

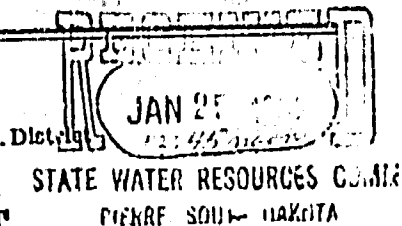
9102-3

1. Considered 3-7, 1962
2. Name of Applicant NEAL WALDRON
3. Post Office Address Hartford, Dec.
4. Amount of water claimed 2.23
5. Source of water supply Ground water
6. Water to be used for Irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Spink County about
15 1/4 miles of Shelby
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

A

No. 962-3
 3 JAMES RIVER
 Water Division No. _____
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant ---
P.O. Box 8141
 Postoffice address -----

Gary Neitzel
 Tulare, SD 57476

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 2.23 cubic feet per second -----

4. Source of water supply Well
5450 40 E, 18 5 S R R FROM NW 20 10 10, SHERB A 25, 71100, 18 10 10

5. 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 160 acres.

(b) Legal subdivisions to be irrigated NW 33-115-64, Spink County, South Dakota

(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 613-3

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$-----
 (e) Other structures pipe and accessories \$ 2,555.00
 (b) Pumping plant, well and motor \$ 4,063.00
 Rock, \$ 2,730.00
 Total, \$ 16,218.00

9. Description of diversion works:

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

Sprinkler system and turbine pump and electric motor

II. Dimensions of works.

SEE DISCHARGE DATA
EXHIBIT "A"

(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

County of Spink } ss.

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

Notary Public (or other qualified officer.)

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

SYSTEM SPECIFICATIONS:

1. Sprinkler model RR 300: Nozzle size 1/4": Cap. 8.0 GPM at 45 psi
2. Maximum pressure at head of line 53 psi. or 122 ft.
3. Maximum lateral length (a) 1290 ft. Size 1/2" 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 $\times$ 155 A. = 3255 A. ins.
sugar beets, 25 " $\times$ 155 A. = 3875 A. ins.
 " $\times$ A. = A. ins.
 Total per year A. ins.
 A. ft.

$\frac{1065 \text{ gpm (System Capacity)}}{150 \text{ gpm (An hour equals one acre inch)}} = \underline{2.37} \text{ Acre in. per hr.}$
sugar beets $\frac{3875 \text{ Acre inches per year}}{2.37 \text{ Acre inches per hour}} = \underline{1635} \text{ Est. hrs of operation per year.}$

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.

$$\text{BHP} = \frac{\text{Head ft.} \times \text{gpm}}{3300 \times \text{eff. pump} \times \text{eff. drive}}$$

Additional BHP to pump into in. over inch =
 $\frac{\text{ft.} \times \text{gpm}}{3300 \times \text{eff. pump} \times \text{eff. drive}} = \underline{ } \text{ bhp}$

Additional fuel cost per year =

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

- (2) Additional Cost of larger pipe

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

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

Cost to own over per yr. = \$ $\times$ = \$

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 1/2 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, mixer, low, etc.)

Name of pump Western Land Roller, size 6 inches

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

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

(e) Complete well

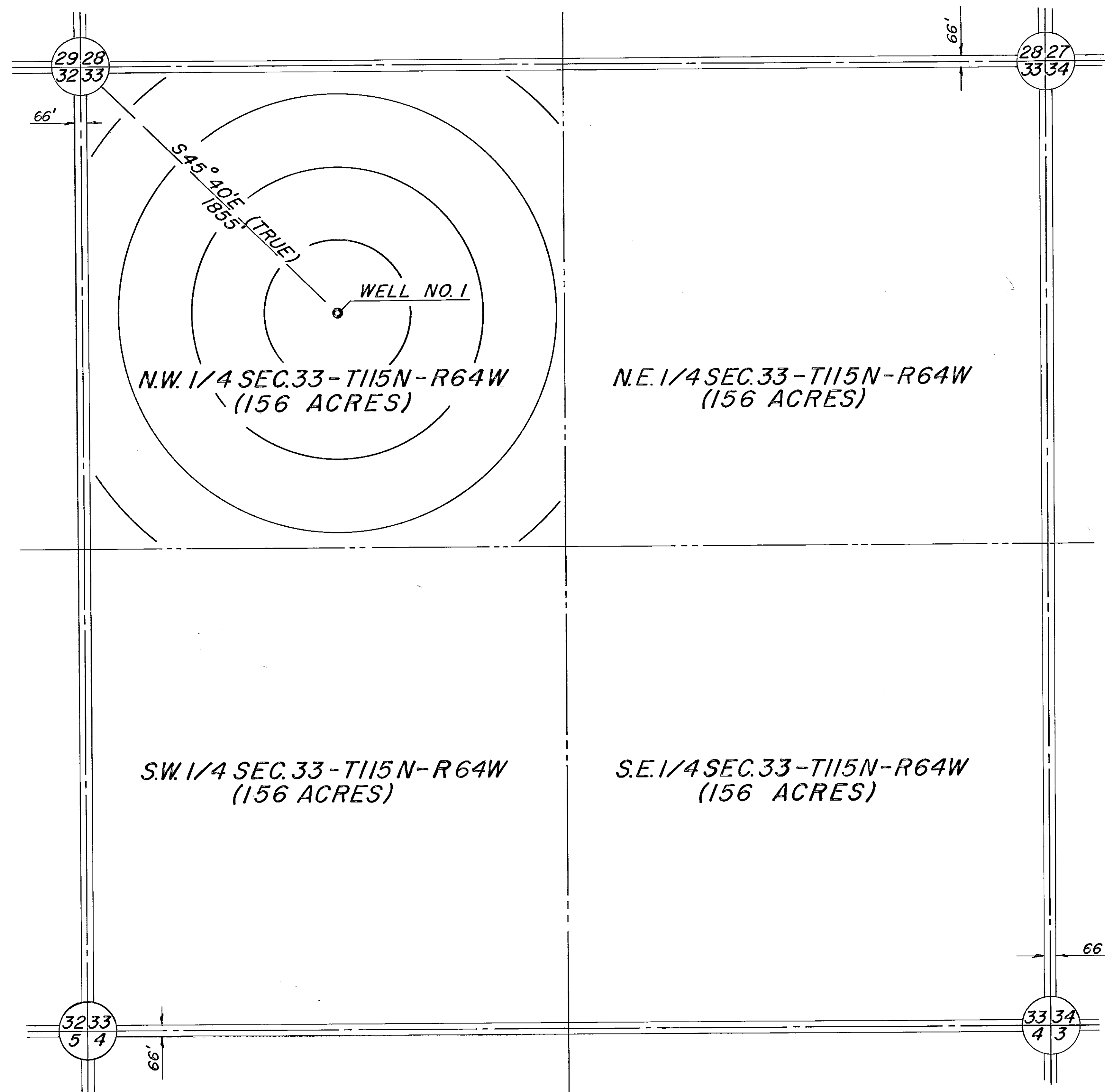
Capacity at drawdown of Estimated cost \$6,000.00

(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



NOTE:
CIRCLE RADIATING FROM WELLS
SHOW IRRIGABLE LAND

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, CALVIN WAUDREY, A REGISTERED LAND SURVEYOR
IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY
THAT, AT THE REQUEST OF NEAL WAUDREY
I DID SURVEY THE TRACT OF IRRIGABLE LAND WITHIN
THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION
FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW
UNDERGROUND WATERS FROM UNDER THIS TRACT
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, 1952.

Calvin Waudrey
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 WAUDREY, KNOWN TO ME TO BE THE PERSON
WHO EXECUTED THE FOREGOING SURVEYOR'S
CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE
EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 23 DAY OF
JANUARY, 1952.

Notary Public
NOTARY PUBLIC

MY COMMISSION EXPIRES



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 <u>KLB</u>
DATE	
SHEET	OF

MAP N° 613-3 (APPL N° 962-3)

Remarks by State Water Resources Commission:

The well granted under this permit ^{is} ~~are~~ located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this permit depletes the domestic supplies or interferes with prior ~~water~~ ^{water} rights, restrictions, to the extent necessary, of the capacity of the well 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, 1962

This is to certify that the foregoing application was received by the Commission at 12:45 o'clock
a.m. upon the 25TH day of JANUARY, 1962

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 962-3

Date of first receipt of application JANUARY 25, 1962

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, 1962

Approved MARCH 7, 1962, Recorded in Book 7 Page 74

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, 1963

2nd. The whole of said work is to be completed on or before MARCH 7, 1965

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 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 2.23 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, 1962

State Water Resources Commission

By:

Robert Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 19, 1968

Water License issued AUGUST 19, 1968

Permit No. 262-3Water 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 of Kansas, the holder of Permit No. 962-3, issued upon ApplicationNo. 962-3, bearing date of priority of January 25, 1962, authorizing the diversion of2.23 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at a point S 45° 40' E.1655 feet from the NW corner, Section 33, T115N, 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 2.23 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: for irrigating the NW 1/4, Section 33, T115N, R64W.Witness my hand this 19th day of August A. D. 19 68

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No....962-3...

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

of Hartford County of Madison and State of
Illinois duly made application (No. 962-3) to us for a permit to use 2.23
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. 962-3 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 day of
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 day of July, 1968, the permit was transferred to
A.B. 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 2.23
cubic feet per second of said waters, as evidenced by our Certificate No. 962-3
dated August 19, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.23 cubic feet per second of water, with date of
priority of January 25, 1962 and, and,

WHEREAS, On the 17th day of October A. D. 1967
proof was duly made of the application to beneficial use of 2.23 cubic feet per second of said water;
for irrigating the NW $\frac{1}{4}$, Section 33, 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. 962-3

a water right, dating from January 25, 1962 to the use of

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

necessray for the purposes hereinbelow mentioned, to be diverted at a point S45° 40' E, 1855 feet
from the NW Corner, Section 33, T115N, R64W

and conducted to and upon the NW¼, Section 33, 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 _____

on or before February 8, 1962.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 25, 1962.

Notice is hereby given that Noel Waldron whose postoffice address is Hartford, Illinois ~~XXXX~~, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.23 cubic feet of water per second of time from the ground water through Well #1, the point of diversion of which is to be located at ~~XXXX~~ in the center $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33 Twp. 115N Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$, Section 33, T 115 N, R 64 W

~~XXXX~~ ~~XXXX~~
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:

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

~~XXXX~~ ~~XXXX~~ ~~XXXX~~ ~~XXXX~~ ~~XXXX~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } SS.

County SPIRK

Harold D. 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 the _____

City of Redfield County of Spirk and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 1, 8, 15, 22, 1962

in 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 of

Feb. 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.

Harold D. Jones

Subscribed and sworn to before me this 22nd day of February A. D. 1962

Margaret E. Jones
Notary Public SPIRK County, S. D.

No. 7

APPROPRIATION OF WATER

Office of State
Water Resources Commission
Pierre, S. Dak.
January 23, 1962

Notice is hereby given that Neal Waldron whose postoffice 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 2.23 cubic feet of water per second of time from ground water through Well No. 1, the point of diversion of which is to be located in the center of the NE 1/4 of Section 37 Twp. 115N Range 64W. Said water to be used for the purpose of providing irrigation on the following described land:

7W1/4, Section 33, T 115 N, R 64W

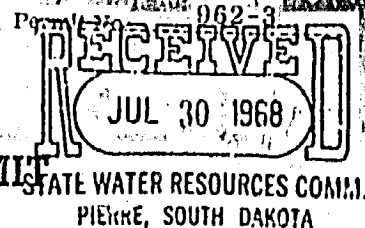
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 P.M. All interested persons may appear and be heard.

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, 2, 13, 22)

MA OCT-7

NOTICE OF TRANSFER OF WATER PERMIT



July 12, 1968

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. 962-3
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.

Kansas
STATE OF ~~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, 1968.

My Commission Expires August 29, 1970

Sandra J. Nash
Notary Public

Permit No. **962-3**Water 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~~~~19~~ I have this day made a thorough examination of the diversion works constructed by

of

County, South Dakota, holder of Permit No. **962-3**, Issuedupon Application No. **962-3**, bearing date of priority of **JANUARY 25, 1962**, authorizing thediversion of **2.23** 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: **100' WELL WITH 8" WESTERN LAND PULLER PUMP WITH 4-12 GH BOWLS (SETTING 85') POWERED WITH 75HP U.S. ELECTRIC MOTOR @ 1760 RPM, 670' OF 8" & 2040' OF 6" MAINLINE 5-1240' TRACTOR PULL SPRINKLER LINES WITH 3/16 RAINGIRD 230W SPRINKLER HEADS @ 40' SPACING @ 45 PSI.**

and the system is in the following condition: **EXCELLENT**The point of diversion is located **AS SHOWN ON W/R MAP 613-3**

The works are capable of diverting and conveying to the place of use **2.23** cu. ft. per second of water, which is to be used for **IRRIGATION**

The legal sub-divisions to be irrigated are: **NW⁴ SECTION 33, T115N, R64W**comprising a total of **160** acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this

17TH

day of

OCTOBERA. D. **1967**

-SEAL-

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

W.R. 962-3

Aug. 12-74

Water Resources Commission
State Office Bldg No. 2
Pierre, South Dakota 57501

Sir:

Am writing in reference to a shortage of water at the farm of Albert Hansen, of Tulare, South Dakota, we had no trouble there with water until Hudson Farms turned on their irrigation pumps as soon as they finished combining their wheat from the field, the pumps have been running day & nite since, & the water level is down due to the amount of water they seem to be putting on. The well at Hansen's gets down to a level where it pumps air, causing the pump not to shut off, & we have to have water there as we have livestock there, & they need water in the house.

Albert asked a guy that works for Hudson Farms if they could shut the water off for a few hours so he could find out for sure if the trouble was with the water level or with his pump, they said they'd ask their boss, & I guess he refused as the water has not been shut off, we checked up at the ASC office in Redfield about getting this shut down, they told us to write to you right away as the ground there is well satuated there anyway, so could we get something done on this situation? even if they'd just shut down so we could find out for sure what the trouble is & then have there water on just part of the time like at nite when we wouldn't be using water for the farm & livestock.

Thank you,

Albert Hansen
Tulare, South Dakota 57476
Phone # 596-5195

Farm located 1 1/2 miles west of Tulare. Hudson irrigation running directly across the road.

Telephone Call to the Hansen on 8-13-74 indicated low water in 2 1/2 year old, 50' deep, 4' plastic lined. No trouble before the said Hudson farms had shut the pump or pumps off yesterday afternoon but had started them up. He said they have vegetable gardens.

We thought there had been other parties and to Hudson Farms

NOTICE OF TRANSFER OF WATER PERMIT

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

Date MARCH 17, 1977

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

NW⁴, SECTION 33, T11EN, R64W

formerly owned by A.B. HUDSON
has been transferred to GARY ^{NEITEEL} ~~NEITEEL~~ TULARE
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 962-3 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 Hughes) ss.

I, Gary Neiteel 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.

Gary Neiteel
(Signed)

Subscribed and sworn to before me this 17th day of March

19 77.

Barbara Westlund
(Notary Public)
Barbara Westlund II

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

December 11, 1985

398-3
962-3
1040-3
1119-3
1203-3
1923-3

Jim Laird
Norwest Capitol Management
PO Box 849
Aberdeen SD 57401-0849

Dear Mr. Laird:

In response to our recent telephone conversation, enclosed are the 1985 Irrigation Questionnaires for Water Rights listed under the name of Gary Neitzel. Upon completion of the forms, return them to our office. December 20, 1985 is the deadline for returning the questionnaires; however, since you did not receive them earlier, please try to have them to us by January 10, 1986.

All of Mr. Neitzel's water rights will be listed as "Gary Neitzel's Estate" as we discussed and, if acceptable to you, the yearly questionnaires will be sent directly to Norwest Capitol Management for completion. If the status of these water rights should change, please contact us.

A postage paid envelope is enclosed for your convenience in returning the questionnaire. If you have any questions, please advise.

Sincerely,

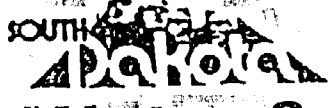
Genny McMath

GENNY MC MATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

#1040-3

#962-3

#1923-3

#398-3

#1203-3

February 17, 1989

Neitzel Norwest Capitol Mgmt
PO Box 849
Aberdeen, SD 57401

Dear Sir:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

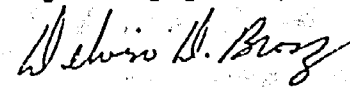


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



962-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1040-3; 398-3; 962-3; 1923-3

The first notice to file chemigation report(s) for Permit No(s) 1040-3; 398-3; 962-3; 1923-3 was dated November 27, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1040-3; 398-3; 962-3; 1923-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:2(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 1040-3; 398-3; 962-3; 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1992

HEITZEL-NORWEST CAPITOL MGMT
PO BOX 1238
HURON SD 57350-1238

Dear Sir:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1040-3; 398-3; 962-3 & 1923-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

REDUCTION RATIO

RULL NUMBER

DATE MICROFILMED

CANEGE OPERATOR SIGNATURE

WATER RIGHTS PROGRAM FILE DOCUMENTATION

NAME OF PERSON: Norwest Bank Capitol Mgmt (on behalf of Neitzel Estate)

ADDRESS: PO Box 1238, Huron, SD

DATE: January - 1998

RE: questionnaires for Neitzel Estate (Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3)

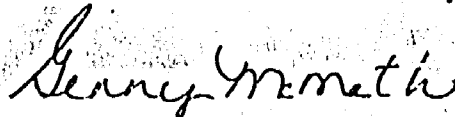
COMMENTS:

A lady from Norwest Capitol Mgmt called in regard to the "Notice" they received concerning reporting requirements for the 1997 irrigation questionnaires. She indicated the Estate was settled and the land dispersed to the heirs. She indicated the land has been divided as follows:

- 1) Allan Neitzel, 1616 N Harrison St, Aberdeen, SD: NE $\frac{1}{4}$ Section 2, NE $\frac{1}{4}$ Section 9 and NW $\frac{1}{4}$ Section 14, T114N, R64W
- 2) Monte Neitzel, 1102 S Main, Redfield, SD and Lisa Zens, RR 3, Zell, SD: W $\frac{1}{2}$ Section 2, NW $\frac{1}{4}$ Section 27, T114N, R64W and NW $\frac{1}{4}$ Section 33, T115N, R64W

On February 17, 1998, I spoke with Monte Neitzel (472-4127) concerning the water rights. It would seem from reviewing the files that he has the majority of the acreage under the water rights. He said the land was not irrigated in 1997 due to excessive moisture. We discussed ownership of the water rights and he indicated he would review copies of the rights and complete the transfer forms accordingly.

Concerning the irrigation questionnaires for 1997 - The matter has been withdrawn from the February Board meeting agenda because 1) improper notice was given (the questionnaires and following notice were mailed to the bank instead of Monte Neitzel) and 2) the information was received from Monte Neitzel February 17, 1998.


Genny McMath
Environmental Scientist



962-3

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

January 9, 1998

NOTICE

TO: NEITZEL- NORWEST CAPITOL MGMT, PO BOX 1238, HURON, SD 57350 1238

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 398-3, 962-3, 1040-3, 1203-3 & 1923-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

962-3

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

February 18, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for taking the time to visit with me yesterday about water rights held by Gary Neitzel. Enclosed are copies of Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3.

I noticed when reviewing Water Right No. 1923-3 that it contained an error in the legal description of the irrigated acres. The description should be the NW $\frac{1}{4}$ Section 27 instead of Section 17. The water license will be reissued to correct the error.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

It is my understanding that Allan Neitzel may own some of the acreage involved. If any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 19, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

This letter serves as a reminder that we have not yet heard from you regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel.

In February, I forwarded transfer forms to you for filing ownership changes with the water rights. Please review the forms for accuracy and make any necessary corrections. You will need to fill in the portion titled "to be transferred to: (name & address)". Upon completion, please sign them in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

As I indicated in my February correspondence to you, if any of the water rights or a portion of a specific one should be transferred to Allan instead of to you, please include this information when returning the transfer forms. I can forward forms to Allan if necessary.

Thank you in advance for your help with reviewing the water rights and filing the ownership changes. If I can answer any questions for you, please contact me.

Sincerely,

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

encl



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 17, 1998

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

I am contacting you once again regarding the ownership changes for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 and 1923-3, currently listed in the name of Gary Neitzel. I forwarded transfer of ownership forms to you in February and also sent a reminder notice to you May 19th. To date, I have not heard from you.

The reason I am continuing to try and resolve the ownership issue is because we will be mailing out irrigation questionnaires in October and need to be able to get them to the correct owner/address. Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, as with the case of the irrigation questionnaires, a notice from our office may include an order which could result in up to one year suspension of a water right or other penalty if not complied with.

I am enclosing a additional set of forms in the event the first set of forms were mislaid. Please review the forms and make any necessary corrections. You will need to complete the portion titled "to be transferred to, (name and address)....". Once completed, they should be signed in the presence of a notary public and the returned to our office with a required filing fee of \$2.50 each (total of \$12.50).

If you have any questions or if I should be contacting someone else concerning the transfer of the above water rights, please get in touch with me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 962-3

Date: 9-28-98

I/We request that Water Right No. 962-3

formerly owned by: Gary Netzel

be transferred to: (name & address) Monte Netzel 1102 S Main Redfield SD
52469 Telephone No. 605-472-4127

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

NW 1/4 Section 33, T115N, R64W

I/We understand that the validity of Water Right No. 962-3 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.

STATE OF SOUTH DAKOTA)

County of BROWN)

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

(Signed)

Subscribed and sworn to before me this 28th day of September, 19 98.

MY COMMISSION EXPIRES 9/1/2004

(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415880

RECEIVED OF Alan or Debra Neitzel (Monte Neitzel), 1616 N. Harrison, Aberdeen, SD 57401
the following amount in fees for services rendered as provided for by law: Pierre, September 29, 1998

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future	
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. 962-3</u>		
Fee for Filing Extension Request _____		2 50
Fee for _____		

(Any Other Work Provided by Law)		
Total		2 50

By

Chief Engineer

John Hatch



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

OCT 2 1998

398-3

962-3

1203-3

1923-3

Monte Neitzel
1102 S Main
Redfield, SD 57469

Dear Mr. Neitzel:

Thank you for returning the "Notice of Transfer of Ownership" forms for transferring water rights held by Gary Neitzel. The transfers have been completed and Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are now listed in your name. The receipts for the filing fees were forwarded to Alan Neitzel.

Enclosed is Reissued Water License No. 1923-3. The water license was reissued to correct an error in the description of the acres irrigated. Reissuance of the water license does not alter the remaining portions of the license. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

The 1998 irrigation questionnaires will be mailed to South Dakota irrigators around the middle of October. The questionnaires request information on the number of acres irrigated and the amount of water used during this crop season. The forms for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 will be directed to your attention. If you have an operator(s) and would like the forms forwarded to them instead, please notify Genny McMath with our program, at (605) 773-3352.

If you have any questions concerning the transfers or the reissued water license, please contact Genny at the above phone number.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

enclosure



January 22, 1999

962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 398-3, 962-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 398-3, 962-3, 1203-3 & 1923-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1999

NOTICE OF AMENDMENT OF WATER RIGHT

TO: MONTE NEITZEL, 1102 S MAIN, REDFIELD, SD 57469
FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 *John Hatch*

SUBJECT: Amendment to Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing March 3, 1999, the Water Management Board has amended Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3 to add the following qualification:

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

This action was taken for failure to return the 1998 irrigation questionnaires. The addition of this qualification to your Water Rights means that failure to submit required irrigation questionnaires in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

962-3

The following are American Friends to Water Rights:

The following are One Year Suspensions of Water Rights/Permits:

The following are Three Year Suspensions of Water Rights:

Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:


Cheryl F. Frost
Secretary

Sworn to, before me, this 8th day of March, 1999

KAREN SCHLAAK
 **NOTARY PUBLIC** 
SOUTH DAKOTA



9102-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: MONTE NEITZEL, 1 COUNTY RD 24, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 398-3, 962-3, 1203-3 & 1923-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(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) 398-3, 962-3, 1203-3 & 1923-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 398-3, 962-3, 1203-3 & 1923-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476

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

SUBJECT: One Year Suspension of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has ordered:

That Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaires.

Suspension of a water permit or right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

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



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2001

Monte Neltzel
1 County Rd 24
Tulare, SD 57476-2101

Dear Mr. Neltzel:

Thank you for contacting me with regard to the "2000" irrigation questionnaires and the action taken by the Board on March 7th. Enclosed are additional "2000" irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3. I have included the legal description for each water right on their respective forms.

I have reviewed our files again and did not find the forms you indicated you mailed around three weeks ago. I did find one for Alan Neltzel that was submitted towards the end of January, 2001. Was this the form you were referring too? Alan's water right authorizes irrigation of the SW 1/4 Section 4, T114N, R64W. This would be in the vicinity of the acreage covered under your water rights.

Our March 9th notice outlined the procedure for getting the suspensions reviewed by the Water Management Board. In short, what you will need to do is to complete and submit the enclosed irrigation questionnaires and write a short letter to us requesting the matter be placed on the agenda for the next Water Management Board meeting. Your letter should include the reasons for not returning the questionnaires in a timely manner and any circumstances that you feel the Board should know.

Make every effort to get the information to us as soon as possible. As soon as we receive your letter and the irrigation questionnaires, we will schedule a hearing before the Board by including the matter on their next agenda. Their next meeting is May 2nd. You will be notified of the time and place of the hearing once it is scheduled.

If you have any questions, please do not hesitate to call me.

Sincerely,

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

enclosures



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 30, 2001

NOTICE

TO: Monte Neltzel, 1 County Rd 24, Tulare, SD 57476-2101
FROM: Garland Erbele, Chief Engineer, Water Rights Program
SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3

On April 30, 2001, a letter was received from you explaining the reason your "2000" irrigation questionnaires were not returned in a timely manner. In a follow-up telephone conversation, you requested the water rights be brought back before the Board to have them consider lifting the one year suspension.

Your request to have the suspension of Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 2, 2001, in the Floy 1 Matthew Training Center, Joe Foss Building, 523 E Capitol, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

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

WATER RIGHTS PROGRAM - FILE DOCUMENTATION**NAME & ADDRESS:** Monte Neitzel, 1 County Rd 24, Tulare, SD**DATE:** May 1, 2001**TELEPHONE:** 605 596-4158**RE:** suspended water rights**COMMENTS:**

Mr. Neitzel submitted his "2000" irrigation questionnaires on April 30, 2001. He included a letter outlining the circumstances for the delay in getting the forms submitted. I called Mr. Neitzel to find out if he wanted the suspended water rights brought back before the WMB for hearing and he said that he did. He went on to say that he would not be able to attend the hearing. He wanted to be assured that the Board would give him back his water rights. I told him there was no certainty in that and although they have never "not" given a permit back, they have deferred action till a later date when the owner could attend the hearing. I told him I would present his letter to the Board and they would make the final decision.

We discussed the renter status of the water rights. He indicated that he has two renters and has to contact them for the irrigation questionnaire information. We discussed the option of mailing the yearly questionnaires directly to the renters and he indicated he would like us to start doing that.

Tom Gilbert, 18658 387th Ave, Hitchcock, SD 57348 will receive questionnaires for the following:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

Larry Nielson, 18476 385th Ave, Tulare, SD 57476 will receive a questionnaire for the following:

- No. 962-3 NW ¼ Section 33, T115N, R64W

Genny McMath

Genny McMath
Environmental Scientist

**IRRIGATION QUESTIONNAIRE VIOLATIONS
WATER RIGHT NOS. 398-3, 962-3, 1203-3 & 1923-3
MONTE NEITZEL**

BRIEF DESCRIPTION:

Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 are held by Monte Neitzel, 1 County Rd 24, Tulare, SD. The land located in Spink County is described as follows:

- No. 398-3 SW ¼ Section 2, T114N, R64W
- No. 962-3 NW ¼ Section 33, T115N, R64W
- No. 1203-3 NW ¼, N ½ SW ¼, W ½ NE ¼ Section 2, T114N, R64W
- No. 1923-3 NW ¼ Section 27, T114N, R64W

The above water rights were transferred to Monte Neitzel on September 29, 1998.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1998	December 1, 1998	March 5, 1999	March 3, 1999**
October 1999	December 1, 1999	December 27, 1999	none
October 2000	December 1, 2000	April 30, 2001	March 7, 2001

** The water rights were amended to include the mandatory irrigation questionnaire qualification. This action was taken for failure to return the 1998 irrigation questionnaires.

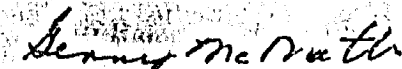
January 19, 2001: A certified letter was sent to Monte Neitzel requesting the 2000 irrigation questionnaires be returned prior to the March 7, 2001, hearing date. The notice outlined what action the Board could take concerning the past due questionnaires.

March 7, 2001: The Board suspended Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year for failure to submit the 2000 irrigation questionnaires.

March 9, 2001: A notice was sent to Mr. Neitzel informing him of the Board's action to suspend Water Right Nos. 398-3, 962-3, 1203-3 and 1923-3 for one year.

March 13, 2001: In response to a telephone conversation with Mr. Neitzel, additional irrigation questionnaires were mailed to him.

April 30, 2001: The irrigation questionnaires were received along with a letter from Mr. Neitzel outlining the circumstances involving the delay for submitting the forms (see attached copy).



Genny McMath
Water Rights Program
April 30, 2001



962-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

May 7, 2001

NOTICE

TO: Monte Neitzel, 1 County Rd 24, Tulare, SD 57476

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reinstatement of Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Right Nos. 398-3, 962-3, 1203-3 & 1923-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaires were now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General



May 8, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

962-3

Larry Nielson
18476 385th Ave
Tulare, SD 57476

Dear Mr. Nielson:

I am contacting you in regard to Water Right No. 962-3, held by Monte Neitzel. Mr. Neitzel contacted our office and indicated he rents the land described in the water right to you. Enclosed is a copy of the water right for your review.

For ease in annual water use reporting, Mr. Neitzel has requested that the yearly irrigation questionnaire for this water right be sent directly to you. You normally receive several irrigation questionnaires from us each year so I know that you are already aware of what type of information is needed.

The 2001 irrigation questionnaires will be sent out to South Dakota irrigators in October. Thank you in advance for your help. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure

c: Monte Neitzel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2005

962-3

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401-8176

Dear Mr. Neitzel:

I am contacting you in regard to ownership of land described in Water Right No. 962-3 (copy enclosed). In a conversation with Mark Steinheuser concerning information for the 2005 irrigation questionnaire, I was told that you now own the land.

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

If 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2005

962-3

Mark Steinheuser
407 County Rd 24
Tulare SD 57476

Dear Mr. Steinheuser:

Thank you for visiting with me about the changes needed for Water Right No. 962-3. I have enclosed a copy of the water right showing the land authorized for irrigation.

Enclosed is the 2005 irrigation questionnaire pertaining to any irrigation done on the land during this crop season. Please complete and return the form to us by **January 9, 2006**.

Thank you in advance for your help. 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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 962-3

Date:

1-03-06

I/We request that Water Right No. 962-3

formerly owned by: Monte Neitzel

be transferred to: (name & address)

ALAN NEITZEL

3060 N. DAKOTA ST

ABERDEEN

S. D.

57401

Telephone No.

605-226-2472

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

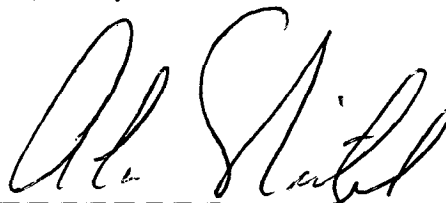
NW ¼ Section 33, T115N, R64W

I/We understand that the validity of Water Right No. 962-3 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 ALAN NEITZEL, the new owner, certify that the above information is true and correct.



(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
JAN - 5 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 5, 20 06

RECEIVED OF Alan Neitzel, 3060 N Dakota St, Aberdeen SD 57401

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>962-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

002112

By

Darlan E. Eide

Chief Engineer

7



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 5, 2006

962-3

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401

Dear Mr. Neitzel:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 962-3. The transfer has been completed. The water right formerly listed in the name of Monte Neitzel is now listed in you name.

Enclosed is your Receipt No. 002142 in the amount of \$2.50. 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

enclosure

962-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2014

Alan Neitzel
3060 N Dakota St
Aberdeen SD 57401 8176

RE: Water Right Nos. 962-3 & 1040-3 (Alan Neitzel) and
Water Right Nos. 398-3, 1203-3 & 1923-3 (Monte Neitzel)

Dear Mr. Neitzel:

I am writing in follow-up to your March 3rd visit with Eric Gronlund in our program. Enclosed are copies of all five water rights listed above.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 398-3, 1203-3 and 1923-3. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

As requested, the annual irrigation questionnaires for Water Right Nos. 398-3, 962-3, 1040-3, 1203-3 & 1923-3 will be sent to you. If you have any questions, please contact me.

Sincerely,

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

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

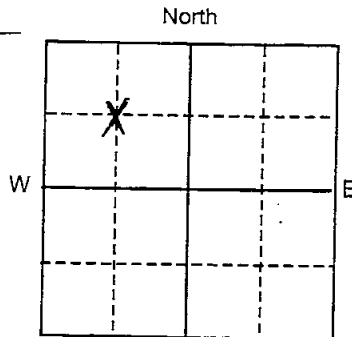
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 1/4 Sec 33 Twp T114 Rg 64County SPINK

Please mark well location with an "X"



Well Completion Date

7-5-14

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
NONE ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SS. LB/FT</u>	<u>16</u> IN	<u>54</u> FT	<u>84</u> FT	<u>26</u> IN
<u>SOR 70 LB/FT</u>	<u>16</u> IN	<u>0</u> FT	<u>54</u> FT	<u>26</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>10</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>50</u> Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 26 Inches Length 30 Feet

 Material 26
 Slot Size 20/100 Set From 54 Feet to 84 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Gravel packDescribe packer(s) and location Benite seal

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Allen Nitzel

Business Name:

Address: 3060 N Dakota StCity, State, Zip: Aberdeen SD 57401

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>4</u>
<u>Blue clay Sand</u>	<u>4</u>	<u>12</u>
<u>Blue clay</u>	<u>12</u>	<u>38</u>
<u>Sand + pea rock</u>	<u>38</u>	<u>65</u>
<u>Sand gravel + Blue clay</u>	<u>65</u>	<u>84</u>

STATIC WATER LEVEL

8

FEET

If flowing: closed in pressure

PSI

GPM flow through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Test Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

8 Ft. After 2 Hrs. pumped 800 GPM8 Ft. After 2 Hrs. pumped 800 GPMIf pump installed, pump rate: 800 GPM

REMARKS

Replacement Well

RECEIVED

OCT 23 2014

WATER RIGHTS PROGRAM

and this

This well was drilled under license # 772

report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Grath

Signature of Well Owner or Equitable Property Holder:

Allen NitzelDate: 8-1-14

10-28-14

962-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 5, 2018

962-3

Alan Neitzel
17739 385th Ave
Redfield SD 57469

Dear Mr. Neitzel:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 3060 N Dakota St, Aberdeen SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures