

Considered: _____

WATER PERMIT NO. VR 5551-3

Phone: _____

Name of Applicant: Dennis Bieber

Post Office Address: HCR Box 25 Bowdle, SD 57428

Amount of Water Claimed: No add'l Total Acres: 11 acres

Source of Water Supply: dam

Water to be used for: irrigation County: Walworth

About 8 miles South and 2 miles East of Java

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4/29/91 Fee: \$15 Remarks Vested Right

Claim

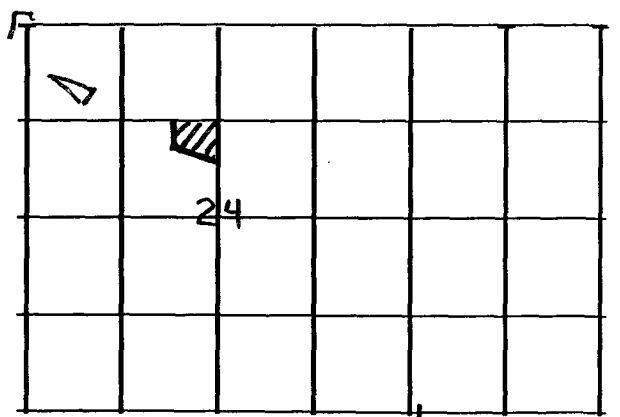
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point: NW1/4 NW1/4 Section 24, T122N, R75W

Land to be Irrigated: SE1/4 NW1/4 Section 24, T122N, R75W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: Tom Brandner Reviewed and the Number

Assigned on 5/8/91 By Eric Gronlund

April 29, 1991

FORM 2: Application for irrigation (type or print) in South Dakota

Pub Day - Thurs.

Mail to: Water Rights Div. 523 E. Capitol Pierre, SD 57501 (605) 773-3352

(See instructions)

No. 5551-3 Hydrologic Unit 10130105 Basin Missouri River Newspaper Selby Record, Box U, 57472

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

- Type of Application: [] New [X] Vested Right [] Amend Permit No. [] Change Acreage [] Change diversion point(s) [] Add diversion point(s) [] Add Acreage [] Increase diversion rate [] Other 391-3

1. Name of Applicant Dennis Bieber Phone No.

Post Office Address HCR Box 25 Bowdle State SD 57428

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 11 acres

3. Source of Water supply dam dugout along an intermittent stream

4. Location of point of diversion NW 1/4 NW 1/4 Section 24, T122N, R75W

County Walworth

5. Counties where water will be used Walworth

6. Annual period during which water is to be used March 15 - October 15

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Table with 2 columns: Land Description, No. Acres Irr. Row 1: SE 1/4 NW 1/4 Sec. 24-122-75, 11

Table with 2 columns: Land Description, No. Acres Irr. (Empty rows)

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: (Specify) _____

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)

Additional acreage to Vested Right No. 391-3. Change

This VR application is for a change of irrigated acreage of VR No. 391-3 to represent actual acres as developed.

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 Hughes, ss

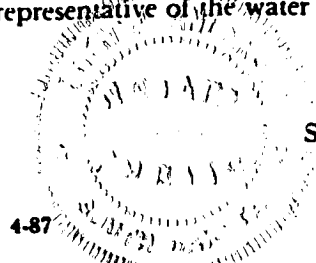
I, Dennis Bieber, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters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

Signed Dennis Bieber

Subscribed and sworn to before me this 29 day of April 19 91

BRENDA ANDERSON, Notary Public My Commission Expires October 26, 1996

Brenda Anderson Notary Public



SOUTH DAKOTA

VESTED WATER RIGHT NO. 5551-3 FOR IRRIGATION

Date of Receipt of Claim April 29, 1991.

Date of Validation July 3, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5551-3 for Dennis Bieber, 13922 317th Ave, Bowdle SD 57428 for irrigation purposes with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5551-3 authorizes irrigation of 11 acres located in the SE 1/4 NW 1/4 Section 24-T112N-R75W from a dam (20 acre feet storage). Vested Right Claim No. 391-3 appropriates 1.14 cubic feet of water per second from this dam to irrigate 80 acres located in the N 1/2 NW 1/4 Section 24-T122N-R75W. An inspection of Vested Right found that 11 of the 67 irrigated acres are located in the SE 1/4 NW 1/4 Section 24-T122N-R75W. The location of the dam for Vested Right No. 391-3 and this permit is the NW 1/4 NW 1/4 Section 24-T122N-R75W. This vested right does not increase the irrigated acreage or the diversion rate of the original Vested Right Claim No. 391-3.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: March 15 - October 15.
3. The priority date of the Vested Water Right is August 7, 1954.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Validation of No. 5551-3 is for irrigation of 11 acres in the SE 1/4 NW 1/4 Section 24-T122N-R75W that are contiguous to the 56 acres specified by No. 391-3.
2. Validation of No. 5551-3 does not increase the diversion rate of 1.14 cfs authorized by No. 391-3.
3. Validation of No. 5551-3 authorizes storage up to 20 acre-feet annually.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

_____ date



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5551-3 FOR IRRIGATION

(1) Dennis Bieber, 13922 317th Ave, Bowdle SD 57428 made Application No. 5551-3, for validation of a vested right claim to change the location of irrigated acreage authorized by Vested Right No. 391-3, Walworth County, South Dakota, for irrigation purposes. Vested Water Right No. 5551-3 was validated July 3, 1991 with a priority date of August 7, 1954. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

On September 30, 1992, the Water Management Board validated the Vested Right Claim No. 391-3. On November 15, 1996. No. 391-3 was transferred to Dennis J Bieber. A priority date of May 1, 1955 (established by No. 391-3) is retained for the irrigation of the N 1/2 NW 1/4 Section 24. A priority date of August 7, 1954 (established by Location Notice No. 6396 for the storage dam) is retained for the irrigation of the SE 1/4 NW 1/4 Section 24.

The applicable portions of Location Notice No. 6396 and Vested Water Right Claim No. 391-3 have been incorporated into this Water License No. 5551-3.

(2) The vested right owner is entitled to divert 0.95 cubic feet of water per second for beneficial use. The location of the diversion point is: NW 1/4 NW 1/4 Section 24-T122N-R75W.

The location of the irrigated acreage is:

Section 24-T122N-R75W	NW 1/4 NW 1/4	19 acres
	NE 1/4 NW 1/4	37 acres
	SE 1/4 NW 1/4	11 acres
Total		67 acres

(3) Pursuant to Section 46-5-30.1 Dennis J. Bieber, 13922 317th Ave, Bowdle SD 57428 the holder and/or owner of Incorporated Vested Water Right No. 5551-3 is issued a license to appropriate 0.95 cubic feet of water per second from a dam (20 acre-feet storage capacity) with priority dates of August 7, 1954 (11 acres) and May 1, 1955 (56 acres) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Incorporated Vested Water Right No. 5551-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams - Fill out for Mr. Bieber while he was in office

EBB

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 _____

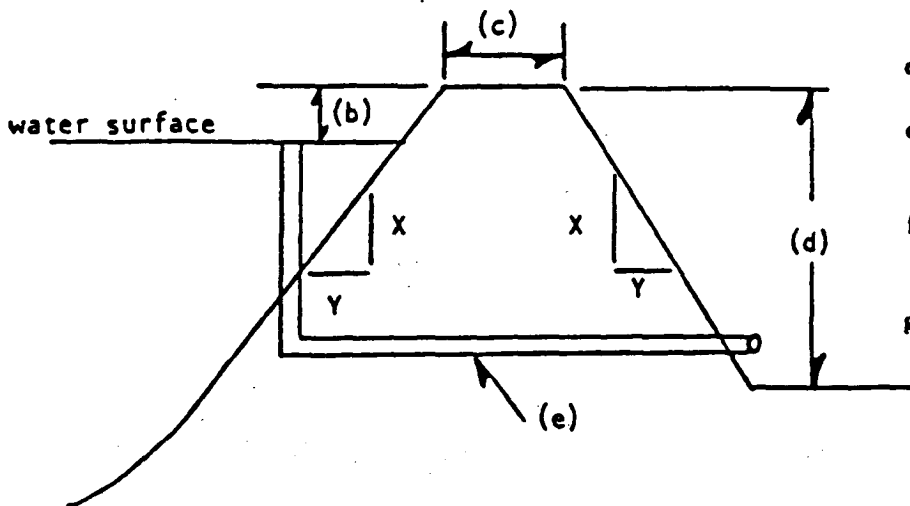
c) Crest Width _____
 Crest Length 337 ft top
73 ft Bottom

d) Height 16.6 ft

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

g) X & Y Slope
 Upstream 4:1
 Downstream 2:1



Surface Area of Impoundment 7.0 acres
 approx Storage 20: _____ acre feet

Drainage area above dam _____

Signature of Applicant _____

Affidavit of Water Use

April 29, 1991

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Dennis Bieber

Post Office Address HCR Box 25 Bowdle SD 57428
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1955

C. Date that water was first applied to beneficial use 1957

D. Name of owner of original water supply system Arthur Bieber

E. Amount of water originally applied to beneficial use 1.14 cfs

F. Present Use of Water - Amount of water now being used same

Date that this water was first used 1957

G. Chronological History of Water Use

Construction of water system began in spring of 1955 and water ~~was~~^{use} for irrigation began in 1957

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
County of Hughes) ss

I, DENNIS J BIEBER the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed Dennis Bieber

Subscribed and sworn to before me
BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 1996

April 29, 1991
Brenda Anderson
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Emilie Bieber 19____
(Print name)

____ 19____
(Print name)

NOT TO SCALE



Thomas M. Bieker
7-27-89
Ergiven II

Vested Right
No. 5551-3

Soils Laboratory
Brookings, South Dakota
Report of Water Analysis

Date 7/27/56
Analyzed by I. D.
Checked by R. C. D.

Lab. No.	Collector's Name	Coll. No.	Location	Source	Sampling Date	Irrig. Water Class U. S. Reg. Sal. Lab.	Lab. No.	Cond $\text{EC} \times 10^6$	pH	T.D.S. ppm	Neg		Residual Na_2CO_3	Cations - me/L				Anions - me/L				Total		
											Found	Pos-sible		Na	Ca	Mg	K	CO_3	HCO_3	SO_4	Cl	NO_3	CATIONS me/L	ANIONS me/L
71	Art Bieber		Walworth Co. Java, S. Dak.	Unknown		Good to permissible		1150	7.1	702	26.16	79.52	1.17	3.34	0.59	7.98	0.86	0.00	9.74	2.93	0.56	--	12.77	13.23

SOUTH DAKOTA STATE COLLEGE
OF AGRICULTURE AND MECHANIC ARTS
COLLEGE STATION, SOUTH DAKOTA

AGRICULTURAL EXPERIMENT STATION
AGRONOMY DEPARTMENT

July 30, 1956

Mr. Art Bieber
Java, S. Dak.

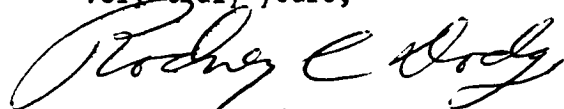
Dear Mr. Bieber:

The results of the tests on the water sample you sent here for analysis show that it is of good to permissible quality for irrigation. The percent sodium and the total concentration of soluble salts expressed as electrical conductivity are shown on the accompanying diagram.

This water has some residual sodium carbonate with the resultant high possible sodium percentage which could prove detrimental on some types of soils.

The soil texture, drainage (surface and internal) and the presence or absence of excessive soluble salts determine whether a soil can be irrigated or not. These properties of the soil should be known and understood before you continue with your plans to irrigate. Your local County Extension Agent can assist you in evaluating these soil properties.

Very truly yours,



Rodney G. Dodge
Assistant Agronomist

RCD/cb
cc: Martin Fogel
County Agent
Enclosure

NAME OF PERSON OR FILE: Dennis Bieber

ADDRESS: HRC, Box 25, Bowdle, SD 57428 COUNTY Walworth

DATE: 8-28-89 TELEPHONE (605) 285-6368

RE: Validation of Vested Right 391-3

COMMENTS:

On 7-27-89 I inspected the lands irrigated under Vested Right No. 391-3 to determine the status of the Vested Right Claim. The diversion dam was still intact and the pump was there also.

Mr. Bieber pointed out the lands that were being irrigated. These totals were: (See Map)

NW¹/₄ NW¹/₄ - 19 Acres

NE¹/₄ NW¹/₄ - 37 Acres Sec. 24, 122-75

SE¹/₄ NW¹/₄ - 11 Acres

The original license said 80 acres were irrigated in the N¹/₂ NW¹/₄ of Sec. 24, T122N, R75W. It is difficult to see how it could have been licensed for all 80 acres in the N¹/₂ of the quarter, as it includes the dam, reservoir, & stream channel. As it is, 11 acres in the SE¹/₄ NW¹/₄ of Sec. 24, T122N, R75W are being irrigated that aren't included under the Vested Right Claim. The Vested Right should be validated for 56 acres (0.80 cfs) in the N¹/₂ NW¹/₄ of 24-122-75 and an application to add 11 acres in the SE¹/₄ NW¹/₄ of Sec. 24, 122-75 will be needed to correct the permit.

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: Thorne M. Burdick



Department of
Water & Natural Resources

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

September 11, 1989

Dennis Bieber
HCR, Box 25
Bowdle SD 57428

Dear Mr. Bieber:

On July 27, 1989 Tom Brandner, Engineer, Division of Water Rights, inspected Vested Water Right Claim No. 391-1 with you. This claim is presently under the name of Arthur Bieber.

The claim allows irrigation of land in the N 1/2 NW 1/4 of Section 24, T122N, R75W. Mr. Brandner found that you were irrigating 56 acres in this area. He also found that you were irrigating 11 acres in the SE 1/4 NW 1/4 of Section 24, T122N, R75W which is not listed on the claim.

If you wish to continue to irrigate the 11 acres in the SE 1/4 NW 1/4 you will need to submit a water permit application. I have enclosed application forms and an instruction sheet for this purpose. You have no legal right to irrigate the 11 acres until a water permit is approved.

If I can answer any questions, please contact me.

Sincerely,

DELVIN D. BROSZ P.E.
Hydrologist
605 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412658

Pierre, April 29, 1991

RECEIVED OF Dennis Bleber, HCR Box 25, Bowdle, SD 57428

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

Fee for Application for Permit No. <u>5551-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15	00

By John Hatch
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

January 29, 1991

Dennis Bieber
HCR, Box 25
Bowdle SD 57428

Dear Mr. Bieber:

On September 11, 1989, you were sent applications forms for a permit to appropriate water based on an inspection of Vested Right No. 391-3 by Tom Brandner, an engineer with this office (copy enclosed). This inspection showed that your system was not developed as originally licensed. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please complete the application and have it signed and notarized. We are presuming that the 11 acres located in the SE 1/4 NW 1/4 have been irrigated prior to 1955, and would qualify for a vested right also. If this is the case, the filing fee for a vested right is \$15.00 and the Affidavit of Water Use form needs to be completed, signed and notarized also.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Vested Right No. 391-3 can not be validated until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application forms or contacting me by April 1, 1991.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures

REPORT ON VESTED RIGHT CLAIM NO. 5551-3
DENNIS BIEBER
MAY 13, 1991

Vested Right Claim No. 5551-3 was filed to include 11 acres not within the legal description specified on Vested Right Claim No. 391-3. Vested Right Claim No. 5551-3 does not claim additional water. Vested Right Claim No. 391-3 was filed on January 15, 1957 and a water license was issued in 1957 establishing the priority date of May, 1955. Vested Right Claim No. 391-3 was for the irrigation of 80 acres located in the N 1/2 NW 1/4 Section 24-T122N-R75W.

An inspection of Vested Right Claim No. 391-3 was conducted on July 27, 1989 by Tom Brandner to determine the validity of the Vested Right Claim. The inspection found that 11 acres of the 67 irrigated acres are located in the SE 1/4 NW 1/4 of Section 24-T122N-R75W.

The Proof Of Application Of Water To Beneficial Use filed with Vested Water Right Claim No. 391-3, states that irrigation started in May, 1955. Location Notice No. 6396-3 for construction of the dam was filed on August 7, 1954.

Conclusion:

1. The project was inspected and found to exist as described above.
2. A priority date of May, 1955 was established by Vested Right Claim No. 391-3. This was the date that irrigation started. A priority date of August 7, 1954 should be granted for both Vested Right Claim Nos. 391-3 and 5551-3 based on the filing of Location Notice No. 6396-3
3. Vested Right Claim No. 5551-3 does not increase the total irrigated acreage or diversion rate of the original Vested Right Claim.
4. Validation of Vested Right Claim No. 5551-3 should include the annual storage of 20 acre feet in the dam.

Norma C. Job
by [initials]

NORMA C. JOB
Natural Resource Engineer I

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, PE
Natural Resource Engineer IV

References

1. Schaal, Timothy G., 1991, Report on Vested Right Claim No. 2153-2, South Dakota Department of Environment and Natural Resources, Water Rights Division.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5551-3, Dennis Bieber

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 Validation of Vested Water Right Application No. 5551-3, Dennis Bieber, HCR, Box 25, Bowdle, SD 57428.

The Chief Engineer is recommending VALIDATION of Application No. 5551-3 because 1) water has been appropriated as described for irrigation use with a priority date of August 7, 1954, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

1. Validation of No. 5551-3 is for irrigation of 11 acres in the SE 1/4 NW 1/4 Section 24, T122N, R75W that are contiguous to the 69 acres specified by No. 391-3.
2. Validation of No. 5551-3 does not increase the diversion rate of 1.14 cfs authorized by No. 391-3.
3. Validation of No. 5551-3 authorizes storage up to 20 acre-feet annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 24, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

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

May 30, 1991

Dennis Bieber
HCR Box 25
Bowdle, SD 57428

Dear Mr. Bieber:

Your Application No. 5551-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Selby Record printed at Selby, 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 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 hearing to validate a vested right 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.

Sincerely,

Karen Schlaak
for Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 30, 1991

Selby Record
Box U
Selby, SD 57472

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5551-3 to be published twice. Please publish the notice on or before June 6, 1991, 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 Dennis Bieber, HCR, Box 25, Bowdle, SD 57428.

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 until proof of publication has been received.

Sincerely,

Karen Schlaak

for Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application 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 June 6, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5551-3 to Appropriate Water

Notice is given that Dennis Bieber, HCR, Box 25, Bowdle, SD 57428 has filed an application to validate a vested water right claim to irrigate 11 acres located in the SE 1/4 NW 1/4 Section 24, T122N, R75W from a dam (20 acre-feet storage) with a claimed priority date of August 7, 1954. Vested Right Claim No. 391-3 appropriates 1.14 cubic feet of water per second from this dam to irrigate 80 acres located in the N 1/2 NW 1/4 Section 24, T122N, R75W. An inspection of Vested Right Claim No. 391-3 found that 11 of the 80 irrigated acres are located in the SE 1/4 NW 1/4 Section 24, T122N, R75W. The location of the dam for Vested Right No. 391-3 and this application is the NW 1/4 NW 1/4 Section 24, T122N, R75W. This application, if validated, does not increase the irrigated acreage or the diversion rate of the original Vested Right Claim No. 391-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5551-3 because 1) water has been appropriated as described for irrigation use with a priority date of August 7, 1954, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 24, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

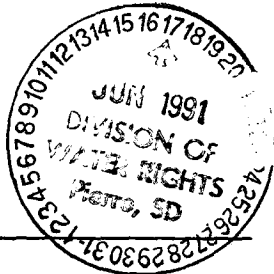
For purposes of publishing 1) the notice of hearing on Application No. 5551-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 3, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 3, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 3, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 24, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.



I, Leah P. Burke

certify that the attached printed Notice was taken from the Selby Record

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 Selby of _____

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

June 6, 1991

June 13, 1991

Leah P. Burke
(Signature)

owner
(Title)

6-13-91
(Date Signed)

Cost of Printing: \$70.76

OK

NOTICE OF HEARING
Vested Water Right
Application No. 5551-3
to Appropriate Water

Notice is given that Dennis Bieber, HCR, Box 25, Bowdle, SD 57428 has filed an application to validate a vested water right claim to irrigate 11 acres located in the SE 1/4 NW 1/4 Section 24, T122N, R75W from a dam (20 acre-feet storage) with a claimed priority date of August 7, 1954. Vested Right Claim No. 391-3 appropriates 1.14 cubic feet of water per second from this dam to irrigate 80 acres located in the N 1/2 NW 1/4 Section 24, T122N, R75W. An inspection of Vested Right Claim No. 391-3 found that 11 of the 80 irrigated acres are located in the SE 1/4 NW 1/4 Section 24, T122N, R75W. The location of the dam for Vested Right No. 391-3 and this application is the NW 1/4 NW 1/4 Section 24, T122N, R75W. This application, if validated, does not increase the irrigated acreage or the diversion rate of the original Vested Right Claim No. 391-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5551-3 because 1) water has been appropriated as described for irrigation use with a priority date of August 7, 1954, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 24, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5551-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 3, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 3, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 3, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 24, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01 thru 74:02:01:15; 74:02:01:16 thru 74:02:01:22. 66-613R



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 28, 1992

NOTICE

TO: Arthur Bieber
RR 1, Box 87
Java SD 57452

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 391-3

A Notice of Intent to validate Claim No. 391-3 was published on July 13 and 20, 1988 in the Mobridge Tribune. The Water Rights Division opposed validation of No. 391-3 for purposes of completing on-site inspection of the claim. The inspection of Claim No. 391-3 was completed on July 27, 1989, by Tom Brandner staff engineer. The inspection found that the number of acres being irrigated has been reduced from 80 acres to 56 acres due to the dam, reservoir and stream channel. The diversion rate is to be reduced, accordingly, from 1.14 cubic feet of water per second (cfs) to 0.80 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (56 acres/70 = 0.80 cfs). It should be noted that Vested Water Right No. 5551-3 was validated on July 3, 1991 for the 11 additional acres irrigated in the SE 1/4 NW 1/4 of Section 24-T122N-R75W. After Claim No. 391-3 is validated, No. 391-3 will be incorporated into No. 5551-3.

The Water Management Board will consider validation of Claim No. 391-3 at 10:00 am, September 30, 1992, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 391-3 is recommended for a diversion rate of 0.80 cfs from a dam to irrigate 56 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 56 acres and 0.80 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 391-3 will still apply at this hearing. A copy of the July 13 and 20, 1992, publication is available upon request.

This hearing is an adversary proceeding. You 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.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 28, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 28, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

- V.R. Claim #334-1: Nancy L. Collins, Todd J. Collins and Randy Cammack, HC 75, Box 280, Sturgis, SD 57785.
- V.R. Claim #352-1: Lyle D. Weiss, HCR 71, Box 39, Faith, SD 57626.
- V.R. Claim #380-1: Walter C. Miller, HC 75, Box 14, Sturgis, SD 57785.
- ✓ V.R. Claim #391-3: Arthur Bieber, RR 1, Box 87, Java, SD 57452.
- V.R. Claim #564-1: John Miller, Star Rt. 1, Box 5A, Red Owl, SD 57777.
- V.R. Claim #572-1: Wilbur Bachand, Faith Rt., Sturgis, SD 57785.
- V.R. Claim #610-1: Lillie Holst, Box 377, Newell, SD 57760.
- V.R. Claim #746-1: Rick Soelzer, P.O. Box 196, Piedmont, SD 57769.
- V.R. Claim #746-1: Angenetta Schemmel, 801 2nd Ave. SE, Pipestone, MN 56164.
- V.R. Claim #460-2: Willard Bloom, Rt 2, Box 1, Wall, SD 57790.
- V.R. Claim #523-2: William Beaudette, Horse Creek Campground, HC 33, Box 2800, Rapid City, SD 57702.
- V.R. Claim #4794-3: Thomas M. Tobin and Larry Lovett, Box 1766, Aberdeen, SD 57401.

A copy of the above listed Notices was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of September, 1992.


Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 23, 1996

Dennis Bieber
HCR Box 25
Bowdle SD 57428

Dear Mr. Bieber:

We are in the process of issuing Water License No. 5551-3. This vested right permit covers irrigation of the 11 acres in the SE 1/4 NW 1/4 of Section 24-T122N-R75W from a dam. Vested Water Right No. 391-3 covers irrigation of 56 acres located in the N 1/2 NW 1/4 Section 24-T122N-R75W and will be incorporated into Water License No. 5551-3 since irrigation of the entire area is one project. Our records indicate that Vested Water Right No. 391-3 is listed in the name of Arthur Bieber.

Enclosed is a partially completed *Notice of Transfer* Form for filing an ownership change for Vested Water Right No. 391-3. The form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to this office with a require filing fee of \$2.50.

We are presuming this vested water right should be transferred to you. If this is not the case, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 1996

Dennis Bieber
HCR Box 25
Bowdle SD 57428

Dear Mr. Bieber:

On July 23, 1996, we wrote you concerning Water License No. 5551-3 and Vested Water Right No. 391-3. Enclosed is a copy of that letter and partially a completed *Notice of Transfer* Form. Please complete the form, have it signed, notarized, and return with the required filing fee of \$2.50.

Upon receipt of the above, further processing the water license will continue. If you have questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 391-3

Date: _____

I/We request that Vested Water Right No. 391-3

formerly owned by: Arthur Berger Bieber *Note correction on spelling*

be transferred to: (name & address) Dennis J. Bieber *of last name*

13922 - 317th Ave Bowdle SD 57428 Telephone No. 605-285-6368

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

56 acres -N 1/2 NW 1/4 Section 24-T122N-R75W

I/We understand that the validity of Vested Water Right No. 391-3 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 Edmunds)

I/We Dennis J. Bieber 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.

Dennis J. Bieber
(Signed)

Subscribed and sworn to before me this 6 day of November 19 96.

Peggy Bircnem
(Notary Public)

PEGGY BIRCHEM
Notary Public, South Dakota
Commission Expires October 7, 1999

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

Division of Water Rights

415185

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 15, 19 96

RECEIVED OF Dennis J. Bieber, 13922 - 317th Ave., Bowdle, SD 57428

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 391-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

Dennis Bieber
13922 317th Ave
Bowdle SD 57428

Dear Mr. Bieber:

The Water Management Board has validated Vested Water Right Nos. 391-3 and 5551-3. These validations give legal status to the claims and are the final documents for your vested rights. Enclosed is Water License No. 5551-3 which incorporates the applicable portions of Location Notice No. 6396 and Vested Right Claim No. 391-3.

Enclosed is the receipt for payment to transfer Vested Right No. 391-3 to your name.

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

Very truly yours,

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

ks

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DENNIS BIEBER, 13922 317 AVE, BOWDLE, SD 57428

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 5551-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

sted 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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

Is your RETURN

3. Article Addressed to:

DENNIS BIEBER
13922 317 AVE
BOWDLE SD 57428

4a. Article Number
Z 119 141 649

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
D S JAN 25 1999

5. Received By: (Print Name)
Dennis Bieber

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

6. Signature: (Addressee or Agent)
X Dennis Bieber

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

I am sorry that this wasn't mailed in. I thought I had. It got put with some other papers. Sorry.



Dennis Bieber



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 26, 1999

5551-3

Dennis Bieber
13922 317th Ave
Bowdle, SD 57428-6400

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: DENNIS BIEBER, 13922 317 AVE, BOWDLE, SD 57428 6400

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 5551-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

DENNIS BIEBER
13922 317 AVE
BOWDLE SD 57428 6400

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Jeanne Bieber B. Date of Delivery 1-20-2000

C. Signature Jeanne Bieber Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

13922 317 AVE

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3802

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2001

5551-3

Dennis Bieber
13922 317th Ave
Bowdle, SD 57428 6400

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DENNIS BIEBER, 13922 317 AVE, BOWDLE, SD 57428 6400

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No. 5551-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

- 1. Amend Permit No. 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
- 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, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



5551-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5577

Your item was delivered at 9:54 am on January 18, 2003 in BOWDLE, SD 57428. The item was signed for by D BIEBER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5577

DENNIS BIEBER
13922 317 AVE
BOWDLE SD 57428 6400

mailing.

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail
- Package Services

(See Reverse)

PS Form 153, February 2001



**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

5551-3

Dennis Bieber
13922 317th Ave
Bowdle SD 57428-6400

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,

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



5551-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: DENNIS BIEBER, 13922 317 AVE, BOWDLE, SD 57428 6400

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 5551-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



5551-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8145

Your item was delivered at 9:51 am on January 15, 2004 in BOWDLE, SD 57428. The item was signed for by J BEIBER.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8145

DENNIS BIEBER
13922 317 AVE
BOWDLE SD 57428 6400

ing.

Waiver of Signature YES NO

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January 30, 2004

5551-3

Dennis Bieber
13922 317th Ave
Bowdle SD 57428 6400

Dear Mr. Bieber:

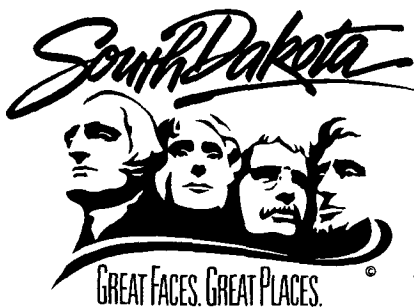
I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,

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



5551-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
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www.state.sd.us/denr

January 20, 2005

NOTICE

TO: DENNIS BIEBER, 13922 317 AVE, BOWDLE, SD 57428 6400

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 5551-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

3551-3



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Current Status

You entered 2301 3460 0000 8516 1176

Your item was delivered at 10:14 am on January 21, 2005 in BOWDLE, SD 57428. The item was signed for by J BEIBER.

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SIGNATURE CONFIRMATION NUMBER:
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DENNIS BIEBER
13922 317 AVE
BOWDLE SD 57428 6400

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Waiver of Signature YES NO

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PS Form 196, July 2001



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www.state.sd.us/denr

January 25, 2005

5551-3

Dennis Bieber
13922 317th Ave
Bowdle SD 57428-6400

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 18, 2008

NOTICE

TO: DENNIS BIEBER, 31622 140TH ST, BOWDLE, SD 57428

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 5551-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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

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.

3551-3



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DENNIS BIEBER
31622 140TH ST
BOWDLE SD 57428

Waiver of Signature YES NO

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www.state.sd.us/denr

January 28, 2008

5551-3

Dennis Bieber
31622 140th St
Bowdle SD 57428

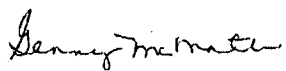
Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5551-3.

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

If you have any questions, please contact me.

Sincerely,


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



5551-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 21, 2011

NOTICE

TO: DENNIS BIEBER, 31622 140TH ST, BOWDLE, SD 57428

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 5551-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

5551-3



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Your item was delivered at 1:05 pm on January 28, 2011 in BOWDLE, SD 57428. The item was signed for by D BIEBER.

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- Notice Left, January 24, 2011, 9:49 am, BOWDLE, SD 57428
- Out for Delivery, January 22, 2011, 9:04 am, BOWDLE, SD 57428
- Sorting Complete, January 22, 2011, 8:54 am, BOWDLE, SD 57428
- Arrival at Post Office, January 22, 2011, 7:20 am, BOWDLE, SD 57428

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2303 2160 0000 0802 0850

DENNIS BIEBER
31622 140TH ST
BOWDLE SD 57428

Waiver of Signature YES NO

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www.state.sd.us/denr

February 3, 2011

5551-3

Dennis Bieber
31622 140th St
Bowdle SD 57428

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire. I completed a form for you based on my phone conversation with Mrs. Bieber.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 5551-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2013

NOTICE

TO: DENNIS BIEBER, 31622 140TH ST, BOWDLE, SD 57428

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 5551-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 5551-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2013

5551-3

Dennis Bieber
31622 140th St
Bowdle SD 57428

Dear Mr. Bieber:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 5551-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 19, 2018

5551-3

Mrs. Dennis Bieber
31622 140th St
Bowdle SD 57428

Dear Mrs. Bieber:

I am contacting you in regard to Water Right No. 5551-3 listed in the name of Dennis Bieber. Last fall when returning the 2017 irrigation questionnaire, a notation was placed on the form by either you or your husband indicating you do not irrigate anymore and checked the box "use abandoned".

A review of past irrigating questionnaires indicates the land has not been irrigated for 18 years. Many of the years the reason given for not irrigating was either no water available or sufficient water available meaning you had enough natural moisture without irrigating. Under SD Water Law, those are legal excuses for not irrigating and you will not lose the water right under those circumstances.

The water right authorizes diversion of water from a 20 acre feet storage dam. A water right is not required for storage of less than 25 acre feet of water for domestic livestock watering purposes. If you have truly discontinued irrigation and no longer wish to maintain the water right, please let us know.

The annual irrigation questionnaires are mailed out in mid-October every year. If we do not hear from you prior to the mailing, you will receive a questionnaire. If you feel irrigation will be done if conditions warrant, we will continue to mail questionnaires on a yearly basis. Please get in touch with me to discuss the water right.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 24, 2018

5551-3

Jeanne Bieber
31622 140th St
Bowdle SD 57428

Dear Mrs. Bieber:

Thank you for calling concerning my September 19th letter regarding Water Right No. 5551-3. It is my understanding from our conversation that although the land has not been irrigated on a regular basis, lack of water or sufficient moisture was the reason no irrigation took place. You indicated a desire to have the water right transferred to reflect current ownership.

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

Please keep in mind that water must be applied to beneficial use at least once every three years in order to maintain a water right. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

PAID

OCT 11 2018

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 11 2018

WATER RIGHTS PROGRAM

Ck# 17910

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

No. 5551-3

Date: _____

I/We request that Vested Water Right No. 5551-3

formerly owned by: Dennis Bieber

be transferred to: (name & address) Jeanne Bieber

31622 140th ST Bowdle, SD 57428

Telephone No. 605-285-6368

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

67 acres - N 1/2 NW 1/4 and SE 1/4 NW 1/4 Section 24, T122N, R75W

I/We understand that the validity of Vested Water Right No. 5551-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Jeanne Bieber
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 10, 20 18

Jeanne Bieber 31622 140th St Bowdle SD 57428

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5551-3</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	50 00

No. **08774**

By Jeanne Goodman
Chief Engineer

7711



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 11, 2018

5551-3

Jeanne Bieber
31622 140th St
Bowdle SD 57428

Dear Mrs. Bieber:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 5551-3.

The ownership change has been completed. Vested Water Right No. 5551-3, formerly listed in the name of Dennis Bieber is now listed in your name.

Thank you for updating the water right. Enclosed is your Receipt No. 08774 in the amount of \$50 which you paid for filing the ownership change.

The only requirement from this point forward is to use water if conditions warrant irrigation (assuming water is available) at least once every three years. The annual irrigation questionnaire must also be submitted. These forms are mailed to irrigators towards the end of October each year. If I can answer any questions for you, please give me a call.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
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