

1. Considered: April 7, 1982 Water Right No. 4723-3A
2. Name of Applicant MORRIS MORTIMER *Lead to: Jack Heimbeck*
3. Post Office Address RR Hitchcock 57348 *Box 124,*
4. Amount of Water Claimed No add'l maximum acre feet
5. Source of Water Supply 90' well existing on 4723-3 & New 58' deep well
6. Water to be used for IRR acres to be irrigated no add'l
7. County Beadle about 4½ E, 1 miles south of Hitchcock
8. PROOF OF PUBLICATION. Received 3-23-82 Not Received
- APPLICATION: Approved Subject to
- Not Approved Action Deferred

PRIORITY
Apr 9, 1981

Dated Received 2/2/82 Application complete--yes no FEE \$150.00

Remarks a for add'l diversion on 4723-3,

Corrected Application received Period of Annual Use April - October

WATER
QUALITY

Received yes no APPROVED/CONDITIONAL. (Circle one)

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

not required meets S.C.C. rules and regulations for add'l diversions from same source

Disapproved Returned *7/8'*

Diversion Point

SE¼ SE¼, Section 8-113-62

Land to be irrigated

SE¼ Sec. 8-113-62

covered under prior permit

WELL LOG

Driller Empire Drilling Licensed -- yes xx no

Depth 58' deep (new)

Remarks

MAP Map No. 3933-3 Map located in Water Right x Map file _____
 Type of Map Aerial Prepared by ASCS

+++++

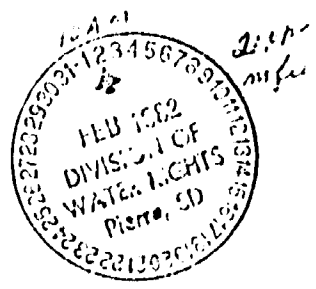
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
3/1/82


 (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 was
 DECISIONS adopted _____
 ETC. Remarks _____



No. 4723-3A
 Map No. 3933-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 10160006

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 ☒ on 4723-3

Change in Acreage ☐ Additional Acreage ☐ Trans. 7-27-82

1. Name of Applicant Mortimer, Jack Hamilton Phone No. 266-2566
 Post Office Address R R Hitchcock (Street, R.R., or Box) (Town) State S.D. 57348 (Zip Code)
 If a corporation show date and place of Incorporation

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

3. Name of diversion work Mortimer Irrigation

4. Amount of water claimed (cubic feet per second) no add'l

5. Source of water supply ground water (2 wells)

6. Location of point of diversion existing well for 4723-3 is located in center of quarter second well will be approx. 500' east of center of quarter (S 1/4) County Beadle

7. Annual period or periods during which water is to be used April - October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 160 (no add'l)

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

Land Description	No. Acres Irr.
<u>NE 1/4 of SE 1/4 of 8-113-62</u>	<u>40</u>
<u>NW 1/4</u>	<u>40</u>
<u>SE 1/4</u>	<u>40</u>
<u>SW 1/4</u>	<u>40</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2.5 years. Additional time required to complete application of water to the proposed beneficial use 7 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Beadell Daily Plainsman

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.
center pivot

Estimated Total Cost \$ 50,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
 County of Beadle) ss.

I, Morris E Mortimer 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 Morris E Mortimer
 Subscribed and sworn to before me this 1st day of Feb, 1982
Waverly Schuchert
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4723-3A
MORRIS MORTIMER RR Hitchcock

South Dakota 57348
(Applicant)
(State)

(Post Office Address)

With the following qualifications

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

Date of first receipt of application FEBRUARY 2, 1982
Date of return to applicant for correction, amendments or changes required FEBRUARY 8, 1982
Date of receipt of corrected application FEBRUARY 11, 1982
Approved APRIL 7, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4723-3A

The Water Management Board hereby grants and issues this Water Right Permit No. 4723-3A 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 APRIL 9, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 7, 1983
3. The whole of said work is to be completed on or before APRIL 7, 1984
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1984
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 NO ADDITIONAL 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 APRIL 7, 1984; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 12TH day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John H. Hitt
Civil Engineer, Water Rights

Certificate of Construction Issued _____ 19____

Water License Issued _____ 19____

IRRIGATION DRILLING CO.

PHONE 472-0384

Location of Well: PV. TWS. 1/4, SE 1/4, Section 8, Township 113, Range 62
Well to be drilled for: Jack Heimbuch (Name) (Address)
Becker (County) S. Dak (State)
Date well drilling started 6-22-81 (finished)
Purpose of well Fr. Test hole
(domestic, irrigation, industrial, other)

Depth 58 ft. Casing Diameter 4 inches NORTH

Plot Size _____ Screen Size _____

Screen Depth: From 38 ft. to 58 ft.

Remarks: Cased up for

Obser. well.

1 Mile

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

[illegible]

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4-123-3

OWNERS NAME: Morris Mortimer OWNERS ADDRESS: Hitchcock, SDCOUNTY LAND LOCATED IN: Beadle PHONE: 214-2344

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: Center of S&W 8-113-62
2. SURFACE WATER SOURCE: Groundwater
3. LOCATION OF AREA TO BE IRRIGATED: S&W 8-113-62
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
5. TYPE OF IRRIGATION: (Show approximate acres under each type of system)
GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: corn, alfalfa, wheat
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 81-191
9. SALINITY (EC X 10⁶): 1500
10. SODIUM (SAR): 2.01

ADJUSTED (SAR) 5.78 4.05

RECEIVED

MAR 19 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 4:30 A.M./P.M., on Feb. 23, 1981, at the following location: S&W 8-113-62

by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

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

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF January, 1981.

John J. Schilling
(NOTARY PUBLIC)



Morris E. Mortimer
APPLICANT'S SIGNATURE

John M. Schilling
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

IMPORTANT

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

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

D Well Information

- (1) Drill Hole, Diameter 12", Depth 70'
- (2) Casing Type Plastic (wood, concrete, steel, etc), Diameter 8", Thickness .500"
- (3) Screen, Type Fiber glass, Diameter 8", Length 20'
- (4) Gravel Pack, Thickness 2" all around case, Length of gravel pack 70'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

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

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

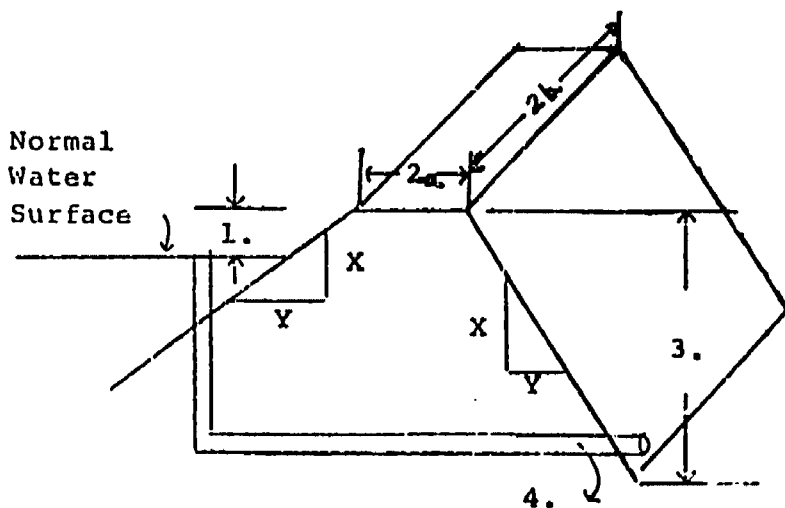
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

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



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

Conditional
SP-Section 8 T113-P62

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Morris Mottler

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

The recommended management for this quarter of land is the same as for
the SP-Section 8 T113-P62.

No. 4723-3A

Publish first publication, on or before March 19, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 2, 1982

Notice is hereby given Morris Mortimer whose post office

address is Rural Route, Hitchcock, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 ~~(ground)~~ 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, ~~(future use) 46-5-28; (transfer lands) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:01:01 thru 74:02:01:03~~, for a permit to appropriate for beneficial use

no add'l cubic feet of water per second of time from groundwater (two wells, one existing) through the Mortimer Irrigation to add an additional, the points (S) of diversion which is (S) to be located in the SE1/4 on an existing perm

of Section 8, Twp. 113N, Range 62W. Said water to be used for purpose of providing irrigation on portions of the following described land:

SE1/4, Section 8, T-113N, R-62W (these lands are covered under an existing permit)

This Application No. 4723-3A will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, June LaFee hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Huron

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

March 19, 1982 & March 26, 1982

June LaFee
(Signature)

Boopkooper
(Title)

3/19/82
(Date Signed)

Cost of Printing: \$44.26

F.P. 3-19-82 L.P. 3-26-82
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 2, 1982

Notice is hereby given Morris Mortimer, whose post office address is Rural Route, Hitchcock, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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; 46-5-25; 46-5-41; 46-6-3 thru 46-6-5; 46-6-6.1; 46-6-10; 46-6-13; 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater. (two wells, one existing) through the Mortimer Irrigation to add an additional point of diversion on an existing permit which is to be located in the SE 1/4 SE 1/4 of Section 8, Twp. 113N, Range 62W. Said water to be used for purpose of providing irrigation on portions of the following described land:

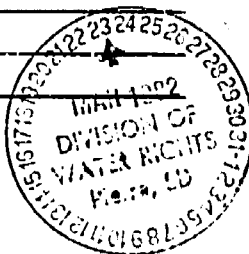
SE 1/4, Sec. 8, T. 113N, R. 62W (these lands are covered under an existing permit).

This Application No. 4723-3A will be considered by the Water Management Board at Meeting Room No. 1, Enelp Bldg., Church & Illinois, Pierre SD upon the 7th day of April 1982 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 Circuit Court and the State Supreme Court as provided by law.

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

For the
Water Management Board
Betty Westlund
Water Rights Specialist
No. 119 (adv.)



WNR-808-7/79
Proof of Publication

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8715

PIERRE, February 11, 1982, 1982

RECEIVED OF Jack Haimbuck, Box 124, Hitchcock, SD 57348 (for Morris Mortimer Permit)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1422-34 (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/MS

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 27, 1982

This is to notify you that the title to the lands described as follows:
SE $\frac{1}{4}$ Section 8, T113N, R62W

formerly owned by Morris Mortimer

has been transferred to Jack Heimbuch, RR Box 124, Hitchcock

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4723-3A 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 Office 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 Hughes) ss.

I, Jack Heimbuch being first duly sworn on my oath despose 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.

Jack Heimbuch
(Signed)

Subscribed and sworn to before me this 27th day of July, 1982.

Genny Young
Notary Public
Water Rights Specialist

South Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 27, 1982

Jack Heimbuch
RR, Box 124
Hitchcock SD 57348

Dear Mr. Heimbuch:

Enclosed are receipt Nos. 8915 thru 8920 in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1608-3, 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3.

Our records now show you as the owner of these Water Permits.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8918

July 27

82

PIERRE, -----, 19-----

RECEIVED OF Helmbuch Farms, Hitchcock SD 57348

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

Fee for Application for Permit to Appropriate Water No. ----- (examination, processing, recording and filing) -----		
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 ----- transfer of Permit No. 4723-3A	2	50
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

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

 **Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

4722-3, 4722-3A, 4723-3, 4723-3A
Jack Heimbuch
RR Box 124
Hitchcock SD 57348

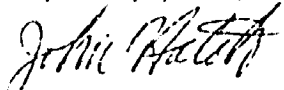
Dear Sir: 4722-3, 4722-3A

Water Permit No. 4723-3, 4723-3A was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

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

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

File No.
4722-3
4722-3A
4723-3A
4723-3
4724-3

WATER RIGHTS DIVISION
Conversation or File Documentation

NAME OF PERSON OR FILE: Jack Heimbuch

ADDRESS: RR# 1 Box 124 Hitchcock
COUNTY: Beadle

DATE: 7-8-86

TELEPHONE:

RE: Suspended W.R. & Transfer

COMMENTS:

Inspection of Jack Heimbuch's suspended water rights was done at 12:30 P.M., 7-2-86. At this time none of the land on the permits mentioned above were being irrigated. Upon further investigation it was discovered that Mr. Heimbuch's land had been sold to Larry Lovett and Thomas H. Tobin. It is also believed that Mr. Lovett and Mr. Tobin are irrigating the land.

NAME:

Michael Jensen

Improper notice - permits not suspended.

1608-3 - Jack Heimbuch is also owned by Lovett & Tobin

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

1608-3
4722-3
4722-3A
4723-3
4723-3A
4794-3

July 31, 1986

Thomas Tobin, Attorney
P.O. Box 1456
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Please find enclosed copies of a Notice of Transfer of Water Permit form. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$15.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$15.00 the permits will be transferred to the proper name. South Dakota Water Law 46-5-:0.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.6



Department of Water & Natural Resources

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

April 2, 1986

Jack. Halmbuch
RR 1, Box 124
Hitchcock, SD 57348

NOTICE

Re: Violation of Water Permit No(s) 4723-3 A, 4722-3
A, 4723-3, 1608-3, 4794-3, and 4722-3 and 1985 Irrigation Questionnaire
Requirements.

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3. The request for the questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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 of violation of Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 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). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 p.m., May 14, 1986, in Room 216, Joe Foss Building, Pierre, South Dakota.

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 hearing(s), the Water Management Board can:

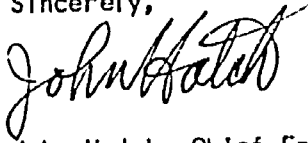
1. Suspend Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 until either the 1985 Questionnaire is submitted or for the period of up to one year;

Jack Helmbuch
April 2, 1986
Page 2

2. Amend Permits No(s). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 also held by Jack Helmbuch 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.

Sincerely,



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

Note: If the questionnaire(s) are received in this office before the May 14th 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.

32403KS.WR



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jack Heimbuch
RR 1 Box 124
Hitchcock SD 57348

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by Del Brag*
605 773-3352

SUBJECT: One Year Suspension of ~~Water~~ Permit No(s). 4722-3,
4722-3A, 4723-3, ~~4723-3A~~, 4794-3 If the 1985
Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated April 2, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 19, 1986

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

SE $\frac{1}{4}$ Section 8, T113N-R62W

formerly owned by Jack Heimbuch, RR#1, Box 124, Hitchcock, SD
has been transferred to Thomas M. Tobin and Larry Lovett 1203 Apollo Ave., Aberdeen SD
(please include complete mailing address) 57401
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4723-3A 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 Brown) ss.

I, Thomas M. Tobin 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.

Thomas Tobin
(Signed)

Subscribed and sworn to before me this 19th Day of August, 1986.

Jan. Churitz
(Notary Public)
3-20 Day



RECEIPT

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

410522

Pierre. _____ August 20 = _____, 1926 $\frac{1}{2}$

RECEIVED OF Thomas Tobin, 1208 Apollo Ave., Aberdeen, SD 57101

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 <u>4723-3A</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

1608-3
4722-3
4723-3
4723-3A
4794-3
4722-3A

August 21, 1986

Thomas M. Tobin
1208 Apollo Avenue
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Enclosed are receipt Nos. 410525, 410526, 410527, 410528, 410529 and 410530 in the amount of \$2.50 each total of \$15.00 which you paid for transfer of Water Right Nos. 1608-3, 4722-3, 4723-3, 4723-3A, 4794-3 and 4722-3A.

Our records now show Thomas M. Tobin and Larry Lovett as the owners of these Water Rights.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.6

Equal Opportunity Employer



4723-3A
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: THOMAS M TOBIN, PO BOX 1766, ABERDEEN, SD 57401 1766
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 282-3, 4723-3A & 4794-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 282-3, 4723-3A & 4794-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 282-3, 4723-3A & 4794-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 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 at (605) 773-3352.

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



7723-571
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2000

Larry Lovett
PO Box 1766
Aberdeen, SD 57401-1766

RE: Irrigation Questionnaires

Dear Mr. Lovett:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for the following:

1423-3, 2976A-3 & 3317A-3 – Larry Lovett
130A-3 – John Mortimer
282-3, 4723-3A & 4794-3, Thomas M Tobin

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

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

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

WATER RIGHTS DIVISION
(605) 773-3352

4723-3A
4794-3

March 30, 1987

John Lovett
Route 1, Box 86
Hitchcock, South Dakota 57384

Dear Mr. Lovett:

The inspection of your water use systems and inspection of the extent of the application of water to beneficial use, as developed under your Water Right Nos. 4723-3A and 4794-3 has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of each Water License making a total charge of \$100.00 for the two licenses. Upon receipt of the \$50.00 fee for each license from you your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

SECOND NOTICE

July 14, 1987

Permit Nos. 4723-3A & 4794-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

John Lovett
RR #1 Box 86
Hitchcock, SD 57384

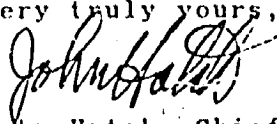
Dear Mr. Lovett:

March 30, 1987 you were notified the final inspection fee of \$50.00 each (total of \$100.00) was due before Water License Nos. 4723-3A and 4794-3 could be issued. As of this date, the fees have not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permits.

Very truly yours,



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

RECEIPT

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

410041

Pierre, July 22, 19 97

RECEIVED OF Thomas Tobin/Larry Lovett, Box 1766, Aberdeen, SD 57401

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. <u>4723-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

[Signature]
Chief Engineer

JOHN HATCH

(ms)

4723-3A

James River

Water District:

1016 0000 6

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

... of the system is contained by Larry Lovet

in) 1208 Apollo Avenue of Aberdeen, SD 57401 holder of

Permit No. 4723-3A, bearing the priority of April 9, 1981, authorizing

the diversion of 2.28 cu. ft. per second of the waters of wells (two)

for irrigation purposes, in Beadle County.

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

A. Works used to divert the water: 2 Wells

Center Well: 90' deep, 16" Plastic Casing, 20' St. Steel Screen

Pump: Berkeley Pump

Motor: General Electric Vertimax, Model 5K6234XM503B
Well: Submerged (75' deep) 25 H.P.

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

25 H.P.

20' of 8" Aluminum pipe From center well

400' of 6" PVC pipe underground From East well

C. Works used to apply water to beneficial use:

Tumac Center Pivot

7 towers

7 towers
operated at 25 psi

The system is in the following condition good

The point of diversion is located 1 well in the center of 1 well 400' East
of center. Beth in the SE 1/4 Sec. 8, T113N, R62W

The works are capable of diverting and conveying to the place of use 2.47

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

Water has been put to beneficial use to the maximum extent as follows: Sec. 8, T113N, R62W

NW 1/4 SE 1/4 - 34 acres

NE 1/4 SE 1/4 - 34 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 34 "

SW 1/4 SE 1/4 - 34 "

comprising a total of 136 acres of land and the license should be issued for 2.5 yrs 1.94 cfs

Applicable permit qualifications have been complied with ✓ Yes No

Exceptions to compliance are: _____ Date Mar. 12, 1987

James L. Wendt

LICENSE FOR PERMIT NUMBER 4723-3A

Love H
3-12-87

(3)

1. Legal location of wells: Center A 4 400' E of Center
of SE 1/4 of A-113-12

dams & structures: _____

2. Well Information: Well Drilling Firm Empire Center
Riverside

No. of wells 2 Depth E-75' Center-90'

Casing a) diameter 16" - center Screen a) type 54 Steel
4" - Pvc

b) length _____ b) length 20'

c) type Plastic Static Water Level _____

Pump a) make Parkway Motor a) make GE Verticon

b) model 400' E b) model no. 5K6234XM503B

c) size _____ c) horsepower rating 25

d) capacity 1250 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

Center a) size of lines 6" Iron E. well

8" PVC b) type PVC

c) length 400' buried

Helper Well
400' E of center
Submerged

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

State of South Dakota
Water License No. 4723-3A

(1) Morris Mortimer
of RR, Hitchcock, South Dakota 57348
made Application No. 4723-3A, February 2, 1982 for a water permit to appropriate
No Add'l cubic feet per second of water from groundwater-one additional well on Permit No. 4723-3
Beadle County, South Dakota for irrigation purposes.
Permit No. 4723-3A, with a priority date of April 9, 1981
was approved April 7, 1982 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before April 7, 1984 and for the application to beneficial use of said
water on or before April 7, 1984.

August 20, 1986, Water Permit Nos. 4723-3 and 4723-3A were transferred to Thomas Tobin and Larry Lovett.

Water Permit No. 4723-3A was approved to authorize an additional point of diversion on Permit No. 4723-3 with no additional water appropriated and no additional lands to be irrigated. Water Permit No. 4723-3A retained an April 9, 1981 priority date.

The applicable portions of Water Permit No. 4723-3 have been incorporated into this Water License No. 4723-3A.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are #1 - the center of SE $\frac{1}{4}$ and #2 -
400' E of Center of the SE $\frac{1}{4}$, Section 8, T113N, R62W.

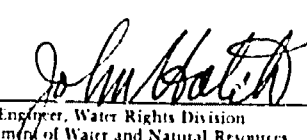
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T113N-R62W

Section 8	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres
	TOTAL	136 ACRES

(4) Pursuant to §16-5-30.1 Thomas Tobin and Larry Lovett
of PO Box 1766, Aberdeen, South Dakota 57401
the holder(s) and/or owner(s) of ~~XXXXXX~~ ^{Incorporated} No. 4723-3A is issued a license to appropriate water, the right to use
1.94 cubic feet per second of water from groundwater (two wells) with a priority date
of April 9, 1981 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in ~~XXXXXX~~ ^{Incorporated} No. 4723-3A and subject
to South Dakota State Law.


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

JOHN HATCH

NOV 2 1987

No. 4723-3A

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 2 1987

Thomas Tobin
Box 1766
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Enclosed herewith is, Water License No. 4723-3A. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 4723-3 have been incorporated into this Water License No. 4723-3A.



4723-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2003

4723-3A
4794-3

Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Sirs:

Thank you for returning the yearly irrigation questionnaires. The forms indicate a change of ownership has occurred. Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change. The water rights are currently listed in the name of Thomas M Tobin and Larry Lovett. I have also enclosed copies of each of the water licenses for your records.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

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 me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 29, 20 03

RECEIVED OF Marshall Brothers, 19032 388th Ave., Hitchcock SD 57348

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	2 50	
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>4723-3A</u>		
Fee for _____ for C.Y. _____		
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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

001018

By

Chief Engineer

Darland Ebel
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4723-3A

Date: 12-24-03

I/We request that Water Right/Permit No. 4723-3A

formerly owned by: Thomas Tobin & Larry Lovett

be transferred to: (name & address) Marshall Brothers, 19032 388th Ave, Hitchcock SD 57348

Telephone No. 605 266-2720

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

136 acres – SE ¼ Section 8-T113N-R62W

I/We understand that the validity of Water Right/Permit No. 4723-3A 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 Marshall Brothers by Gary Marshall partner, the new owner, certify that the above information is true and correct.

Marshall Brothers by Gary Marshall partner
(Signed by new owner)

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

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

RECEIVED

DEC 24 2003

WATER RIGHTS
PROGRAM



4723-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2003

4723-3A
4794-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Thank you for following up on the ownership change for Water Right Nos. 4723-3A and 4794-3. The transfers have been completed. The water rights formerly listed in the name of Thomas Tobin and Larry Lovett are now listed in the name of "Marshall Brothers".

Enclosed are your Receipt Nos. 001018 and 001019 in the amounts of \$2.50 each. You may keep these for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: MARSHALL BROTHERS, GARY MARSHALL, 19032 388TH AVE, HITCHCOCK, SD 57348

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4723-3A, 4794-3 & 6471-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4723-3A, 4794-3 & 6471-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4723-3A, 4794-3 & 6471-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4723-3A

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0636

Your item was delivered at 12:07 pm on January 21, 2005 in
HITCHCOCK, SD 57348. The item was signed for by G MARSHALL.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0636

MARSHALL BROTHERS
GARY MARSHALL
19032 388TH AVE
HITCHCOCK SD 57348

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



4723-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2005

4723-3A
4794-3
6471-3

Gary Marshall
Marshall Brothers
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4723-3A and 4794-3 and Water Permit No. 6471-3.

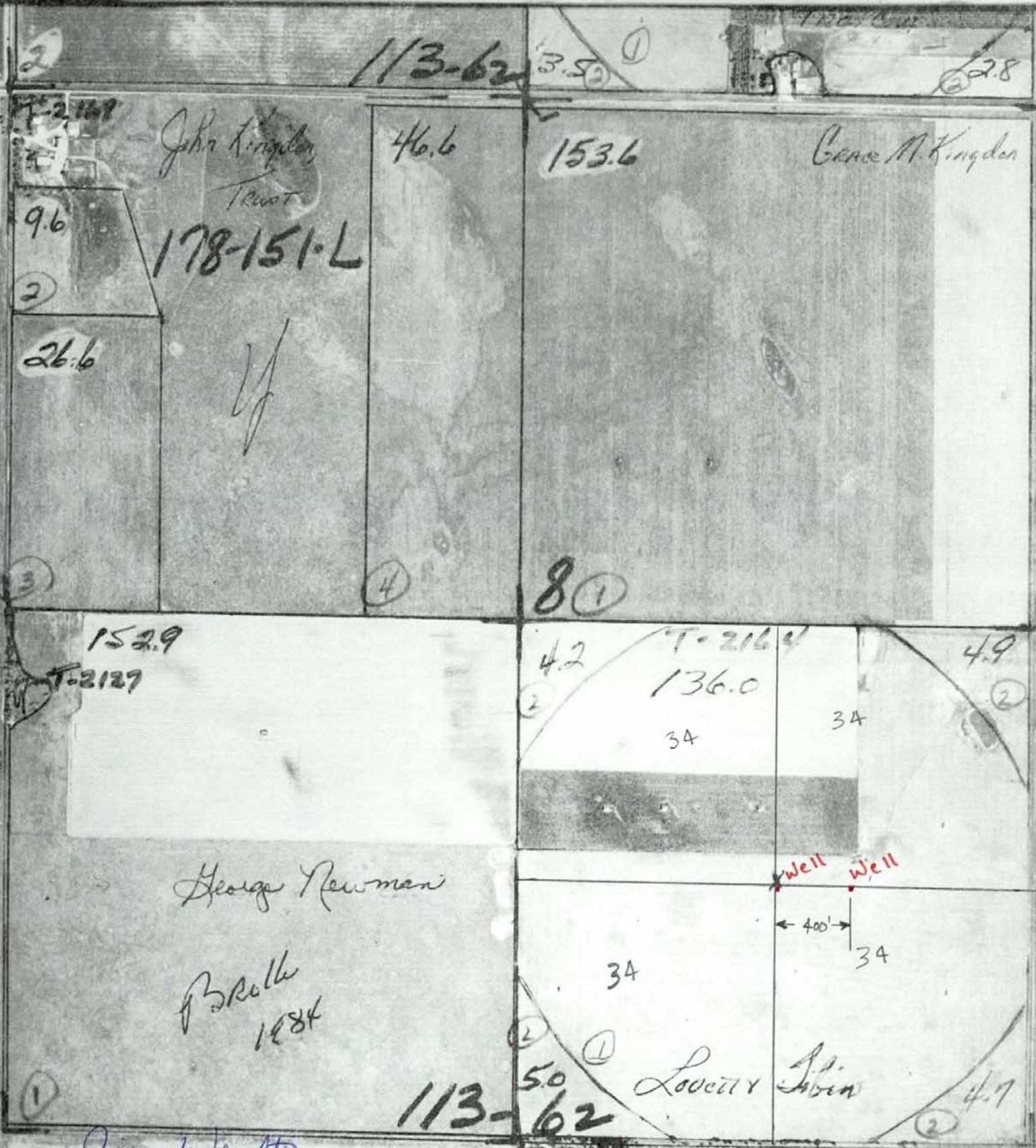
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

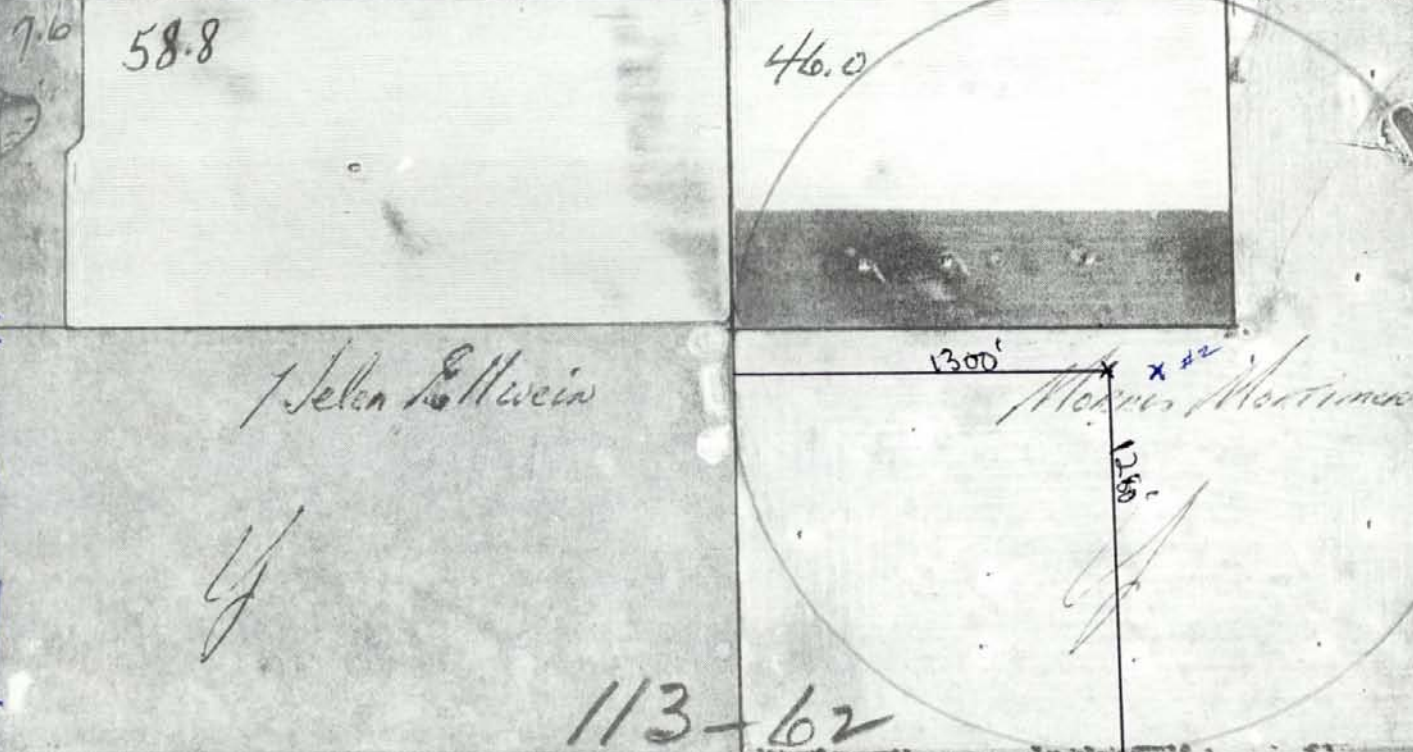
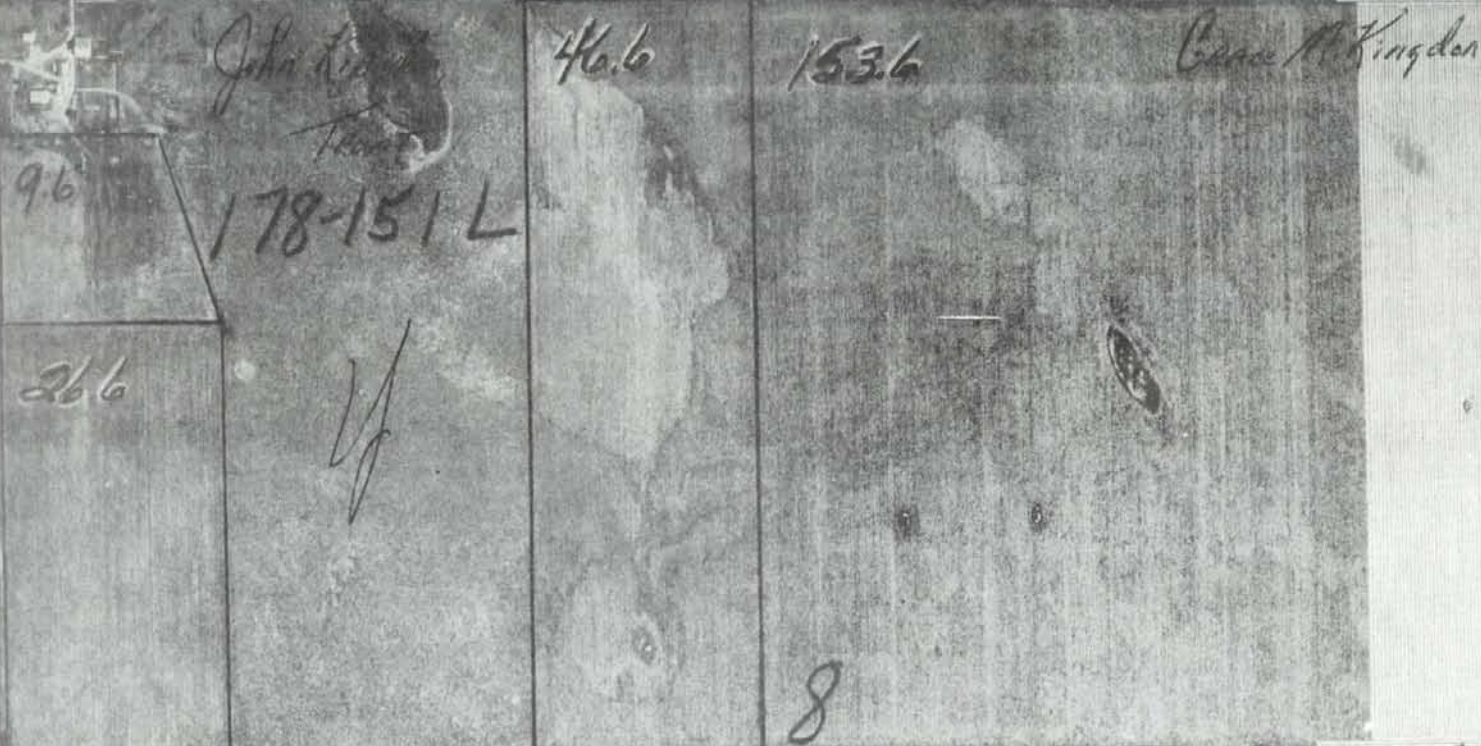
NOT TO SCALE



Jim Wendt
Natural Resources Engineer
8-7-87

Water License No.
4723-3A

NOT TO SCALE



BEADLE CO. ASCS
Box 297
Huron, S.D. 57350

B. Lamb

MAP NO. 3433-3
APPL NO. 4723-3
APPL NO. 4723-3A

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR 29 2015

WATER RIGHTS
PROGRAM

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

No. 4723-3A

Date: 4-29-15

I/We request that Water Right No. 4723-3A

formerly owned by: Marshall Brothers

be transferred to: (name & address) Gary Marshall, 19032 388th Avenue, Hitchcock SD 57348

Telephone No. 605 350-1401

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

136 acres - SE 1/4 Section 8, T113N, R62W

I/We understand that the validity of Water Right No. 4723-3A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Gary Marshall
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/29, 2015

RECEIVED OF Gary Marshall 10932 388th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4723-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07360**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 7, 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

RE: 7721-3, 7720-3, 7719-3, 7640-3, 7639-3, 7638-3, 7637-3, 7575B-3, 7573-3, 7126A-3,
4794-3, 4723-3A, 3054A-3

Dear Mr. Marshall:

I am writing in follow-up to your office visit last week when you submitted ownership changes to the above listed water permits and water rights.

All of the ownership changes with the exception of Water Permit No. 7575B-3 have been completed. The ownership change submitted for portions of Water Permit No. 7575-3 is being processed separately. This is done in part because the permit will need to be divided and reissued to reflect separate ownership (No. 7575A-3 - Terry Marshall and No. 7575B-3 - Gary Marshall).

The receipts for the filing fees are enclosed. If you have any questions, please let me know.

Sincerely,

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

enclosures – receipts for the filing fees



4723-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Gary Marshall
19032 388th Ave
Hitchcock SD 57348

Dear Mr. Marshall:

Enclosed are Water Permit Nos. 4794B-3, 7573A-3 and Reissued Water Permit No. 7573-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 4794B-3 incorporates Water Permit No. 4794-3.
Water Permit No. 7573A-3 incorporates Water Permit No. 4723-3A.

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 7573A-3

Date of first receipt of application April 29, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7573A-3 to Gary Marshall, 19032 388th Ave, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7573A-3 transfers 24 acres to other land. Permit No. 7573-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NW 1/4 Section 27-T114N-R63W. This permit will move 24 acres from the NW 1/4 Section 27 to the SE 1/4 Section 8-T113N-R62W to accommodate installation of a cornering system to Water Right No. 4723-3A. Water Right No. 4723-3A appropriates 1.94 cfs from two existing wells completed into the Tulare Western Spink/Hitchcock Aquifer located near the center of the SE 1/4 Section 8 to irrigate 136 acres located in the SE 1/4 Section 8; all in T113N-R62W. Permit No. 7573A-3 authorizes a total diversion of 1.94 cfs to irrigate 160 acres.

Water Permit No. 7573-3 is reissued to appropriate 1.78 cfs from one well located near the center of the NW 1/4 Section 27 for irrigation of 136 acres in the NW 1/4 Section 27; all in T114N-R63W, Water Permit Nos. 7573-3 and 7573A-3 are now stand alone permits.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The dates from which applicant may claim right are December 14, 2012 (24 acres comprised of 6 acres in corners) and April 9, 1981 (1.94 cfs and 136 acres established by No. 4723-3A).
4. The date of approval of Permit No. 7573A-3 is July 27, 2015.
5. One-fifth of the construction is to be completed on or before November 2, 2015.
6. All construction is to be completed on or before May 2, 2015.
7. Water is to be put to beneficial use on or before May 2, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Permit Nos. 4723-3A and 7573A-3 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7573A-3 incorporates Water Right No. 4723-3A.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 27 2015
date

