

1. Considered JULY 29 1981
2. Name of Applicant LARRY WEBER
3. Post Office Address GARY 57237
4. Amount of Water Claimed NO ADD'L
5. Source of Water Supply 85' DEEP
6. Water to be used for IRR
7. Acres to be irrigated 200 maximum acre feet
8. Water to be diverted and used in DEUEL County
about 25.1 miles WEST of GARY
9. PROOF OF PUBLICATION Received 6-25-81
Not Received _____
Approved 7-29-81
Subject to WT-T-8
Not Approved _____
Action deferred _____

*reported no irrigation
but to check 11/1/81
was told not to irrigate
by Bert Jones.*

Priority _____ Date Received 5-14-81 Application Complete yes _____ no _____ FEE 275⁰⁰

Remarks add acreage & change location of well
on existing Permit # 2861-3

WATER
QUALITY

Date information and/or
fee or corrected Application received
Period of Annual use MID APRIL - NOV 1ST

Received yes 5/1/81 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application (yes) _____ no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

APPROX CENTER
SE⁴ SE⁴ 9-115-47

Lands to be irrigated _____

NW⁴ Sec. 16 and
SE⁴ SW⁴ Sec. 9 - 115-47 Both in

WELL
LOG

Remarks _____

Driller Klausers Well Wks Licensed (yes) _____ no _____

Depth 85' deep

MAP Map No. 3976-3 Map located in Water Right ☒ Map file _____
 Type of Map Aerial Prepared by 3CS
H. Huber

+++++

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 7-5-81.

[Signature]
 (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 _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 4790-3
 Map No. 4000-3 Water Division No. 31 BIG SIOUX District
 Above for Office Use 10170202



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 ☐

- Name of Applicant Henry J. Niemann Phone No. 874-2263
 Post Office Address R R # 2 Box 11 Clearlake State S.Dak 57226
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
- Name of diversion work Henry J. Niemann Irrigation Project #1
- Amount of water claimed (cubic feet per second) 2.2
- Source of water supply well
- Location of point of diversion 1860' N 135° W of NE corner Sec 13-115-49

- County Deuel
- Annual period or periods during which water is to be used April through October
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, 15.6 Total number of acres to be irrigated

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 Sec 13 - 115-49	39
NE 1/4 Sec 13 - 115-49	36
SW 1/4 Sec 13 - 115-49	40
SE 1/4 Sec 13 - 115-49	39

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
- Choice of county newspaper for publication of Notice of Intent to Appropriate Water Clear Lake Courier
- Principal Features of the Proposed Water Supply System.

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

well with very well turbine

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machine

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)
) ss.
 County of Deuel

I, Henry J. Niemann the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Henry J. Niemann

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

John S. Lawrence
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4790-3

HENRY J. NIEMANN
(Applicant)

RR #2 - CLEAR LAKE

SOUTH DAKOTA 57226
(State)

(Post Office Address)

With the following qualifications.

This permit is approved subject to the Irrigation water use questionnaire being submitted each year.

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.

Date of first receipt of application MAY 6, 1981
Date of return to applicant for correction, amendments or changes required MAY 7, 1981
Date of receipt of corrected application FEE JULY 14, 1981
Approved JULY 29, 1981, Recorded in Book 22 Page 273

WATER RIGHT PERMIT NO. 4790-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4790-3 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 JULY 14, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 29, 1984
3. The whole of said work is to be completed on or before JULY 29, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 1989
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 JULY 29, 1989; said water to be used during the following described annual period: APRIL - Thru OCTOBER

Witness my hand this 5th day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By:

John H. Hilt
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

EMPIRE

IRRIGATION DRILLING CO.

FRANKFORT, SOUTH DAKOTA

PHONE 472-0384

DRILLING REPORT

Location of Well: Charlotte Twp. 1/4. N.E. 1/4. Section 13 Township 11S Range 49
Well to be drilled for: Henry J. Niemann Clear Lake (Name) (Address)
Duwell (County) S. Det. (State)
Date well drilling started 5-1-81

Date well drilling started 5-1-81 finished _____ (State) _____

Purpose of well _____ Ir. Test hole _____
(domestic, irrigation, industrial, other)

Depth 125 ft. Casing Diameter 2 1/2 inches NORTH

REPORT OF FINAL PUMPING TEST

Slot Size 100 Screen Size _____ Write Additional Times and Readings on Back of Page

Screen Depth: From 115 ft. to 125 ft. Date: 11/1/68

Remarks:		Elapsed Time from	Water Level	
		Start of Run		

pumped test well			Start of Pumping	Water Level	Discharge

1 Mile	0 hr.	0 min.	ft.	in.	(Static)
--------	-------	--------	-----	-----	----------

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GRV

hr.		min.		ft.		in.	

				GPM	
hr.	min.	ft.	in.	RECOVERY	

Formation: Clay, Silt, Sand.	Depth (ft.)
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Gravel, Color, Hard or Soft, etc.	From To		Formation (Continued)	Depth (ft.)

Top Soil	C7	2		From	To
----------	----	---	--	------	----

Sand	3	5			
------	---	---	--	--	--

[illegible][illegible]

24	27		
25	28		

27	113		
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Coarse Sand,	115	140			
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[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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(Water Sample)					
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[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

D Well Information

- (1) Drill Hole, Diameter 2 4", Depth 140'
- (2) Casing, Type PVC, Diameter 14", Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Cent slot, Diameter 14", Length 20'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 30'

F. 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 115'

Depth to bottom of water bearing material 140'

Depth to water, (ground surface to water level) 120'

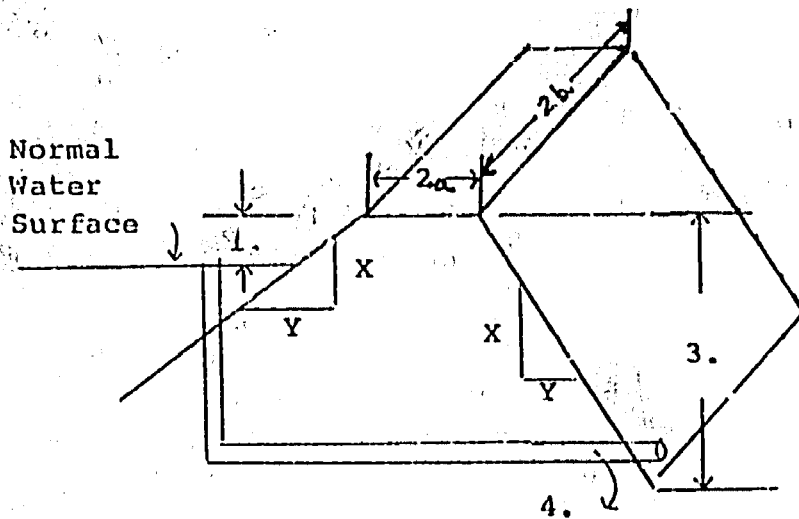
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property No supply rds.

On property owned by others 12-0 rds.

G. Water Storage Dams

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



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

Henry J. Riemann
Signature of Applicant

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Henry Niemann

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

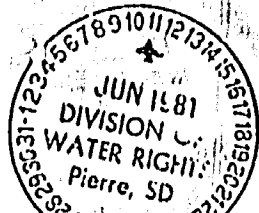
THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

2KG
1-1 These are poorly drained soils that should be left in permanent
vegetation or drained to prevent problems with traction and ponding

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

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



OWNERS NAME: Henry J. Niemann OWNERS ADDRESS: State Lake, S. Dak.
COUNTY LAND LOCATED IN: Dakota PHONE: 874-2263 57226
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 NE 1/4 Sec 13 - 115-49
2. SURFACE WATER SOURCE _____
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 Sec 13 - 115-49
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.) _____
TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: Corn & Alfalfa
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: 81-411
9. SALINITY (EC X 10⁶): 750 MG
10. SODIUM (SAR) 0.07 ADJUSTED (SAR) 0.16 0.11

RECEIVED

MAY 21 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 4:00 P.M., on May 1, 1981, at the following location: at well site, by applicant (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 Dakota 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
5 DAY OF May, 1981.

John L. Swenson
(NOTARY PUBLIC)

Henry J. Niemann
APPLICANT'S SIGNATURE

Jack M. Schell
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ 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.

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Larry E. Weber OWNERS ADDRESS: Gary S. Dike 57237
COUNTY LAND LOCATED IN: Deuel PHONE: 272-5785
TENANT'S NAME AND ADDRESS: (If Other Than Owner) Same 2893-DU

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 SE 1/4 SE 1/4 Sec 9 115 47
2. SURFACE WATER SOURCE: None
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 Sec 16 115 47 and S 1/4 SE 1/4 Sec 9 115 47
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 ☒ 16.7 GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: Corn, Soybeans, Wheat, Alfalfa
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976
LAND: NE 1/4 Sec 16 115 47 and S 1/4 SE 1/4 Sec 9 115 47
IN WHAT NAME: Larry E. Weber

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

8. SAMPLE NUMBER: 29-122 Water supplied by existing timberloch No 1
9. SALINITY (EC X 10⁶): 815 Permit No 2861-3
10. SODIUM (SAR): 10 ADJUSTED (SAR): 127

RECEIVED

I hereby certify that I personally obtained or that I personally observed the 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 A.M./P.M., on May 18, 1981, at the following location: at the farmstead

by Larry E. Weber (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 Deuel Co. 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
11th DAY OF May, 1981.

[Signature]
(NOTARY PUBLIC)



[Signature]
APPLICANT'S SIGNATURE
[Signature]
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

DALE W. WHITMAN
Notary Public, South Dakota
My Commission Expires April 25, 1982

IMPORTANT

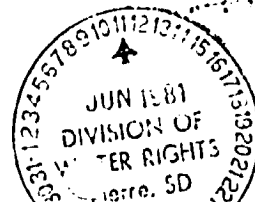
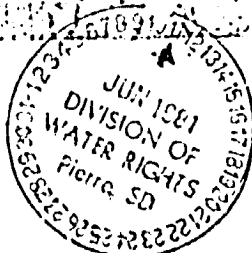
Action by the Department of Agriculture or the State Conservation Commission shall not constitute action on any application.

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

RECEIVED

MAY 18 1981

South Dakota



Affidavit of Publication

In The GARY INTERSTATE, of Gary, South Dakota

State of South Dakota,
County of Deuel, ss:

R. R. MIOTTEL, of said county being first duly sworn, on oath says that he is the publisher of THE GARY INTERSTATE, a weekly Newspaper printed and published in Gary, county of Deuel, State of South Dakota, and has full and personal knowledge of all the facts herein stated: that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Notice of Hearing on application to appropriate water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each

week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Thursday June 18 1981
Thursday June 25 1981
Thursday 19.....
Thursday 19.....
Thursday 19.....
Thursday 19.....

that the full amount of the fees for the publication of the annexed notice is \$ 25.30

R. R. Miottel
Subscribed and sworn to before me this 25
day of June 1981

Clarence Kille
Notary Public,
County of Deuel State of South Dakota.

Paul Jones
CR

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 12, 1981

Notice is hereby given that Larry Weber whose post office address is Gary, South Dakota, has made an application in accordance with the provisions of SDG L 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, 46-6-8.1, 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 no add'l cubic feet of water per second of time from ground-water (one well) through the Weber Well #1 to change, the point on an existing permit of diversion of which is to be located in the approximate center of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Twp. 115N, Range 47W, said water to be used for the purpose of providing irrigation on portions of the following described land: NW $\frac{1}{4}$, Section 16 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, both in T115N, R47W, adding additional acreage on an existing permit.

This application No. 4765-3 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Building, Pierre SD upon the 29th day of July, 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 SDG L 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
Betty Wendland
Water Rights Specialist
CC: Larry Weber
Gary SD 57237
(Publish June 18 & 25, 1981)



No. 4765-3

Publish first publication, on or before June 18, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 12, 1981

Notice is hereby given that Larry Weber whose post office address is Gary, 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 no add'l cubic feet of water per second of time from groundwater (one well) through the Weber Well #1 to change, the point on an existing permit of diversion/of which is (are) to be located in the approximate center of the SE 1/4 SE 1/4

of Section 9, Twp. 115N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 16 and SE 1/4 SW 1/4, Section 9, both in T115N, R47W, adding additional acreage on an existing permit

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This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. The 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, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Larry Weber
Gary SD 57237

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8217

May 14 81

Larry E. Weber, Gary, SD 57237

PIERRE, 19

RECEIVED OF

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

Fee for Application for Permit to Appropriately Water No. 4765-8 (examination, processing, recording and filing)	275	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	275	00

WATER RIGHTS COMMISSION

By *W. H. Hatcher*
Chief Engineer, Executive Officer

Water Rights Division
(605) 773-3352

May 18, 1981

Larry E. Weber
Gary, SD 57237

Dear Mr. Weber:

Some confusion exists regarding your water rights. Permit No. 2861-3 was issued to you calling for a well in the center of the NE $\frac{1}{4}$, Section 16, T115N, R47W, to irrigate the NE $\frac{1}{4}$, Section 16, and the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 9, T115N, R47W.

On March 28, 1979 we received an application from you to change the location of the well to the center of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T115N, R47W. You were notified by letter on March 30, 1979 that soil-water compatibility approval would be required before this could be considered by the Water Management Board. Follow-up letters were also sent to you on October 31, 1979 and October 6, 1980 from this office, and a letter from the Conservation Commission was sent to you on November 21, 1979.

On May 14, 1981 we received an application to add the NW $\frac{1}{4}$, Section 16 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T115N, R47W, from Weber Well #1 on Permit No. 2861-3. The WI-1 form that accompanied the application says the well is to be in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T115N, R47W. In checking with the Conservation Commission, they indicate they have a water sample from a well in the SE $\frac{1}{4}$, Section 9, T115N, R47W.

It appears that we can advertise the application as a change in point of diversion and adding the land described in the new application. We have sent the WI-1 that accompanied the application to the Conservation Commission, and we must have the signed approval from them before we can proceed further with your application.

Larry E. Weber
Gary, SD 57237
Page 2

The \$275.00 you sent with the latest application will cover the transfer and the additional land, so the \$150.00 you submitted earlier will be returned under separate cover through our Finance Office.

If you have questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bat

cc: Wynn Sudtelgte, Conservation Commission



Department of Water & Natural Resources

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

April 2, 1986

John Wein
RR 1, Box 212
Marlette, MN 56257

NOTICE

Re: Violation of Water Permit No(s), 4765-3 and 2861-3 and 1985 Irrigation Questionnaire Requirements.

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s), 4765-3 and 2861-3. 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), 4765-3 and 2861-3 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), 4765-3 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:

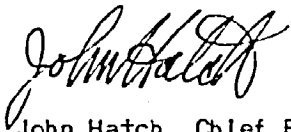
1. Suspend Permit No(s), 4765-3 and 2861-3 until either the 1985 Questionnaire is submitted or for the period of up to one year;
2. Amend Permits No(s), 4765-3 also held by John Wein to require the Irrigation Water Use Questionnaire to be submitted each year;

John Wein
April 2, 1986
Page 2

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.

D32403KS.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: John Wein
RR 1 Box 212
Marietta MN 56257

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

John Hatch
by Del Bury

SUBJECT: One Year Suspension of Water Permit No(s). 4765-3
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). 4765-3 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

Water Rights Division - DWHR
Conversation or File Documentation

File No. 4765-3

NAME OF PERSON OR FILE: Larry Weber
ADDRESS: Gary SD COUNTY Deuel
DATE: 7/11/86 TELEPHONE _____
RE: Suspended irrigation permit

COMMENTS:

On July 10, 1986, I spoke to Don
Schulte, current Farm manager for Larry
Weber, about the Board's decision to
suspend water Permit 4765-3 due to
non - returned irrigation questionnaire. He
indicated that John Weir was no longer
the Farm Manager and he was the
person that the irrigation questionnaire
was sent to. Due to improper
notification I told Don Schulte that
they could irrigate this summer. Send
irrigation questionnaire to:

Larry Weber Farm
c/o Don Schulte

PO Box 157

Gary, SD 57237

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Lain Telford

Natural Resource Engineer

 **Department of
Water & Natural Resources**

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

January 11, 1989

Donald Schulte
Box 157
Gary, SD 57237

Dear Mr. Schulte:

Enclosed, as we discussed, are the 1988 irrigation questionnaires for Water Permit Nos. 4765-3 and 2861-3. These permits are listed in the name of Larry Weber.

Please complete the questionnaires and return them to our office as soon as possible. A postage paid envelope is enclosed for your convenience in returning the questionnaires.

I do not have a current address for Larry Weber. If you would happen to have an address for him other than the Dixon, California address shown on the questionnaires, please make a notation beside his name.

I have made a notation on the files to send the 1989 irrigation questionnaires to John Heaton, RR #1, Gary, SD. If you have any questions, or need assistance in completing the enclosed forms, please contact me.

Sincerely,


GENNY MCMATH
Natural Resource Analyst
(605) 773-3352

enclosures



#4765-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 17, 1989

Larry Weber
PO Box 1191
Dixon, CA 95620

Dear Mr. Weber:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



REPRODUCTION: REFLECTION 80.7
DATE MICROFILMED
SERIES 1000000

Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 9, 1990

JOHN HEATON, FARM MER
RR 1 BOX 490
GARY, SD 57237

NOTICE

RE: Violation of Water Permit No(s). 2861-3, 4765-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2861-3, 4765-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1989 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). 2861-3, 4765-3 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 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

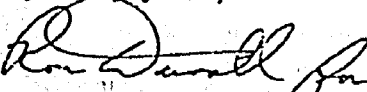
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2861-3, 4765-3 until the 1989 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 March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

cc: Larry Weber, PO Box 1191, Dixon CA 95620

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 16, 1990

2861-3
4765-3

John Heaton, Mgr.
RR 1, Box 490
Gary, SD 57237

Dear Mr. Heaton:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 2861-3 and 4765-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall
RON DUVALL
Natural Resources Engineer
Water Rights Division

cc: Larry Weber, PO Box 1191, Dixon CA 95620

Water Rights Division - DWR
Conversation or File Documentation

File No.

4765-3

2861-3

NAME OF PERSON OR FILE: LARRY WEBER

ADDRESS: COUNTY DELUEL

DATE: 4/23/90 TELEPHONE

RE: CHANGE OF ADDRESS FOR PERMITS 2861-3 & 4765-3

COMMENTS:

LARRY WEBER MOVED TO CALIFORNIA HIS NEW ADDRESS IS

LARRY WEBER

RI Box 26

KETTLEMAN CITY, CA 93239

PHONE 209-945-2244

CURRENT RENTOR OF THE LAND IS JOHN HEATON

RI Box 490

GARY SD 57237

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: M. L. D. R. 4

phone: 209-945-2244

Form 12

Permit No. 2861-3 (4765-3)

4765-3

Missouri River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by LARRY WISER
RR#1 Box 26 of KETTLEDOWN CITY, CALIFORNIA holder of
2861-3 June 15, 1926
Permit No. 2861-3 4765-3 bearing the priority of 4765-3 - MAY 14, 1981 1981 authorizing
the diversion of 3.2 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in DEUEL County.

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

- A. Works used to divert the water: A Well Line Pump With A 900 Gallons Per Minute Capacity, Powered By A 100 Horse Power Electric Motor.
- B. Works used to transport water to place of use: 4600 FEET OF 8 INCH PVC PLASTIC PIPE
- C. Works used to apply water to beneficial use: TWO 1284' CENTER PIVOTS WITH END GUNS.

The system is in the following condition GOOD

The point of diversion is located 750 FEET WEST AND 600 FEET NORTH FROM THE SE CORNER OF SECTION 9 - T115N-R47W

The works are capable of diverting and conveying to the place of use 2.00
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. LANDS LOCATED IN SECTION 16 - T115N-R47W

<u>SE 1/4 NE 1/4 - 32.5 ac</u>	<u>SE 1/4 NW 1/4 - 32.5 ac</u>	<u>LANDS LOCATED IN SECTION 9</u>
<u>SW 1/4 NE 1/4 - 32.5 ac</u>	<u>SW 1/4 NW 1/4 - 32.5 ac</u>	<u>T115N-R47W</u>
<u>NW 1/4 NE 1/4 - 33.5 ac</u>	<u>NW 1/4 NW 1/4 - 32.5 ac</u>	<u>SE 1/4 SW 1/4 - 1.0 ac</u>
<u>NE 1/4 NE 1/4 - 33.5 ac</u>	<u>NE 1/4 NW 1/4 - 32.5 ac</u>	<u>SW 1/4 SE 1/4 - 1.0 ac</u>

comprising a total of 264 acres of land and the license should be issued for 2.00 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: Date 4/19/90

Mark P. Rall
(signature)

LICENSE FOR PERMIT NUMBER 2861-3 2 4765 3

1. Legal location of wells: FROM THE SE CORNER OF SECTION 9-T115N-R47W
750 FEET WEST AND 600 FEET NORTH
dams & structures: _____

2. Well Information: Well Drilling Firm KAISER'S WELL WORKS

Completion Report Yes X No _____ No. of Wells 1 Depth 83'
Casing a) diameter 14" Screen a) type WIRE WIRE
b) length 63' b) length 20'
c) type STEEL Static Water Level 38'
Pump a) make WELL LINE Motor a) make SIMERS ALIS
b) model AXN1301 12KEH b) model no. 11586
c) size 11 c) horsepower rating 100
d) capacity 900 gpm
e) turbine pump - no. of stages 4
f) operating PSI 70

3. Distribution lines or canals

a) size 8"
b) type PVC
c) length 1900'

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 East Pivot 1 in NE 1/4 - 2801-3

- 1) make LINDSEY ZIMMERMAN
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1284'
- 5) end gun (Y/N) Y
- 6) high or low pressure HIGH
- 7) make & size of nozzles RAIN BIRD . 1/2" 500
- 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 4765-3

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?
___	<u>X</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS: I EXPLAINED TO JONAS HENTON, OWNER OF THE LAND, THAT CHEMIGATION WITHOUT THE PROPER EQUIPMENT IS DANGEROUS. I EXPLAINED TO HIM WHAT EQUIPMENT HE WOULD NEED TO INSTALL TO CHEMIGATE. CHEMIGATION RULES WERE SENT TO ME BY MAIL 9/24/92

LICENSE FOR PERMIT NUMBER 2861-3 5 4765-3 (continued)

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) _____

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 *West Point in NW 1/4*

- 1) make *LINSEY ZIMMATIC*
- 2) number of towers *7*
- 3) distance between towers _____
- 4) overall length *1284'*
- 5) end gun (Y/N) *Y*
- 6) high or low pressure *HIGH*
- 7) make & size of nozzles *RAINBIRD NELSON*
- 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 2861-3

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?
___	<u>X</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS: *See Over Sheet*

SOUTH DAKOTA Department of
Water & Natural Resources

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

May 3, 1990

4765-3

Mr. Jerry Weber
P.O. Box 26
Battleman City, CA 93239

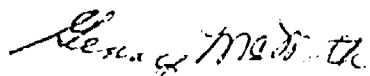
Dear Mr. Weber:

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 Nos. 2861-3 and 4765-3, 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 Water License No. 4765-3. Upon licensing, the applicable portions of Water Permit No. 2861-3 will be incorporated into Water License No. 4765-3.

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 McMath
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.



Department of Water & Natural Resources

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

August 16, 1990

SECOND NOTICE

Permit No. 4765-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Larry Weber
RR #1 Box 26
Kettleman City, CA 93239

Dear Mr. Weber:

May 3, 1990, you were notified the final inspection fee of \$50.00 is due before Water License No. 4765-3 can be issued. As of this date, the fee has 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 \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. 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 permit.

Very truly yours,

Ron Duvall
Natural Resources Engineer
for John Hatch, Chief Engineer
water rights Division
Phone: (605) 773-3352

South Dakota



GREAT FACES GREAT PLACES

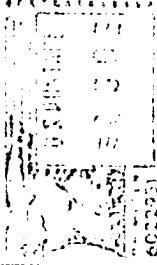
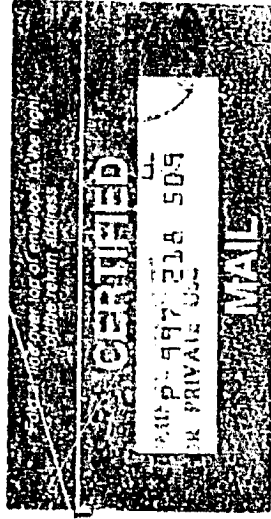
DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre South Dakota 57501-3181

UNCLAIMED



NAME _____
1st Notice 3-20
2nd Notice 3-24
Return 7-4

Larry Weber
RR 1, Box 26
Kettleman City CA 93239



RECEIVED



Department of Water & Natural Resources

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

September 11, 1990

NOTICE

TO: Larry Weber, RR #1 Box 26, Kettleman City, CA 93239

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Water License Fee Requirement

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you August 20 and 24, 1990 to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

I hereby certify that on September 11, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Water License Fee Requirement addressed as stated below.

Larry Weber, RR #1 Box 26, Kettleman City, CA 93239

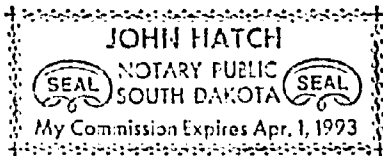
Marie K. Ocker

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of September, 1990.

John H. H.
Notary Public



Water Rights Division - DVNR
Conversation or File Documentation

File No. 4765-3
2861-3

NAME OF PERSON OR FILE: LARRY WEBER

ADDRESS: _____ COUNTY DEUEL

DATE: 7/16/91 TELEPHONE _____

RE: CHECK ON CHEMIGATION

COMMENTS:

I STOPPED AND LOOKED AT MR WEBER'S IRRIGATION SYSTEM. THE
CHEMIGATION ~~EQUIPMENT~~ EQUIPMENT HAS BEEN DISMANTLED.
I SPOKE WITH HIS RENTER AND HE SAID THAT
THEY NO LONGER ~~USE~~ CHEMIGATE, AND IF THEY
DECIDE TO LATER, THEY WILL PURCHASE THE PROPER
EQUIPMENT.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Mr. Weber



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
SIOUX FALLS SOUTH DAKOTA 57501-3181

September 17, 1991

Kaiser Well Drilling
Ronald G. Kaizer
405 8th St SE
Watertown, SD 57201

Dear Mr. Kaiser:

Our records indicate that you may have drilled an irrigation well for Larry Weber of Gary, SD. The well is located in the SE1/4 of Section 9-T115N-R47W in Deuel County. I have not been able to find the as complete well log for this production well. I would appreciate it if you would check your files for the well log and then send any information you have concerning this to me.

If you need any additional information, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4765-3
JOHN HEATON, FARM MGR
RR 1 BOX 490
GARY
SD 57237

DUZMA

October 16, 1992

**NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE
AND REPORT CHEMIGATION**

Please complete the enclosed 1992 Irrigation Water Use Questionnaire(s) and return them in the postage paid envelope by December 18, 1992. Submission of the Irrigation Questionnaire(s) each year is required. The addition of chemicals, including fertilizer, through an irrigation system must also be reported. If you reported chemigation in the past, form(s) are enclosed. If you chemigated only in 1992, form(s) will be sent to you.

If you have multiple permits, you may receive more than one questionnaire and chemigation form. Please complete each individual questionnaire and chemigation form if possible. If you are unable to do this, place all of the water use information on one form and return **ALL** questionnaires and the chemigation forms. Make any necessary corrections to your mailing address or include a new owner's name and mailing address on the bottom of the questionnaire(s).

Please indicate on the questionnaire if your land is in a federal acreage reserve or production quota program. If your irrigated acreage is in the Conservation Reserve Program (CRP), please complete question Nos. 6, 7, & 8 on the questionnaire. If "Yes" is the answer to question Nos. 6 & 7, then questionnaires will **NOT** be mailed to you in the future until participation in CRP expires. **NOTE: This year's questionnaire must be returned even if you are participating in CRP.**

A WATER RIGHT OR PERMIT IS SUBJECT TO SUSPENSION FOR UP TO ONE YEAR OR CANCELLATION IF THE IRRIGATION QUESTIONNAIRE IS NOT RETURNED OR THE USE OF CHEMIGATION IS NOT REPORTED.

If you have questions or need assistance with the questionnaire or chemigation reporting, please contact Genny McMath at (605) 773-3352.

For the Water Management Board

JOHN HATCH, Chief Engineer
Water Rights Division

enclosures

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 18, 1992

OCTOBER 1992 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

47071
JEROME
R1 100 200
DAY
SD 57501

00/00

1. SURFACE WATER _____ GROUNDWATER _____
2. Did you irrigate during 1992? Yes _____ No _____
3. Number of acres irrigated in 1992 _____
4. Has your system been constructed? Yes _____ No _____
5. Are chemicals, including fertilizer, applied through your irrigation system? Yes _____ No _____
6. Is acreage covered by this permit in the federal CRP program? Yes _____ No _____
7. If yes, is ALL irrigated acreage in the program? Yes _____ No _____
8. If yes, list first full year after CRP program expires 19 _____

Telephone No. _____

Type of Power	No. of acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____
Type of System	_____
1. Hand moved sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheels	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Months									

Owner or address change, if any:

COMMENTS:

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
(605) 773-3352

John Heaton died,
you may contact
landlord: Larry Weber
1-602-726-5053.

Please remove John
Name From your
mailing list.
12-2-92 John Heaton

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 2, 1990

RECEIVED OF Larry Weber Implements RR #1 Box 26, Kettleman City CA 93239

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 Futu. Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4765-3</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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4765-3

(1) Larry E Weber of 12700 Somerton Avenue, Yuma, AZ 85364 made Application No. 4765-3, May 14, 1981 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Deuel County, South Dakota for irrigation purposes. Permit No. 4765-3, with a priority date of May 14, 1981 was approved July 29, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 29, 1986 and for the application to beneficial use of said water on or before July 29, 1990.

Water Permit No. 4765-3 was obtained to authorize additional acreage and to change the location of the diversion point described under Water Permit No. 2861-3. The applicable portions of Water Permit No. 2861-3 have been incorporated into this Water License No. 4765-3. The priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 750'W and 600'N of the SE corner of Section 9, T115N, R47W (SE 1/4 SE 1/4).

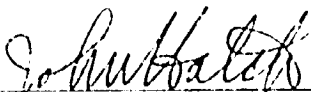
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T115N, R47W, Section 16	SE 1/4 NE 1/4 32.5 acres	June 18, 1976 priority date
	SW 1/4 NE 1/4 32.5 acres	"
	NW 1/4 NE 1/4 33.5 acres	"
	NE 1/4 NE 1/4 33.5 acres	"
	SE 1/4 NW 1/4 32.5 acres	May 14, 1981 priority date
	SW 1/4 NW 1/4 32.5 acres	"
	NW 1/4 NW 1/4 32.5 acres	"
	NE 1/4 NW 1/4 32.5 acres	"
T115N, R47W Section 9	SE 1/4 SW 1/4 1.0 acres	May 14, 1981 priority date
	SW 1/4 SE 1/4 1.0 acres	June 18, 1976 priority date
Total 264.0 acres		

June 18, 1976 - established under Water Permit No. 2861-3

May 14, 1981 - established under Water Permit No. 4765-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Weber of 12700 Somerton Avenue, Yuma, AZ 85364 the holder and/or owner of Incorporated Water Permit No. 4765-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (one well) with priority dates of June 18, 1976 and May 14, 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 Incorporated Water Permit No. 4765-3 and subject to South Dakota State Law.



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

SEP 6 1995

date



4765-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 6 1995

4765-3

Larry Weber
12700 Somerton Avenue
Yuma, AZ 85364

Dear Mr. Weber:

Enclosed is Water License No. 4765-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412377 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. 4765-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2861-3 have been incorporated into this Water License No. 4765-3.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: LARRY E WEBER, 12700 SOMERTON AVENUE, YUMA, AZ 85364

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

SUBJECT: Violation of Water Permit No(s) 4765-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4765-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

LARRY E WEBER
12700 SOMERTON AVENUE
YUMA AZ 85364

4a. Article Number

Z161 984 105

b. Service Type

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

c. Date of Delivery

JR 02-02-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1996

4765-3

Francis Brandenburger
RR 1 Box 1
Nassau, MN 56272

Dear Mr. Brandenburger:

Enclosed is a 1995 irrigation questionnaire pertaining to Water Right No. 4765-3. Also enclosed is a copy of the water license and report of examination of works. These will reflect the acreage and diversion rate authorized under No. 4765-3.

As we discussed on the phone, completion of the yearly irrigation questionnaire is a requirement under Water Right No. 4765-3. Non-submission of the questionnaire results in violation of the water right and can lead to possible suspension of the water right. Water Right No. 4765-3 had been scheduled for a hearing to be held March 6, 1996, before the Water Management Board concerning the violation for non-return of the 1995 irrigation questionnaire.

Mr. Weber called our office and indicated the form should have been mailed to you for completion. The hearing to be held concerning the violation will no longer be held and the matter has been removed from the agenda.

Please complete the enclosed 1995 irrigation questionnaire and return it to our office as soon as possible. I have enclosed a postage paid envelope for your convenience in returning the form. You may keep the copy of the license and examination of works for your records. If you have any questions, please contact me.

Sincerely,

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

enclosures

c: Larry Weber



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, RR 1 BOX 412, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 4765-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, 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) 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.

SENDER, COMPLETE THIS SECTION

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

1. Article Addressed to:

FRANCIS BRANDENBURGER, OP
RR 1 BOX 412
NASSAU MN 56257

2. Article Number (Copy from sender label)

7001 2510 0004 4797 4531

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

J. Brandenburg 1-18-02

C. Signature

X *[Signature]* ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER, COMPLETE THIS SECTION**

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

1. Article Addressed to:

Larry E Weber
12700 Somerton Ave
Yuma AZ 85364

2. Article Number (Copy from sender label)

7001 2510 0004 4797 6702

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

J. B. Hoeng 1-23-02

C. Signature

X *[Signature]* ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

4765-3

Francis Brandenburger
RR 1 Box 412
Nassau, MN 56257

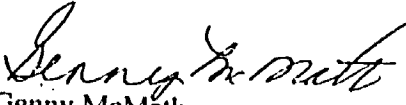
Dear Mr. Brandenburger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4765-3.

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

If you have any questions, please contact me.

Sincerely,


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

c: Larry E Weber, 12700 Somerton Ave., Yuma AZ 85364



4765-3
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 14, 2004

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, RR 1 BOX 412, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 4765-3 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 3, 2004 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) 4765-3 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 27, 2004, 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.

cc: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.



4765-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0056

Your item arrived at 6:16 am on January 20, 2004 in YUMA, AZ 85364.
No further information is available for this item.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

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▶ Request Proof of Delivery

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0056

LARRY E WEBER
12700 SOMERTON AVE
YUMA AZ 85364

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

☐ Priority Mail®
☐ Package Services



4765-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7612

Your item was delivered at 10:33 am on January 17, 2004 in MARIETTA, MN 56257. The item was signed for by F BRANDENBURGER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7612

FRANCIS BRANDENBURGER, OPERATOR
RR 1 BOX 412
NASSAU MN 56257

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

☐ Priority Mail®
☐ Package Services



**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 22, 2004

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge receipt of the 2003 irrigation questionnaire for Water Right No. 4765-3 held by Larry Weber. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for the water right.

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

If you have any questions, please contact me.

Sincerely,

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

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364



4765-3
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: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 4765-3. 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 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. 4765-3 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. 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before 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, please contact Genny McMath at (605) 773-3352.

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.



4765-3

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Current Status

You entered 2301 3460 0000 8516 0193

Your item was delivered at 9:55 am on January 25, 2005 in MARIETTA, MN 56257. The item was signed for by J WALSMER.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0193

FRANCIS BRANDENBURGER, OPERATOR
2760 121ST AVE
NASSAU MN 56257

Waiver of Signature ☐ YES ☐ NO

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0001 4158 0000 094E 10E2
2301 3460 0000 8516 2180

LARRY WEBER
12700 SOMERTON AVE
YUMA AZ 85364

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

January 28, 2005

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4765-3.

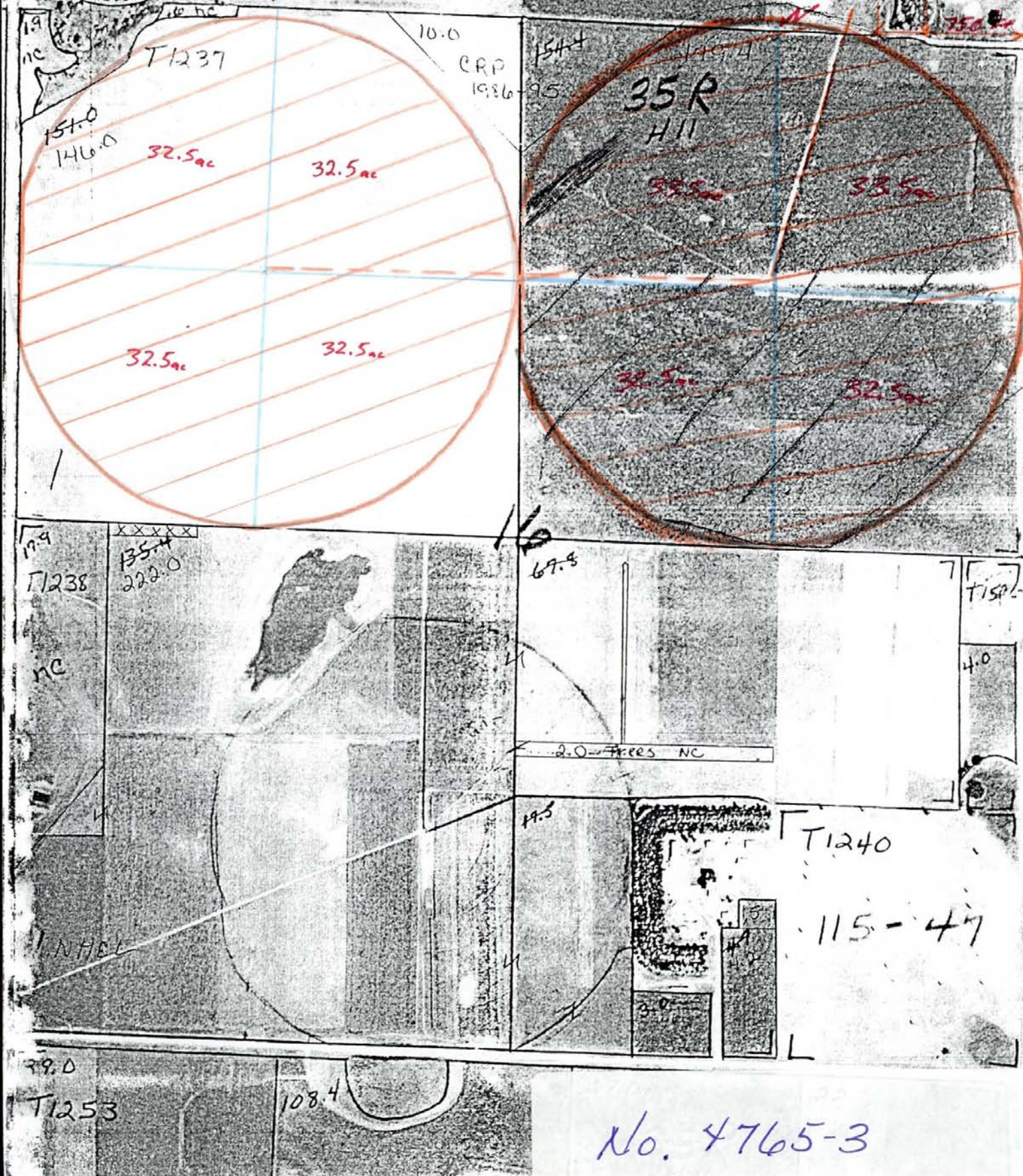
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

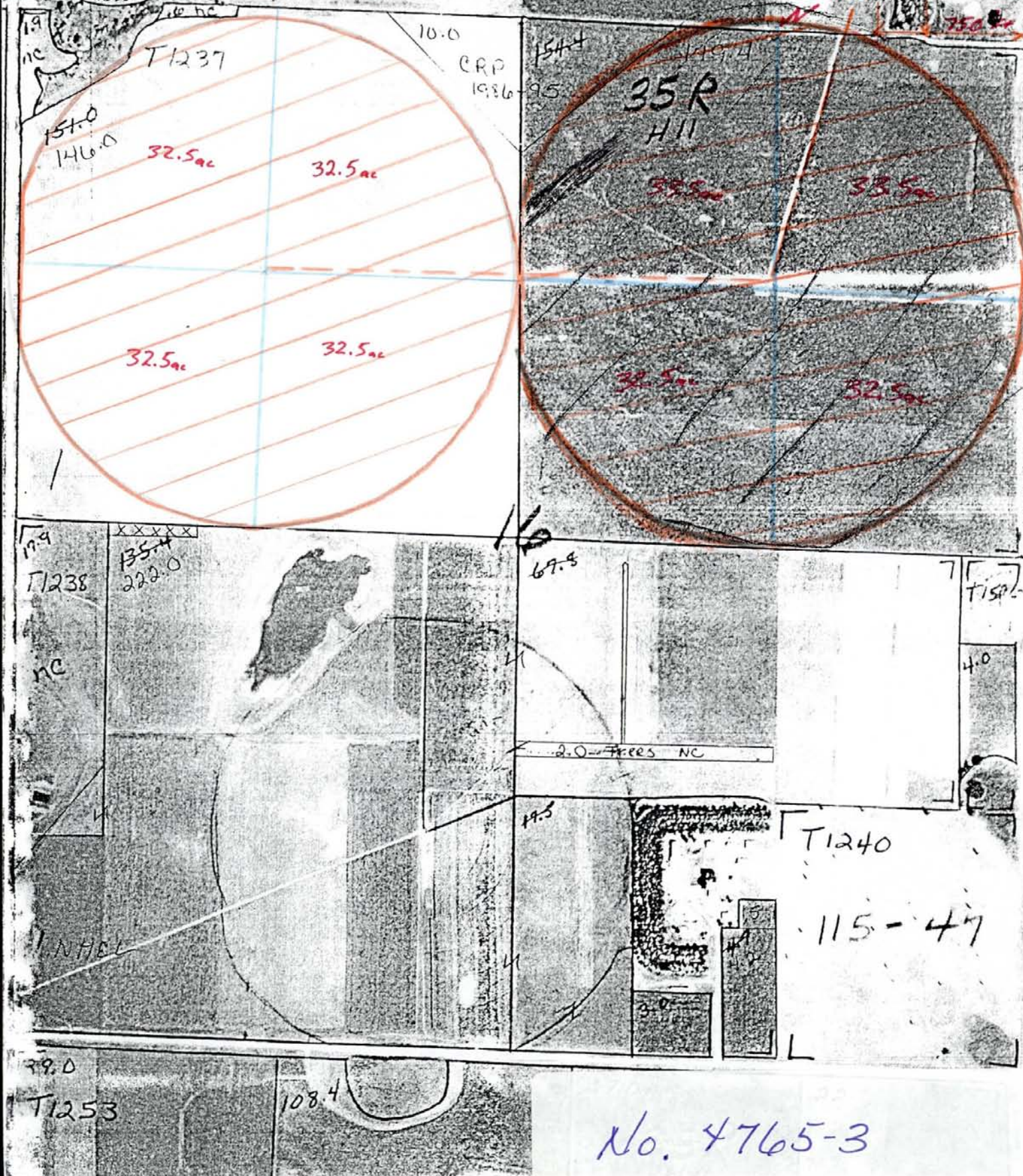
Sincerely,

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

WELL IS COVERED UNDER
WP 4765-3



WELL IS COVERED UNDER
WP 4765-3





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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 4765-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.

4765-3

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12700 SOMERTON AVE
YUMA AZ 85364

Waiver of Signature ☐ YES ☐ NO

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Status: **Delivered**

Your item was delivered at 9:54 AM on January 23, 2008 in MARIETTA, MN 56257. The item was signed for by C BRANDENBURGER.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2588	FRANCIS BRANDENBURGER, OPERATOR 2760 121ST AVE NASSAU MN 56257	
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www.state.sd.us/denr

February 14, 2008

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 4765-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Larry Weber



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January 23, 2009

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4765-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.

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Status: **Delivered**

Your item was delivered at 9:29 AM on January 27, 2009 in MARIETTA, MN 56257. The item was signed for by C BRANDENBURGER.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6456

FRANCIS BRANDENBURGER, OPERATOR
2760 121ST AVE
NASSAU MN 56257

waiver of signature ☐ YES ☐ NO

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4765-3

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Label/Receipt Number: **2303 2160 0000 0802 6463**Status: **Notice Left**

We attempted to deliver your item at 2:29 PM on January 26, 2009 in YUMA, AZ 85365 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6463	
LARRY E WEBER 12700 SOMERTON AVE YUMA AZ 85364	
Waiver of Signature	☐ YES ☐ NO
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Notice was never claimed; however questionnaire was received so further action will not be needed. Jimmy



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

January 29, 2009

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Sir:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4765-3.

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 cursive script that reads "Genny McMath".

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

c: Larry Weber



4765-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 4765-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4765-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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>

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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.



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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2012

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 4765-3. 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,

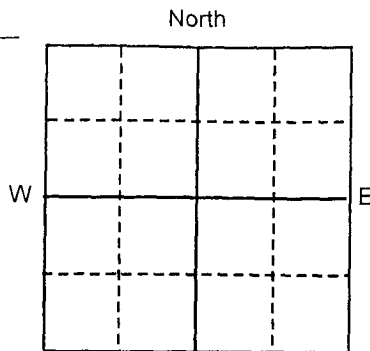
A handwritten signature in cursive script that reads "Genny McMath".

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

c: Larry Weber, 12700 Somerton Ave, Yuma AZ 85364

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 9 Twp 115N Rg 47WCounty DeuelPlease mark well
location with an "X"

Well Completion Date

July 12, 2012

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
50.0 ft. from septic (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12.00</u> IN	<u>0.0</u> FT	<u>60.0</u> FT	<u>17.50</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>19</u>	<u>Lb/gal</u>	<u>0.0</u> Ft	<u>58.0</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure
tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 20.0 Feet
 Material stainless steel
 Slot Size .070 Set From 60.0 Feet to 80.0 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis
owner to obtainWell Owner: Pennie Weber

Business Name: _____

Address: 12880 S Ave BCity, State, Zip: Yuma AZ 85365

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Brown clay w/sand	1	11
Coarse sand, rocks	11	52
Soft silty clay w/fine sand	52	55
Gravel & rocks	55	80
Blue clay, hard	80	83

STATIC WATER LEVEL 34.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: well has not been test pumped
☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped

_____ Ft. After _____ Hrs. pumped

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 44 46.673
W 096 27.787site is approx 1/2 mile south of Gary on SR 101 on the west
side of the road.This well was drilled under license # 475 and this
report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 8-22-12

RECEIVED

SEP - 3 2012

WATER RIGHTS
PROGRAM

My places editor

My places

Actions

⬇

You must sign in to save your list of places

Unsaved places

1

N 44 46 673, W 096 27.7 ...

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January 16, 2015

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 4765-3 qualification:

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

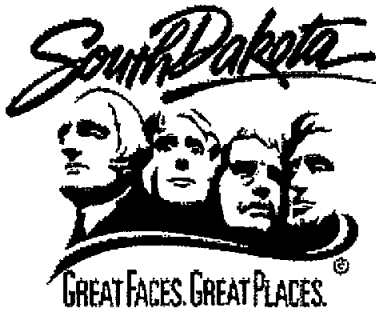
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 4765-3 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 4, 2015** 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 4765-3. 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 AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 4765-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 4765-3 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 2, 2022** 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://danr.sd.gov/iq> using this password: FMLVLQ**

c: LARRY E WEBER, 12700 SOMERTON AVE., YUMA, AZ 85364

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 25, 2022

4765-3

Francis Brandenburger
2760 121st Ave
Nassau MN 56257

Dear Sir:

I am writing to acknowledge receipt of the 2021 irrigation questionnaire for the water right listed under Larry Weber's name.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 4765-3. 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
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 19, 2024

NOTICE

TO: FRANCIS BRANDENBURGER, OPERATOR, 2760 121ST AVE, NASSAU, MN 56257

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4765-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 4765-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 4765-3 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 6, 2024** 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: DDZUXC**

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

February 12, 2024

4765-3

Francis Brandenburger, Op
2760 121st Ave
Nassau MN 56257

Dear Mr. Brandenburger:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 4765-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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

cc: LARRY WEBER, 12700 SOMERTON AVE, YUMA AZ, 85364