

1. Considered 5-27 1981
2. Name of Applicant L. UERN J. MILLER
3. Post Office Address WATERTOWN
4. Amount of Water Claimed 4.28
5. Source of Water Supply 175' & 160' DEEP WELLS
6. Water to be used for IRRIGATION
7. Acres to be irrigated 300 maximum acre feet
8. Water to be diverted and used in CODINGTON County about 3N, 6E miles of WATERTOWN
9. PROOF OF PUBLICATION Received 1st 5-22-81

Not Received _____

APPLICATION

Approved 5/27/81

QUESTIONED BY IRANCIS JANKORD -
HA, SHALLOW WELL - DIFFERENT FORMATION

Subject to WI-1

Not Approved _____

Action deferred _____

Priority

Date

Received 5-1-81 Application Complete yes ☒ no ☐ FEE ☒

Remarks _____

Date information and/or

fee or corrected Application received _____

Period of Annual use _____

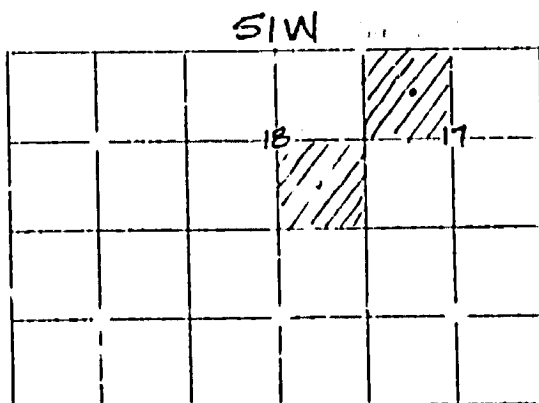
WATER
QUALITY

Received: yes 5/8/81 no ☐ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application, yes ☒ no ☐ Remarks _____

Disapproved _____

Returned _____



Diversion Point center of
the SE¹ Sec 18, and NW²
Section 17, T11N, R51W

117N

lands to be irrigated SE¹

SEC 18; NW² SEC 17,

T 117N, R 51W

WELL
LOG

Remarks _____

Driller STARHLYM Licensed yes ☒ no ☐

Depth 175' & 160'

MAP Map No. 2960-3 Map located in Water Right ☒ Map file _____
 Type of Map Aerial Photo Prepared by D. B. Brier

+++++

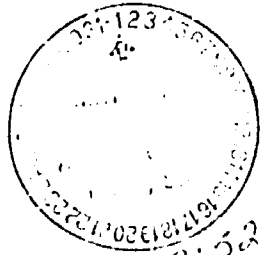
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-8-61.
D. B. Brier
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC.

Remarks _____

No. 4749-3Map No. 3960-3 Water Division No. 3 BIG SIOUX RIVER District
Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant LYVERN J. MILLER Phone No. 886-6558
Post Office Address RR #4 WATERLOO State SD 57201
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation ADM FARMS - 1975 - WATERLOO
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work ADM FARMS IRRIGATION PROJECT #1
4. Amount of water claimed (cubic feet per second) 4.28 CFS
5. Source of water supply GROUND WATER - SHED WELLS
6. Location of point of diversion WELL #1 - 1900' N 45° W OF SE CORNER OF SEC 18, T17N, R51W; WELL #2 - 1900' N 134° E OF NW CORNER OF SEC 17, T17N, R51W County CODINGTON
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 300

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.
NW 1/4, NW 1/4, SEC 17, T17N, R51W	37
NE 1/4, " " " "	38
SE 1/4, " " " "	39
SW 1/4, " " " "	37

Land Description	No. Acres Irr.
NW 1/4, SE 1/4, SEC 18, T17N, R51W	38
NE 1/4, " " " "	37
SE 1/4, " " " "	39
SW 1/4, " " " "	37

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use — years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water WATERLOO
12. Principal Features of the Proposed Water Supply System. PUBLIC OPINION

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

TURBINE PUMPS

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

BURIED PIPE LINES

C. Works proposed to apply water to beneficial use.

CENTER PIVOTSEstimated Total Cost \$ 140,000

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 DEUEL) ss.I, LYVERN MILLER 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 Lyvern J. MillerSubscribed and sworn to before me this 27 day of APRIL, 1984Charles W. Nelson

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4749-3

LUVERN J. MILLER
(Applicant)

RT #4, WATERTOWN
(Post Office Address)

SOUTH DAKOTA 57201
(State)

With the following qualifications

The irrigation wells 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 May 1, 19 81
Date of return to applicant for correction, amendments or changes required May 4, 19 81
Date of receipt of corrected application May 8, 19 81
Approved May 27, 19 81, Recorded in Book 22 Page 203

WATER RIGHT PERMIT NO. 4749-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4749-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 1, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27, 19 83
3. The whole of said work is to be completed on or before May 27, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 86
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 4.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before May 27, 19 86; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 3rd day of June, 19 81

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

STADHEIM

FERTILIZER, IRRIGATION & DRILLING COMPANY

R.R. No. 2

Watertown, South Dakota 57201

Phone 605/886-5532

Test Holes — Domestic Wells — Irrigation Wells

T-L IRRIGATION SYSTEMS & EQUIPMENT

DRILLING REPORT

Location of Well: 1/4 - SE 1/4 - Section 18, Township 11, Range 57

Well to be drilled for: A & M FARMS - LARRY M. & MRS. H. A. FARMS
(Name) (Address)

Cody, Wyo. So. Dak 57201
(County) (State)

Date well drilling started 4-15-81 finished 4-23-81

Purpose of well Test Holes - Irrigation
(domestic, irrigation, industrial, other)

Depth 155 ft. Casing Diameter 4 inches

Slot Size 40 Screen Size 4

Screen Depth: From 135 ft. to 155 ft.

Remarks: Well Pumped

Large Amount of Water

26 Casing - 5" PM Tech



REPORT OF FINAL PUMPING TEST

No. 1 Write Additional Times and Readings on Back of Page

Elapsed Time From Start of Pumping		Water Level		Discharge
O hr.	O min.	ft.	in.	(Static)
4	hr. - min.	26	ft. in.	300 GPM
	hr. min.	ft.	in.	GPM
	hr. min.	ft.	in.	GPM
	hr. min.	ft.	in.	RECOVERY

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
No. 1			No. 2 - Supply Well		
Black Dirt	0	3	Black Dirt	0	3
Soft Yellow Sand	3	4	Silt Yellow Clay	3	6
Yellow Clay	4	34	Yellow Gravel	6	10
Blue Clay	34	41	Clay	10	34
Sand & Silt	41	70	Blue	34	124
Soft Blue Clay	70	124	Coarse Gravel - Rock	124	141
Coarse Gravel - Rock	124	153	Water Level 25 ft		
Blue Clay	153	160			

STADHEIM

FERTILIZER, IRRIGATION & DRILLING COMPANY

R.R. No. 2

Watertown, South Dakota 57201

Phone 605/884 5532

Test Holes — Domestic Wells — Irrigation Wells

T-L IRRIGATION SYSTEMS & EQUIPMENT

DRILLING REPORT

Location of Well: 1/4 NW 1/4 Section 17 Township 117 Range 51

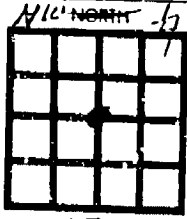
Well to be drilled for: ATM Farms - Lillian Miller - 4044 Watertown

Codington (County) S.D. (State) 57201

Date well drilling started 4-22-81 finished 4-23-81

Purpose of well Test Holes - Irrigation
(domestic, irrigation, industrial, other)

Depth ft. Casing Diameter inches
Slot Size Screen Size
Screen Depth: From ft. to ft.
Remarks:



REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

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

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
<u>No. 3</u> <u>Black Dirt</u>	<u>0</u>	<u>2</u>			
<u>Soft Yellow Clay</u>	<u>2</u>	<u>3</u>			
<u>Yellow Sand</u>	<u>3</u>	<u>16</u>			
<u>Yellow Clay</u>	<u>16</u>	<u>33</u>			
<u>Blue "</u>	<u>33</u>	<u>76</u>			
<u>Gravel Pocket</u>	<u>76</u>	<u>77</u>			
<u>Blue Clay</u>	<u>77</u>	<u>125</u>			
<u>" Clay & Gravel Mixed</u>	<u>125</u>	<u>130</u>			
<u>Blue Clay</u>	<u>130</u>	<u>135</u>			
<u>Blue Clay - Gravel Strata</u>	<u>135</u>	<u>150</u>			
<u>Gravel & Rock</u>	<u>150</u>	<u>175</u>			

FERTILIZER, IRRIGATION & DRILLING COMPANY

R.R. No. 2

Watertown, South Dakota 57201

Phone 605/886-5532

Test Holes — Domestic Wells — Irrigation Wells

T-L IRRIGATION SYSTEMS & EQUIPMENT

DRILLING REPORT

Location of Well: 1/4, N 1/4, - Section 17, Township 117, Range 51

Well to be drilled for: A J M Farms - Leeson Miller APR 11 - 1st section
(Name) (Address)

(County)

(S'c'e)

Date well drilling started _____ finished 14-24-81

Purpose of well 9077-V Well Irrigation
(domestic, irrigation, industrial, other)

Depth 146 f. Casing Diameter 4 inches 40'4" NORTH SEC 17

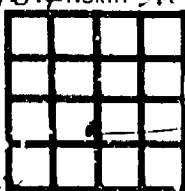
Slot Size 4i Screen Size 11

Screen Depth: From 126 ft. to 146 ft.

Remarks:

74 Group APPA.

excellent with



1 MILE

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From
Start of Pumping

Water Level

Discharge

0 hr. 0 min.

56 ft. in.

(Static)

11 be 12

79. 44 in

300 GPM

1999

GRADE

_____ hr. _____ min.

_____ 11. _____ 111.

RECOVERY

hr min.

ft. in

[illegible]

D Well Information

- (1) Drill Hole, Diameter 15 IN., Depth 175'
- (2) Casing, Type PLASTIC, Diameter 10 IN., Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type STAINLESS STEEL, Diameter 10 IN., Length 30 FT.
OR PLASTIC
- (4) Gravel Pack, Thickness 2 1/2 IN., Length of gravel pack 40 FT.

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) WELL #1 WELL #2
- Depth to top of water bearing material 130' 150'
- Depth to bottom of water bearing material 160' 175'
- Depth to water (ground surface to water level) 28'

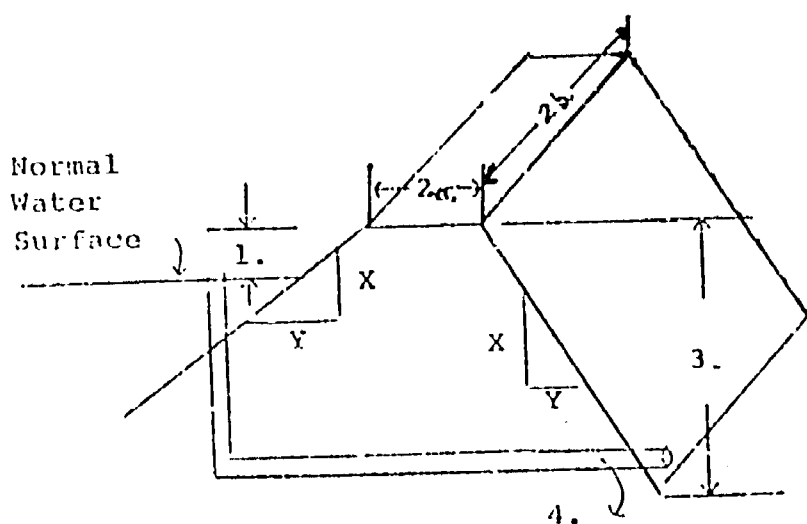
(2) Distance to nearest existing household or livestock watering well

On same owner's property _____ rds.

On property owned by others 3/4 MILE rds. DIFFERENT AQUIFER

G Water Storage Dams

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



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

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only
2871-00

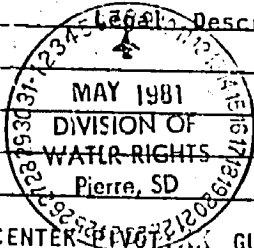
OWNERS NAME: Luyern Miller OWNERS ADDRESS: R. P. A
A&M Farms Inc. Watertown, SD 57201
COUNTY LAND LOCATED IN: Codington PHONE: 886-6500
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

1. WELL LOCATION OR DIVERSION POINT: #1 center SW 1/4 Sec. 18-117-51
2. SURFACE WATER SOURCE: N/A #2 center NW 1/4 Sec. 17-117-51
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
SW 1/4 Sec. 18-117-51	160		
NW 1/4 Sec. 17-117-51	160		



4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER: _____ GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 81-338 81-404
8. SALINITY (EC X 10⁶): 1850 2100
9. SODIUM (SAR): 1.38 1.06
10. ADJUSTED (SAR): 3.96 (2.77) 3.01 (2.11)

RECEIVED

MAY 01 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 instruction sheet) were followed, and that the sample was taken at 3:30 a.m./p.m., on 21 April 1981, at the following location: SW 1/4 Sec. 18-117-51 & NW 1/4 Sec. 17-117-51 by Marlan Mendenhall (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 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
10 DAY OF April, 19 81.

(NOTARY PUBLIC)

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 PERMIT must be obtained from the Board of Water Management.

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Lavern Miller / A & M Farms Inc.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Ex - Puse-Vienna - Sioux

Dvd - Puse - Vienna

These soils should not be irrigated due to steepness of slopes. These soils are indicated by red hatch marks.

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

The Lamoure and Sioux Soils are poorly drained and should be returned to grass or alfalfa grass mixture if problems with ponding occur.

RECOMMENDED MANAGEMENT

No. 4749-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

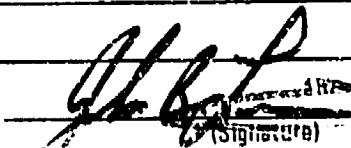
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Watertown

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

May 13, 1981

May 20, 1981


(Signature)

John R. Lowrie, General Manager
(Title)

May 20th, 1981
(Date Signed)

Cost of Printing: \$39.66

PUBLIC NOTICE

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501

May 8, 1981

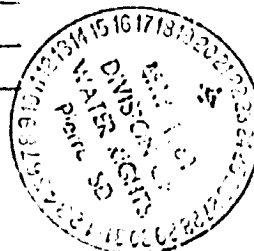
Notice is hereby given that Luvern J. Miller whose post office address is Watertown, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-3-1 thru 46-3-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.28 cubic feet of water per second of time from groundwater (two wells) through the A&M Farms Project, No. 1, the point(s) of diversion of which are to be located in the center of the NW 1/4, Section 17, and the center of the SE 1/4 of Section 18 both, Twp. 117N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, Section 17 and SE 1/4, Section 18, T117N, R51W.

This Application No. 4749-3 will be considered by the Water Management Board at Meeting Room No. 1, Knapp Building Church & Illinois, Pierre, SD upon the 27th day of May, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

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

WATER MANAGEMENT
BOARD
Burton F. Jones
Water Rights
Specialist
(May 13, 20, 1981)



6 1/2 @ 3.05 x 12 =
\$ 39.66

No. 4749-3

Publish first publication, on or before May 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Lavern J Miller whose post office address is Watertown, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.28 cubic feet of water per second of time from groundwater (two wells)

through the A & F Farms Project #1, the point(s) of diversion of which ~~xxx~~(are) to be located in the center of the NW 1/4, Section 17, and the center of

the SE 1/4

of Section 18, Twp. 117N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 17 and SE 1/4, Section 18, T117N, R51W

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WATER MANAGEMENT BOARD

cc: Lavern J Miller
Rt #4
Watertown SD 57201

~~RECEIVED~~ BURTON F JONES
Water Rights Specialist

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

~~601~~
call him
tomorrow morning

Francis Gammond

886-2155

~~REDACTED~~

5-19-81

IS CONCERNED ABOUT APAN^D 4749.3
OF LOVERD MILLER. HE HAS SHALLOW
WELL - MILLER PROPOSES 160' & 175'
WELL -- TOLD HIM WE DID NOT
THINK THERE WOULD BE INTERFERENCE
DOUBT THAT HE HAS AN ADEQUATE
WELL.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8198

May 4 81

Lavern J. Miller, RR#4, Watertown, SD 57201

PIERRE

5/201

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

Fee for Application for Permit to Appropriate Water No. 4749-3 (examination, processing, recording and filing)	360.00
Fee for Insp. cting 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	360.00

WATER RIGHTS COMMISSION

By *L. J. Miller*
Chief Engineer, Executive Officer

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

LUVERN J MILLER
114 15TH ST NE
WATERTOWN SD 572012913

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 5.501-3181

NOTICE

RE: Violation of Water Permit No(s) 4749-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4749-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Suspend Permit No(s) 4749-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to:

LOVERN J MILLER
114 15TH ST NE
WATERTOWN SD 572012913

4. Article Number

P 694 057 440

Type of Service:

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

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X *Lovern Miller*

6. Signature — Agent

X

7. Date of Delivery

2-4-91

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 13, 1991

4749-3

Luvern Miller
RR #4 Box 3
Watertown, SD 57201

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 4749-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Permit No. 4749-3

4749-3

Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Lavern J. MillerRP# 4 Box 3 of Water town SD 57201 holder ofPermit No. 4749-3, bearing the priority of May 1 19 81 authorizingthe diversion of 4.28 cu. ft. per second of the waters of groundwaterfor irrigation purposes, in Codington County.

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

A. Works used to divert the water: 2 wells the sameEO HP 8" Western. hand Roller pump capable of 900 GPM
run. by a John Deere Diesel engine Model # 4414DF-01

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

Well 1 - 8" steel piping 9' to center PivotWell 2 - 8" steel & pre piping 500' to center pivot

C. Works used to apply water to beneficial use:

2 center pivots T & L with 10 towers and 1320' in length
with an end gun using high pressure capable of 900 GPMThe system is in the following condition goodThe point of diversion is located Well #1 1320' North & 1470' West of the SE corner
Section 18-T117N-R51W Well #2 1780' South & 1250' East of the NW corner
Section 17-T117N-R51WThe works are capable of diverting and conveying to the place of use 4.00 (JAL)
cu. ft. per second of water which is to be used for 264 acres (irrigation purposes)Water has been put to beneficial use to the maximum extent as follows: Section 17-T117N-R51W

<u>Section 18-T117N-R51W</u>	<u>NW 1/4 NW 1/4 - 33 Acres</u>
<u>NW 1/4 SE 1/4 - 33 Acres</u>	<u>SE 1/4 NW 1/4 - 33 Acres</u>
<u>NE 1/4 SE 1/4 - 33 Acres</u>	<u>NE 1/4 NW 1/4 - 33 Acres</u>
<u>SE 1/4 SE 1/4 - 33 Acres</u>	<u>SW 1/4 NW 1/4 - 33 Acres</u>
<u>SW 1/4 SE 1/4 - 33 Acres</u>	

comprising a total of 264 acres of land and the license should be issued for 3.77 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 5/9/1991Norma C. Pels
Engineer

4749-3

LICENSE FOR PERMIT NUMBER 4749-31. Legal location of wells: Well #1 Sec 18-T117N-R511W SE 1/4

dams & structures: _____

2. Well Information: Well Drilling Firm Stadheim DrillingCompletion Report Yes No No. of Wells 1 Depth 160Casing a) diameter 12' Screen a) type _____b) length 140 b) length 20c) type Fiberglass Static Water Level 19Pump a) make Western Land Roller Motor a) make US Electric Motorsb) model _____ b) model No. Frame 80c) size 8" c) horsepower rating 80d) capacity 900 gpm ID# 9480-01-H-8.56e) turbine pump - no. of stages _____ run by these!f) operating PSI 80 motor John Deeremodel # 4414 DF-01

3. Distribution lines or canals

a) size 8"b) type steelc) length 9'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make T41 Irrigation Co.
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length 1320'
- 5) end gun (Y/N) Y
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) capacity (GPM) 900

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being added by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

4749-3

LICENSE FOR PERMIT NUMBER 4749-31. Legal location of wells: Well #2 Section 17-117-51 NW 1/4

dams & structures: _____

2. Well Information: Well Drilling Firm Stadheim DrillingCompletion Report Yes No No. of Wells 1 Depth 175Casing a) diameter 12" Screen a) type _____b) length 155 b) length 20c) type fiberglass Static Water Level 28Pump a) make Western Land Roller Motor a) make Diesel John Deereb) model _____ b) model No. 4414DF-01c) size 8" c) horsepower rating 80d) capacity 900 gpm USE Electric Motorse) turbine pump - no. of stages _____ ID# 9480-01-H-856 Frame 80

f) operating PSI _____

3. Distribution lines or canals

a) size 8" 8"b) type Steel PVCc) length 500'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make TAL
- 2) number of towers 10
- 3) distance between towers 120
- 4) overall length 1320'
- 5) end gun (Y/N) Y
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) capacity (GPM) 900

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota

FOSS

GREAT LACES. GREAT PLACES.

4749-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 1991

4749-3

Lavern Miller
RR 4 Box 3
Watertown, SD 57201

Dear Mr. Miller:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4749-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Genny McHath

Genny McHath
Natural Resources Analyst
(605) 773-3352

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 25, 1911

RECEIVED OF A. & P. Tamm, Inc., R. A. No. 1, Sisseton, S.D. 57701

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>4749-3</u>	30	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	30 00

By John H. H. H. H.
Chief Engineer

South Dakota

4749-3

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 30 1991

4749-3

Luvern J. Miller
RR 4, Box 3
Watertown, SD 57201

Dear Mr. Miller:

Enclosed is Water License No. 4749-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412751 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4749-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

4749-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4749-3

(1) Luvern J. Miller of RR 4, Box 3, Watertown, SD 57201 made Application No. 4749-3, May 1, 1981 for a water permit to appropriate 4.28 cubic feet of water per second from groundwater (two wells), Codington County, South Dakota for irrigation purposes. Permit No. 4749-3 with a priority date of May 1, 1981 was approved May 27, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 27, 1986 and for the application to beneficial use of said water on or before May 27, 1986.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.77 cubic feet of water per second for beneficial use. The location of the diversion point(s) are: Well #1 - 1320'N and 1470'W of the SE corner of Section 18, T117N, R51W; Well #2 - 1780'S and 1250'E of the NW corner Section 17, T117N, R51W.

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

T117N, R51W Section 17	NW 1/4 NW 1/4	33 Acres
	SE 1/4 NW 1/4	33 Acres
	NE 1/4 NW 1/4	33 Acres
	SW 1/4 NW 1/4	33 Acres
Section 18	NW 1/4 SE 1/4	33 Acres
	NE 1/4 SE 1/4	33 Acres
	SE 1/4 SE 1/4	33 Acres
	SW 1/4 SE 1/4	33 Acres
	Total-----	264 Acres

(4) Pursuant to Section 46-5-30.1 Luvern J. Miller of RR 4, Box 3, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 4749-3 is issued a license to appropriate water, the right to use 3.77 cubic feet of water per second from groundwater (two wells) with a priority date of May 1, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4749-3 and subject to South Dakota State Law.

 JUL 30 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

6/6/63

(Use Back if Ne ss y)

Date: _____

f_2, f_4, f_6

Address 1174 Webster St.

4. S.E. 1/4 Sec. 16 Twp. 12N. R. 1E.

☐ Domestic ☐ Municipal ☐ Textile
☒ Irrigation ☐ Industrial ☐ Steel

☒ Forward Rotary ☐ Pored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

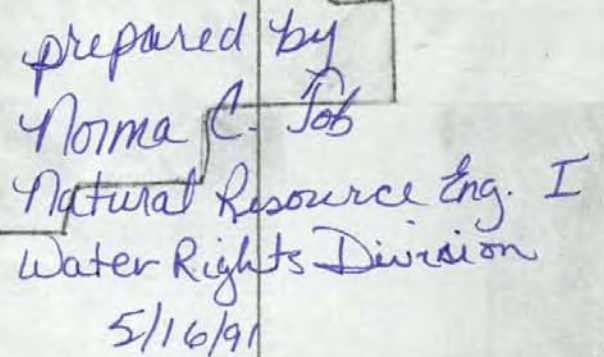
Diameter of Hole 1.5
Depth 15
Casing ☒ Steel ☒ Concrete
☒ Plastic ☐ Other

If other, specify 44-38861

Was water sample taken

Duz

NOT TO SCALE

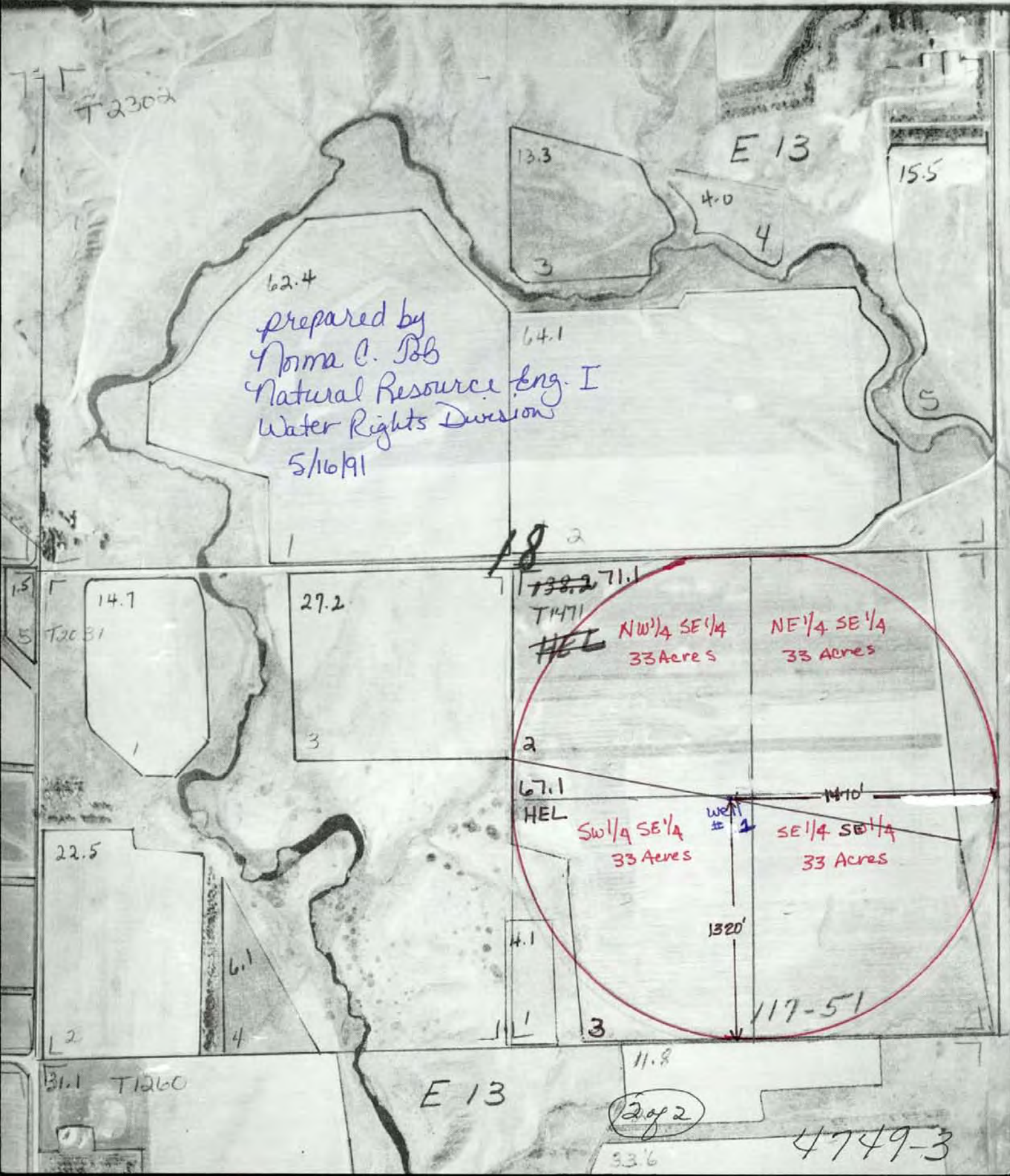


1 of 2

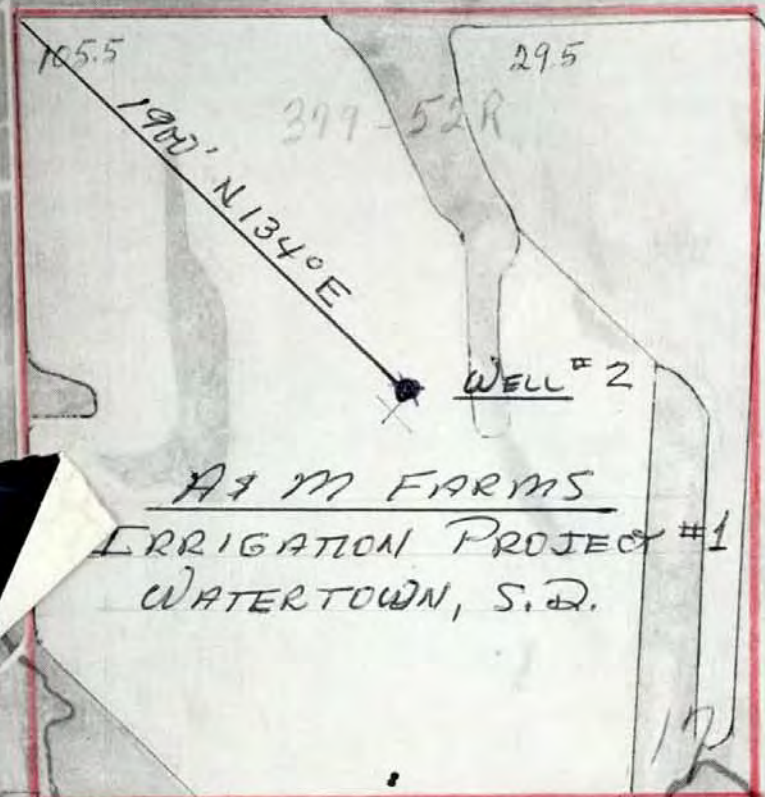
4749-3

4749-3

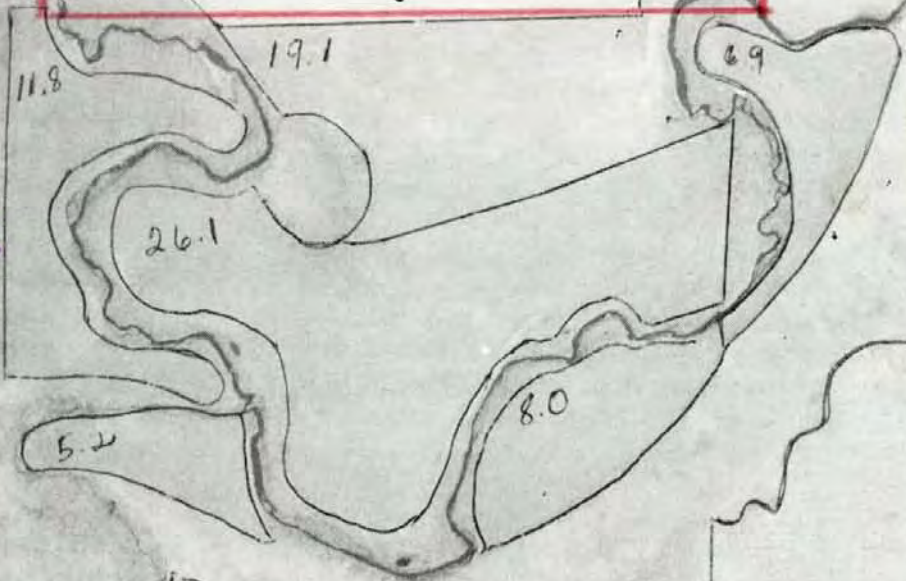
NOT TO SCALE



NOT TO SCALE



2/2

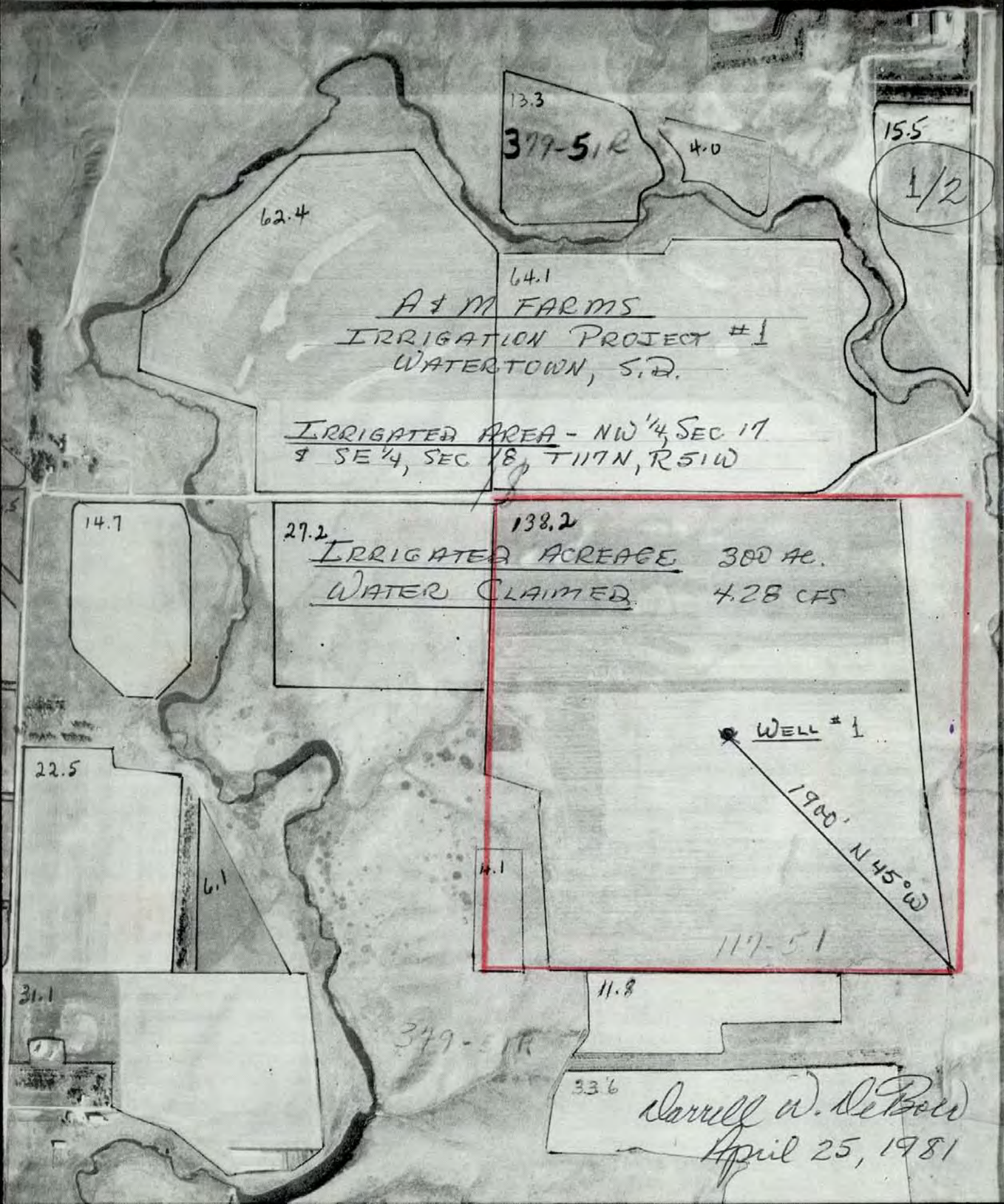


Harold W. DeBor

April 25, 1981

MAP N939603 APPL N947491-3

NOT TO SCALE



4749-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 15, 2012

4749-3

Luvern J Miller
2013 Palisades Dr
Watertown SD 57201

Dear Mr. Miller:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 17259 460th Ave, Watertown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

4749-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 2, 2015

4749-3

Luvern J Miller
500 16th Ave NE Apt 49
Watertown SD 57201 8714

Dear Mr. Miller:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to 2013 Palisades Dr, Watertown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4749-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: LUVERN J MILLER, 500 16TH AVE NE APT 49, WATERTOWN, SD 57201 8714

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4749-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4749-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

4749-3

Luvern J Miller
500 16th Ave NE
Apt 49
Watertown SD 57201-8714

Dear Mr. Miller:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 4749-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2016



4794-3

A M Farms
Luvern J Miller
17271 460th Ave
Watertown SD 57201-7128

Dear Mr. Miller:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 500 16th Ave NE, Apt 49, Watertown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures



4749-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: LUVERN J MILLER, 17271 460th AVE, WATERTOWN, SD 57201 7128

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 4749-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4749-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 26, 2017

4749-3

Luvern J Miller
17271 460th Ave
Watertown SD 57201 7128

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 4749-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4749-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: LUVERN J MILLER, 17271 460th AVE, WATERTOWN, SD 57201 7128
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4749-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4749-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

McMath, Genny

From: Daniel Miller <danmel@tnics.com>
Sent: Thursday, February 08, 2018 1:24 PM
To: McMath, Genny
Subject: Re: [EXT] water right - Luvern J Miller

Luvern Miller , My Dad Has no interest in the farm so maybe it should be transfered to A.M. farms Inc Thanks Dan Miller (President)

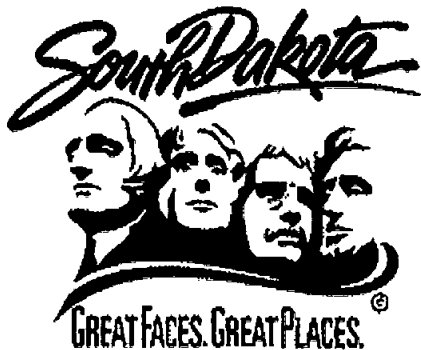
On Thursday 08/02/2018 at 6:57 am, "McMath, Genny" wrote:

Dan,

I have received the questionnaire you submitted for the water right under Luvern Miller. You may have told me this already and I forgot but is the water right supposed to get transferred to A M Farms Inc or are should I list you as operator?

Let me know! Thank you,

Genny McMath
Water Rights Program
605.773.5455



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2018

4749-3

Dan Miller
A M Farms Inc
17271 460th Ave
Watertown SD 57201

Dear Mr. Miller:

I am writing to acknowledge receipt of the 2017 irrigation questionnaire for Water Right No. 4749-3.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 4749-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure

RECEIVED

FEB 14 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4749-3

Date: 2-10-18

I/We request that Water Right No. 4749-3

formerly owned by: Luvern J Miller

be transferred to: (name & address)

A. M. Farms INC.

17271 460th Avenue, Watertown SD 57201-7128

Telephone No.

(605) 881-1929

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

264 acres in the NW ¼ Section 17 and SE ¼ Section 18, T117N, R51W

I/We understand that the validity of Water Right No. 4749-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We A. M. Farms INC, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 15th, 20 18

RECEIVED OF AM Farms, Inc. 17271 460th Avenue Watertown, SD 57201-7128

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 _____ 4749-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08660**

By

Jeanne Goodman
Chief Engineer *VM*



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **A.M. FARMS, INC.**

General Information

SOS Business ID DF013435
Filing Type: Business Corporation - Domestic
 03/03/1976
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm

Registered Agent Address

DANIEL MILLER
 17271 460TH AVE
 WATERTOWN, SD 57201

Principal Address

17259 460TH AVE
 WATERTOWN, SD 57201-7128

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/26/2017	2017 Annual Report	B0030-3069
04/02/2016	2016 Annual Report	
02/05/2015	2015 Annual Report	
12/22/2014	Common Amendment (Delayed Date 12/22/2014)	
08/14/2014	2014 Annual Report	
08/14/2014	2014 Annual Report	
08/08/2013	2013 Annual Report	
08/08/2013	2012 Annual Report	
03/22/2012	2012 Annual Report	
04/13/2011	2011 Annual Report	
04/20/2010	2010 Annual Report	
03/01/2009	2009 Annual Report	
06/03/2008	2008 Annual Report	
04/18/2007	2007 Annual Report	
04/26/2006	2006 Annual Report	
05/05/2005	2005 Annual Report	
03/05/2004	2004 Annual Report	
04/18/2003	2003 Annual Report	

Filing Information

Name: **A.M. FARMS, INC.**

04/05/2002	2002 Annual Report
05/15/2001	2001 Annual Report
05/04/2001	Restated Formation Documents
02/25/2000	2000 Annual Report
05/13/1999	1999 Annual Report
04/09/1998	1998 Annual Report
04/23/1997	1997 Annual Report
04/22/1996	1996 Annual Report
05/10/1995	1995 Annual Report
05/19/1994	1994 Annual Report
07/01/1993	1993 Annual Report
04/03/1992	1992 Annual Report
05/09/1990	Statement of Change
06/30/1976	Farm Qualification
03/03/1976	Initial Filing

DF013435



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2018

4749-3

Dan Miller
A M Farms Inc
17271 460th Ave
Watertown SD 57201

Dear Mr. Miller:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4749-3.

The ownership change has been completed. Water Right No. 4749-3, formerly held by Luvern J Miller is now listed in the name of A M Farms Inc.

Enclosed for your records is Receipt No. 08600 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosure

4749.3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: DAN MILLER, A M FARMS INC, 17271 460th AVE, WATERTOWN, SD 57201 7128

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 4749-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4749-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: TYGCZF**

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.

4749-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

4749-3

Dan Miller
A M Farms Inc
17271 460th Ave
Watertown SD 57201 7128

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 4749-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DAN MILLER, A M FARMS INC, 17271 460TH AVE, WATERTOWN, SD 57201 7128

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4749-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4749-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4749-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KWMNEW**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 28, 2025

4749-3

A M Farms Inc
c/o Dan Miller
17271 460th Ave
Watertown SD 57201

Dear Mr. Miller:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4749-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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