



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 22 2003

4862A-3

Orris Swayze
RR 2 Box 18
Wilmot SD 57279

Dear Mr. Swayze:

Enclosed is your Reissued Water License No. 4862A-3. Also enclosed is your Receipt No. 000686 in the amount of \$2.50 which you paid for filing the ownership change.

Water Right No. 4862-3 was divided and reissued to reflect separate ownership as follows:

- No. 4862A-3, Orris Swayze, authorizes diversion of 0.87 cfs from two storage dams to irrigate 243 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T123N, R51W;
- No. 4862B-3, Milton Swayze, authorizes diversion of 0.91 cfs from two storage dams to irrigate 255 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; SE $\frac{1}{4}$ Section 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, all in T123N, R51W.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4862A-3
DIVISION OF NO. 4862-3 INTO NOS. 4862A-3 & 4862B-3

(1) Orris & Milton Swayze, RR 2 Box 18, Wilmot SD 57279 were issued Water License No. 4862-3, June 12, 1997 for a water right to divert 1.78 cubic feet of water per second (cfs) from two storage dams (41 acre feet storage capacity), Roberts County, South Dakota for irrigation purposes. Water License No. 4862-3, with priority dates of June 13, 1974, April 1, 1976, February 22, 1977, December 9, 1980 and January 4, 1982 was issued to the permit holders for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

On March 17, 2003, Orris & Milton Swayze filed ownership changes with the water right. Water Right No. 4862-3 is being divided and reissued to reflect separate ownership as follows:

- No. 4862A-3, Orris Swayze, authorizes diversion of 0.87 cfs from two storage dams to irrigate 243 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T123N, R51W;
- No. 4862B-3, Milton Swayze, authorizes diversion of 0.91 cfs from two storage dams to irrigate 255 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1; SE $\frac{1}{4}$ Section 2; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11; and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, all in T123N, R51W.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Orris Swayze, RR #2 Box 18, Wilmot, SD 57279 the holder and/or owner of Water Right No. 4862A-3 is issued a license, bearing priority dates of June 13, 1974, April 1, 1976, February 22, 1977 and January 4, 1982 to appropriate 0.87 cubic feet of water per second from two storage dams to irrigate 243 acres.

The storage dams are located: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T123N, R51W (21 acre feet storage capacity)
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T123N, R51W (20 acre feet storage capacity)

The 243 acres authorized for irrigation are as follows:

Legal Description		Acres	Priority Dates
Section 11, T123N, R51W	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.00 acres	February 22, 1977
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.00 acres	June 13, 1974 and April 1, 1976
Section 12, T123N, R51W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.00 acres	January 4, 1982
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	15.00 acres	June 13, 1974 and April 1, 1976
Section 13, T123N, R51W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.00 acres	June 13, 1974 and April 1, 1976
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	18.00 acres	June 13, 1974 and April 1, 1976

Page 2

Water License No. 4862A-3

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4862-3 including the following now applicable qualification:

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

APR 22 2003

date



Permit No. 2673-3,3599-3,4610-3 & 4862-3
Minnesota River - Water District

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

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

On August 29, 1990 I made a thorough examination of the water use system constructed by Orris and Milton Swayze of RR2 Box 18, Wilmot SD 57279 holder of Permit Nos. 2673-3, 3599-3, 4610-3 and 4862-3, bearing the priority of June 13, 1974 (1.30cfs); April, 1 1976 (2.06cfs); February 22, 1977 (0.57cfs); December, 9 1980 (2.50cfs); January 4, 1982 (no add'l) authorizing the diversion of 6.43 cu. ft. per second and the storage of 41 acre-feet of the waters of surface water for irrigation purposes, in ~~Grant~~ ^{Roberts} County.

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

- A. Works used to divert the water:
A 6 inch pump with an 800gpm capacity.
- B. Works used to transport water to place of use:
7900 feet of aluminum 6,7 and 8 inch pipe.
- C. Works used to apply water to beneficial use:
A Zimmatic center pivot and a Nelson Easy Rain big gun.

The system is in the following condition fair. The point of diversion is located NE1/4 NE1/4 and SE1/4 SE1/4 of Section 11 T123N-R51W (2 dams). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water and storing 41 acre-feet of water which is to be used for. Water has been put to beneficial use to the maximum extent as follows:

All land located in T123N-R51W:

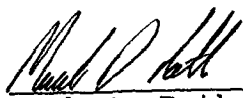
SECTION 1:	SW1/4 SW1/4 - 37ac		
SECTION 2:	NW1/4 SE1/4 - 31ac	NE1/4 SE1/4 - 31ac	SE1/4 SE1/4 - 31ac
	SW1/4 SE1/4 - 31ac		
SECTION 11:	NE1/4 NE1/4 - 20ac	NW1/4 SE1/4 - 38ac	SE1/4 SE1/4 - 12ac
SECTION 12:	NW1/4 NW1/4 - 31ac	NE1/4 NW1/4 - 31ac	SE1/4 NW1/4 - 31ac
	SW1/4 NW1/4 - 31ac	NW1/4 SW1/4 - 38ac	NE1/4 SW1/4 - 36ac
	SW1/4 SW1/4 - 15ac		
SECTION 13:	NW1/4 NW1/4 - 36ac	NE1/4 NW1/4 - 18ac	

comprising a total of 498 acres of land and the license should be issued for 1.78 cfs and 41 acre-feet of storage.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **NONE**

Date: 8/29/90



Mark D. Rath
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2093-3, 2673-3, 3599-3, 4610-3 & 4862-3

DATE OF INSPECTION: August 29, 1990

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: NE1/4 NE1/4 and SE1/4 SE1/4 of Section 11 T123N-R51W

Pump:

- 1) Make Berkley
- 2) Model 3EPBL
- 3) Size 6 inch
- 4) Capacity 800 GPM

Motor:

- 1) Make Century
- 2) Model No. 6-323061-01
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8, 7 & 6 inches
- 3) Length 7900 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic Towable
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) low pressure
- 6) Capacity 800 GPM

Gun:

- 1) Make Nelson Easy Rain
- 2) Nozzle size 1.5 inches

- 3) Capacity 650 GPM
- 4) Hose size 4.5 inches

DAM INFORMATION: South Dam

- 1) Height to crest 16 feet
- 2) Height to primary spillway 14 feet
- 3) Height to secondary spillway 15 ft
- 4) Crest width 15 feet
- 5) Crest length 300 feet
- 6) Spillway length 50 feet
- 7) Spillway width 25 feet
- 8) Approx. storage 20 ac-ft
- 9) Approx. storage to crest 50 ac-ft
- 10) Date constructed: 1974
- 11) Outlet tubes:
 - a) diameter 12 inches
 - b) type cmpl
 - c) valved N
 - d) valve type

DAM INFORMATION: North Dam

- 1) Height to crest 24 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway 19 ft
- 4) Crest width 10 feet
- 5) Crest length 500 feet
- 6) Spillway length 50 feet
- 7) Spillway width 40 feet
- 8) Approx. storage 21 ac-ft
- 9) Approx. storage to crest 50 ac-ft
- 10) Date constructed: 1980
- 11) Outlet tubes:
 - a) diameter 6 inches
 - b) type steel
 - c) valved Y
 - d) valve type plate

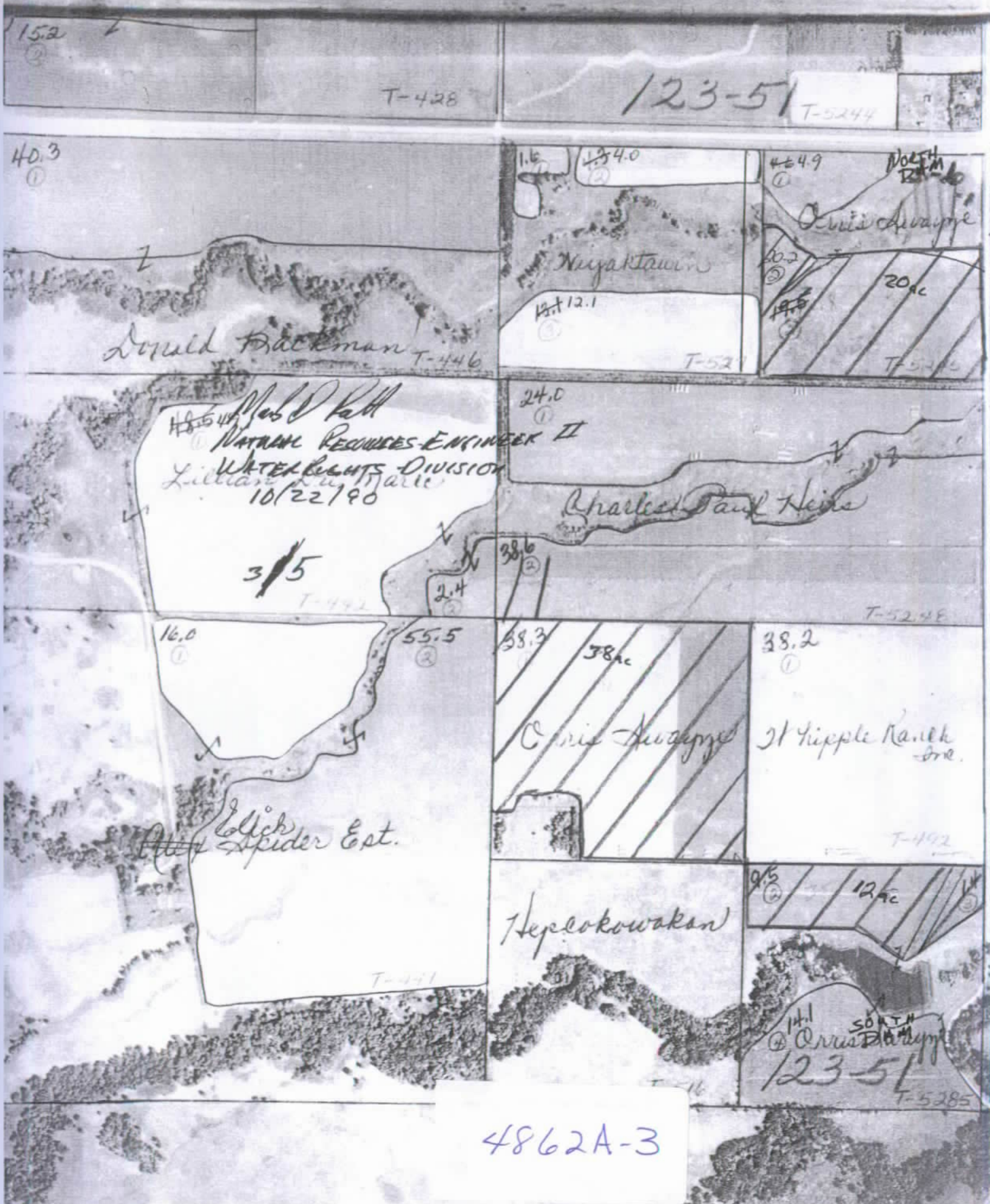
CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

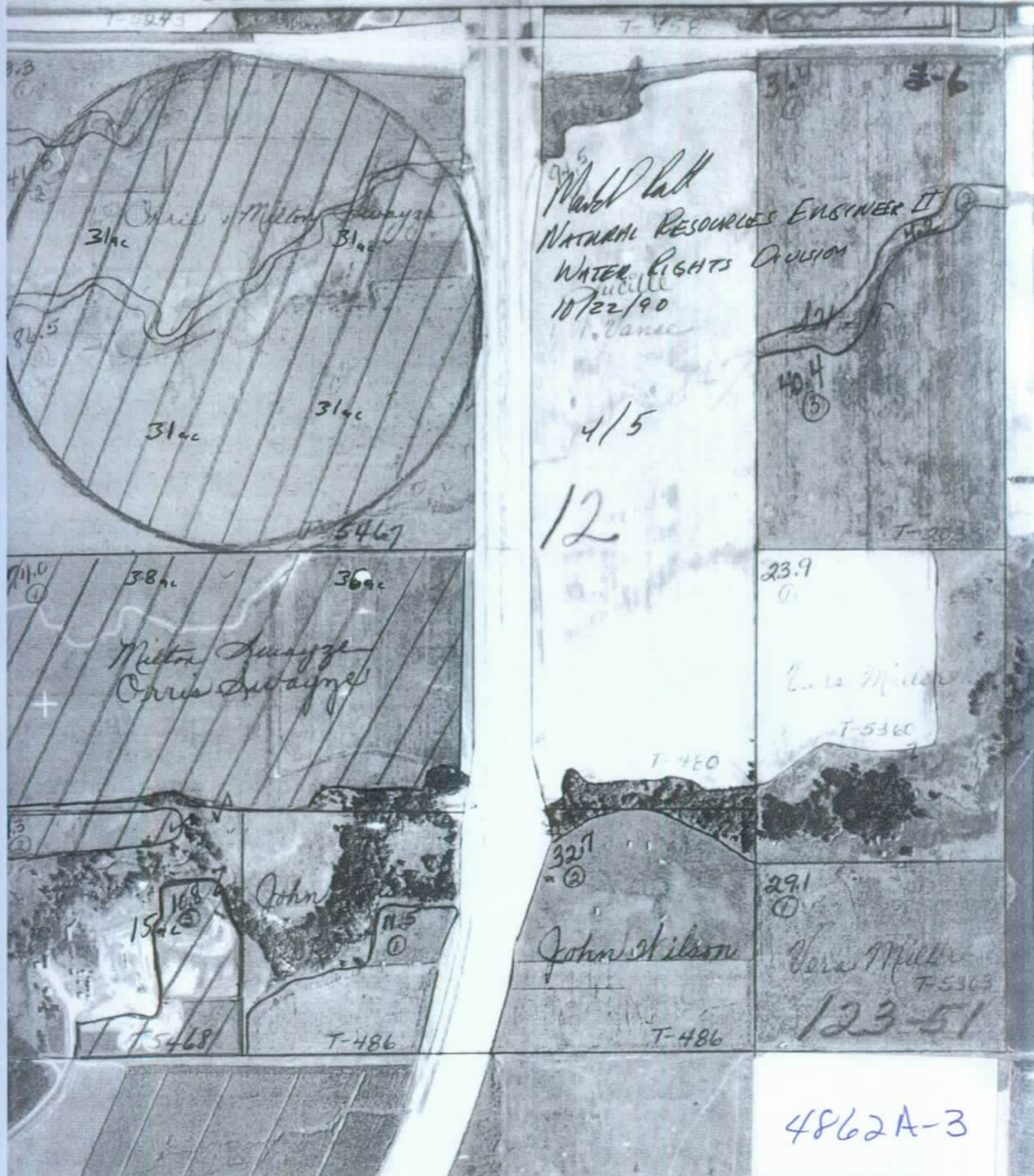
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOT TO SCALE



NOT TO SCALE



March 1990
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
10/22/90
J. Vanee

4/5

12

Milton Swartz
Oris Swartz

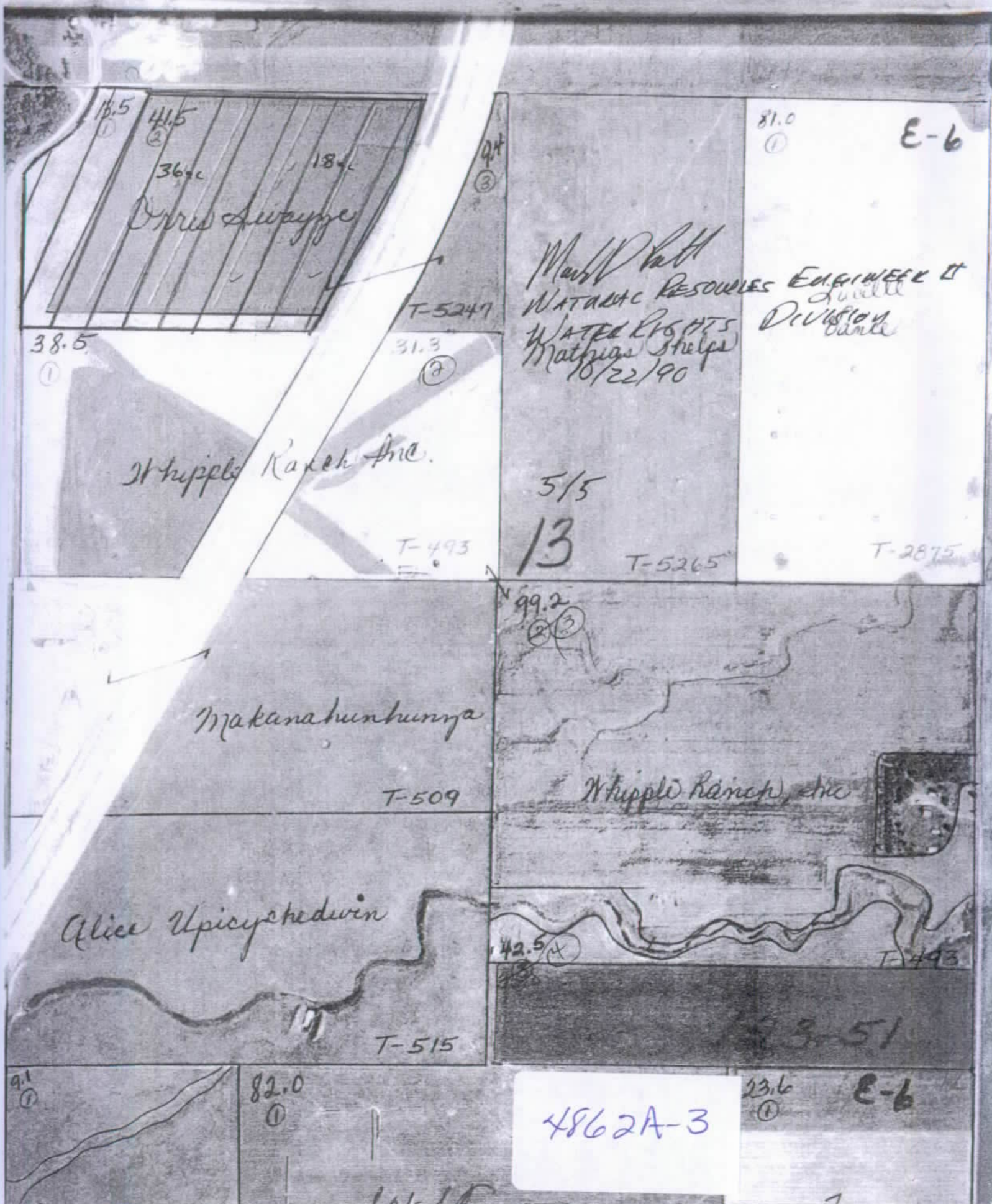
John

John Wilson

Vera Miller

4862A-3

NOT TO SCALE



Attn Water
Rights

10 Mar 03

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Sir:

As per telephone conversation my brother and I are going to put our farm into our individual names and would also want the water rights in our individual names: We would like each permit to allow diversion of water from either dam or both diversion points:

Enclosed are the land descriptions for each owner.

Sincerely

Orris Swayze and Milton Swayze



RR 2 PO 18
Wilmot, SD 57279

Ph 605 938 4141

Farm Credit Services of America
SUMMARY APPRAISAL REPORT - AGRICULTURAL REAL ESTATE

SUMMARY

Client: Farm Credit Services of America Log Number: 13
Name: Orris Swayze Date Inspected: 02/25/2003
Appraiser: REISCH, P Value Date: 02/25/2003

Appraisal Purpose: Estimate market value
Intended Use: New real estate loan
Appraisal Report Option as provided in Standard 2 of the Uniform Standards of
Professional Appraisal Practice (USPAP): Summary

RIGHTS APPRAISED

Fee Simple: X
Leased fee:
Water Rights: X
Other:

Irrigation Equipment:
Facility Equipment:
Public Domain Land Lease:
Mineral Rights:

Explanation and Limitation of Rights Appraised: All rights appraised are subject to
existing easements of record. Includes water license, but no equipment.

LEGAL DESCRIPTION

State: SOUTH DAKOTA County: ROBERTS

	<u>SEC</u>	<u>TWP</u>	<u>RNG</u>	<u>PM</u>	<u>ACRES</u>
NW 1/4 SE 1/4 & SE 1/4 SE 1/4	11	123N	51W	5	80.00
NW 1/4 except I-29	12	123N	51W	5	152.72
N 1/2 NW 1/4 except I-29	13	123N	51W	5	70.07

500 1/2 SE 1/4

monument

430



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2003

4862A-3
4862B-3

Orris & Milton Swayze
RR 2 Box 18
Wilmot SD 57279

Dear Mr. Swayze:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right No. 4862-3. It is our understanding that both of you still own the land but are requesting the water right be divided to reflect separate ownership.

I have included a copy of the description of lands irrigated which reflects how the forms were completed. Please review the forms and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50 (each). The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the forms and filing fee back from both of you, the water right will be divided into 4862A-3 (Orris Swayze, 228 acres) and 4862B-3 (Milton Swayze – 270 acres). The two storage dams will be listed on both water rights.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 17, 2003

RECEIVED OF Chris Swayze, RR 2 Box 18, Wilmot SD 57279

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4862A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000066

By

Darland Erbe
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4862A-3

Date: _____

I/We request that Water Right No. 4862A-3

formerly owned by: Orris & Milton Swayze

be transferred to: (name & address) Orris Swayze

Telephone No.

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

228 acres – NW ¼ SE ¼, SE ¼ SE ¼ Section 11; NW ¼ Section 12; N ½ NW ¼ Section 13, T123N,

R51W SW ¼ SW ¼ Sec 12

I/We understand that the validity of Water Right No. 4862A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Orris Swayze

(Signed by new owner)

RECEIVED

MAR 17 2003

WATER RIGHTS
PROGRAM

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

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

File No. 4862A-3
4862B-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Orris Swayze, RR #2 Box 18, Wilmot SD 57279

DATE: April 18, 2003

TELEPHONE:

RE: Division of Water Right

COMMENTS:

I called and visited with Mr. Swayze concerning the existence of a well. The original water permit described a well to be used with the system. The inspection report did not mention a well, however prior to dividing the water right into two, I wanted to make sure only the two storage dams were being used. Mr. Swayze confirmed the use of the dams and indicated they do not pump from ground water as they originally applied to do.

In reference to the correct address for the reissued water rights, Mr. Swayze indicated we should send correspondence to "RR #2 Box 18" for both water rights.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 2003

4862A-3

Orris Swayze
RR 2 Box 18
Wilmot SD 57279

Dear Mr. Swayze:

Enclosed is your check #3089 in the amount of \$2.50. All fees for the transfer and division of Water Right No. 4862-3 into 4862A-3 and 4862B-3 have been paid. The document I sent to you referencing a fee was a receipt and not a bill.

I am also returning the receipt for the fee you paid on March 17th. You may keep this for your records.

Thank you and if you have any questions, please let me know.

Sincerely,

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

enclosures



4862A-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: ORRIS SWAYZE, RR 2 BOX 18, WILMOT, SD 57279

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) 4862A-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) 4862A-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) 4862A-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.

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.



4862A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9708

Your item was delivered at 9:03 am on January 15, 2004 in WILMOT, SD 57279. The item was signed for by O SVAYZE.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9708

ORRIS SWAYZE
RR 2 BOX 18
WILMOT SD 57279

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

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**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2004

4862A-3

Orris Swayze
RR 2 Box 18
Wilmot SD 57279

Dear Mr. Swayze:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4862A-3.

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

If you have any questions, please contact me.

Sincerely,

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



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

October 26, 2004

4862A-3

Orris Swayze
PO Box 214
Wilmot SD 57279-0214

Dear Mr. Swayze:

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to 13644 461st Ave, Wilmot SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



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

November 1, 2005

4862A-3

Orris Swayze
705 Ordway St
Wilmot SD 57279-2243

Dear Mr. Swayze:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to PO Box 214, Wilmot SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: ORRIS SWAYZE, 705 ORDWAY ST, WILMOT, SD 57279 2243

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4862A-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 4862A-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 9, 2011** 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) 4862A-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 4, 2011**, 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.

4862A-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0652

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 3:13 pm on January 22, 2011 in WILMOT, SD 57279. The item was signed for by O SWAYZE.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- **Delivered, January 22, 2011, 3:13 pm, WILMOT, SD 57279**
- **Out for Delivery, January 22, 2011, 8:47 am, WILMOT, SD 57279**
- **Sorting Complete, January 22, 2011, 8:37 am, WILMOT, SD 57279**
- **Arrival at Post Office, January 22, 2011, 8:03 am, WILMOT, SD 57279**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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Proof of Delivery

Verify who signed for your item by email, fax, or mail.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0652	ORRIS SWAYZE 705 ORDWAY ST WILMOT SD 57279 2243	
	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™ Service		☐ First-Class Mail® parcel
☐ Package Services parcel		



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2011

4862A-3

Orris Swayze
705 Ordway St
Wilmot SD 57279-2243

Dear Mr. Swayze:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 4862A-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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

4862A-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4862A-3, Orris Swayze

ADDRESS: Wilmot SD COUNTY: Roberts

DATE: January 31, 2011 TELEPHONE: 605 938-4141

RE: Call regarding water right

Mr. Swayze called regarding his water right. The water source is two spring fed storage dams. The original water right (No. 4862-3) was split in 2003 between his brother Milton and himself. Mr. Swayze indicated that he only has access on his property to utilize one of the storage dams.

It became apparent that Mr. Swayze wanted to make changes to his system including installation of a center pivot. He wanted to know if he had enough time to construct. I asked a couple of questions.

1. I asked whether any new land will be irrigated from what is currently authorized? Mr. Swayze indicated that only his existing permitted land will be irrigated.
2. Has this land been irrigated in a manner that would subject it to forfeiture for nonuse? I explained the "use it or lose it" statute for forfeiture. Mr. Swayze says that except for years that it is too wet he has continually irrigated.
3. I informed him with the 2003 split of the water right each landowner got their proportionate share of diversion rate authority. In his case this is 0.87 cfs (390 gpm). I asked what his diversion rate would be from the dam. He indicated to operate the pivot he needs 700 gpm which equates to 1.56 cfs. We had a long discussion about how the split of the water right resulted in the diversion rate being lower than what they might need. Mr. Swayze indicated that he wouldn't be using more water. I told that under state law he is only authorized 400 gpm and that an application is needed if he intends a greater diversion.

The main reason for Mr. Swayze calling was he planned to make a change in the type of irrigation system on the property and wanted to know if that was okay and how long he had to develop. I told him that the state does not require an application to change the type of irrigation equipment. We do regulate the diversion rate, volume of water applied, number of acres and location of those acres. If there are no changes in these, no permitting is required. He may have a permitting issue requiring an application if he intends to divert at a rate greater than 400 gpm. As far as the time to install the equipment, I discussed the 3 year forfeiture for nonuse statute and when legal excuse for not using the water applies.

NAME: Eric Swayze



4862A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 24, 2012

NOTICE

TO: ORRIS SWAYZE, 705 ORDWAY ST, WILMOT, SD 57279 2243
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) 4862A-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) 4862A-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) 4862A-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>

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
www.denr.sd.gov

February 28, 2012

4862A-3

Orris Swayze
705 Ordway St
Wilmot SD 57279 2243

Dear Mr. Swayze:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaire. I completed a questionnaire for you based on our phone conversation.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 4862A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

One other issue we discussed is the division of Water Right No. 4862B-3 (listed in the name of Milton Swayze). Randy Backman filed an ownership change on a portion of the land described in that water right. Below is the breakdown we have:

Legal Description of land under 4862B-3		Licensed acres	Ownership
Section 1, T123N, R51W	SW ¼ SW ¼	37 acres	Randy Backman
Section 2, T123N, R51W	SE ¼	124 acres	Randy Backman
	Subtotal	161 acres	
Section 11, T123N, R51W	NE ¼ NE ¼	20 acres	Orris Swayze
Section 12, T123N, R51W	NW ¼ SW ¼	38 acres	Orris Swayze
	NE ¼ SW ¼	36 acres	Orris Swayze
	Subtotal	94 acres	

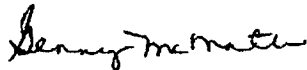
Please review the above chart and let me know if you agree with the division of acreage. If the land in Sections 11 and 12, T123N, R51W (described above) will not be irrigated, we will proceed with scheduling that portion for cancellation consideration. However, if are going to irrigate the land, you will need to submit an ownership change to have that portion of the water right transferred to you. It is currently listed in the name of Milton Swayze.

continued

Page 2
Orris Swayze

Thank you again for calling with the irrigation questionnaire information for 4862A-3. Please review the information concerning the ownership changes on the acreage listed in the chart on page one and call me as soon as possible. We need to get the transfer and license finalized for Mr. Backman and also determine if the land you own will be irrigated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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



4862A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: ORRIS SWAYZE, 705 ORDWAY ST, WILMOT, SD 57279 2243
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4862A-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 4862A-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, 2019 at 10:30 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) 4862A-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, 2019** 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.

4862A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

4862A-3

Orris Swayze
705 Ordway St
Wilmot SD 57279-2243

Dear Mr. Swayze:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 4862A-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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



4862A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: ORRIS SWAYZE, 705 ORDWAY ST, WILMOT, SD 57279 2243

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4862A-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 4862A-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 4862A-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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: VRJLLZ**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

4862A-3

Orris Swayze
705 Ordway St
Wilmot SD 57279 2243

Dear Mr. Swayze:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 4862A-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

4862A-3

Kathleen Swayze
705 Ordway Street
Wilmot, SD 57279

RECEIVED

NOV 16 2021

WATER RIGHTS
PROGRAM

November 12, 2021

Eric Gronlund
Chief Engineer, DANR
523 E. Capitol Ave
Pierre, SD 57501-3182

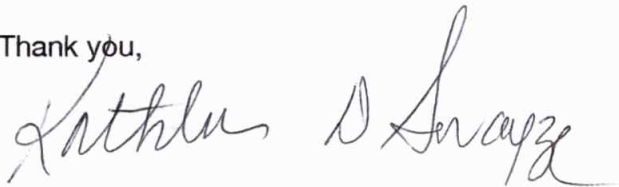
Dear Mr. Gronlund,

Please transfer the name for permit 4862A-3 to Kathleen Swayze. My late husband, Orris Swayze passed away in 2020 and Kathleen Swayze is the current owner of the land and irrigation system with this permit. Enclosed is a copy of the death certificate for Orris Swayze.

Additionally please send the yearly water usage questionnaire to Jason Frerichs who is the tenant and operator of the irrigation system for this permit.

His contact information is:
Jason Frerichs
13507 465th Ave
Wilmot, SD 57279
(605) 949-2204

Thank you,

A handwritten signature in cursive script that reads "Kathleen Swayze". The signature is written in dark ink and is positioned below the "Thank you," text.

Kathleen Swayze



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 16, 2021

4862A-3

Kathleen Swayze
705 Ordway St
Wilmot SD 57279

Dear Ms. Swayze:

Thank you for your letter of November 12th indicating an ownership change is needed for Water Right No. 4862A-3.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I also noted that you want the annual irrigation questionnaires sent to Jason Frerichs. I have made the change to the mailing list for next year. The 2021 questionnaire was mailed to you back in October.

I am returning the death certificate you included with your letter. If we keep it, it will be scanned onto the water right and then becomes public information. The certificate contains personally identifiable information and should not be out for public access.

Sincerely,

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

c: Jason Frerichs, 13507 465th Ave, Wilmot SD 57279

4862A-3

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate November 23, 2021RECEIVED OF Kathleen Swayze 705 Ordway St., Wilmot SD 57279

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4862A-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineerme

PAID

NOV 23 2021

Ck# 1897

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV 23 2021

WATER RIGHTS
PROGRAM

No. 4862A-3

Date: 11/18/2021

I/We request that Water Right No. 4862A-3

formerly owned by: Orris Swayze

be transferred to: (name & address)

Kathleen D. Swayze
705 Ordway St. Willmott, SD 57279

Telephone No. 605-949 0904

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

243 acres – NW ¼ SE ¼, SE ¼ SE ¼ Section 11; NW ¼, SW ¼ SW ¼ Section 12;

N ½ NW ¼ Section 13, T123N, R51W

I/We understand that the validity of Water Right No. 4862A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Kathleen D. Swayze, the new owner, certify that the above information is true and correct.

Kathleen D. Swayze
(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 4, 2022

4862A-3

Kathleen D Swayze
705 Ordway St
Wilmot SD 57279

Dear Ms. Swayze:

Thank you sending in the transfer form and filing fee. Both were received back in November.

The ownership change has been completed. Water Right No. 4862A-3 formerly held by Orris Swayze is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

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

enclosure