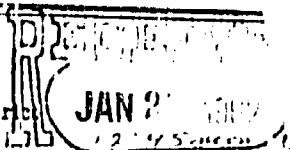


960-3

1. Considered 3-7, 1962
2. Name of Applicant W. A. WALDRON
3. Post Office Address HARTFORD, TN
4. Amount of water claimed 8.91
5. Source of water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 624
7. Water to be diverted and used in Spinks County about
1/3 34 miles of Tullahoma
8. Proof of Publication Received ~~XXXX~~ ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

A

No. 960-3
 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES
PIERRE SOUTH DAKOTA

To appropriate Water within the State of South Dakota

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

1. Name of applicant Tim Binger
P.O. Box 814 Tulare, SD 57476
 Postoffice address _____

State KANSAS
Illinois

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)
contract(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work _____

3. Amount of water claimed 8.91 cubic feet per second _____4. Source of water supply Wells situated one per quarter5. Location of point of diversion See attached diversion map

_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used April 1st to November 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler(a) Number of acres to be irrigated 624.00 acres.(b) Legal subdivisions to be irrigated Section 31, Township 115, Range Sixty-four, Spink(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be CO., S.D.)
 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 611-3

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal earth, \$-----
 (e) Other structures, pipe and accessories \$ 36,000.00
 (b) Pumping plant, & Motor 16,252.00
 Well Rock, \$ 10,800.00
 Total, \$ 63,052.00

9. Description of diversion works:

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

----- Sprinkler and turbine pump and electric motor
 ----- SEE DISCHARGE DITCH
 ----- EXHIBIT A

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 three (3) years.
 11. Time required for complete application of water to the proposed beneficial use five (5) years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
Redfield Press, Redfield, South Dakota

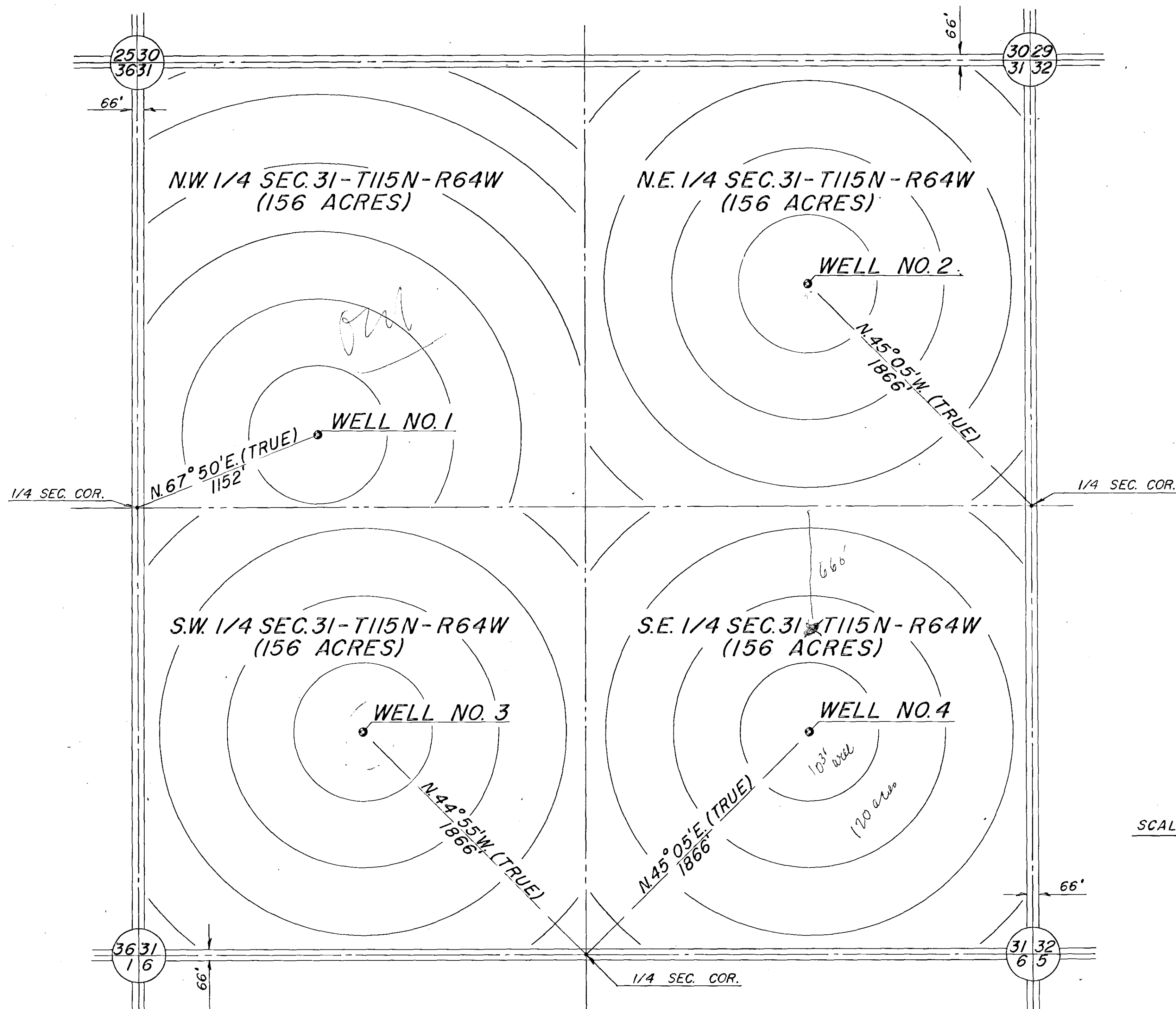
STATE OF SOUTH DAKOTA
 Spink }
 County of ----- }

I, Neal Waldron, 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 Neal Waldron

Subscribed and sworn to before me this 24th day of January, 1962

John Edward H. Dille
 Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF NEAL WALDRON I DID SURVEY THE TRACTS OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FROM UNDER THESE TRACTS FOR IRRIGATION PURPOSES AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 23 DAY OF January, A.D. 1962.

Calvin Vaudrey
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE SAME. WITNESS MY HAND AND SEAL THIS 23 DAY OF January, 1962.

John B. Smith
NOTARY PUBLIC

MY COMMISSION EXPIRES Feb 5, 1967



SCALE 1" = 400'

WATER RIGHTS MAP

SHOWING DIVERSION LOCATION
FOR PERMIT TO APPROPRIATE WATER

J. T. BANNER & ASSOCIATES, INC., ENGINEERS, BROOKINGS, SOUTH DAKOTA

APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES
DATE _____	
CHECKED BY _____	DRAWN BY <i>KLB</i>
DATE _____	SHEET _____ OF _____

MAP NO. 611-3 (APPL NO. 9603)

Remarks by State Water Resources Commission:

The wells granted under this permit are located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the wells covered by this permit deplete the domestic supplies or interfere with prior ~~appropriations~~ ^{water} rights, restrictions, to the extent necessary, of the capacity of these wells or periods of operation or other arrangements may be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 13, 1967

This is to certify that the foregoing application was received by the Commission at 12:45 o'clock P.m. upon the 25TH day of JANUARY, 1967

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 960-3

Date of first receipt of application JANUARY 25, 1967

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 JANUARY 25, 1967

Approved MARCH 7, 1967, Recorded in Book 7 Page 72

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 SEPTEMBER 7, 1967
- 2nd. The whole of said work is to be completed on or before MARCH 7, 1967
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MARCH 7, 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 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 8.91 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 MARCH 7, 1967; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 13TH day of MARCH, 1967

State Water Resources Commission

By:

J. J. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 19, 1968

Water License issued AUGUST 19, 1968

Permit No. 960-3Water Division No. 3 JAMES RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That A.B. Hudsonof Prairie View, County of Johnson, and State ofKansas, the holder of Permit No. 960-3 issued upon ApplicationNo. 960-3, bearing date of priority of January 25, 1962, authorizing the diversion of8.91 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at Well #2, N45°W, 1666' fromthe Ek Corner; Well #3, N 45°, 1666' from the SE corner, and Well #4, 1980' N.
and 1320' W of SE Corner, Section 31, T15S, R64W. for irrigationpurposes, has fully 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 5.2 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: Section 31, T15N, R64WWitness my hand this 19th day of August A. D. 1962.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 960-3

WHEREAS, On the 25th day of January A. D. 1962

Neal Waldron

of Hartford County of Madison and State of

~~KERRIA~~ Illinois duly made application (No 960-3) to us for a permit to use 8.91

cubic feet per second of the waters of ground water

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

WHEREAS, On the 13th day of March A. D. 1962

Permit No. 960-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th

March A. D. 1965 and for the application to beneficial use of said water on or before the 7th day of March A. D. 1967

and, Whereas, on the 30th/ July, 1968, the permit was transferred to A.E. Hudson, and

WHEREAS, On the 17th day of October A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of

5.2 cubic feet per second of said waters, as evidenced by our Certificate No 960-2

dated August 19, 1968 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 6.2 cubic feet per second of water, with date of

priority of January and,

WHEREAS, On the 17th day of October A. D. 1967

proof was duly made of the application to beneficial use of 6.2 cubic feet per second of said water;

for irrigating 624 acres in Section 31, T115N, R64W

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 A.B. Hudson
of Prairie View, Kansas the holder and owner of said permit No. 960-3
a water right, dating from January 25, 1962 to the use of 82 6.2
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ Well #2, N45°, 1866' from the E 1/4, Cor.
Well #3, N45°, 1866' from the S 1/4 Corner, and Well #4, 1980' N and 1320' W of
the SE Corner, Section 31, T115N, R64W.
and conducted to and upon 624 acres in Section 31, T115N, R64W.

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

SYSTEM SPECIFICATIONS:

1. Sprinkler model RB 30W: Nozzle size 3/8: Cap. 8.07 GPM at 45 psi
2. Maximum pressure at head of line 53 psi, or 12.2 ft.
3. Maximum lateral length (a) 1240 ft. Size 4 in. Sprinkler spacing 40 ft.
(b) _____ ft. Size _____ in. Sprinkler spacing _____ ft.
4. Number of lateral lines 4 Total number of sprinklers required 132
5. System capacity required 1065 GPM

ESTIMATE HRS. OPERATION PER YEAR:

Gross amount of water required for Corn, 21 inches x 15.5 A. = 325.5 A. ins.
 " " " " " "Sugar Beets, 25 " x 15.5 A. = 387.5 A. ins.
 " " " " " " _____ " x _____ A. = _____ A. ins.
 Total per year: _____ A. ins.
 _____ A. ft.

1065 gpm (System Capacity)
450 gpm (An hour equals one acre inch) = 2.37 Acre in. per hr.
Sugar Beets 387.5 Acre inches per year
2.37 Acre inches per hour = 163.5 Est. hrs of operation per year.

MAINLINE SELECTION:

- (1) Additional cost per year of fuel to pump into _____ in. over _____ inch.
 when pumping _____ GPM.
 _____ inch is _____ ft/100 ft. of pipe } _____ ft/100 ft. additional loss
 _____ inch is _____ ft/100 ft. of pipe } to pump through _____ in. over
 _____ in. per 100 ft. of pipe.
 _____ ft. per 100 ft. x _____ ft. of pipe equals _____ ft.

$$BHP = \frac{\text{head ft.} \times \text{gpm}}{3960 \times \text{eff. pump} \times \text{eff. drive}}$$

Additional BHP to pump into _____ in. over _____ inch =

$$\frac{\text{ft.} \times \text{gpm}}{3960 \times \% \times \%} = \text{bhp}$$

Additional fuel cost per year =

$$\frac{BPH}{BPH \text{ hrs./}} = \text{ /hr.} \times \text{ cents / } \times \text{ hr. operation} = \$$$

- (2) Additional Cost of larger pipe

Difference in cost between _____ inch and _____ inch is \$ _____
 per ft. x _____ ft. of pipe equals \$ _____

Dep. based on _____ yr. at _____ % Int. or _____ recover factor.

Cost to own _____ over _____ per yr. = \$ _____ x _____ = \$ _____

Use MAINLINE Size 6 inch.

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32 inches, Depth 100 feet

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 16 inches, Thickness of casing 1/4 inch

Length of casing 90 feet. If collection gallery, length, size and depth of
gallery -----

(b) Screens

Type of perforated screen Johnson Irrigator

Size of perforated screen 16 inches, 10 inches
(diameter) (length)

Thickness of gravel pack 8 inches, length of gravel pack 100 feet

(c) Water Bearing Materials

Distance to water 21 feet. Character of water bearing materials coarse
gravel and sand

Thickness of water bearing material -----

(d) Pump and Motor

Type of pump turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller, size 8 inches

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 60 H.P., Name of Motor H. S. Motor

(e) Complete well

Capacity ----- at drawdown of -----, Estimated cost \$6,000.00

(f) Owner of land upon which well is located -----
Name -----

Address -----

(g) Distance to nearest existing wells

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

No. 260-2

on or before February 8, 1962

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 25, 1962

Notice is hereby given that Neal Waldron

address is Hartford, Illinois whose postoffice

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 8.91
cubic feet of water per second of time from _____

cubic feet of water per second of time from ~~the~~ ground water four wells ----- through ~~the~~

with well #1 located in the

with well #1 located in the
 the 54' of the

Page 1 of 1

Box 1142 in the center

with well #1 located in the _____
of the NE 1/4 of the _____
Twp. 115N Range 64W. Said water to be used for the purpose of providing irrigation on the fol-
lowing described land:
Section 31, Township 115N, Range 64W, Sec. 31,

lowing described land:

Section 31, T115N, R64E

WHA' RY

PM 1732X

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 27th day of March, 1962, at 2 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:

Chief Engineer, Executive Officer

BURTON F. JONES
Water Right Specialist

CC: Harold Jones, Publisher
Rodfield Press
Rodfield, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County SpinkHarold Jones being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to appropriate Water was taken from the _____

Redfield Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Redfield County ofSpink and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Feb. 1, 8, 15, 22, 1962in each and every issue of the full number thereof, the first publication being made on the 1st day of Feb.1962 and the last publication on the 22nd day ofFeb. 1962, 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 the printer and publisher of the said newspaper.

No. 2

No. 960-3

APPROPRIATION OF WATER

Office of State
Water Resources Commission
Pierre, S. Dak.

January 22, 1962

Notice is hereby given that Neal Waldron whose address is Hartford, Illinois, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 8.91 cubic feet of water per second of time from ground water through four wells, the point of diversion of which is to be located with Well No. 1 located in the SW¹/₄ of the NW¹/₄; Well No. 2 in the center of the NE¹/₄; Well No. 3 in the center of the SW¹/₄, and Well No. 4 in the center of the SE¹/₄, Section 31 Twp. 115N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

Section 31, T 115N, R 64W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 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: Burton F. Jones
Water Right Specialist
(Feb. 1, 8, 15, 22)

Subscribed and sworn to before me this 22nd day of February A. D. 1962Notary Public Spink County, S. D.

Permit No. 960-3Water Division No. 3 JAMES RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~
~~to~~ I have this day made a thorough examination of the diversion works constructed by
 _____, of _____

SPINK County, South Dakota, holder of Permit No. 960-3 Issued
 upon Application No. 960-3, bearing date of priority of JANUARY 25, 1967, authorizing the
 diversion of 8.91 cu. ft. per second of the waters of GROUND WATER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: WELL #2 100' WELL WITH WESTERN LAND
ROLLER 6" PUMP WITH 5-10CH BOWLS WITH U.S. 50 H.P. ELECTRIC
MOTOR @ 1760 RPM, 1390' 6" MAINLINE WITH 3-1280' 4"
TRACTOR PULL SPRINKLER LINES WITH RAINBIRD 3/16 BOW
SPRINKLER HEADS @ 40' SPACINGS @ 50 PSI. (SEE BACK)
 and the system is in the following condition: EXCELLENT

The point of diversion is located WELL #2 N 45° W 1866' FROM E 1/4 CORNER;
WELL #3 N 45° W 1866' FROM S 1/4 CORNER,
AND WELL #4 - 1090' N & 1370' W OF THE SE CORNER, SECTION 31, T115N, R65W

The works are capable of diverting and conveying to the place of use 6.2 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal subdivisions to be irrigated are SECTION 31, T115N, R65W

_____ comprising a total of 64.624 acres of land.
 The domestic use intended comprises _____

The utilization for power, milling, or other beneficial uses comprises:
* WELL #4 MOVED APPROX 600' N OF LOCATION
SHOWN ON W/R MAP 611-3. WELL #1 NOT DRILLED.

Witness my hand, this 17TH day of OCTOBER, A. D. 1967.

—SEAL—

Burton Jones
 Examining Engineer
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Permit No.

Water Div. No. Water Dist.

Certificate of Examination
of Works

Dated 19.....

Stream

County

Amount c. f. s.

Date of Priority

Recorded in Book Page

Filed in the office of the State Water Resources Commission

this day of A. D. 19.....

State Water Resources Commission

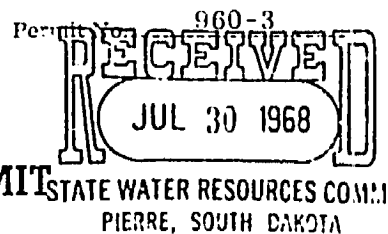
By:

Chief Engineer, Executive Officer

WELL # 3 - 230' WELL WITH 8" LAYNE BOWLER PUMP WITH 4 12RL BOWLS, POWERED BY U.S. ELECTRIC MOTOR - 100 H.P. 510' OF 8" & 2070' OF 6" MAINLINE WITH 5-1280' 4" TRACTOR PULL SPRINKLER LINES WITH 3/16" RAINBIRD R30W SPRINKLER HEAD @ 40' SPACINGS @ 50 P.S.I.

WELL # 4 - 103' WELL WITH 8" WESTERN LAND BLOWER PUMP WITH 7-100 BOWLS POWERED BY U.S. ELECTRIC 75 H.P. MOTOR @ 1760 RPM. 1280' OF 8" & 700' OF 6" MAINLINE WITH 4-1280' 4" TRACTOR PULL SPRINKLER LINES WITH RAINBIRD 3/16" R30W SPRINKLER HEADS @ 40' SPACINGS @ 50 P.S.I.

NOTICE OF TRANSFER OF WATER PERMIT



July 12, _____, 19 68

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that Neal Waldron

who previously owned the land described below has sold his interests to A. B. Hudson

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 960-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

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 55.1806 of the SDC of 1939.

STATE OF Kansas ~~SOUTH DAKOTA~~

County of Johnson

} ss.

I A. B. Hudson 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.

Signed

A. B. Hudson

Subscribed and sworn to before me this 23rd day of July, 19 68

Sandra J. Mack
Notary Public

760-3

Driller's Notice Of Intent To Construct Well

Water Resources Commission of South Dakota
State Office Building
Pierre, South Dakota

Gentlemen:

In accordance with Section 61.0406 of the 1960 Supplement to the South Dakota Code of 1939, Notice of Intent is hereby given to drill the following well.

Person for whom the well is to be drilled: HUDSON FARMS, INC.
(Name)

P.O. Box 333 KANSAS CITY 3, KANS.
(Address)

Owner of land if other than above: SAME
(Name)

.....
(Address)

Location of well N.E. 1/4, S.W. 1/4, Section 31, Township 11S, Range 64

Proposed use of water IRRIGATION
(domestic, irrigation, municipal, industrial, other)

Very truly yours,

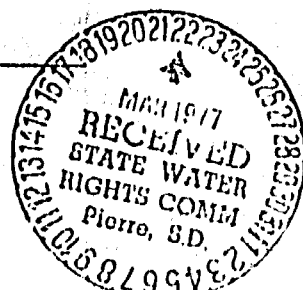
*Engine Description & Drilling Co.
Bismarck, N. Dak.
Paul W. King
Co-owner*

RECEIVED
OCT 15 1964

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

Form 20.

No. 960-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Pons Building
Pierre, South Dakota 57501

Date MARCH 17, 1977

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

SECTION 31, T116N, R64W

formerly owned by A.B. HUDSON
has been transferred to TIM RINGER, TULARE
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 960-3 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 Rights 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 Spink) ss.

I, Tim Ringer 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.

Tim Ringer
(Signed)

Subscribed and sworn to before me this 21 day of March,
1977.

Arnold Anderson
(Notary Public)



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

Department of Water & Natural Resources

Water Resources Engineer
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All Irrigation Permit owners, . . . shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

960-3

4897-3
960-3

March 15, 1984

Tim Binger
Route #1, Box 77
Tulare, South Dakota 57476

Dear Mr. Binger:

This letter will acknowledge receipt of, and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 4897-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. (Notice was also sent to you concerning possible Board action to amend Water Right No. 960-3 if the questionnaire was not received. Our records now show you have returned the 1983 Irrigation Questionnaire and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. Your name has 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

JH:GM:ms

Equal Opportunity Employer



Department of Water & Natural Resources

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

960-3

January 29, 1988

TIM & SHIRLEY BINGER
RT 1 BOX 77
TULARE, SD 57476

NOTICE

Re: Violation of Water Permit No(s). 4897-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4897-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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). 4897-3 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) 960-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

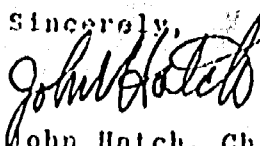
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4897-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 960-3 also held by TIM & SHIRLEY BINGER to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Pos pone 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.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 5, 1988

472-3
960-3
4897-3

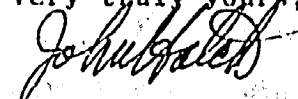
Tim & Shirley Binger
Rt 1, Box 77
Tulare SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 472-3, 960-3 & 4897-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

DATE MICROFILMED
CATALOG NUMBER



960-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3151

February 16, 1994

TIM & SHIRLEY BINGER
RT 1 BOX 76
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 472-3 & 960-3 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) 4897-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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 April 1, 1994, 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



960-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

February 24, 1994

472-3
960-3
4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 472-3, 960-3 & 4897-3 and the 1993 Irrigation Questionnaire Requirements.

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



960-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

TIM & SHIRLEY BINGER
RR 1 BOX 77
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. 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) 472-3 & 960-3 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) 4897-3 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) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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

742-3



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

February 15, 1995

472-3

960-3

4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

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 the 1994 Irrigation Questionnaire Requirements.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have 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



960-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: TIM & SHIRLEY BINGER, 18410 382ND ST, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3 & 6142-3, 472-3 & 960-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 472-3 & 960-3 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) 4897-3 & 6142-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 4897-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 960-3 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, 2000, 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.



960-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2000

Tim & Shirley Binger
18410 382nd St
Tulare, SD 57476

RE: Water Right or Permit Nos. 472-3, 960-3, 4897-3 & 6142-3

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. The questionnaires were submitted by Brett Binger. It is my understanding that future questionnaires can be directed to Brett for completion. This does not alter ownership of the permits, it merely allows us to send the questionnaires to another person.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right or Permit Nos. 472-3, 960-3, 4897-3 and 6142-3. 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

c: Brett Binger



January 16, 2002

NOTICE

960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: BRETT BINGER, 38270 182ND ST, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3, 5568-3 & 6142-3, 472-3, 960-3 & 3053-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 472-3, 960-3 & 3053-3 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) 4897-3, 5568-3 & 6142-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 4897-3, 5568-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3, 960-3 & 3053-3 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 8, 2002, 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.

960-3

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:

BRETT BINGER
38270 182ND ST
TULARE SD 57476

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Brett Binger

B. Date of Delivery

1-17-02

C. Signature

X Brett Binger

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. 7001 2510 0004 4797 6603

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

Brett Binger
38270 182nd St
Tulare SD 57476

RE: Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3.

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 960-3

Date: 6-10-06

I/We request that Water Right/Permit No. 960-3

formerly owned by: Tim Binger

be transferred to: (name & address) Brett Binger, Darin Binger and Chad Binger
38270 182nd St, Tulare SD 57476

Telephone No. 605-596-4283

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

Sec. 31 - T115N - R64W, Spink County

I/We understand that the validity of Water Right/Permit No. 960-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Brett Binger, the new owner, certify that the above information is true and correct.
Darin Binger
Chad Binger

Brett Binger
(Signed by new owner)

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

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

RECEIVED

JUL 19 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 19, 2006

960-3
4897-3
6142-3

Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for filing an ownership change on Water Right Nos. 960-3 and 4897-3 (Tim Binger) and Water Permit No. 6142-3 (Keith Meyer).

A total of \$7.50 (\$2.50 each) is due for filing the ownership changes. You may make the check or money order payable to the "Water Rights Program". As soon as we receive the fee, the water rights and permit will be transferred to your names.

I have included a postage paid envelope for your convenience in returning the filing fee. 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

• encl

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 24, 2006

RECEIVED OF EG Binger Farms, 38270 182nd St., Tulare SD 57476

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>960-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02521

By

J. Darland Ericksen
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2006

960-3
4897-3
6142-3

Brett Binger
38270 182nd St
Tulare SD 57476

Dear Mr. Binger:

I am writing to confirm the ownership changes for Water Right Nos. 960-3, 4897-3 and Water Permit No. 6142-3 have been completed. Nos. 960-3 and 4897-3 formerly listed in the name of Tim Binger and Water Permit No. 6142-3 formerly listed in the name of Keith Meyer are now listed as owned by "Brett Binger, Darin Binger and Chad Binger."

Enclosed are your Receipt Nos. 02519, 02520 and 02521 in the amounts of \$2.50 each. You may keep these for your records.

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

Sincerely,

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

enclosures

960-3

McMath, Genny

From: Susan Binger <bbinger@nrctv.com>
Sent: Thursday, November 29, 2012 4:23 PM
To: McMath, Genny
Subject: Re: Permits 960-3 and 472-3

I am having a terrible time getting Brett to reply to your email, so I will just do it myself!

Darin is OWNER for 6142-3. Darin is RENTER for 5568-3. (I will talk to him & have him disregard the transfer form you mailed him on that.) Chad is OWNER for 960-3. Chad is RENTER for 472-3. Eventually we will get this straightened out....thanks for your patience with us!

Susan

----- Original Message -----

From: McMath, Genny
To: Brett & Susan Binger
Sent: Thursday, November 29, 2012 7:30 AM
Subject: RE: Permits 960-3 and 472-3

Brett,

I mailed transfer of ownership forms to Darin for 6142-3 and 5568-3. With reference to the 1st paragraph below, does Chad now "own" the land under 960-3 and 472A-3 or does he just manage it for all of you? If he owns it, then I'll mail transfer forms.....if he just manages it, I can just make the address change.

Genny

605 773-5455

From: Susan Binger [<mailto:bbinger@nrctv.com>]
Sent: Tuesday, November 27, 2012 2:37 PM
To: McMath, Genny
Subject: Permits 960-3 and 472-3

Please change the address for permits 960-3 and 472-3 that are currently sent to Brett Binger. These should now go to Chad Binger, 18410 382nd Ave, Tulare, SD 57476. I have given him the forms to complete, along with the instructions and envelope. His phone number is 596-4295.

I submitted questionnaires via email for permits 6142-3 and 5568-3. These should be sent to Darin Binger in the future. His address is 37848 181st St, Tulare. He was over and completed the paper form and I submitted them for him, but he is now the sole owner/operator for these permits. (I also noted this info on the questionnaire before submitting.)

If you have any questions or need additional information, feel free to call my cell 605-460-1604 or email me.

Thank you,

Brett Binger

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2629/5426 - Release Date: 11/29/12



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 26, 2012

960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing in follow-up to the irrigation questionnaires you returned to us for Nos. 472A-3 and 960-3. Future irrigation questionnaires for No. 472A-3 will be directed to you as "renter or manager". With respect to No. 960-3 which authorizes irrigation of 624 acres in Section 31, T115N, R64W, a transfer of ownership will need to be filed to get the water right into your name.

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.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 31 2012

WATER RIGHTS
PROGRAM

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

No. 960-3

Date: 12-27-12

I/We request that Water Right No. 960-3

formerly owned by: Brett, Darin & Chad Binger

be transferred to: (name & address) Chad Binger

18410 382nd Ave Tulare SD, 57476

Telephone No. (605) 596-4295

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

624 acres - Section 31, T115N, R64W

I/We understand that the validity of Water Right No. 960-3 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 Chad Binger, the new owner, certify that the above information is true and correct.

Chad Binger
(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 1/3, 20 13

RECEIVED OF Chad Binger 18410 382nd Ave Tulare SD 57476

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>960-3</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. **05840**

By

Robert E. Schaefer
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2013

960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 960-3.

The ownership change has been completed. Water Right No. 960-3 formerly held by Brett, Darin and Chad Binger is now listed in your name only.

Enclosed for your records is Receipt No. 05840 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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.

960-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2014

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 472A-3 and 960-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.



960-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 30, 2017

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 472A-3 and 960-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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>

C: BRETT, DARIN & CHAD BINGER, 38270 182ND ST, TULARE SD 57476

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.

960-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 472A-3 and 960-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Brett Binger, 38270 182nd St, Tulare SD 57476



960-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: IMZEKN**

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



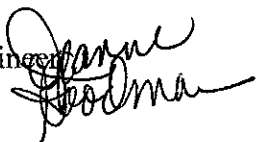
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION

TO: Chad Binger, 18309 383rd Ave, Tulare SD 57476

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment of Water Right No. 960-3 and One Year Suspension of Water Permit No. 472A-3

On February 26, 2020, the Water Management Board took the following actions on Water Right No. 960-3 and Water Permit No. 472A-3:

The Board amended Water Right No. 960-3 to add the following qualification effective immediately:

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

The Board also ordered:

Effective March 26, 2020, Water Permit No. 472A-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26th.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020, in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

960-3

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage; prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



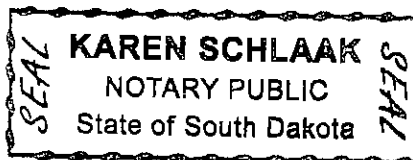
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



960-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 2020

472A-3
960-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

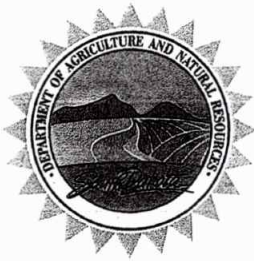
On February 26th the Water Management Board ordered Water Permit No. 472A-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information has been received for both Nos. 472A-3 and 960-3. Water Right No. 960-3 was amended by the Board effective the day of the hearing.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 472A-3 & 960-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 472A-3 & 960-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 472A-3 & 960-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SUDBAT**

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.

960-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2023

472A-3
960-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 472A-3 and 960-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

472A-3
960-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 472A-3 & 960-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 472A-3 & 960-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 472A-3 & 960-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KFBBS**

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 AGRICULTURE
and NATURAL RESOURCES**

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

472A-3 & 960-3

January 28th, 2026

CHAD BINGER
18309 383RD AVE
TULARE SD 57476

Dear Mr. Binger,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us