well has been abandoned and is no longer used. If the well is no longer going to be used irrigation and/or domestic purposes, it must be plugged to prevent contamination of the aquifer.

If the well has been abandoned, is another well being used to irrigate the land or has irrigation on the SE ¼ Section 30 been abandoned? If another well is being used, it may be possible to amend the water right for a change in diversion point location. If the land is no longer going to be irrigated at all, there really would be no purpose in maintaining the water right.

Please take a few minutes to write or call and let me know your intentions towards Water Right No. 472-3. Thank you in advance for your help. I am enclosing a postage paid envelope for your convenience in replying.

Sincerely,

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

enclosure



January 16, 2002

NOTICE

472-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: BRETT BINGER, 38270 182ND ST, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3, 5568-3 & 6142-3, 472-3, 960-3 & 3053-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 472-3, 960-3 & 3053-3 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) 4897-3, 5568-3 & 6142-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 4897-3, 5568-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3, 960-3 & 3053-3 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 8, 2002, 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.

472-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BRETT BINGER
38270 182ND ST
TULARE SD 57476

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Brett Binger 1-17-02

C. Signature

X Brett Binger ☐ Agent ☒ Addressee

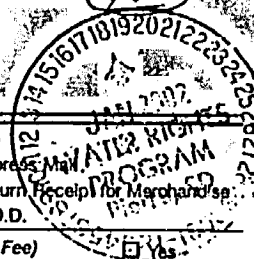
D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)



2. 7001 2510 0004 4797 6603

PS Form 3811, July 1999 PSN 7530-01-000-9000 Domestic Return Receipt

102595-00-M-0902



472-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

Brett Binger
38270 182nd St
Tulare SD 57476

RE: Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2006

472-3

Brett Binger
38270 182nd St
Tulare SD 57476

Dear Mr. Binger:

Enclosed, as we discussed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change with Water Right No. 472-3. The water right is currently listed in the name of Tim and Shirley Binger.

Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$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

enclosures

RECEIVED

NOV 21 2006

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 472-3

Date: Nov. 20, 2006

I/We request that Water Right No. 472-3

formerly owned by: Tim & Shirley Binger

be transferred to: (name & address) Brett Binger, Darin Binger & Chad Binger
38270 182nd St, Tulare, S.D. 57476
Telephone No. 596-4283

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

SE ¼ Section 30, T115N, R64W

I/We understand that the validity of Water Right No. 472-3 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 Brett Binger
Darin Binger
Chad Binger, the new owner, certify that the above information is true and correct.

Brett Binger
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 21, 2006

RECEIVED OF Binger Farms, 38270 182nd Street, Tulare SD 57476

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>472-3</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.

02647

By

Darland Ebele
Chief Engineer *gm*



**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 28, 2006

Brett Binger
38270 182nd St
Tulare SD 57476

Dear Mr. Binger:

Thank you for submitting the *Application for a Permit to Appropriate Water* to change the location of the irrigation authorized by Water Right No. 472-3. In order to complete the application the following is required.

- A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. On the map, clearly mark the location of the well and outline the land to be irrigated. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee will be \$100.00.

Enclosed is the receipt for payment of the Notice of Transfer of Ownership fee for Water Right No. 472-3. Since the proposed application is amending the existing water right now listed in the names of Brett, Darin and Chad Binger, this application should include all three names. I have amended the application accordingly. If you disagree with this change, please let me know. You will be the contact person.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2007

NOTICE OF CANCELLATION

TO: Brett, Darin & Chad Binger, 38270 182nd St, Tulare SD 57476

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Cancellation of Water Right No. 472-3

Water Right No. 472-3 authorized irrigation of the SE ¼ Section 30, T115N, R64W. Records on file with the program reflect water has been put to beneficial use only one time since 1984. The 1999 irrigation questionnaire submitted by Tim Binger indicated the well was no longer used and had been abandoned. Based on the years of non-use, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 472-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 472-3 at 11:30 a.m., March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 11:30 am).*

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 Right No. 472-3 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water right. 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 February 26, 2007. 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 hearing 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.

February 1, 2007
Brett, Darin & Chad Binger
Page 2

This hearing may be an adversarial proceeding. 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.

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. Any request for extension must be filed with the Chief Engineer by February 26, 2007.

Prior to February 26, 2007, contact the Water Rights Program, 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.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 26, 2007.



**DEPARTMENT of ENVIRONMENT
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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 472-3, BRETT, DARIN AND CHAD BINGER

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 472-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture. Records on file with the Program reflect irrigation has taken place only once since 1984 on the land described in the water right. In 1999, the former owner indicated the well had been abandoned and was no longer used.

Garland Erbele, Chief Engineer
February 1, 2007

CERTIFICATION

I hereby certify that on February 1, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated February 1, 2007 regarding cancellation of the following:

Water Right No. 472-3
Brett, Darin and Chad Binger
38270 182nd St
Tulare SD 57476

Eric Gronlund

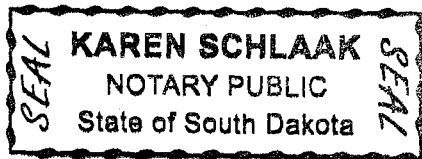
Eric Gronlund
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of February, 2007

Karen Schlaak

Karen Schlaak
Notary Public



My Commission Expires
April 1, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 12, 2007

472-3

NOTICE

Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476

Dear Sirs:

On March 7, 2007, the Water Management Board considered cancellation of Water Right No. 472-3. The water right was scheduled for cancellation consideration due to several years of nonuse dating back to the 1980's. The Board listened to the evidence presented at the hearing and determined that legal excuse existed for the years of non-use and found Water Right No. 472-3 to be valid.

The Board denied the cancellation of Water Right No. 472-3 and approved Water Permit No. 472A-3 which transferred the acreage to an area more suitable for irrigation. Water Permit No. 472A-3 will be issued and forwarded to you under separate cover.

If you have any questions concerning the Board action, please contact Eric Gronlund, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on March 12, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage, prepaid envelope containing a Notice dated March 12, 2007 regarding Board action taken on Water Right No. 472-3 addressed as stated below:

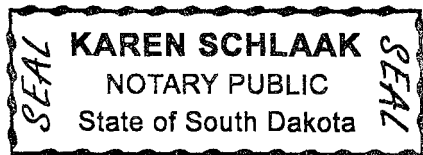
Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476



Eric Gronlund
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 2007.


Notary Public

My Commission Expires
April 1, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2007

472-3
472A-3

Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476

Dear Sirs:

Enclosed is Water Permit No. 472A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

Note: At such time, when Water Permit No. 472A-3 is licensed, the applicable portions of No. 472-3 will be incorporated into No. 472-3.

enclosures

472-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 25 2020

472-3
472A-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

Enclosed is Water License No. 472A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

In September 2019, you submitted an ownership change for No. 472A-3 transferring the permit to your name. The receipt for the filing fee is included with your water license. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 472-3 were incorporated into Water License No. 472A-3.