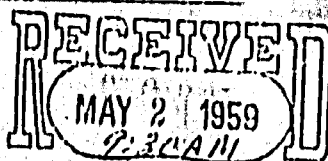


1. Considered August, 1951 Appl. No. 505-3
2. Name of Applicant E. Russell and Sons
3. Post Office Address 2000 Main St. / 1000
4. Amount of water claimed 4.00 cfs
5. Source of water supply Chapman
6. Water to be used for irrigation
Acres to be irrigated 1000
7. Water to be diverted and used in Johnson County about
7 1/2 miles east of Madison
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

Filed on 8/1/51
Application for water right
has been published in the
local paper. The application will
be considered at the next meeting
of the board. The application is
being held for the next meeting.

No. 605-3Water Division No. 3 Big Bear River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION

To appropriate Water within the State of South Dakota

PIERRE, SOUTH DAKOTA

HENRY & JAMES MUHLENKORT
(NOTE--Draw a map of the land to be irrigated, if applicable.)1. Name of applicant BERESFORD
Postoffice address _____, County _____, State SD

I. If a corporation

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

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

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

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

Direct Labor and Contract(b) Cash on hand, \$ Sufficient to Accomplish Work

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Elwood Glen 1st3. Amount of water claimed 2.25 cubic feet per second4. Source of water supply Well or Groundwater5. Location of point of diversion Note Accompanying Map

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used May thru Nov

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler System(a) Number of acres to be irrigated 200 acres.

(b) Legal subdivisions to be irrigated _____

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

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 467-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 2500.00

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures Sprinkler System \$ 5000.00

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works:

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

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

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

(c) Head gate: Width.....feet; height.....feet; Material.....

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

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

(Give dimensions where reductions in size are made.)

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

11. Time required for complete application of water to the proposed beneficial use.....3.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

STATE OF SOUTH DAKOTA

County of Woodbury

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

Signed

Subscribed and sworn to before me this

28

day of

April

1959

Notary Public (or other qualified officer.)

NOTARY PUBLIC

In and for Woodbury County, Iowa
Commission Expires July 4, 1960

*Each diversion must have a headgate or measuring device.

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 50'
Type of casing Steel
(wood, concrete, steel, etc.)
Size of casing 18", Thickness of casing 1/4"
Length of casing 50', If collection gallery, length, size and depth of gallery 11'

(b) Screens

Type of perforated screen Pump & Drill-Saver
Size of perforated screen 18", 18'
(diameter) (length)
Thickness of gravel pack 6", length of gravel pack 50'

(c) Water Bearing Materials

Distance to water 11', Character of water bearing materials Coarse gray sand & gravel well graded

Thickness of water bearing material 11'

(a) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Western Sand Roller, size 3"
Kind of motor Propane - Chrysler
(gasoline, electric, diesel, etc.)
Horsepower 45, Name of Motor Chrysler

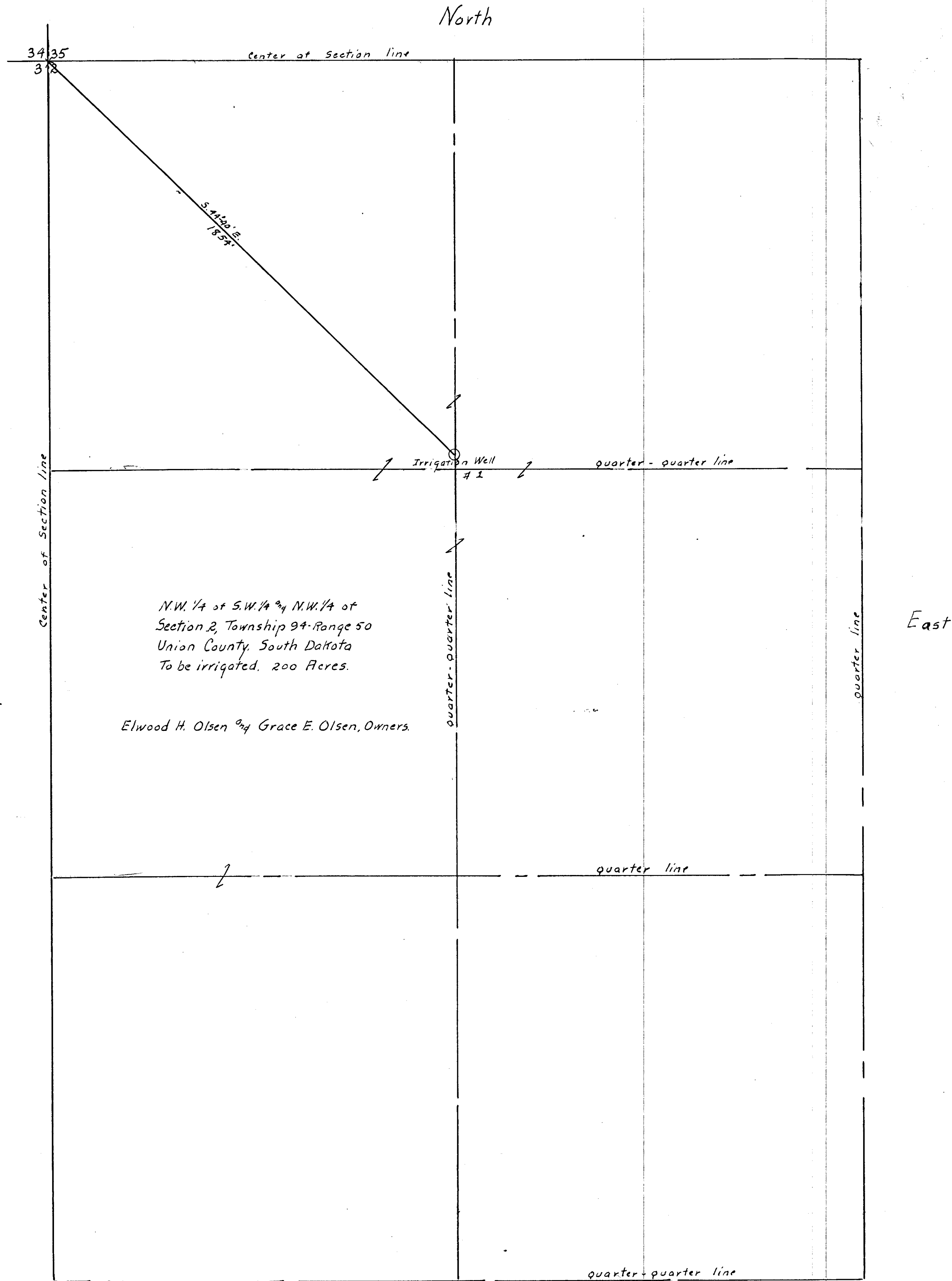
(e) Complete well

Capacity 600 GPM at drawdown of 49', Estimated cost \$1600.00

(f) Owner of land upon which well is located E. Wood & Grace Olson
Name Sioux City, Iowa
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 160 rods



Elwood H. Olsen & Grace E. Olsen Irrigation Project # 1
N.W. 1/4 of S.W. 1/4 & N.W. 1/4 of Section 2, Township 94, Range 50
Union County, South Dakota.

I, Ellis V. Nelson, a licensed engineer, hereby certify
that I have made a survey of the N.W. 1/4 of S.W. 1/4 &
N.W. 1/4 of Section 2, Township 94, Range 50, Union
County, South Dakota and located Irrigation Well #1
as indicated on the above plat.
Dated at Sioux Falls, South Dakota, April 24, 1959.

Ellis V. Nelson
Licensed Engineer.

State of South Dakota } ss.
County of Minnehaha }

On this 24th day of April, 1959, before me, the
undersigned officer, personally appeared Ellis V. Nelson
known to me, or satisfactorily proven to be the person
whose name is subscribed to the within certificate and
acknowledged that he executed the same for the purpose
therein contained.

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

Ellis V. Nelson
Notary Public

MY COMMISSION EXPIRES
JUNE 5, 1966

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, April 59

Map No. 4693 (App. No. 605-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Sioux ss.

Pierre, South Dakota,

May 15, 1959

This is to certify that the foregoing application was received by the Commission at 10:30 AM o'clock
m. upon the 2 day of May, 1959

State Water Resources Commission

By:

J. O. Linner
Chief Engineer, Executive Officer

Number of permit 605-3

Date of first receipt of application May 2, 1959

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right May 2, 1959

Approved August 11, 1959, Recorded in Book 5 Page 212

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before August 11, 1960

2nd. The whole of said work is to be completed on or before August 11, 1964

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

August 11, 1967

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.85 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before August 11, 1967; said water to be used during the following described annual period:

May three Forwarded Inclusive

Witness my hand this 18 day of September, 1959

State Water Resources Commission

By:

J. O. Linner
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 4, 1971

Water License Issued JANUARY 4, 1971

Form 16.

Permit No. 605-3

Water Diversion No. 5 BIG BLOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Elwood and Grace Olsen

_____ the holder _____ of
Permit No. 605-3, issued upon Application No. 605-3, bearing date of priority of May 2, 1959
_____ authorizing the diversion of 2.85 cu. ft. per second of the waters of _____
ground water _____ County of _____, State of South Dakota at _____
a point 1854 ft., South 44° 40' East of the NW Corner, Section 2, T94N, R50W
_____, for irrigation

_____ purposes, have _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .89 cu. ft. per second of water.

Date January 4, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Office

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 605-3

(1) WHEREAS, On the 2nd day of May A. D. 19 59
Elwood and Grace Olsen

made Water Right Application No. 605-3 for a permit to use 2.85 cubic feet per second of the waters
of ground water

County of Union State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 18th day of September A. D. 19 59
Permit No. 605-3, with a date of priority of May 2, 1959

was issued to said applicant to for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 11th day of August A. D. 19 64 and for the
application to beneficial use of said water on or before the 11th day of August A. D. 19 67

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .89 cubic feet
per second of water for beneficial use and,

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

for irrigating the following land in Section 2, T94N, R49W

	Acres
<u>NE 1/4 NW 1/4</u>	<u>40</u>
<u>NW 1/4 NW 1/4</u>	<u>40</u>
<u>SW 1/4 NW 1/4</u>	<u>40</u>
<u>SE 1/4 NW 1/4</u>	<u>20</u>
Total	140 Acres

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

_____ of Sioux City, Iowa
the holder _____ and owner _____ of said permit No. 605-3 a water right, dating from May 2, 1959
_____ to use of .09 cubic feet per second of the waters
of ground water

In the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1654 Ft., South 44°40' East of the NW Corner,
Section 2, T94N, R45W

and conduct to and upon 140 acres in the NW¼, Section 2, T94N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 605-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 4th day of January A. D.

Seventy-one

WATER RESOURCES COMMISSION

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication **before July 10**..... 10-59.)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., June 22, 1959.

Notice is hereby given that Elwood and Grace Olsen whose postoffice address is 7 Morningside College, Sioux City, Iowa, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.85 cubic feet of water per second of time from the ground water through the Elwood Olsen #1, the point of diversion of which is to be located near the center of NW 1/4 of Section 2 Twp. 94 N. Range 50 W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$, Sec. 2, T 94 N, R 50 W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of August, 1959, at 2:00 M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

~~State Engineer, District Engineer~~
Les Wyborny, Water Rights Engineer

cc E. W. Stearns, Publisher
The Beresford Republic
Beresford, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County _____ } ss.

Edward W. Stearns being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Beresford Republic 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 Beresford _____ County of _____

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

July 2, 1959
July 9, 1959
July 16, 1959
July 23, 1959

In each and every issue of the full number thereof, the first publication being made on the 2nd day of July

1959 and the last publication on the 23rd day of

July 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor owner and publisher of the said newspaper.

Edward W. Stearns

Subscribed and sworn to before me this 25th day of July A. D. 1959

RECEIVED
JUL 28 1959

STATE WATER RESOURCES COMM.
PIERRE, SOUT. DAKOTA

Notary Public Union County, S. D.

Thursday, July 23, 1959
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.
June 22, 1959.

Notice is hereby given that Elwood and Grace Olson whose post office address is c/o Morningside College, Sioux City, Iowa, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.85 cubic feet of water per second of time from the ground water through the Elwood Olson No. 1, the point of diversion of which is to be located near the center of the NW 1/4 of Section 2 Twp. 04 N Range 50 W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 SW 1/4 and NW 1/4, Sec. 2, T 04, R 50 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of August, 1959, at 2:00 p.m. All interested persons may appear and be heard.

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

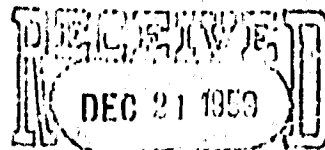
State Water Resources Commission

By:

Les Wyborny,

Water Rights Engineer

(Pub. July 2, 9, 16, 23, 1959)

Permit No. 605-3

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Regina City, Iowa

(Date)

Dec 17, 1959

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.85

_____ cu. ft. per second of the waters of the state from well

through the pipe

for irrigation purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Edward H. Olsen

_____ County of Woodbury State of Iowa

2. The postoffice address of such person or the place of business of such corporation is 3815 Harrison

3. The number of such permit is 605-3 and the date set for the completion of such work is July 20, 1959

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.85 cubic feet per second.

6. The amount of land for which said water is available is 200 acres,

particularly described as follows: NW 1/4, SW 1/4 and NE 1/4, Sec 2
T 94 N, R 50 W

I hereby certify that the facts set forth in the above notice are true.

Edward H. Olsen

(Signature of Owners) _____

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 605-3 Approval Date Aug 11, 1959

This Permit authorized the diversion of 2.85 cubic feet
per second of water from well to irrigate

200 acres in Section 2, Township 24N,

Range 50W, County Union.

Name and Address shown on Permit Fluood + Grace Co. Inc.
Sioux City, Iowa

Name and Address of present owner of land _____
Address. 3815 Garretson.
Sioux City

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

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. _____ will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration. _____
2. Some questions exists and further consideration is advisable.

- 2 ✓ The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS: Ready for inspection -

Contact Date - 7-31-69.

Signature W. C. Elliott Jr.

Permit No. 605-3
 Water Division 3 SIoux RIVER Water District

**REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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

I have this day made a thorough examination of the water use system constructed by Elwood and Grace Olsen of 3815 Garretson, Sioux City, Iowa holder of Permit No. 605-3, bearing date of priority of May 2, 1959 authorizing the diversion of 2.85 cu. ft. per second of the waters of ground water for irrigation purposes, in Union County.

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

The Water Use System consists of,

A. Works used to divert the water;

Well 50 feet deep cased with 18 inch diameter concrete casing
 Western Land roller pump, 8 inch, Mod. 8M.

Amarillo pump drive, Mod. L-1Y

Chrysler Industrial Engine, propane, 150 HP, Mod. 413

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

1/2 mile of 6 inch aluminum pipe

C. Works used to apply water to beneficial use.

Vermeer portable Boom, Mod. 140

The system is in the following condition: mediocre

The point of diversion is located 1854 feet South 44° 40' E. of NW Corner, Section 2, T94N, R50W

The works are capable of diverting and conveying to the place of use 0.89 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 NW¼, Section 2, T94N, R50W

NE¼ NW¼ 40 acres

NW¼ NW¼ 40 acres

SW¼ NW¼ 40 acres

SE¼ NW¼ 20 acres

comprising a total of 140 acres of land.

Date October 21, 1970

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

Form 20

No. 605-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date January 9, 1973

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

Portions of the NW $\frac{1}{4}$, Section 2, T94N, R49W, described in Water License
No. 605-3

formerly owned by Elwood and Grace Olson, Sioux City, Iowa

has been transferred to Henry Muhlenkört, Beresford, S.D.

James Muhlenkört
together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 605-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

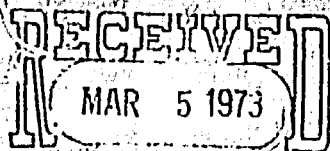
STATE OF SOUTH DAKOTA)
County of Lincoln) ss.

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

Henry W. Muhlenkört James Muhlenkört
(Signed)

Subscribed and sworn to before me this 3 day of March, 19 73

Boris Huganod
(Notary Public)



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

605-3

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 14, 1967

Merle Miller, Trustee
Union County Land Trust
3317 South West Ave
Sioux Falls SD 57105

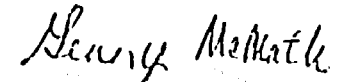
Dear Mr. Miller:

Enclosed are copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$15.00 total).

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

Please advise if you have any questions.

Sincerely,


GENNY MCMATH
Natural Resources Analyst

enclosures



NO. 605-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-15-87

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

140 acres - NW 1/4 Section 2, T94N, R50W

formerly owned by James & Henry Muhlenkort

has been transferred to Union County Land Trust 3317 SoWest Ave. Sioux Fall.
(please include complete mailing address) S.D 57105
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 605-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

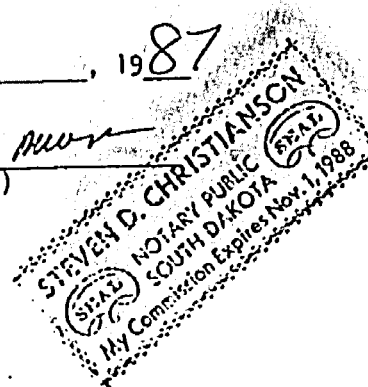
I, Merle W. Miller - Trustee being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Merle Miller Trustee
(Signed)

Subscribed and sworn to before me this 1st Day of May, 1987

Steven D. Christman Merle Miller Trustee
(Notary Public)

Commission Expires 9-10-93



SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION,
(605) 773-3352

605-3

May 4, 1987



Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

This letter will acknowledge receipt of the transfer notices you submitted for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. These transfer notices were for use in changing ownership of permits listed under the name of Leo, James or Henry Muhlenkort to the Union County Land Trust.

The forms were completed properly, however, they cannot be processed without a \$2.50 filing fee for each transfer (total of \$15.00). Please remit the \$15.00 in filing fees as soon as possible. Processing of the transfers will continue upon receipt of these fees.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst

GM:ms

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410876

Pierre, May 11, 1987

RECEIVED OF Marle W. Killer, Trustee, Union County Land Trust, 3317 Southwest Ave.
the following amount in fees for services rendered as provided for by law: Sioux Falls, SD 57105

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>605-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

DATE MICROFILMED



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 12, 1987

Merle W. Miller, Trustee
Union County Land Trust
3317 South West Avenue
Sioux Falls, South Dakota 57105

Dear Mr. Miller:

Enclosed are receipt Nos. 410876, 410877, 410878, 410879, 410880 and 410881 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 605-3, 2007-3, 2193-3, 2194-3, 4685-3 and 4684-3.

Our records now show Union County Land Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

March 23, 1987

HENRY MUHLENKORT
RR #1 BOX 78
BERESFORD, SD 57004

NOTICE

Re: Violation of Water Permit(s). 4685-3, 4684-3 and 1986
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4685-3, 4684-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4685-3, 4684-3 qualification:

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

The hearing will also be to determine if Permit No(s). 605-3, 2193-3, and 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4685-3, 4684-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 605-3, 2193-3, and 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

NOTE: If the questionnaire(s) are received in this office before the 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.



Department of Water & Natural Resources

Joo Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

May 5, 1987

605-3 2007-3
2193-3 2194-3
4684-3 4685-3

Merle Miller
Union County Land Trust
3317 S West Ave
Sioux Falls, SD 57105

Dear :

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to James, Henry, & Leo Muhlenkort March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

The notice dated March 23, 1987 can be disregarded. These permit numbers have been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

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

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

February 8, 1989

MERLE MILLER
UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS, SD 57105

NOTICE

RE: Violation of Water Permit No(s). 4684-3, 4685-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4684-3, 4685-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has 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). 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No. 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

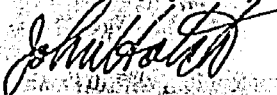
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4684-3, 4685-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 605-3, 2007-3, 2193-3, 2194-3 also held by UNION COUNTY LAND TRUST to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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





Department of Water & Natural Resources

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

March 6, 1989

605-3	2194-3
2007-3	4684-3
2193-3	4685-3

Merle Miller
Union County Land Trust
3317 So. West Ave
Sioux Falls, SD 57105

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota

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

GREAT FACES. GREAT PLACES.
February 1, 1991

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3, 2194-3, 4684-3, 4685-3. 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) 4684-3, 4685-3 qualification:

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

The hearing will also be to determine if Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 should be amended with the qualification to require the Questionnaire to be 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.

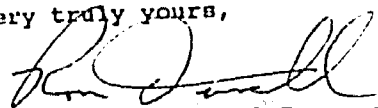
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4684-3, 4685-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3, 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office 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

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

March 5, 1991

Merle Miller
Union County Land Trust
3317 So. West Avenue
Sioux Falls, SD 57105

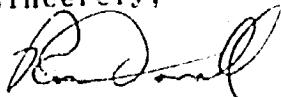
RE: Receipt of Irrigation Questionnaires for Water Permit Nos.
605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3, 4684-3 and 4685-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 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 Gerny McMath, at (605) 773-3352.

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division



605-3

January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

TO: UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

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

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1992
Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 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 3, 1993, at 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, 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 questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

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:

605-3

UNION COUNTY LAND TRUST
3317 SO WEST AV
SIOUX FALLS SD 57105

4a. Article Number

H906 560086

4b. Service Type:

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

7. Date of Delivery

2-2-73

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

5. Signature (Addressee)

Anna Clayton

6. Signature (Agent)

PS Form 3811, December 1971 U.S. G.P.O.: 1972-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



605-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

Union County Land Trust
3317 S West Avenue
Sioux Falls, SD 57105

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 & 4685-3

Dear Sirs:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaires.

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.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



605-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS SD 57105 6510

NOTICE

RE: Violation of Water Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3, 4685-3. The request for the Questionnaires 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 be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 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(s) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before 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:

UNION COUNTY LAND TRUST
MERLE MILLER
3801 S WESTERN
SIOUX FALLS, SD 57105 6510

605-3

4a. Article Number

P757 566 302

4b. Service Type

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

7. Date of Delivery

2-8-75

5. Signature (Addressee)

6. Signature (Agent)

Merle Miller

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.

605-3



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

February 28, 1995

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and of the Requirement to Submit the 1994 Irrigation Questionnaires.**

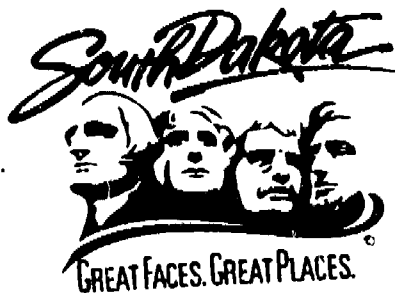
The questionnaire were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



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

January 30, 1996

NOTICE

TO: UNION COUNTY LAND TRUST, MERLE MILLER, 3801 S WESTERN, SIOUX FALLS, SD
57105 6510

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

SUBJECT: Violation of Water Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3 and 1995 Irrigation
Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4685-3, 605-3, 2007-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4685-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in 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) 4685-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2007-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

605-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 1996

Merle Miller
Union County Land Trust
3801 S Western
Sioux Falls, SD 57105-6510

RE: Irrigation Questionnaires for Water Permit Nos. 605-3, 2007-3, 2193-3, 2194-3 and 4685-3

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permits and Violation of the requirements to submit the 1995 irrigation questionnaires.

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



GREAT FACES. GREAT PLACES.

July 25, 1996

605-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

605-3

2193-3

2194-3

Larry Andrews
RR 1 Box 68.
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed are three partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 605-3, 2193-3 and 2194-3. The water rights are currently listed in the name of Union County Land Trust. These forms are being sent to you in follow-up to your conversation with Barry McLaury.

Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

605-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 605-3

Date: 7-30-96

I/We request that Water Right No. 605-3

formerly owned by: Union County Land Trust

be transferred to: (name & address) Larry Andrews, RR 1 Box 68, Beresford, SD 57004

Telephone No. (605) 253-2216

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

NW¼ Section 2, T94N, R50W

I/We understand that the validity of Water Right No. 605-3 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 Union)

I/We Larry Andrews 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.

Larry Andrews
(Signed)

Subscribed and sworn to before me this 30 day of July, 1996.

D. J. D. Hand
(Notary Public)

Expiration: 9-2-2002

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

415037

South Dakota Department of Environment and Natural Resources

- Pierre, _____ August 7, 1996

RECEIVED OF Larry Andrews, RR 1, Box 68, Beresford, SD 57004-9735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 605-3</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatcher
Chief Engineer



605-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 4, 1996

Nos. 605-3

2193-3

2194-3

Larry Andrews
RR 1, Box 68
Beresford, SD 57004

Dear Mr. Andrews:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 605-3, 2193-3 and 2194-3.

Our records now show you as the owner of Water Right Nos. 605-3, 2193-3 and 2194-3.

Sincerely,

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

enclosure



January 22, 1999

605-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: LARRY D ANDREWS, RR 1 BOX 68, BERESFORD, SD 57004 9735
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4684-3 & 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4684-3 & 5950-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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) 4684-3 & 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

605-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

LARRY D ANDREWS
RR 1 BOX 68
BERESFORD SD 57004 9735

4a. Article Number

P 378 080 721

4b. Service Type

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

7. Date of Delivery

1-22-99

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Larry Andrews

PS Form 3811, December 1994

102595-08-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.



605-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

Larry D Andrews
30077 471st Ave
Beresford, SD 57004

RE: Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 & 5950-3

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit/Right Nos. 605-3, 2193-3, 2194-3, 4684-3 and 5950-3.

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



605-3
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: LARRY D ANDREWS, 30077 471st AVE, BERESFORD, SD 57004 9735
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5950-3, 605-3, 2193-3 & 2194-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 605-3, 2193-3 & 2194-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5950-3 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 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. 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) 5950-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 605-3, 2193-3 & 2194-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2003

605-3
2193-3
2194-3
5950-3

Larry D Andrews
30077 471st Ave
Beresford SD 57006 9735

Dear Mr. Andrews:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 605-3, 2193-3, 2194-3 and 5950-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Ron Duvall, with our program, spoke with you concerning reissuing a couple of the water rights to incorporate them together since they are for the same land and system. The incorporated water license will be sent to you under separate cover when we have it completed.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program -- File Documentation

NAME: Larry D Andrews**ADDRESS:** 30077 471st Avenue, Beresford SD 57004**DATE:** February 4, 2003 **COUNTY:** Union **TELEPHONE:** 605 253-2032**RE:** Incorporation of No. 605-3 into Water Right No. 2193-3**COMMENTS:**

In response to questions posed on Mr. Andrews 2002 irrigation questionnaires, I contacted Mr. Andrews to discuss what acreage is covered by what wells according to his water rights. Water Right No. 605-3 authorizes irrigation of 140 acres in the NW $\frac{1}{4}$ section 2-94N-49W (correct range is 50W) from one well 50 feet deep (Brule Creek aquifer) near the center of the NW $\frac{1}{4}$ section 2 with a diversion rate of 0.89 cfs. The water license was issued January 4, 1971 and has a priority date of May 2, 1959.

On January 23, 1975, application was made for irrigation of 160 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ section 2-94N-50W from one well to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ section 2 according to the permit application. The legal publication notice specified the well incorrectly as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 2. On January 29, 1980, a water license was issued for No. 2193-3 for irrigation of 136 acres in the NW $\frac{1}{4}$ section 2-94N-50W with a diversion rate of 1.94 cfs from one well 80 feet deep (Brule Creek aquifer) located approximately 720 feet East of the center of the NW $\frac{1}{4}$ section 2. A priority date of January 23, 1975 is assigned to No. 2193-3. Even though the N $\frac{1}{2}$ NW $\frac{1}{4}$ was not included on the application and the published legal is incorrect, the current license is valid pursuant to SDCL 46-5-4.1 This statute provides that:

"Any license issued prior to January 1, 1983, by the chief engineer or the water management board is hereby cured, legalized and validated as fully as if the license had been issued in full compliance with all existing provisions of this title."

The acreage covered by No. 605-3 and as licensed on No. 2193-3 are identical. According to Jim Goodman, staff engineer, the water source from both wells is likely from the Brule Creek aquifer. According to Mr. Andrews, use of the well authorized by No. 605-3 was abandoned in favor of the newer well authorized by No. 2193-3. The well authorized by No. 605-3 remains in place but is no longer used for irrigation. Another well authorized by Water Right No. 2194-3 is located next to the abandoned well and is used to irrigate the NE $\frac{1}{4}$ in the adjoining section 3.

RECOMMENDED ACTION:

Water Right No. 2193-3 needs to be reissued incorporating the diversion rate and priority date authorized by No. 605-3. To the best of our knowledge, there was no intervening period of time when use of water under No. 605-3 ended and use under No. 2193-3 began resulting in forfeiture of No. 605-3. After reissuance, Water Right No. 2193-3 will authorize irrigation of 136 acres in the NW $\frac{1}{4}$ section 2-94N-50W with a priority date of May 2, 1959 for 0.89 cfs and a priority date of January 23, 1975 for (1.94 - 0.89 = 1.05 cfs) from one well 720 feet E of the center of the NW $\frac{1}{4}$ section 2. The well authorized by No. 605-3 should be plugged if no future use is planned from the well.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

2193-3 & 605-3

Larry D Andrews
30077 471st Ave
Beresford SD 57004

Dear Mr. Andrews:

Enclosed is Reissued Water License No. 2193-3. Water License is being reissued to incorporate the diversion rate and priority date authorized by No. 605-3. The applicable portions of No. 605-3 are incorporated into No. 2193-3.

Also, enclosed is a copy of the map and Water License No. 5950-3.

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. 605-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged if no future use is planned from the well.

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

Sincerely,

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

enclosures