

Considered: _____

WATER PERMIT NO. 5288-3

MAP No. Same 853-2591

Name of Applicant William Oligmueller

Post Office Address HCR 1, Box 27, St. Lawrence, SD 57373

Amount of Water Claimed No add'l Total Acres 320

Source of Water Supply groundwater - 2 wells

Water to be used for irrigation County Hand

About 10 miles NE of St. Lawrence

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Sept. 30, 1988 Fee \$50⁰⁰ Remarks This appl. adds

1 diversion point & moves 160 acres - see Permit No. 3553-3

Corrected Application Received Feb 2, 1989 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

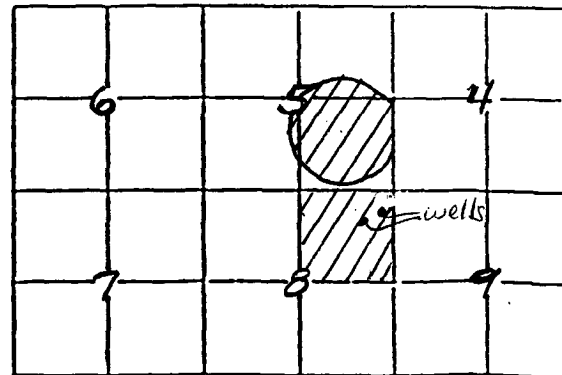
Diversion Point NE 1/4 NE 1/4 Sect 8, T113N, R66W

Land to be Irrigated SE 1/4 Section 5, T113N, R66W

NE 1/4 Section 8, " "

E 1/2 SW 1/4 Section 5, " "

S 1/2 NE 1/4 Section 5, " "



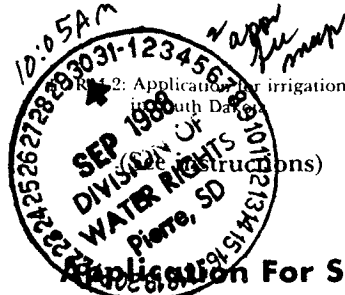
Well Log: Driller Grimshaw Licensed YES _____ NO X

Depth of Wells ~40' REMARKS both drilled in 1977

*see file 3553-3 for well locations

Type of Map aerial photo PREPARED BY Guy Franing Reviewed and the Number

assigned on Mar 8, 1989 By Dwain A. Bowar



No. 5288-3 Hydrologic Unit 1060009
Basin James R.
Newspaper Miller Press Box 196 57362 (Mon)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 3553-3
☒ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant William Oligmueller Phone No. 853-2591
Post Office Address HCR #1, Box 27, St. Lawrence, South Dakota State 57373
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) No Add'l. Total acres irrigated 320
3. Source of Water supply Groundwater (2 wells)
4. Location of point of diversion Both wells in the NE 1/4 NE 1/4 of Section 8, T113N, R66W
_____ County Hand
5. Counties where water will be used Hand
6. Annual period during which water is to be used - April 1 - October 31 - May 1 - Sept 15
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Section 5 T113 R66	-40- 39	NW 1/4 NE 1/4 Section 8 T113 R66	40
NE 1/4 SE 1/4 Section 5 T113 R66	-40- 39	NE 1/4 NE 1/4 Section 8 T113 R66	40
SW 1/4 SE 1/4 Section 5 T113 R66	-40- 39	SW 1/4 NE 1/4 Section 8 T113 R66	40
SE 1/4 SE 1/4 Section 5 T113 R66	-40- 39	SE 1/4 NE 1/4 Section 8 T113 R66	40
NE 1/4 SW 1/4 " 3 ac		SW 1/4 NE 1/4 Sec 5-T113-R66 7ac	
SE 1/4 SW 1/4 " 1 ac		SE 1/4 NE 1/4 " 6 ac Other:	

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)
This application to amend Permit No. 3553-3 proposes to add one diversion point and move 160 acres from the NW 1/4 of Section 8 to the SE 1/4 of Section 5. It also redescribes the existing diversion point and irrigation in the NE 1/4 of Section 8.
E 1/2 SW 1/4, SE 1/4, and S 1/2 NE 1/4 Section 5.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hand) ss

I, William Oligmueller, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed X William Oligmueller

Subscribed and sworn to before me this 29th day of September 1988

JUDY JENNER
Notary Public, State of South Dakota
My Commission Expires Aug. 4, 1993

Judy Jenner
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5288-3 FOR IRRIGATION

Date of first receipt of application September 30, 1988.

Date Soil/Water Compatibility Permit received March 13, 1989.

Date returned to applicant for required corrections, amendments or changes
October 19, 1988.

Date of receipt of corrected application February 2, 1989.

The Water Management Board approved Water Permit Application No. 5288-3 on July 26, 1989 for William Oligmueller, HCR #1 Box 27, St. Lawrence, South Dakota 57373 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5288-3 amends Water Permit No. 3553-3 by adding one well and changing the location of 160 irrigated acres. Permit No. 3553-3 appropriates 2.0 cubic feet of water per second from one well (Tulare-Hand Aquifer), approximately 40 feet deep, located in the NE1/4 NE1/4 Section 8 to irrigate 320 acres in the NE1/4, NW1/4 Section 8; all in T113N-R66W. This permit adds one well (Tulare-Hand Aquifer), approximately 40 feet deep, in the NE1/4 NE1/4 Section 8 and change the location of 160 irrigated acres from the NW1/4 Section 8 to the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 5; all in T113N-R66W. This permit does not increase water appropriation or the number of acres authorized for irrigation by Permit No. 3553-3.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 15.
3. The date from which applicant may claim right is January 14, 1977.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 45'
- b) Casing Type plastic Diameter 18" Thickness 1/4"
- c) Screen Type Stainless Steel Diameter 18" Thickness 1/4"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 29'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others 1 mile

X Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

X Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

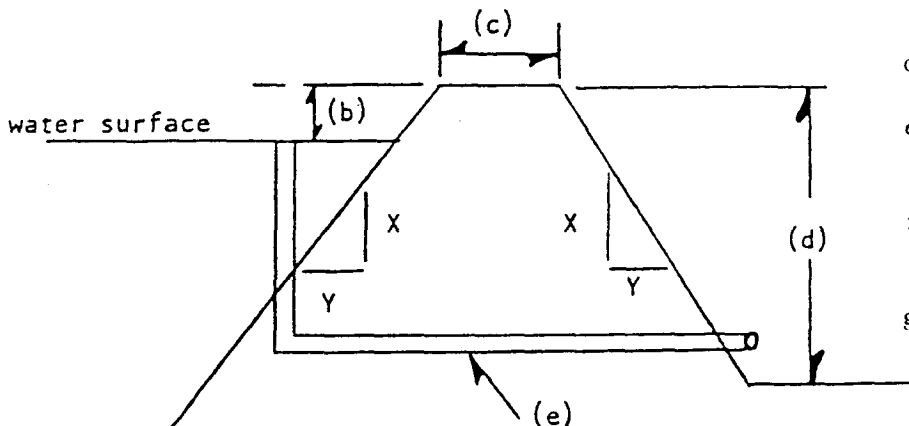
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



William J. Oligmutter
Signature of Applicant

 **Department of
Water & Natural Resources**

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

April 14, 1987

853-2591

William Oligmueller
Hcr #1 Box 27
St. Lawrence, SD 57373

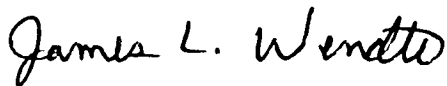
Dear Mr. Oligmueller:

On April 1, 1987, I stopped at your home and visited with you concerning Permit No. 3553-3. As I explained at that time, we need to amend your permit to coincide with what you are actually irrigating.

You applied for one diversion point and the N1/2 of Section 8-T113N-R66W on your original permit. However, you currently have two diversion points and irrigate the NE1/4 of Section 8 and the SE1/4 of Section 5. We will need to amend the existing permit to add one diversion point and move 160 acres from the NW1/4 of Section 8 to the SE1/4 of Section 5. Also, you will need to apply for soil and water compatibility for the SE1/4 of Section 5. There is a \$50.00 fee required for this application to amend Permit No. 3553-3.

I have filled out the necessary forms for you. Please look them over, make any additions or corrections, sign them, and return them along with the fee mentioned above. The soil and water compatibility application should be sent to Brookings along with the water sample. We can then continue with the process of licensing your permit. If you have any questions, please contact our office.

Sincerely yours,



James L. Wendte
Natural Resources Engineer
605 773-3352

enc

Called Oligmoller
on 7-13-88 about addl.
application. Spoke with
his wife. She said
that they would get back
to me.

SLW

7-13-88,

Called Back same day.
Requested that we send
another application.

JLW
9-13-88

 **Department of
Water & Natural Resources**

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

Sept. 28, 1988

William Oligmueller
HCR #1, Box 27
St. Lawrence, SD 57373

Dear Mr. Oligmueller:

Enclosed is an application which should be submitted so that we can attempt to clear up the discrepancies which exist in your irrigation development in Sections 5 and 8, T113N, R66W. Initially I sent you a similar application in April of 1987, however, we never received the application back. I spoke with your wife on Sept. 13 and she requested that we send another application.

Your existing Water Permit No. 3553-3 allowed you to develop irrigation on the north half of Section 8 from one well in the NE1/4 NE1/4 of the same section. However, you currently have two diversion points and irrigate the NE1/4 of Section 8 and the SE1/4 of Section 5. We need to amend the existing permit to add one diversion point and move 160 acres from the NW1/4 of Section 8 to the SE1/4 of Section 5. You must complete the applications which I have partially filled out for you. Please note that the applications need to be notarized. In addition, you must submit a map and complete the supplemental information sheet (Form 2A) for the additional diversion point. A water sample also needs to be collected and sent to Brookings as described on the instruction sheet. There is a \$50.00 fee associated with this application.

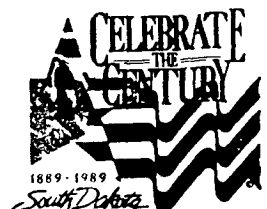
After completing and reviewing the forms, please return the map, supplemental information sheet, fee, and both copies of the application to our office. The water sample needs to be sent to Brookings. If you have any questions, please contact our office.

Sincerely,

James L. Wendte

James L. Wendte
Natural Resources Engineer
(605) 773-3352

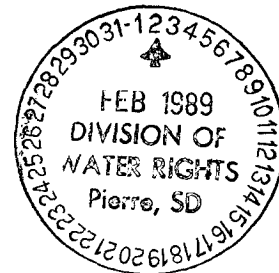
enc





Department of Water & Natural Resources

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



October 19, 1988

William Oligmueller
HCR #1, Box 27
St. Lawrence, South Dakota 57373

Dear Mr. Oligmueller:

This is in response to the water permit application received from you September 30, 1988, a copy of which is enclosed.

The application is incomplete for the following reason(s):

- (1) I am enclosing a copy of a map of section 5. The area irrigated needs to be outlined and the map must be signed by a South Dakota Registered Professional Engineer, a South Dakota Licensed Land Surveyor, or by a government employee who normally prepares maps as part of his duties (SCS, ACSC, etc. see enclosed instruction sheet). If the correct acreage corresponds to the pivot in the SE1/4, the acreage description will need to be corrected on the application.
- (2) A well log, if available, signed by a South Dakota licensed well driller, needs to be submitted for the second well.

The Water Management Board cannot consider a water permit application until it is complete. Please submit the enclosed map with the acreage outlined and the required signature, and a well log for the second well to begin processing of your water permit application.

Please call if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



Conversation or File Documentation

NAME OF PERSON OR FILE: William OligmuellerADDRESS: HCR 1, Box 27, St. Lawrence SD COUNTY HandDATE: 8/30/89 TELEPHONE _____RE: Amendment of Permit No. 3553-3

COMMENTS:

The basis for amendment of Permit No. 3553-3 is
an inspection completed by Leroy Mernaugh prior
to the end of the construction period for No. 3553-3.
Therefore, the priority date assigned to No. 3553-3
should also be assigned to No. 5288-3.

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411439

Pierre, September 30, 19 88

RECEIVED OF William Oligmueller, HCR 1, Box 27, St. Lawrence, SD 57353

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

Fee for Application for Permit No. <u>5288-3</u> to Appropriate Water, to construct works 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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH

ms

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4336

WR#

OWNERS NAME: William Oligmueller

OWNERS ADDRESS: HCR #1, Box 27

St. Lawrence, SD 57373

COUNTY LAND LOCATED IN: Hand

PHONE: 853-2591

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8-T113N-R66W (2 wells)

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5-T113N-R66W	39	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5-T113N-R66W	3
NE $\frac{1}{4}$ SE $\frac{1}{4}$ " "	39	SE $\frac{1}{4}$ SW $\frac{1}{4}$ " "	1
SW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	33	SW $\frac{1}{4}$ NE $\frac{1}{4}$ " "	7
SE $\frac{1}{4}$ SE $\frac{1}{4}$ " "	32	SE $\frac{1}{4}$ NE $\frac{1}{4}$ " "	6

TOTAL = 160

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 77-010

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 859

8. PERCENT SODIUM: 19.27

6. SODIUM (SAR): 0.95

Requirements: The small area of Exline (Esa) & Exline-Lane (Exa) & the escarpment found in the SW corner remain in permanent vegetation.

That the small potholes mapped as Tetonka (Tw) remain in permanent vegetation because of excess wetness & ponding under irrigation.

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Peter Oligmueller
Director, Division of Conservation

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

#2

GRIMSHAW DRILLING CO.

DRILLING
LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name Bill Oligmüller Date 6-21-79
Address St. Lawrence S.D.
County _____ Sec. _____ Twp. _____ Range _____

NO.	FT.	DIA.	RATE	CASING	TOTAL
TEST Pumping 2 wells 300.00					600.00
OVERCHARGE					150.00
TOTAL					750.00

BALANCE DUE:

1 st Well	ft. to ft.	ft. to ft.
36' deep	8' static water level	
18' draw down	550 gpm	
5' into screen		
2 nd Well	ft. to ft.	ft. to ft.
41' deep	9' static	
28' draw down	346 gpm	
2' into screen		
ft. to ft.	ft. to ft.	
ft. to ft.	ft. to ft.	
ft. to ft.	ft. to ft.	

STATIC WATER LEVEL _____ ft.

DRILLER

REMARKS: Lamy

G. MSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name PTU OIL FIELD Date 8-11
Address ST LAWRENCE 2. DAY
County FIAND Sec. 8 Twp. 113.66 Range

NO	FT.	DIA.	RATE	CASING	TOTAL
14	30"		25.00	DRILLING	550.00
31	30"		12.00	DRILLING	372.00
15	16"		45.00	DRILLING	675.00
			*	DRILLING	81.00
26	16"		11.50	DRILLING	299.00
				DRILLING	42.20

BALANCE DUE:

#1 0 ft. to 2 ft. ASHL ft. to 3360.20

2 ft. to 11 ft. CLAY ft. to

11 ft. to 20 ft. SAND ft. to

20 ft. to 34 ft. GRAVEL ft. to

34 ft. to 36 ft. CLAY ft. to

36 ft. to 38 ft. CLAY ft. to

38 ft. to 40 ft. CLAY ft. to

40 ft. to 42 ft. CLAY ft. to

42 ft. to 44 ft. CLAY ft. to

44 ft. to 46 ft. CLAY ft. to

46 ft. to 48 ft. CLAY ft. to

48 ft. to 50 ft. CLAY ft. to

50 ft. to 52 ft. CLAY ft. to

52 ft. to 54 ft. CLAY ft. to

54 ft. to 56 ft. CLAY ft. to

56 ft. to 58 ft. CLAY ft. to

58 ft. to 60 ft. CLAY ft. to

60 ft. to 62 ft. CLAY ft. to

62 ft. to 64 ft. CLAY ft. to

64 ft. to 66 ft. CLAY ft. to

66 ft. to 68 ft. CLAY ft. to

68 ft. to 70 ft. CLAY ft. to

70 ft. to 72 ft. CLAY ft. to

STATIC WATER LEVEL _____ ft.

DRILLER

REMARKS: * BOTTOM 142
DRILLER SIGN 31

NOT TO SCALE



T1056

26.8

23.5

23.5

26.8

45.0
- 1.9
43.1

5

5.5

24.0

8.9

112.9
+ 24.0

141.9 I.R.

Ship Fencing
Hend Co.
HSCS

113-66
0-14

Appl. No. 5288-3

Report on Application No. 5288-3
William Oligmueller
March 21, 1989

Application No. 5288-3, William Oligmueller, proposes to add one well and change the location of 160 irrigated acres authorized by Water Permit No. 3553-3. Water Permit No. 3553-3 appropriates 2.0 cubic feet of water per second from one well (approximately 40 feet deep) located in the NE1/4 NE1/4 of Section 8, T113N, R66W, to irrigate 320 acres in the N1/2 of the same section. This application proposes to add one well (approximately 40 feet deep) located in the NE1/4 NE1/4 of Section 8 and change the location of 160 irrigated acres from the NW1/4 of Section 8 to the SE1/4, E1/2 SW1/4, and S1/2 NE1/4 of Section 5; all in T113N, R66W. This application does not appropriate any additional water.

Aquifer - Tulare - Hand (T-HA)

The Tulare - Hand Aquifer consists of interconnected sand and gravel layers which are separated by till and is under water table conditions in this area (Koch, 1980). The aquifer underlies 208,700 acres in Hand County and contains 938,000 acre-feet of recoverable water (Hedges, etal, 1982). Observation well HD-73H (Water Rights, 1989) is located about one mile to the west of the irrigation wells. Water level records for the observation well reflect normal drawdown and recharge patterns.

Review of Existing Water Rights

There are 24 existing irrigation permits from the Tulare - Hand Aquifer. These permits have a combined appropriation of 15,237 acre-feet, and the reported pumpage in 1987 amounted to 1,370 acre-feet (Water Rights, 1987). The nearest irrigation wells to the proposed well are located one-half mile south and one mile west. This application is a result of differences between the original permit (No. 3553-3) and the actual development. The wells have been developed and the land have been irrigated.

Conclusions

1. Water is available from the Tulare - Hand Aquifer.
2. This application is a result of the normal inspection procedure. During the inspection, an additional well and a change in irrigated acreage were discovered. This application will account for the differences and will not appropriate any additional water.

3. Observation well records for a well near the points of diversion reflect normal drawdown and recharge patterns.
4. These wells have been developed and the land irrigated in recent years.

James L. Wendte

James L. Wendte
Natural Resources Engineer

approved by:

James A. Goodman
JAMES A. GOODMAN
Hydrologist

Bibliography

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for U.S. Army Corps of Engineers, DWNr, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1980, Geology and Water Resources of Hand and Hyde Counties, South Dakota, Bulletin 28, for U.S. Dept. of the Interior - Geological Survey, Oahe Conservancy Sub-District, DWNr, SDGS, Vermillion, SD, 57069.

Water Rights Division, 1987, Irrigation Report By County, DWNr, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

Water Rights Division, 1989, Observation Well File HD-73H, DWNr, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5288-3, William Oligmueller

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5288-3, William Oligmueller, HCR 1, Box 27, St. Lawrence SD.

The Chief Engineer is recommending APPROVAL of Application No. 5288-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

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

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 22, 1989



Department of Water & Natural Resources

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

March 29, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

William Oligmueller
HCR #1, Box 27
St. Lawrence, SD 57353

Dear Mr. Oligmueller:

Your Application No. 5288-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Miller Press printed at Miller SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

March 29, 1989

Miller Press
Box 196
Miller, SD 57362

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5288-3 to be published twice. Please publish the first notice on or before April 5, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is William Oligmueller, HCR #1, Box 27, St. Lawrence, SD 57373.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5288-3 to Add a Diversion Point
and change the Location of Irrigated Acreage

Notice is given that William Oligmueller, HCR 1, Box 27, St. Lawrence, SD 57353 has filed an application for a water permit to add one well and change the location of 160 irrigated acres authorized by Water Permit No. 3553-3. Water Permit No. 3553-3 appropriates 2.0 cubic feet of water per second from one well (Tulare-Hand Aquifer) approximately 40 feet deep located in the NE1/4 NE1/4 Section 8 to irrigate 320 acres in the NE1/4, NW1/4 Section 8; all in T113N, R66W. This application proposes to add one well (Tulare-Hand Aquifer) approximately 40 feet deep in the NE1/4 NE1/4 Section 8 and change the location of 160 irrigated acres from the NW1/4 Section 8 to the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 5; all in T113N, R66W. This application does not increase the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5288-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

STATE OF SOUTH DAKOTA)
) ss.
County Hand)

WNR-808-7/79
Proof of Publication

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01 thru 74:02:01:15.

Conversation or File Documentation

NAME OF PERSON OR FILE: William OligmuellerADDRESS: HCR 1 Box 27 St. Lawrence 57353 COUNTY HandDATE: April 19, 1989 TELEPHONE _____RE: publication of the 'Notice of Hearing'

COMMENTS:

Today we received a copy of the first publication of the Notice of Hearing for No. 5288-3. The date indicated the first publication was April 17, 1989

(Final publication must be on or before April 20).

I called the Miller Press to verify this date. They said it was correct and that Mrs. Oligmueller brought in the March 29 letter addressed to the paper just a couple of days ago. I explained to him that the second publication would be too late and requested he cancel it. I told him we would mail the Notice again for the July meeting.

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: Susan Bowser



Department of Water & Natural Resources

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

May 2, 1989

William Oligmueller
HCR 1, Box 27
St. Lawrence SD 57353

Dear Mr. Oligmueller:

I am writing in regard to the notice of hearing for your Water Permit Application No. 5288-3. The Miller Press has informed the Water Rights Division that the notice of hearing for Application No. 5288-3 did not get published the first time until April 17. The newspaper indicated that the notice of hearing was not received by the paper.

Pursuant to SDCL 46-2A-4, the notice needs to be published once for two successive weeks with the second publication at least 20 days prior to the first day of the Water Management Board meeting. Your notice needed to be published no later than April 20 (second publication) to meet the requirements of SDCL 46-2A-4. The Miller Press was instructed not to publish the notice on April 24 since the advertising deadline could not be met.

Application No. 5288-3 will need to be rescheduled for the July 25 and 26, 1989 Board meeting. A revised notice will be sent to you and the newspaper. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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

May 31, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

William Oligmueller
HCR #1, Box 27
St. Lawrence, SD 57353

Dear Mr. Oligmueller:

Your Application No. 5288-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Miller Press printed at Miller SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

May 31, 1989

Miller Press
Box 196
Miller, SD 57362

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5288-3 to be published twice. Please publish the first notice on or before June 7, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The APPLICANT is responsible for the cost of publication. The APPLICANT is William Oligmueller, HCR #1, Box 27, St. Lawrence, SD 57373. This notice is a readvertisement of the notice published in your paper on April 17, 1989. The notice did not get published in time to meet the statutory deadline.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before June 7, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5288-3 to Add a Diversion Point
and change the Location of Irrigated Acreage

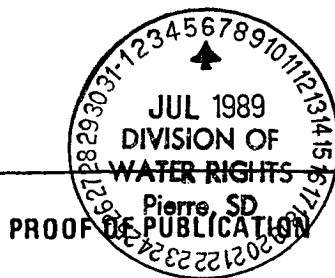
Notice is given that William Oligmueller, HCR 1, Box 27, St. Lawrence, SD 57353 has filed an application for a water permit to add one well and change the location of 160 irrigated acres authorized by Water Permit No. 3553-3. Water Permit No. 3553-3 appropriates 2.0 cubic feet of water per second from one well (Tulare-Hand Aquifer) approximately 40 feet deep located in the NE1/4 NE1/4 Section 8 to irrigate 320 acres in the NE1/4, NW1/4 Section 8; all in T113N, R66W. This application proposes to add one well (Tulare-Hand Aquifer) approximately 40 feet deep in the NE1/4 NE1/4 Section 8 and change the location of 160 irrigated acres from the NW1/4 Section 8 to the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 5; all in T113N, R66W. This application does not increase the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5288-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



No. _____

STATE OF SOUTH DAKOTA)
County of Hand) ss.

I, Gary L. McFarlane hereby

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

Water was taken from the The Miller Press

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 Miller

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

June 5 and June 12 1989

Gary L. McFarlane
(Signature)

Pub
(Title)

7/5/89
(Date Signed)

**NOTICE OF HEARING on
Application No. 5288-3 to Add a
Diversion Point and change the
location of Irrigated Acreage.**

Notice is given that William Oligmueller, HCR 1, Box 27, St. Lawrence, SD 57373 has filed an application for a water permit to add one well and change the location of 160 irrigated acres authorized by Water Permit No. 3553-3. Water Permit No. 3553-3 appropriates 2.0 cubic feet of water per second from one well (Tulare-Hand Aquifer) approximately 40 feet deep located in the NE1/4 NE1/4 Section 8 to irrigate 320 acres in the NE1/4, NW1/4 Section 8; all in T113N, R66W. This application proposes to add one well (Tulare-Hand Aquifer) approximately 40 feet deep in the NE1/4 NE1/4 Section 8 and change the location of 160 irrigated acres from the NW1/4 Section 8 to the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 5; all in T113N, R66W. This application does not increase the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of the Application No. 5288-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD on July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 14, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352). The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of

Cost of Printing: 37.50

the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 14, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rule ARSD 74:02:01:01 thru 74:02:01:15.
FPNO 40 LPNO 41



Department of Water & Natural Resources

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

SEP 12 1989

William Oligmueller
HCR #1 Box 27
St. Lawrence, SD 57373-9719

Dear Mr. Oligmueller:

Enclosed is Water Permit No. 5288-3 as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures



Department of Water & Natural Resources

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

February 9, 1990

WILLIAM OLIGMUELLER
HCR 1 BOX 27
ST LAWRENCE, SD 57373

NOTICE

RE: Violation of Water Permit No(s). 3553-3, 5288-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 3553-3, 5288-3. 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). 3553-3, 5288-3 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). 3553-3, 5288-3 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

5288-3

The questionnaire we filled out was
filled out per well instead of per pivot.
We run two wells together to run 2 pivots
individually. we ran them 90 day at
24 hrs a day using 750(gpm)





Department of Water & Natural Resources

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

March 14, 1990

3553-3
5288-3

William Oligmueller
HCR 1 Box 27
St. Lawrence, SD 57373

Dear Mr. Oligmueller:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 3553-3 and 5288-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive, flowing style. The first name "Ron" is clearly legible, and "Duvall" follows in a similar script. There is a small mark at the end of the signature that looks like a stylized "M" or "A".

RON DUVALL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.
February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

WILLIAM OLIGMUELLER
HCR 1 BOX 27
ST LAWRENCE SD 57373

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 3553-3; & 5288-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 3553-3; & 5288-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of 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 South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

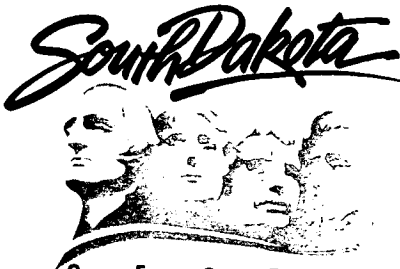
1. Suspend Permit No(s). 3553-3; & 5288-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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.

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th 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.



GREAT FACES. GREAT PLACES.

February 1, 1991

WILLIAM OLIGMUELIER
HCR #1 BOX 27
ST LAWRENCE SD 57373

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 3553-3, 5288-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3553-3, 5288-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 3553-3, 5288-3 qualification:

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

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

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

1. Suspend Permit No(s) 3553-3, 5288-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

Very truly yours,

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to: WILLIAM OLIGMUELIER HCR #1 BOX 27 ST LAWRENCE SD 57373	4. Article Number P 694 057 401 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature — Addressee <i>X William Oligmuelier</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature — Agent X							
7. Date of Delivery 2-2-91							



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 26, 1991

3553-3
5288-3

William Oligmueller
HCR 1 Box 27
St Lawrence, SD 57373

Dear Mr. Oligmueller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application data for Water Permit Nos. 3553-3 and 5288-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



5288-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

WILLIAM OLIGMUELLER
HCR #1 BOX 27
ST LAWRENCE SD 57373

NOTICE

RE: Violation of Water Permit No(s) 3553-3 & 5288-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 3553-3 & 5288-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 3553-3 & 5288-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 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) 3553-3 & 5288-3 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM OLIGMUELIER
HCR #1 BOX 27
ST LAWRENCE, SD 57373

4a. Article Number

P 906 557 835

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

6. Signature (Agent)

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

WILLIAM OLIGMUELLER
HCR 1 BOX 27
ST LAWRENCE SD 57373

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 3553-3; & 5288-3

The first notice to file chemigation report(s) for Permit No(s) 3553-3; & 5288-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3553-3; & 5288-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 3553-3; & 5288-3 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.

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1992

3553-3

5288-3

William Oligmuelier
HCR #1 Box 27
St Lawrence, SD 57373

Dear Mr. Oligmuelier:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 3553-3 and 5288-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1992

WILLIAM OLIGMUELLER
HCR 1 BOX 27
ST LAWRENCE SD 57373

Dear Mr. OLIGMUELLER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 3553-3; & 5288-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 1992

William Oligmueller
HCR 1, Box 27
St. Lawrence, SD 57373

Dear Mr. Oligmueller:

On April 29, 1992, an inspection of your Water Permit Nos. 3553-3 and 5288-3 was conducted. At the time of inspection, there was chemigation equipment at one of the wells. The equipment was not hooked up, but was inspected for compliance with South Dakota Chemigation Rules.

At the time of inspection, you said you may chemigate in the future. If you do chemigate, your equipment must meet the standards set forth by South Dakota Codified Laws 43A-2A-2 & 3, and the Chemigation Rules, Chapter 74:02:09. The condition of your system at the location of the chemigation equipment does not meet present standards.

Please find enclosed a copy of the SDCL Chapter 34A-2A, Chemigation Rules Chapter 74:02:09, and an example of a chemigation check valve.

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

Sincerely,

Lynn Beck
Natural Resource Engineer
Water Rights Division
(605) 773-3352

encl

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412124

Pierre, March 7, 19 90

RECEIVED OF William Olligmueller, HC 72, Box 51, St. Lawrence, SD 57373

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Right No. 5288-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Hatch
Chief Engineer

Permit No. 5288-3James 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

I have this day made a thorough examination of the water use system constructed by William Oligmueller of HCR #1, Box 27, St. Lawrence, SD 57373 holder of Permit No. 3553-3 and 5288-3, bearing the priority of January ¹⁴ 1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of Tulare- Hand Aquifer for irrigation purposes, in Hand County.

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

A. Works used to divert the water:

Well #1 - 41' deep with 18" pvc casing and 18" stainless steel screen; Western Landroller pump with a capacity of 350 gpm; US Electric motor, model no. FR 326TPH, 50 hp.

Well #2 - 36' deep with 18" pvc casing and 18" stainless steel screen; Western Landroller pump with a capacity of 400 gpm; General Electric motor, 50 hp.

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

860' of 6" aluminum pipe and 3430' of 8" aluminum pipe.

C. Works used to apply water to beneficial use:

Two Lockwood center pivots with end guns, 1260' long, 9 towers, high pressure nozzles and 750 gpm capacity.

The system is in the following condition good. The point of diversion is located well #1 is 1350' S and 65' W and well #2 is 1420' S and 850' W of the NE corner of Section 8, T113N, R66W. The works are capable of diverting and conveying to the place of use 1.67 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 T113N, R66W

<u>Section 5</u>	<u>SW1/4 NE1/4</u>	<u>6 acres</u>	<u>Section 8</u>	<u>NW1/4 NE1/4</u>	<u>34 acres</u>
	<u>SE1/4 NE1/4</u>	<u>5 acres</u>		<u>NE1/4 NE1/4</u>	<u>34 acres</u>
	<u>NW1/4 SE1/4</u>	<u>39 acres</u>		<u>SE1/4 NE1/4</u>	<u>34 acres</u>
	<u>NE1/4 SE1/4</u>	<u>38 acres</u>		<u>SW1/4 NE1/4</u>	<u>34 acres</u>

Section 5 SE1/4 SE1/4 27 acres

SW1/4 SE1/4 29 acres

NE1/4 SW1/4 2.5 acres

SE1/4 SW1/4 1 acres

comprising a total of 283.5 acres of land and the license should be issued for 1.67 cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 4-29-92

Comments: Water Permit No. 5288-3 amends Water Permit No. 3553-3 by adding one well and changing the location of 160 irrigated acres. Permit No. 3553-3 appropriates 2.0 cfs from one well located in the NE1/4 NE1/4 Section 8, T113N, R66W. This permit adds one well located in NE1/4 NE1/4 Section 8 and changes the location of irrigated acres in the NW1/4 Section 8 to the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 5; all in T113N, R66W. This permit does not increase water appropriation or the number of acres authorized for irrigation by Permit No. 3553-3.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5288-3

DATE 5-13-92

Other permit(s) associated with the project 3553-3

DIVERSION POINT LEGAL LOCATION: Well #1 is 1350' S and 65' W, well #2 is 1420' S and 850' W of NE corner of Section 8, T113N, R66W.

WELL INFORMATION: Well Drilling Firm Grimshaw Drilling Co.

No. of Wells 2 Depth(s) well #1 - 41' and well #2 - 36'

- #1 a) **Casing:** 1) diameter 18 inches
2) length feet
3) type pvc
b) **Screen:** 1) type 18" stainless steel
2) length feet
c) **Pump** 1) make Western Landroller
2) model
3) size inches
d) **Static Water Level** 9 feet
e) **Motor:**
1) make US Electric
2) model No. FR 326TPH
3) horsepower rating 50 hp
4) capacity 350 GPM
5) turbine pump - No. of stages
6) operating pressure PSI
- a) **Casing:** 1) diameter 18 inches
2) length feet
3) type pvc
b) **Screen:** 1) type 18" stainless steel
2) length feet
c) **Pump** 1) make Western Landroller
2) model
3) size inches
d) **Static Water Level** 8 feet
e) **Motor:**
1) make General Electric
2) model No.
3) horsepower rating 50 hp
4) capacity 400 GPM
5) turbine pump - No. of stages
6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

- a) type aluminum b) size 6" and 8" inches c) length 860 and 3430 feet

SYSTEM TYPE: Both center pivots are the same.

- a) **Sideroll:**
1) length feet
2) diameter of pipe inches
3) sprinkler spacing feet
b) **Towline:**
1) length feet
2) sprinkler spacing feet
c) **Siphons:**
1) size inches
d) **Gated pipe:**
1) length feet

- | | |
|-------------------------------------|----------------------------|
| 2) number | 2) diameter inches |
| e) Center pivot: | 3) spacing of gates inches |
| 1) make <u>Lockwood</u> | f) Gun: |
| 2) overall length <u>1260</u> feet | 1) make |
| 3) number of towers <u>9</u> | 2) nozzle size inches |
| 4) distance between towers feet | 3) capacity GPM |
| 5) end gun <u>Y</u> (Y/N) | 4) hose size inches |
| 6) high or low pressure <u>high</u> | 5) hose length feet |
| 7) capacity <u>750</u> GPM | |

CHEMIGATION EQUIPMENT:

- | | |
|---|--|
| b) main line check valve <u>N</u> (Y/N) | a) does chemigate <u>N</u> (Y/N) |
| d) low pressure drain <u>N</u> (Y/N) | c) inspection port/air relief <u>Y</u> (Y/N) |
| f) interlock type <u>electric</u> | e) discharge is 20' from source <u>N</u> (Y/N) |
| h) injection check valve <u>Y</u> (Y/N) | g) injection pump type <u>piston</u> |
| | i) injection line check valve or positive displacement pump <u>Y</u> (Y/N) |
| j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules <u>N</u> (Y/N) | |
| k) comments : <u>Doesn't chemigate now, but has tank and pump at well no. 1.</u> | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

NOT TO SCALE

T1054

2648

① (3258)

235

5

5.0

24.0

85

SW⁴NE⁴ 6 acres

SE⁴NE⁴ 5 acres

T1061

NE⁴SW⁴ 2.5 acres

NW⁴SE⁴ 39 acres

NE⁴SE⁴ 38 acres

①

490

Center
Pivot (b)

SE⁴SW⁴ 1 acres

SW⁴SE⁴ 29 acres

SE⁴SE⁴ 27 acres

142.6
-24.0
118.6

113-66
0-14

27.4

(146.0)

NE⁴NE⁴ 34 acres

NW⁴NE⁴ 34 acres

8" aluminum

SW⁴NE⁴ 34 acres

SE⁴NE⁴ 34 acres

Center
Pivot (a)

Well #2

Well #1 45'

1350'

T3651

4368
T1029

Total Acres = 283.5

T3650

Prepared by:

Lynn Beck

Lynn Beck
Natural Resource Engineer
DENR, Division of Water Rights

①

62.2 6-26-92

①

34.4

5288-3

113-66
0-14

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5288-3

(1) William Oligmueller of HCR 1, Box 27, St. Lawrence, SD 57373 made Application No. 5288-3, September 30, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Hand County, South Dakota for irrigation purposes. Permit No. 5288-3 with a priority date of January 14, 1977 was approved July 26, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5288-3 amended Water Permit No. 3553-3 by adding one well and changing the location of 160 acres. No. 5288-3 did not allow for an increase in water appropriation or the number of acres authorized for irrigation under Permit No. 3553-3.

The applicable portions of Water Permit No. 3553-3 have been incorporated into Water License No. 5288-3. A priority date of January 14, 1977 is retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1350'S and 65'W of the NE corner and Well #2 - 1420'S and 850'W of the NE corner of Section 8, both in T113N, R66W.

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

T113N, R66W Section 5	SW 1/4 NE 1/4	6.0 Acres
	SE 1/4 NE 1/4	5.0 Acres
	NW 1/4 SE 1/4	39.0 Acres
	NE 1/4 SE 1/4	38.0 Acres
	SE 1/4 SE 1/4	27.0 Acres
	SW 1/4 SE 1/4	29.0 Acres
	NE 1/4 SW 1/4	2.5 Acres
	SE 1/4 SW 1/4	1.0 Acres
Section 8	NW 1/4 NE 1/4	34.0 Acres
	NE 1/4 NE 1/4	34.0 Acres
	SE 1/4 NE 1/4	34.0 Acres
	SW 1/4 NE 1/4	34.0 Acres
	Total-----	283.5 Acres

(4) Pursuant to Section 46-5-30.1 William Oligmueller of HCR 1, Box 27, St. Lawrence, SD 57373 the holder(s) and/or owner(s) of Incorporated Water Permit No. 5288-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from groundwater (two wells) with a priority date of January 14, 1977 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5288-3 and subject to South Dakota State Law.



AUG 5 1992

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

5288-3

William Oligmueller
HCR 1, Box 27
St. Lawrence, SD 57373

Dear Mr. Oligmueller:

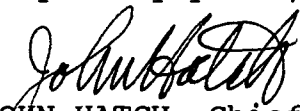
Enclosed is Water License No. 5288-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412124 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5288-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

During the April 29, 1992 field inspection of your water use system, it was noted that your chemigation equipment did not comply with the chemigation rules. It is our understanding that you are not presently operating the chemigation equipment. If you intend to chemigate in the future, your equipment must be brought into compliance prior to any chemigation activities. A copy of the chemigation rules were forwarded to you June 29, 1992. If you need assistance or would like someone from our office to inspect the equipment once it is installed, please contact us.

Very truly yours,


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

enclosures

NOTE: The applicable portions of Water Permit No. 3553-3 have been incorporated into Water License No. 5288-3.



5288-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

WILLIAM OLIGMUELLER
HC 73 BOX 51
ST LAWRENCE SD 57373

NOTICE

RE: Violation of Water Permit No 5288-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 5288-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 5288-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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 5288-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM OLIGMUELLER
HC 73 BOX 51
ST LAWRENCE, SD 57373

4a. Article Number

R 157 566 403

4b. Service Type

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

7. Date of Delivery

8-8-95

5. Signature (Addressee)

William L. Oligmuller

6. Signature (Agent)

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

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

NOTICE

TO: WILLIAM OLIGMUELLER
HC 73, BOX 51
ST LAWRENCE, SD 57373

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

RE: Failure to Report Chemical Use under Water Permit No(s) 5288-3

The first notice to file chemigation report(s) for Permit No(s) 5288-3 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 5288-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 5288-3 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. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1995

5288-3

William Oligmueller
HC 73 Box 51
St Lawrence, SD 57373

Dear Mr. Oligmueller:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire and chemical reporting form. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 5288-3 and the Notice of Failure to Report Chemical Use.**

The questionnaire and chemical reporting form were 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 Division
(605) 773-3352



5288-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 4, 1997

NOTICE

TO: WILLIAM OLIGMUELLER
HC 73 BOX 51
ST LAWRENCE SD 57373

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

RE: Failure to Report Chemical Use under Water Permit No(s) 5288-3

The first notice to file chemigation report(s) for Permit No(s) 5288-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 5288-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 5288-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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

Is your RETURN addressed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

WILLIAM OLIGMUELLER
HC 73 BOX 51
ST LAWRENCE SD 57373

4a. Article Number

P 378 080 561

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

William Oligmueler

6. Signature: (Addressee or Agent)

William Oligmueler

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WILLIAM OLIGMUELLER, HC 73 BOX 51, ST LAWRENCE, SD 57373
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 5288-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5288-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5288-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

- 1 Suspend or cancel Permit No(s) 5288-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1997

5288-3

William Oligmueller
HC 73 Box 51
St. Lawrence, SD 57373

Dear Mr. Oligmueller:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire and chemical reporting form. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5288-3 and the Notice of Failure to Report Chemical Use.**

I completed a questionnaire and chemical reporting form for you based on our February 28th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



5288-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: WILLIAM OLIGMUELLER, HC 73 BOX 51, ST LAWRENCE, SD 57373
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5288-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5288-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5288-3 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 20, 1998, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

5288-3

Bill Oligmueller
HC 73 Box 51
St Lawrence, SD 57373

Dear Mr. Oligmueller:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and chemical reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 5288-3.

I completed a questionnaire for you based on our January 23rd telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

You also indicated in our phone conversation that in November, 1997, you sold the land and irrigation equipment to Doug Schiltz in Wessington, SD. I will contact him regarding a transfer of ownership on the permit.

Thank you for calling and if you have any questions, please contact me.

Sincerely, •

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

5288-3

Doug Schiltz
RR 2 Box 82
Wessington, SD 57382

Dear Mr. Schiltz:

I am contacting you in regard to ownership of land described in Water Right No. 5288-3. Bill Oligmueller has notified our office that he sold his land and irrigation equipment to you. Enclosed is a copy of the water right for your review.

In order to have the water right changed to your name, you will need to file a "Notice of Transfer of Ownership" with our office. Enclosed is a partially completed form to be used for this purpose. If you would, please review the form for accuracy and make any necessary corrections. You will need to complete the portion titled *to be transferred to: (name & address).....*. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Water Right No. 5288-3 will be transferred to your name as soon as we receive the completed form and filing fee. If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

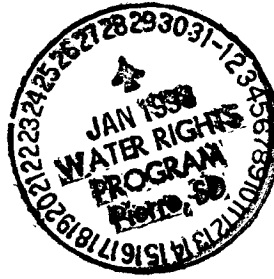
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5288-3



Date: 1-26-98

I/We request that Water Right No. 5288-3

formerly owned by: William Oligmueller

be transferred to: (name & address) Douglas Schiltz

19951 369TH Ave. Wessington, SD. 57381-6607 Telephone No. 605-853-3997

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

283.5 acres - S½ NE¼, SE¼, E½ SW¼ Section 5, NE¼ Section 8, T113N, R66W

I/We understand that the validity of Water Right No. 5288-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

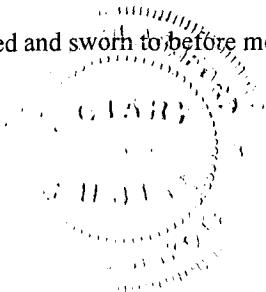
STATE OF SOUTH DAKOTA)

County of HAND)

I/We Douglas Schiltz 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.

Douglas Schiltz
(Signed)

Subscribed and sworn to before me this 26 day of January, 19 98.



David Blackford
(Notary Public)
My Commission Expires 5/3/2000

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

19 415620

Pierre, January 28, 19 98

RECEIVED OF Douglas Schiltz, 19951 369th Ave., Wessington, SD 57381-6507
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 Water Right No. 5288-3

Fee for Filing Extension Request _____

Fee for _____

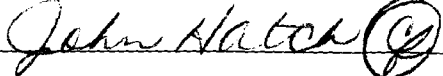
2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch 



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

No. 5288-3

Douglas Schiltz
19951 369th Ave.
Wessington, SD 57381-6507

Dear Mr. Schiltz:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5288-3.

Our records now show you as the owner of Water Right No. 5288-3.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2003

5288-3

Carl Haberstick
289 Dakota Avenue S - Suite 5
Huron SD 57350

Dear Mr. Haberstick:

I am contacting you in regard to ownership of land described in Water Right No. 5288-3. We have been notified by Douglas Schlitz that he sold his land and a transfer of the water right is needed.

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, the form will need to be signed by the new owner and returned 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.

I have included a copy of the water right for your review. This can be given to the new owner in the event he does not have one.

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
FEB 21 2003
WATER RIGHTS
PROGRAM

No. 5288-3

Date: _____

I/We request that Water Right No. 5288-3

formerly owned by: Douglas Schlitz

be transferred to: (name & address) Max R. Patridge and Betty Patridge, Trustees,
or their Successor Trustees of the Patridge Family Trust dated July
14, 1986

13119 Los Alisos

LaMirada, CA 90638

Telephone No. Home 562 947 5472
Max W. OLC 562 921 7840

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

283.5 acres - S ½ NE ¼, SE ¼, E ½ SW ¼ Section 5 and NE ¼ Section 8, T113N, R66W

I/We understand that the validity of Water Right No. 5288-3 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.

Max R. Patridge and

~~I/We~~ Betty Patridge, Trustees the new owner, certify that the above information is true and correct.

PATRIDGE FAMILY TRUST

Max R. Patridge, Trustee

Betty Patridge, Trustee
(Signed by new owner)
Betty Patridge, Trustee

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 27, 20 03

RECEIVED OF Max or Betty Partridge 19630 376th Ave., Washington SD 57281

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>5260-3</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.

By

Darland Erbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2003

5288-3

Max R & Betty Patridge, Trustees
Patridge Family Trust
13119 Los Alisos
LaMirada CA 90638

Dear Mr. & Mrs. Patridge:

Thank you for following up on the ownership change for Water Right No. 5288-3. The transfer has been completed. The water right formerly listed in the name of Douglas Schlitz is now listed as: "Max R Patridge and Betty Patridge, Trustees, or their successor trustees of the Patridge Family Trust dated July 14, 1986".

Enclosed is your Receipt No. 000669 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

I am including a sample copy of the annual irrigation questionnaire. This will give you an idea of the type of information you will need to keep track of during the irrigation season. The actual form that needs to be completed and returned will be mailed to you in October, 2003.

For informational purposes, you should be aware that water must be placed to beneficial use at least once every three years in order to maintain your water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

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

Sincerely,

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

enclosures

Date: 10-5-19