

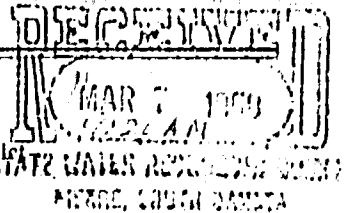
1. Considered April 23, 1958 Appl. No. 521-3
2. Name of Applicant Loretta Johnson
3. Post Office Address Yankton South Dakota
4. Amount of water claimed 3.45 cfs
5. Source of water supply James River
6. Water to be used for Irrigation
Acres to be irrigated 242
7. Water to be diverted and used in Yankton County about
8-9 miles northeast of Yankton.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Backwater of Missouri River

No. 2215Water Division No. 61005
(Blanks to be Filled by the Engineer for the W. R. C.)

District



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Robert BillingsPostoffice address YanktonCounty YanktonState S. D.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

(b) Cash on hand, \$ adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other sources, \$

2. Name of diversion work

3. Amount of water claimed 1552.50 cubic feet per second 3.454. Source of water supply James River5. Location of point of diversion between a point 445' 598' down of the NE Cor. Lot 6, Sec. 5 and a point 434.6' 531.6' of the NW Cor. Lot 1, in T 94 N, R 53 Won bank County.6. Annual period or periods during which water is to be used April through October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 242 acres.(b) Legal subdivisions to be irrigated Crops attached

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

LOTS 6 and 9 of Section 5 and
LOTS 1 and 3 of Section 9 and
all of SW $\frac{1}{4}$ of Section 4 and
West of road, all of NW $\frac{1}{4}$ of
Section 9 West of road, and Lot
1 of Section 9 in Township
34-55 of Yankton County

Map No. 1200-3

8. Estimated cost of work:

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

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

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

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

Rock, \$-----

(e) Other structures -----

Welded Pipe Pump: 7500

Total, \$7,500

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 5 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate ----- *Omaha Daily Star* -----

STATE OF SOUTH DAKOTA

County of *Yankton* ss.

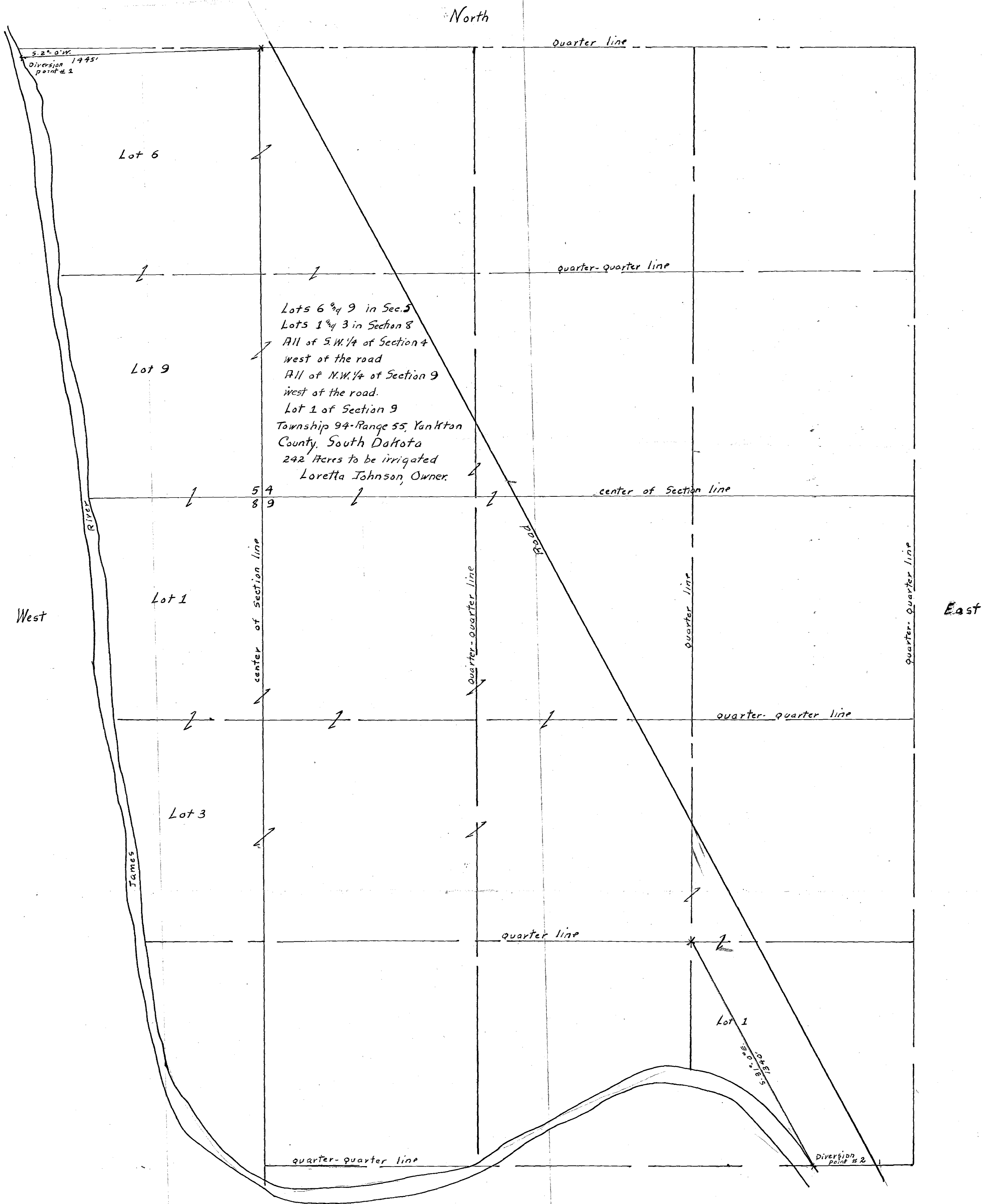
I, *Goretta Johnson*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Goretta Johnson

Subscribed and sworn to before me this ----- 6 ----- day of ----- 1958

Myrtle S. Smith
Notary Public (or other qualified officer.)



Loretta Johnson, Irrigation Project # 1
 Lots 6 $\frac{1}{4}$ 9 in Section 5, Lots 1 $\frac{1}{4}$ 3 in Section
 8, all of S.W. $\frac{1}{4}$ of Section 4 west of road
 all of N.W. $\frac{1}{4}$ of Section 9 west of road $\frac{1}{2}$
 Lot 1 of Section 9 - Township 94 - Range 55
 Yankton County, South Dakota.

I, Ellis V. Nelson, a licensed engineer, hereby certify
 that I have made a survey of Lots 6 $\frac{1}{4}$ 9 in Section 5
 Lots 1 $\frac{1}{4}$ 3 in Section 8, all of S.W. $\frac{1}{4}$ of Section 4 west
 of road, all of N.W. $\frac{1}{4}$ of Section 9 west of road $\frac{1}{2}$ Lot 1
 of Section 9, Township 94 - Range 55, Yankton County
 South Dakota and located Diversion points # 1 & 2
 for the purpose of irrigation, as indicated on the
 above plat.

Dated at Sioux Falls, South Dakota, February 24, 1958

State of South Dakota } ss
 County of Minnehaha }

On this 24th day of February, 1958 before me the
 undersigned officer, personally appeared Ellis V. Nelson
 known to me or satisfactorily proven to be the person
 whose name is subscribed to the within certificate and
 acknowledged that he executed the same for the purpose
 therein contained.

In witness whereof I hereunto set my hand and
 official seal.

Ellis V. Nelson
 Licensed Engineer

Notary Public
 Notary Public
 Minnehaha County, South Dakota
 My commission expires July 6, 1958

Ellis V. Nelson, Civil Engineer
 Sioux Falls, S. Dakota, Feb. 24, 58

Map No. 400-3
 Appl. No. 521-3

map 400-3 WR 521-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Deuel ss.

Pierre, South Dakota,

March 13, 1958

This is to certify that the foregoing application was received by the Commission at 9:20 o'clock
9 a.m. upon the 7 day of March, 1958

State Water Resources Commission

By:

J. J. J. J.

Chief Engineer, Executive Officer

Number of permit 521-3

Date of first receipt of application March 7, 1958

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right March 7, 1958

Approved April 23, 1958, Recorded in Book 4 Page 234

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

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

October 23, 1960

2nd. The whole of said work is to be completed on or before April 23, 1963

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

April 23, 1963

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

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 3.45 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before April 23, 1961 water to be used during the following described annual period:

April to October inclusive

Witness my hand this 12 day of May, 1958

State Water Resources Commission

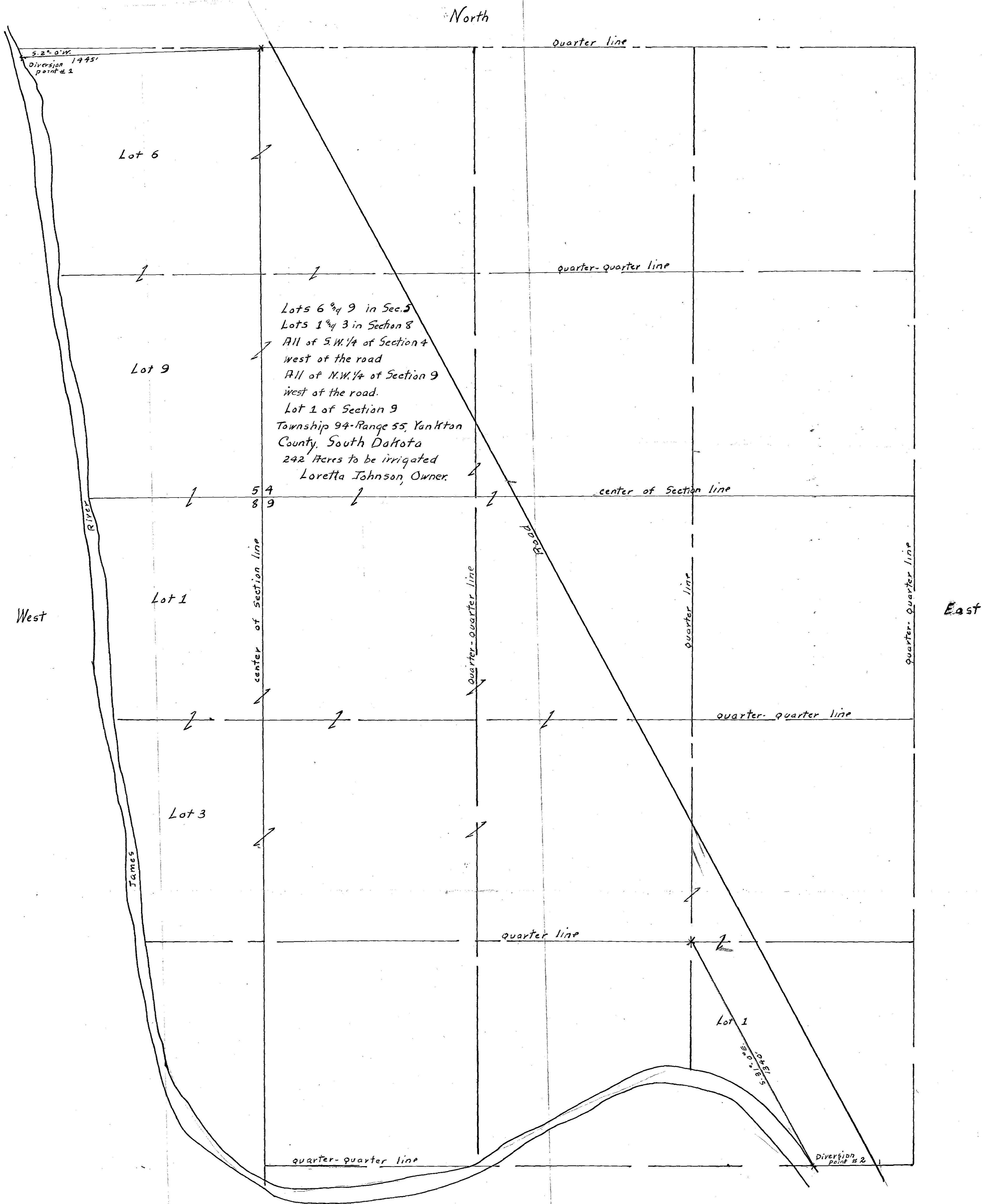
By:

J. J. J. J.

Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 29, 1969

Water License Issued SEPTEMBER 29, 1969



Loretta Johnson, Irrigation Project # 1
 Lots 6 $\frac{1}{4}$ 9 in Section 5, Lots 1 $\frac{1}{4}$ 3 in Section
 8, all of S.W. $\frac{1}{4}$ of Section 4 west of road
 all of N.W. $\frac{1}{4}$ of Section 9 west of road $\frac{1}{2}$
 Lot 1 of Section 9 - Township 94 - Range 55
 Yankton County, South Dakota.

I, Ellis V. Nelson, a licensed engineer, hereby certify
 that I have made a survey of Lots 6 $\frac{1}{4}$ 9 in Section 5
 Lots 1 $\frac{1}{4}$ 3 in Section 8, all of S.W. $\frac{1}{4}$ of Section 4 west
 of road, all of N.W. $\frac{1}{4}$ of Section 9 west of road $\frac{1}{2}$ Lot 1
 of Section 9, Township 94 - Range 55, Yankton County
 South Dakota and located Diversion points # 1 & 2
 for the purpose of irrigation, as indicated on the
 above plat.

Dated at Sioux Falls, South Dakota, February 24, 1958

State of South Dakota } ss
 County of Minnehaha }

On this 24th day of February, 1958 before me the
 undersigned officer, personally appeared Ellis V. Nelson
 known to me or satisfactorily proven to be the person
 whose name is subscribed to the within certificate and
 acknowledged that he executed the same for the purpose
 therein contained.

In witness whereof I hereunto set my hand and
 official seal.

Ellis V. Nelson
 Licensed Engineer

Notary Public
 Notary Public
 Minnehaha County, South Dakota
 My commission expires July 6, 1958

Ellis V. Nelson, C.E. Engineer
 Sioux Falls, S. Dakota, Feb. 24, 58

Map No. 400-3
 Appl. No. 521-3

map 400-3 WR 521-3

Form 15.

Permit No. 521-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That /s/ Robert Billings

1958 the holder of
Permit No. 521-3, issued upon Application No. 521-3, bearing date of priority of March 7,
1958 authorizing the diversion of 3.45 cu. ft. per second of the waters of the James River
the James River County of Yankton, State of South Dakota ak
between a point 1445 feet, S 88° W. of the NE Corner, lot 6, Section 5,
and a point 1340 feet S 31° E. of the NW Corner, Lot 1, Section 9, T94N, R55W
for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.0 cu. ft. per second of water.

Date September 29, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 521-3.

HEREAS, On the 7th day of March A. D. 19 58

Loretta Johnson

Water Right Application No. 521-3 for a permit to use 3.45 cubic feet per second of the waters
the James River

of Yankton, State of South Dakota, for Irrigation

purposes; and

HEREAS, On the 12th day of May A. D. 19 58

No. 521-3, with a date of priority of March 7, 1958

sued to said applicant for the diversion of said water, and provided for the completion of construction of the water

system therein described on or before the 23rd day of April A. D. 19 63 and for the

ation to beneficial use of said water on or before the 23rd day of April A. D. 19 63

And Whereas, on the 17th day of September, 1969, the Water Permit was transferred
Robert Billings, Yankton, South Dakota,

WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
ing to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet
second of water for beneficial use and.

WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
ing to the application of water to beneficial use of the following extent,

~~irrigating 242 acres of land described as follows:~~

All in T 94N, R55W

Section 5, lots 6 and 9

Section 4, SW $\frac{1}{4}$

Section 8, Lots 1 and 3

Section 9, lot 1 and NW $\frac{1}{4}$

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Robert Billings

_____ of Yankton
the holder _____ and owner _____ of said permit No. 521-3 a water right, dating from March 7, 1956
_____ to use of 3.0 cubic feet per second of the waters
of the James River

in the County of Yankton and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted between points 1445 feet, S 88° W of the NE Corner,
lot 1, Section 5, and 1340 feet, S 31° E of the NW Corner, Lot 1, Section 9, T94N, R55W

and conduct to and upon portions of Sections 4, 5, 8, and 9, T94N, R55W, described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 521-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of September A. D.

Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication ~~before March 20~~, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 13, 1958

Notice is hereby given that Loretta Johnson whose postoffice address is Yankton S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.45 cubic feet of water per second of time from the James River through the ~~irrigation system~~, the point of diversion of which is to be located on the easterly bank of said stream between a point in Lot 6, Sec. 5 and a point in Lot 1 of Section 9 all in Twp. 94N Range 55W. Said water to be used for the purpose of providing irrigation on the following described land:

Lots 6 and 9, Sec. 5; Lots 1 and 3, Sec. 8; part of the SW 1/4, Sec. 4; part of the NW 1/4 and Lot 1, Sec. 9; all in T. 94N, R. 55W.

~~and for~~~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 23rd day of April, 1958, at 2:00 PM. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

~~Chief Engineer, State Water Resources Commission~~
Les Wylorny
 Water Rights Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Yankton } ss.

Fred H. Monfore being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Yankton Daily Press & Dakotan a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Yankton County of Yankton and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 18, 1958

March 25, 1958

April 1, 1958

April 8, 1958

in each and every issue of the full number thereof, the first publication being made on the 18th day of March 1958 and the last publication on the 8th day of April 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Fred H. Monfore

Subscribed and sworn to before me this 29th day of April A. D. 1958.

Notary Public Yankton County, S. D.

No. 521-3
1958-18-25-1-8
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., March 13,
1958.
Notice is hereby given that Loreta
Johnson, whose postoffice address is
Yankton, S. Dak., has made an appli-
cation in accordance with the provi-
sions of the water laws of South Da-
kota for a permit to appropriate for
beneficial use 340 cubic feet of water
per second of time from the James
River through the irrigation system,
the point of diversion of which is to be
located on the easterly bank of said
stream between a point in Lot 6, Sec.
5, and a point in Lot 1 of Section 9,
all in Twp. 24N., Range 65W., said
water to be used for the purpose of
providing irrigation on the following
described land:
Lots 6 and 9, Sec. 5, Lots 1
and 3, Sec. 8, part of the
SW 1/4, Sec. 4, part of the
NW 1/4 and Lot 1, Sec. 9, all in
T. 24N. and R. 65W.
This application will be taken up at
the State Water Resources Commission
at their office at Pierre for consid-
eration upon the 23rd day of April, 1958,
at 2:00 P. M. All interested persons
may appear and be heard.
Appropriate action will be taken by
the Water Resources Commission after
suitable time has elapsed for the con-
sideration of any or all information
presented.
STATE WATER RESOURCES
COMMISSION
By LES WILSON,
Water Rights Engineer.

RECEIVED
MAY 5 1958
STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 521-3 Approval Date April 23, 1958

This Permit authorized the diversion of 3.15 cubic feet per second of water from James River to irrigate

242 acres in Section 547, Township 24N, Range 55W, County Yorkton.

Name and Address shown on Permit Loretta Johnson
Yorkton, S.Dak.

Name and Address of present owner of land Robert Billings
Mission Hill, S.Dak.

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed. The present landowner has been informed that cancellation of Water Permit No. _____ will be considered by the Water Resources Commission and he will be notified of the date, time and place of such consideration. _____
2. Some questions exists and further consideration is advisable. _____
3. ☒ The irrigation system was completed within the five year period and is being used. A final inspection should be scheduled. _____

REMARKS: Billings on Vacation but Snoddy told me he also irrigates

Contact Date 8-2-69

Signature W. H. Snoddy

Permit No. 521-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by ROBERT BILLINGS of YANKTON holder of Permit No. 521-3, bearing date of priority of MARCH 7, 1958 authorizing the diversion of 3.45 cu. ft. per second of the waters of THE JAMES RIVER for IRRIGATION purposes, in YANKTON County.

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

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY 8" PUMP P.T.O POWERED BY OLVER TRACTOR

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

2000' OF 6" MAINLINE
1000' OF 4" "

C. Works used to apply water to beneficial use.

WATER DELIVERED TO HIGH RIDGE & FED BY GRAVITY TO LEVELLED LANDThe system is in the following condition: GOOD

The point of diversion is located BETWEEN A POINT 144.5' S 88° W OF THE NE COR. LOT 6, SEC 5; AND A POINT 1340' S 31° E OF THE NW CORNER LOT 1, SECTION 9, T94N, R55W

The works are capable of diverting and conveying to the place of use 30 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: ALL IN T94N, R55W
SECTION 5 - LOTS 6 AND 9; SECTION 4 - SW⁴;
SECTION 8 - LOTS 1 AND 3; SECTION 9 - LOT 1 AND NW⁴

comprising a total of 24.2 acres of land.Date SEPTEMBER 17, 1969Auston Lyne
(Signature)WATER RIGHT SPECIALIST
WATER RESOURCES COMM.

Form 20.

N 521-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date SEPT 17, 1969

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

formerly owned by LORETTA JOHNSON

has been transferred to ROBERT BILLINGS

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 521-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

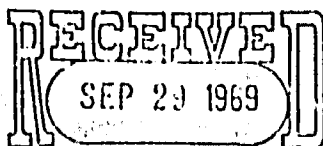
STATE OF SOUTH DAKOTA)
County of Yankton) ss.

I, Robert Billings being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Robert Billings
(Signed)

Subscribed and sworn to before me this 22nd day of September, 1969

Gloria A. [Signature]
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 521-3

December 9, 1983

Lynne Billings
410 E. 21st
Yankton, South Dakota 57078

Dear Mr. Billings:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-14-83

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

242 Acres - Lots 6 & 9, Section 5, SW $\frac{1}{4}$ Section 4, Lots 1 & 3 Section 8,

Lot 1 and NW $\frac{1}{4}$ Section 9 all in T94N, R55W

formerly owned by Robert Billings

has been transferred to Lynne Billings, 410 E 21st, Yankton, SD 57078

(please include complete mailing address)

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

Water Right Permit No. 521-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton) ss.

I, Lynne Billings being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Lynne Billings
(Signed)

Subscribed and sworn to before me this 14 Day of Dec, 1983

[Signature]
(Notary Public)

RECEIPT

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

No 4 9456

Pierre, December 27, 1982

RECEIVED OF Lynne Billings 410 E. 21st Yankton, SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form for WR#521-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

December 30, 1983

Lynne Billings
410 E. 21st
Yankton, South Dakota 57078

Dear Mr. Billings:

Enclosed is receipt No. 4 9456 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 521-3.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
G.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

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

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

April 15, 1985

Lynne Billings
410 E 21st
Yankton SD 57078

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire
Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 521-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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(s), the Water Management Board can:

1. Amend Permit No(s). 521-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. 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
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Lynne Billings
410 E. 21st
Yankton, SD 57078

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

SUBJECT: Amendment to Water Permit No(s). 521-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 521-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 521-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 521-3 to add the following qualification:

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

South Dakota Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Lynne Billings
410 E 21st
Yankton, SD 57078

Re: Violation of Water Permit No(s). 521-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 521-3. 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 for violation of Water Permit No(s). 521-3 qualification:

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

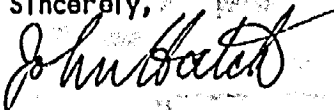
The hearing(s) will be at 2:00 p.m., May 14, 1985, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-25.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 521-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. 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) is received in this office before the May 14 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.

**South Dakota 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: Lynne Billings
410 E 21 St
Yankton SD 57078

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

SUBJECT: One Year Suspension of Water Permit No(s). 521-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 521-3 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

Conversation or File Documentation

NAME OF PERSON OR FILE: Lynne BillingsADDRESS: _____ COUNTY YanktonDATE: 7/9/86 TELEPHONE _____RE: Suspended Permit

COMMENTS:

The land is located adjacent to the James River. Driving around the area, ran into Mr. Dale Swearing who leases the land. He said that the land now belongs to Valley State Bank. He also said that he did not think that the land was irrigated last year. I told him about the permit and the qualifications, he said he did not think that he would irrigate this year. He said this is the 1st year that he does farming on this land.

IMPROPER NOTICE, PERMIT NOT SUSPENDED FOR 1986 IRRIGATION SEASON

Robert Olson

Unsub. State Bank 600 N. 1st

1 Valley Plaza

Rural Branch Office

P.O. Box 1000

Hankston, SD 57045

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.

4/82

NAME: MR. Olson

521-3 LYNN BILLINGS

YANKTON

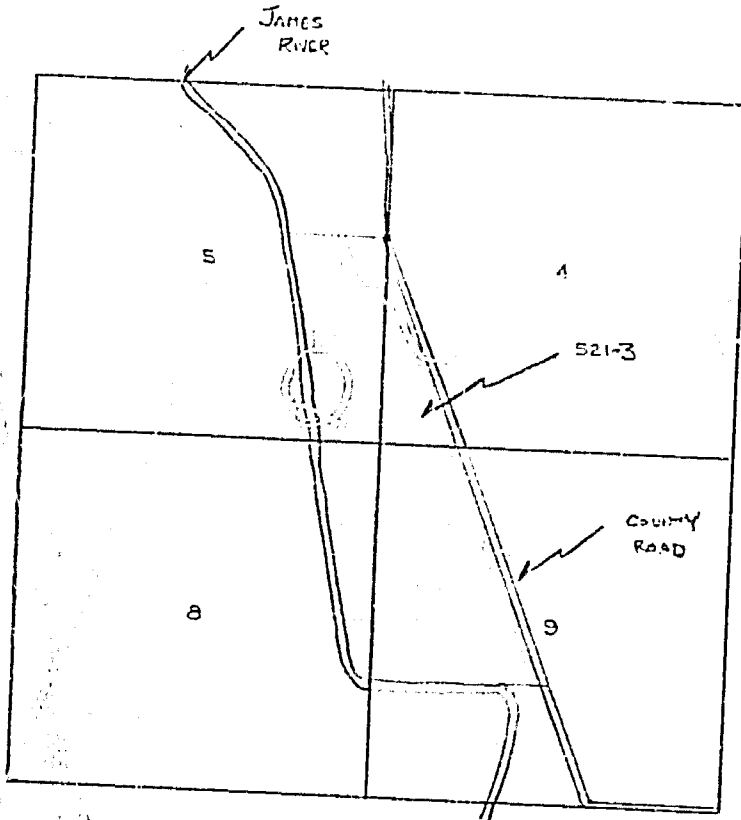
T94N R55W 1, 5, 8, 9

SURFACE WATER - MISSOURI RIVER

* 521-3

3.0 CFS

242 ACRES



* PERMIT IS LICENSED
NEED TO CHECK OUT - FAILURE TO REPORT 1985 - OFF THIS YEAR BY BOARD ACTION

Let your agent know by

the date of the

Bank for the land of the

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



Water Rights Division - DWR

Conversation or File Documentation

Robert Claussen, Valley State Bank

NAME OF PERSON OR FILE: _____

COUNTY _____

ADDRESS: Yankton, SD

DATE: November 6, 1986

TELEPHONE _____

RE: Status of 521-3-Lynne Billings

COMMENTS:

Mr. Claussen called to inquire about transfer of water right 521-3. I indicated to him that we had not yet received the transfer. He stated he did not know if they or the leasor would be irrigating again. The irrigation system has been sold.

I told him if they decided definitely not to irrigate again, then a transfer would not be necessary as we would cancel the permit. However, if they wanted to wait a couple of years before deciding, the permit should be transferred. He inquired about what would happen if they just let it go and applied for a new water right at a later date. I explained to him that this specific water right was out of the James River and as yet, new permits have not been issued from this source.

He said he would think about it and let me know. I told him to return the questionnaire marked "did not irrigate". Also explained to him about the three year non-use which would mean the permit was no longer valid and would be considered abandoned. He understood and stated they did not irrigate during 1986.

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: Gerry McKeith

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

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

521-3

September 14, 1988

Bob Claussen
Valley State Bank
One Valley Plaza
Yankton, SD 57078

Dear Mr. Claussen:

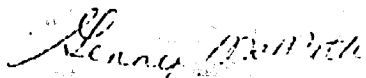
Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 521-3, currently listed in the name of Lynne Billings. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to the Valley State Bank.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

You indicated during our telephone conversation that the land was leased to Dale Svacina, RR #2, Yankton, SD. If it is satisfactory to you, I could direct the yearly irrigation questionnaires to him rather than to the Bank. Please let me know when you return the transfer form how you wish correspondence to be sent.

Also enclosed is the Notice concerning validation of vested water right claims originally sent to Mr. Billings. If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



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

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

February 9, 1990

ROBERT CLAUSEN
VALLEY STATE BANK
PO BOX 629
YANKTON, SD 57078

NOTICE

RE: Violation of Water Permit No(s). 521-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 521-3. 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 1988 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). 521-3 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.

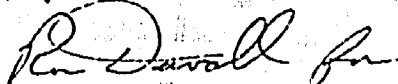
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 521-3 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.

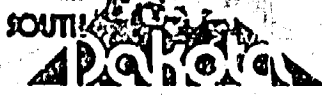
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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



Department of Water & Natural Resources

Jso Fos3 Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 13, 1990

521-3

Mike Hall
Valley State Bank
PO Box 670
Yankton, SD 57078

Dear Mr. Hall:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 521-3. The water right is currently listed in the name of Lynne Billings.

The new owner will need to check over the form and sign in the presence of a notary public. When completed, the form should be returned to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

Water Rights Division - DWR
Conveyance or File Documentation

File No. 521-3

NAME OF PERSON OR FILE: Valley State Bank - Mike Hall

ADDRESS: PO Box 670, Yankton, SD 57078 COUNTY

DATE: February 12, 1990 TELEPHONE

RE: ownership of water right 521-3

COMMENTS: Mike Hall called the office in response to the Notice of Violation dated
February 9, 1990 concerning the 1989 irrigation questionnaire.
He indicated the Bank no longer has any interest in the property. He
will try and obtain the ownership information and submit the needed transfer
form.

Send a transfer form and override the 1989 irrigation questionnaire

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: Henry McMath

VALLEY

STATE BANK

February 14, 1990

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181



Sirs:

Please find attached your notice of transfer of ownership of permit number 521-3. We at Valley State Bank have no ownership rights in the property noted on the transfer, but to satisfy your record keeping requirements we have transferred our water rights under said permit number to the United States Government DVA Farmers Home Administration of Yankton County.

I've also enclosed the \$2.50 transfer fee, and hopefully this will put an end to this matter. If not, please contact me directly.

Sincerely,

VALLEY STATE BANK


Mike Hall
Vice President

MH:prp

Enc.

521-3

VALLEY

STATE BANK

ONE VALLEY PLAZA YANKTON, S.D. 57078-0670
PHONE (605) 665-9611

February 21, 1990

Genny McMath

Dear Genny:

Attached please find Notice of Transfer of Ownership regarding Water Rights that we inadvertently failed to enclose with original letter.

Mike Hall
Mike Hall

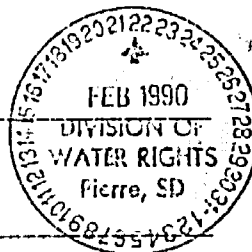


NOTICE OF TRANSFER OF OWNERSHIP

No. 521-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 02-14-90

I/We request that Water ~~Permit~~/Right No. 521-3

formerly owned by: Lynne Billings

be transferred to: (name & address) United State Government d/b/a
413 W 15th St

Farmers Home Administration, Yankton County SD (telephone No.) 605 665 2450

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

Lots 5 & 9 Section 5, SW $\frac{1}{4}$ Section 4, Lots 1 & 3 Section 8, Lot 1 and NW $\frac{1}{4}$ Section 9;

all in T94N, R55W

I/We understand that the validity of Water ~~Permit~~/Right No. 521-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/~~WE~~ Mike Hall, Vice President being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

New Owner:

Chip L. Horton
FHA, Chip Horton Yankton County Supervisor

SELLER:

Michael L. Lee, VP
Valley State Bank (Signed)
Mike Hall, VP

Subscribed and sworn to before me this 14 day of Feb. 19 90

Kay Nickles
(Notary Public)

KAY NICKLES

Notary Public, Yankton Cty., S.D.

NOTE: Water permits may be cancelled for nonconstruction within the five year term. Expires Nov. 21, 1994
construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

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

RECEIPT

412104

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 23, 1990

RECEIVED OF Farmers Home Administration, Yankton SD 57098

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Right No. 521-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By *John H. Kline*
Chief Engineer

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

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

February 28, 1990

521-3

Chip Horton
Yankton County Supervisor
413 W. 15th
Yankton, SD 57078

Dear Mr. Horton:

Enclosed is Receipt No. 412104 in the amount of \$2.50 which you paid for transfer of Water Right No. 521-3.

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

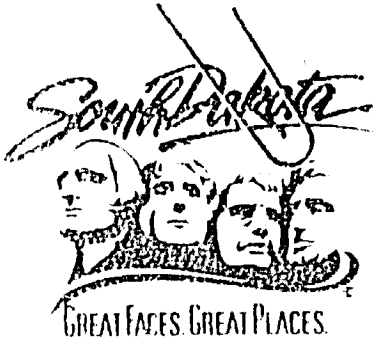
Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

cc: Mike Hall VP, Valley State Bank, One Valley Plaza, Yankton,
SD 57078



521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 1993

Grant Reade
RR 4, Box 175A
Yankton, SD 57078

Dear Mr. Reade:

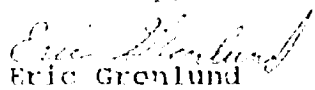
Enclosed is a copy of Water License No. 521-3 which we discussed during our phone conversation. Also I have enclosed the Irrigation Questionnaire which has been submitted the past two years. The questionnaires indicate that no irrigation has taken place in the past years. This being the case it is very possible that water right could be subject to cancellation for non-use. Ultimately the Water Management Board determines through the cancellation or declaratory ruling process whether a water right is valid or subject to cancellation.

South Dakota Codified Law 46-5-37 states "When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water."

If the permit were to be cancelled, you could apply for a new water permit to appropriate water for irrigation of the land. However, a new water permit would take a new priority date.

If you have any questions, please feel free to contact me.

Sincerely,


Eric Grenlund
Water Rights Division
605 773-3352

enclosure



521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 1994

521-3

Grant Reade
RR #4 Box 175A
Yankton, SD 57078

Dear Mr. Reade:

I am contacting you in regard to the status and ownership of Water Right No. 521-3. The water right is currently listed in the name of Farmers Home Administration. In March, 1993, following your telephone conversation with Eric Gronlund, of this office, a copy of Water License No. 521-3 was forwarded to you and an inquiry made into the status of the water right. To date, we have not heard from you concerning this matter.

As stated in March, 1993 letter, our files reflect no irrigation has been done for the past few years. If this is the case, and no legal excuse exists for the non-use of water, then the water right may have been abandoned and/or forfeited. Legal excuses, as defined by Water Management Board Rules, include but are not limited to the following:

- 1) unavailability of water to satisfy a permit or right;
- 2) legal proceedings which prevent the use of water;
- 3) water use under existing climatic conditions would result in a waste of water.

I was unable to tell from Mr. Gronlund's correspondence to you, whether or not you own the land described in Water Right No. 521-3. If you own the land, and feel that the water right may still be valid, it should be transferred to your name. Transfer forms are available from our office upon request.

Please contact our office as to the status and ownership of this water right. If you have any questions, please contact me.

Sincerely,

Genny McMalth

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



521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 30, 1994

521-3

Carl Schenk
RR #1 Box 216
Mission Hill, SD 57046

Dear Mr. Schenk:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 521-3. Please review the form, complete as necessary and then sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. Water Right No. 521-3 will be transferred to your name upon receipt of the completed form and fee.

In our telephone conversation, we discussed whether or not the water right is valid or should be scheduled for cancellation. You indicated you purchased the land from the Farmers Home Administration, who obtained it from Valley State Bank who had obtained the land through foreclosure proceedings. As I stated, the Water Management Board is the entity which determines whether or not a water permit or right is valid. I am able to tell you that our records reflect the land has not been irrigated in the last few years. Under South Dakota Water Law, irrigation must take place at least once every three years in order for a permit or right to remain valid. However, Water Management Board Rules state that legal excuse for not irrigating suspends the three year period defined in Statute. Legal excuses for nonuse of water include, but are not limited to the following:

- 1) Unavailability of water to satisfy a permit or right;
- 2) Legal proceedings which prevent the use of water;
- 3) Water use under existing climatic conditions would result in a waster of water.

If you are uncertain whether or not you will have a valid water right, you will need to petition the Water Management Board for a declaratory ruling. If you choose to come before the Board for a ruling on the matter, please contact our office for information on the procedure to follow.

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 521-3

Date: 1-4-95

I/We request that Water Right No. 521-3

formerly owned by: Farmers Home Administration

be transferred to: (name & address) Karl M. Schenk, RR 1, Box 216
Mission Hill, SD 57046 (Telephone No) (605) 665-6113

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

Lots 6 & 9 Section 5, SW 1/4 Section 4, Lots 1 & 3 Section 8, Lot 1 & NW 1/4 Section 9, T94N, R55W

I/We understand that the validity of Water Right No. 521-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Yankton)

I/We Karl M. Schenk being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

(Signed)

Subscribed and sworn to before me this 4th day of Jan, 19 95.

(Notary Public)

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

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

RECEIPT

414370

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 6, 19 95

RECEIVED OF Karl M. Schenk, RR 1 Box 216, Mission Hill, SD 57046

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>Water Right No. 521-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Hatch
Chief Engineer



521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 1995

No. 521-3

Karl M. Schenk
RR 1, Box 216
Mission Hill, SD 57046

Dear Mr. Schenk:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 521-3.

Our records now show you as the owner of Water Right No. 521-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



January 14, 2004

521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: KARL M SCHENK, 44352 308TH ST, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 521-3, 4855-3 & 6233-3, 4506-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4506-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 521-3, 4855-3 & 6233-3 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) 521-3, 4855-3 & 6233-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4506-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 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 (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.



521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2004

521-3
4506-3
4855-3
6233-3

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 521-3, 4506-3, 4855-3 and 6233-3.

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



521-3

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 24, 2006

NOTICE

TO: KARL M SCHENK, 44352 308TH ST, MISSION HILL, SD 57046

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4506-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 521-3, 4855-3 & 6233-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 521-3, 4855-3 & 6233-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4506-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3926

Your item was delivered at 12:43 pm on January 25, 2006 in MISSION HILL, SD 57046. The item was signed for by K SCHENK.

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 3926

KARL M SCHENK
44352 308TH ST
MISSION HILL SD 57046

before mailing.

Waiver of Signature ☐ YES ☐ NO

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and NATURAL RESOURCES**

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

January 31, 2006

521-3
4506-3
4855-3
6233-3

Karl M Schenk
44352 308th St
Mission Hill SD 57046

Dear Mr. Schenk:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 521-3, 4506-3, 4855-3 and 6233-3.

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

521-3

McMath, Genny

From: Brian Hunhoff [brian@co.yankton.sd.us]
Sent: Thursday, April 10, 2008 2:18 PM
To: McMath, Genny
Subject: RE: land ownership in Yankton County

Genny,

~~The owner of the first property listed (SW4 in 4-94-55) is: James Sees, 44056 298th St., Irene, SD 57037. Error.~~

The owner of the other properties listed is: Kenneth Braunschmidt, 2294 White Drive, Durham, Calif., 95938. *(All owned by Kenneth B.)*

All the Best,
Brian Hunhoff
Yankton County Register of Deeds

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, April 09, 2008 1:35 PM
To: Brian Hunhoff
Subject: land ownership in Yankton County

I am in the process of reviewing a water right for Karl Schenk of Mission Hill. He has notified us that he sold the property described in his water right as follows:

SW ¼ of Section 4;

Lots 6 & 9 of Section 5;

Lots 1 & 3 of Section 8;

Lot 1 & NW ¼ Section 9

All in T94N, R55W

Could you tell me who the land was sold to and the current mailing address? I need to contact the new owner concerning the water right.

Thank you in advance for your help,

Genny McMath

Water Rights Program

605 773-5455

04/21/2008



**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 21, 2008

521-3

Kenneth Braunschmidt
2294 White Dr
Durham CA 95938

Dear Mr. Braunschmidt:

I am contacting you in regard to ownership of land described in Water Right No. 521-3. The water right, currently listed in the name of Karl Schenk of Mission Hill, South Dakota authorizes diversion of water from the James River for irrigation purposes. Enclosed is a copy for your review.

The Register of Deeds office in Yankton County has you listed as owner of the property. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not intend to irrigate or maintain the water right, please get in touch with me. Thank you in advance for your assistance in updating the water right.

Sincerely,

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

enclosures

RECEIVED

APR 29 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 521-3

Date: 4-23-2008

I/We request that Water Right No. 521-3

formerly owned by: Karl M Schenk, 44352 308th St, Mission Hill SD 57046

be transferred to: (name & address) Kenneth R Braunschmidt,
2294 White Dr, Durban IL 61538
Telephone No. 530 343 5371

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

242 acres in portions of the SW ¼ Section 4, Lots 6 & 9 Section 5, Lots 1 & 3 of Section 8, Lot 1 and
the NW ¼ Section 9, all in T94N, R55W

I/We understand that the validity of Water Right No. 521-3 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 Kenneth R Braunschmidt, the new owner, certify that the above information is true and correct.

Kenneth R Braunschmidt
(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 ENVIRONMENT
and NATURAL RESOURCES**

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

May 6, 2008

521-3

Kenneth Braunschmidt
2294 White Dr
Durham CA 95938

Dear Mr. Braunschmidt:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for Water Right No. 521-3, listed in the name of Karl M Schenk. Statutes require that we assess a \$2.50 fee for filing the ownership change.

Your correspondence did not include the required filing fee; however the envelope was not sealed so I am wondering if it was lost along the way. Please remit a check or money order for \$2.50 payable to the "Water Rights Program". Upon receipt of the fee, all pertinent records concerning Water Right No. 521-3 will be transferred to your name.

Thank you in advance for your help in updating the water right. I am enclosing a postage paid envelope for your use in returning the filing fee.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/27, 20 08

RECEIVED OF Kenneth R Braunschmidt 2294 White Dr Durham CA 95938

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>521-3</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. _____	2	50
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. _____	2	50
(Any Other Work Provided by Law)		
TOTAL	2	50

No.

03007

By

T. Hulse
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 2008

521-3

Kenneth Braunschmidt
2294 White Dr
Durham CA 95938

Dear Mr. Braunschmidt:

I am writing to acknowledge receipt of the filing fee for the transfer of Water Right No. 521-3. The transfer has been completed. The water right, formerly held by Karl M Schenk is now listed in your name.

For informational purposes I am enclosing a sample irrigation questionnaire. These forms are mailed to South Dakota irrigators each fall to report their annual water use. The actual form you will need to complete and return to us will be mailed to you in October, 2008.

I am also including with the questionnaire some excerpts of our Water Right Laws and Water Management Board Rules dealing with use of water and the criteria for maintaining a water right.

If you have any questions concerning the enclosed material, please give me a call.

Sincerely,

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

enclosures: sample irrigation questionnaire
Excerpts of Water Laws
Receipt No. 03667 in the amount of \$2.50



521-3
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 21, 2011

NOTICE

TO: KENNETH R BRAUNSCHMIDT, 2294 WHITE DR, DURHAM, CA 95938

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) 521-3. 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) 521-3 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) 521-3 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.

521-3

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Search Results

Label/Receipt Number: 2303 2160 0000 0803 0156

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 11:07 am on February 28, 2011 in DURHAM, CA 95938. The item was signed for by K BRAUNSCHMIDT.

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Detailed Results:

- Delivered, February 28, 2011, 11:07 am, DURHAM, CA 95938
- Notice Left, February 25, 2011, 1:51 pm, DURHAM, CA 95938
- Notice Left, January 24, 2011, 3:22 pm, DURHAM, CA 95938
- Arrival at Post Office, January 24, 2011, 10:09 am, DURHAM, CA 95938
- Processed through Sort Facility, January 23, 2011, 7:08 pm, WEST SACRAMENTO, CA 95799
- Processed through Sort Facility, January 22, 2011, 1:44 am, SIOUX FALLS, SD 57104

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0803 0156

KENNETH R BRAUNSCHMIDT
2294 WHITE DR
DURHAM CA 95938

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2011

521-3

Kenneth R Braunschmidt
2294 White Dr
Durham CA 95938

Dear Mr. Braunschmidt:

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. 521-3. 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



521-3
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 24, 2012

NOTICE

TO: KENNETH R BRAUNSCHMIDT, 2294 WHITE DR, DURHAM, CA 95938
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) 521-3. 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) 521-3 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) 521-3 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.

521-3

English

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2303216000008017959		Delivered	January 26, 2012, 4:26 pm	DURHAM, CA 95938	Signature Confirmation™ Proof of Delivery
		Notice Left	January 26, 2012, 2:39 pm	DURHAM, CA 95938	
		Out for Delivery	January 26, 2012, 9:33 am	DURHAM, CA 95938	
		Sorting Complete	January 26, 2012, 9:23 am	DURHAM, CA 95938	
		Arrival at Post Office	January 26, 2012, 8:53 am	DURHAM, CA 95938	
		Depart USPS Sort Facility	January 26, 2012	WEST SACRAMENTO, CA 95799	
		Processed through USPS Sort Facility	January 25, 2012, 11:19 pm	WEST SACRAMENTO, CA 95799	
		Depart USPS Sort Facility	January 25, 2012	SIOUX FALLS, SD 57104	
		Processed through USPS Sort Facility	January 25, 2012, 2:00 am	SIOUX FALLS, SD 57104	

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0801 7959KENNETH R BRAUNSCHMIDT
2294 WHITE DR
DURHAM CA 95938Waiver of Signature ☐ YES ☐ NOPostmark
HereDelivered January 26th
K. Braunschmidt

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 7, 2012

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Kenneth R Braunschmidt, 2294 White Dr., Durham CA 95938

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

SUBJECT: One Year Suspension of Water Right No. 521-3

On March 7, 2012, the Water Management Board ordered:

Effective April 7, 2012, Water Right No. 521-3 be suspended for the 2012 irrigation season for failure to submit the 2011 irrigation questionnaire.

If the 2011 irrigation questionnaire is received prior to April 7, 2012 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2012 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2012 unless the irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2011 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May, 2012 in Pierre, SD. The letter should include your reasons for not completing the 2011 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

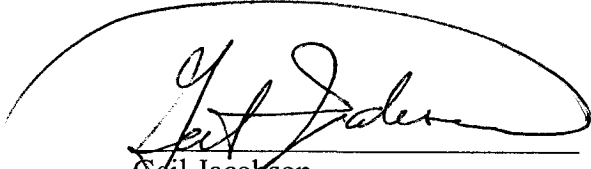
Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 7, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7 2012 regarding suspensions addressed as stated below:

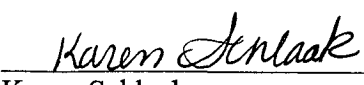
Peterson Management, 324 Dak Dunes Blvd, # 200 N Sioux City SD 57049	3871-3
Wayne F Childers, 11086 Burlington Dam Rd, Edgemont SD 57735	858-2
Erik Roth, 1001 S 3 rd St, Parkston SD 57366	607-3
Nathan Stencil, Stencil Const. PO Box 2786, Sioux Falls SD 57101	6739-3
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701	2106-2
Kenneth Braunschmidt, 2294 White Dr, Durham CA 95938	521-3
Danny L Adams, 2010 Avalon Pkwy # 400 McDonough GA 30253	1828-1
Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701	1769-1

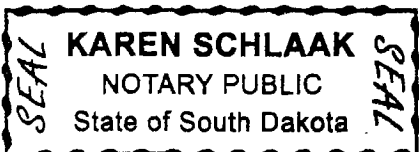


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 28 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 521-3Date: 2-25-13I/We request that Water Right/Permit No. 521-3 formerly owned by:Kenneth R Braunschmidt be transferred to:New Owner Name: Dan HareckyAddress: 30463 Northeast Jim River RoadCity, State, Zip Mission Hill SD 57046 Telephone No. 605-665-5321

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

See attached paper

☐ I understand that the validity of Water Right/Permit No. 521-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Dan Harecky, the new owner, certify that the above information is true and correct.


Harecky
(signed by new owner)

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

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

RECEIVED

FEB 26 2013

WATER RIGHTS
PROGRAM

Parcel 18: That part of Government Lot Six (6) lying West of the gravel road, and all of Government Lot Nine (9), Section Five (5), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

Parcel 19: That part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) lying West of the gravel road, Section Four (4), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

Parcel 15: Government Lots One (1), Three (3) and Five (5), Section Eight (8), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

Parcel 16: Government Lots One (1) and Two (2) lying west of the gravel road, and all of Government Lot Three (3), Section Nine (9), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

Parcel 17: That part of the Northwest Quarter (NW $\frac{1}{4}$) lying west of the gravel road, Section Nine (9), Township Ninety-four (94) North of Range Fifty-five (55), West of the 5th P.M., Yankton County, South Dakota, less highways and roads.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/28/, 20 13

RECEIVED OF Dan Hacecky 30463 NE Jim River RD Mission Hill SD 57046

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>521-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06181

By

Harold Eskelley
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2013

521-3

Dan Hacecky
30463 NE Jim River Rd
Mission Hill SD 57046

Dear Mr. Hacecky:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership on Water Right No. 521-3. The ownership change has been completed. Water Right No. 521-3, formerly held by Kenneth R Braunschmidt is now listed in your name.

For informational purposes, I am sending you a sample copy of an irrigation questionnaire. In South Dakota, all irrigators (except those with water spreading systems) are required to report annual water use. The sample questionnaire will give you an idea of what type of information to keep track of during the irrigation season.

Enclosed for your records is Receipt No. 06181 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosures: sample irrigation questionnaire
Receipt No. 06181