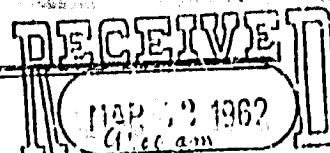


973-3

1. Considered 5-9-1962
2. Name of Applicant John B. & Paula Lutz
3. Post Office Address Canterville
4. Amount of water claimed 1.93
5. Source of water supply Ground water
6. Water to be used for Irrigation
- Acres to be irrigated 135
7. Water to be diverted and used in Clay County about 65 miles of Canterville
8. Proof of Publication Received ☒ Not Received ☐
9. Application Approved ☐ Subject to ☐ Not Approved ☐ Action deferred ☐
10. Remarks:

No. 973-3
 Water Division No. 3 VERMILLION RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

 1. Name of applicant John H. and Burl A. Litzelman
 Postoffice address Vermillion, County Clay, State S.D.

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)

Employment of others(b) Cash on hand, \$ 15,000.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ 200,000.002. Name of diversion work John H. and Burl A. Litzelman, diversion #43. Amount of water claimed 1.93 cub. feet per second4. Source of water supply Well

5. Location of point of diversion _____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used March through November

7. To be used for:

I. Irrigation or ~~other~~ use: ~~EMORY, KENTON, or MCKINLEY~~ or combination system?(a) Number of acres to be irrigated 135 acres.(b) Legal subdivisions to be irrigated West 1/2 Sec. 22 twp. 95 range 52 Clay County.
 (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. 168-3

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures -----

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works.

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

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

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

(c)* Head gate: Width ----- feet; height ----- feet; Material -----

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

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

(Give dimensions where reductions in size are made.)

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

11. Time required for complete application of water to the proposed beneficial use ----- 9 ----- years.

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

PLAIN FALK

STATE OF SOUTH DAKOTA

County of ----- Turner -----

} ss.

I, Burl A. Litzelman and John H. Litzelman, 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

Burl A. Litzelman
John H. Litzelman

Subscribed and sworn to before me this ----- 26th ----- day of ----- March ----- 1962

Notary Public (or other qualified officer.)

My commission expires 11-1-65.

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

- The well granted under this Permit is 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 rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect those water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 18, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 12TH day of MARCH, 1962

State Water Resources Commission

By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 973-3

Date of first receipt of application MARCH 12, 1962

Date of return to applicant for correction, amendments or changes required as follows: 3-15, 1962

Date of receipt of corrected application APRIL 2, 1962

Date from which applicant may claim right MARCH 12, 1962

Approved MAY 9, 1962, Rec'd in Book 7 Page 111

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

NOVEMBER 9, 1964

2nd. The whole of said work is to be completed on or before MAY 9, 1967

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

MAY 9, 1971

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 1.93 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 MAY 9, 1971; said water to be used during the following described annual period:

MARCH THRU NOVEMBER

Witness my hand this 18TH day of MAY, 1962.

State Water Resources Commission

By: James Jones
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 13, 1972.

Water License issued NOVEMBER 13, 1972.

WATER LICENSE NO. 973-3

(1) WHEREAS, On the 17th day of March A. D. 19 62

John H. and Earl A. Litzelman

made Water Right Application No. 973-3 for a permit to use 1.93 cubic feet per second of the water of ground water

County of Glauc State of South Dakota for irrigation

purposes; and

(2) WHEREAS, On the 18th day of May A. D. 19 62

Permit No. 973-3 with a date of priority of March 12, 1962

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 9th day of May A. D. 19 67 and for the

application to beneficial use of said water on or before the 9th day of May A. D. 19 71

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system, and is entitled to divert 1.93 cubic feet per second of water for beneficial use and,

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

for irrigating a 135 acre circle in approximately the center of the W $\frac{1}{2}$,

Section 22, T95N, R52W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to John H. and Burl A. Litzelman

_____ of Vernillion, S.D.
the holder S and owner S of said permit No. 973-3 a water right, dating from March 12, 1962
_____ to use of 1.93 cubic feet per second of the waters
of ground water
in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1320 ft. East and 500 ft. South of the W $\frac{1}{2}$
Corner, Section 22, T95N, R52W

and conduct to and upon a 135 acre circle in approximately the center of the W $\frac{1}{2}$, Section 22,
T95N, R52W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 973-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of November A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 973-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That John H. and Burl A. Litzelman

_____ the holder a of
Permit No. 973-3, issued upon Application No. 973-3, bearing date of priority of March 12,
1962 authorizing the diversion of 1.93 cu. ft. per second of the waters of _____
ground water County of Clay, State of South Dakota at _____
a point 1320 ft. East and 500 ft. South of the W $\frac{1}{2}$ Corner,
Section 22, T95N, R52W

_____, for irrigation

purposes, ha v 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 2.0 cu. ft. per second of water.

Date November 13, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before April 12, 1962
 (First Publication April 12, 1962)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

 Pierre, S. Dak., April 3, 1962

Notice is hereby given that John H. and Burl A. Litzelman whose postoffice address is Vermillion S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.93 cubic feet of water per second of time from the ground water through the Litzelman Diversion #4, the point of diversion of which is to be located XXXXXX XXXXXXXXXXXX in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22 Twp. 95N Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, Sec. 22, T 95N, R 52W

XXXXXX XXXXXXXXXXXX
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 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: Wm. S. Gibson
 Publisher
 Vermillion Plain Talk
 Vermillion, S. Dak.

XXXXXXXXXXXXXXXXXXXX
 BURTON F. JONES
 Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Clay } ss.

Lee E. Hunt being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Vermillion Plain Talk 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 Vermillion County of Clay and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 12, 1962

April 19, 1962

April 26, 1962

May 3, 1962

in each and every issue of the full number thereof, the first publication being made on the 12th day of April 1962 and the last publication on the 3rd day of May 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 Foreman the printer and publisher of the said newspaper.

Lee E. Hunt

Subscribed and sworn to before me this 4th day of May A. D. 1962

RECEIVED
 MAY 7 1962

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notary Public *Clay* County, S. D.

RECEIVED
 MAY 1962

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak., April 3,
 1962.

Notice is hereby given that John H. and Earl A. Liljeblom whose post-office address is Vermillion, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.93 cubic feet of water per second of time from ground water through the Liljeblom Diversion No. 4, the point of diversion of which is to be located in the SW¹/₄ of the NW¹/₄ of Section 22 Twp. 95N Range 53W. Said water to be used for the purpose of providing irrigation on the following described land:

NW¹/₄, Sec. 22, T. 95N, R. 53W.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 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
 (April 12, 19, 26, May 3)

Permit No. 973-3Water Division 3 VERMILLION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JOHN H. & BURL A. LITZELMAN of VERMILLION holder of Permit No. 973-3, bearing date of priority of MARCH 12, 1962 authorizing the diversion of 1.93 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in CLAY County.

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

The Water Use System consists of,

A. Works used to divert the water:

48' DEEP WELL W/ 18" CONCRETE CASING
WESTERN LAND ROLLER 10" PUMP, POWERED BY
CATERPILLAR DIESEL 110 HP ENGINE

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

500' OF 8" PIPE TO PIVOT

C. Works used to apply water to beneficial use.

1-13 TOWER VALLEY SELF PROPELLED SPRINKLER SYSTEMThe system is in the following condition: VERY GOODThe point of diversion is located 1320' E & 500' S OF THE
W 1/4 CORNER, SECTION 22, T95N, R52WThe works are capable of diverting and conveying to the place of use 2.00cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

135 ACRE CIRCLE IN APPROXIMATELY THE CENTER
OF THE W 1/4, SECTION 22, T95N, R52W

comprising a total of 135 acres of land.Date SEPTEMBER 5, 1972

[Signature]
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Complete Irrigation Drilling Co. Inc.
Name of Pump Installation Contractor

Water Rights Division - DWR
Conversation or File Documentation

File No. 214-3

NAME OF PERSON OR FILE: Don Hunter

215-3

229-3

973-3

ADDRESS: RR #2, Box 10, Centerville, SD 57014

COUNTY

974-3

1569-3

DATE: April 22, 1984

TELEPHONE 563-2725

3543-3

3544-3

RE: Status of permits for John & Burl Litzelman, Vermillion, SD

3545-3

3546-3

COMMENTS: called and

3547-3

Mr. Hunter indicated no irrigation had been done on Litzelman's

permits during 1984. (spoke with Maxine)

I called Mr. Hunter back, spoke with Mrs. Hunter, she indicated

Litzelman's permits should be listed as "ESTATE" for now.

Mr. Hunter is the operator of these systems, further correspondence

concerning the permits should be directed to Mr. Hunter.

I requested them (Hunter's) to notify our office at such time

as the estate is settled so that the appropriate papers could be

filed concerning transfers of the permits.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Lenny McMath

4/82

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

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

March 23, 1987

DON HUNTER-OPERATOR
RR #2 BOX 10
CENTERVILLE, SD 57014

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

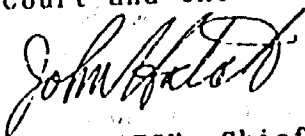
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, 229-3, 214-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, 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. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1890-3, 1569-3, 3543-3, 973-3, 974-3, 215-3, 229-3, 214-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

cc: John/Burl Litzelman, 224 Court, Vermillion SD 57069

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

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

April 3, 1987

214-3	974-3
215-3	1569-3
229-3	1890-3
973-3	3543-3

Donald Hunter
RR #2 Box 10
Centerville, SD 57014

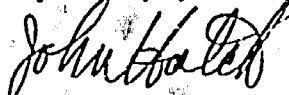
Dear Mr. Hunter:

This will acknowledge receipt of and thank you for stopping in our office to complete your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 1890-3 and 3543-3, and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. 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
605 773-3352

cc: John & Burl Litzelman, 224 Court, Vermillion, SD 57069

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 973-3

Date: 2/26/99



I/We request that Water Right No. 973-3

formerly owned by: Burl A and John H Litzelman

be transferred to: (name & address) David DeRouche, 224 Court St,

Vermillion, SD 57069

Telephone No. (605) 624-2219

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

135 acres - W $\frac{1}{2}$ Section 22, T95N, R52W

I/We understand that the validity of Water Right No. 973-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Clay)

I/We David DeRouche 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.

David C. DeRouche
(Signed)

Subscribed and sworn to before me this 26th day of February, 19 99.

Bill Hansen
(Notary Public)

My Commission Expires 1-21-2001

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.



March 1, 1999

David DeRouchey
224 Court St.
Vermillion SD 57069

Dear Mr. DeRouchey:

Thank you for submitting the *Notice of Transfer of Ownership* for several water rights. The filing fee for each transfer is \$2.50 for a total of \$15.00.

Upon receipt of the fee, the water rights will be transferred to your name. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

9/13/99
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 416062

Pierre,

March 9, 1999

RECEIVED OF David DeRouchey, 224 Court St., Vermillion, SD 57069
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years _____	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>Water Right No. 973-3</u>	2 50
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	2 50

By

Chief Engineer

John Hatch (D)



973-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1999

David DeRouchey
PO Box 264
Vermillion, SD 57069-0264

RE: Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 & 3543-3

Dear Mr. DeRouchey:

Thank you for sending in the fees for transferring Water Right/Permit Nos. 214-3, 215-3, 229-3, 973-3, 974-3 and 3543-3. The transfers have been completed and all of the above referenced numbers are now listed in your name.

Enclosed are the receipts for the filing fees you paid. You may keep these for your records. If you have any questions concerning the water rights or the transfers, please get in touch with me.

Sincerely,

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

Enclosures

WOODS
FULLER
SHULTZ &
SMITH P.C.

LAWYERS
EST. 1887

300 South Phillips Avenue
Suite 300
Post Office Box 5027
Sioux Falls, South Dakota
57117-5027

Telephone (605) 336-3890
Telecopier (605) 339-3357

www.wfss.com

Merle A. Johnson
Richard O. Gregerson
William Taylor
William P. Fuller
Gary P. Thimsen
Bradley C. Grossenburg
James M. Wiederrich
Comet H. Haraldson
J.G. Shultz
Roger W. Damgaard
Frederick M. Entwistle
David C. Kroon
James E. Moore
Kristine Kreiter O'Connell
Elizabeth A. Lewis
Tim R. Shattuck
Melanie L. Carpenter
Susan M. Sabers
William G. Beck
Daniel J. Harmelink
Jennifer L. Wollman
Lisa Marshik Prostrollo
Christopher J. Lent
Gregory S. Starnes
Jeffrey L. Bratkiewicz
Carey A. Miller
Mary A. Akkerman
Mary Ellen Dirksen
J. Vincent Jones

Melvin T. Woods
(1899-1983)
Howell L. Fuller
(1909-1981)
John B. Shultz
(1912-1975)
Francis M. Smith
(1910-2004)

July 21, 2004

Lisa Marshik Prostrollo
lprostro@wfss.com

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

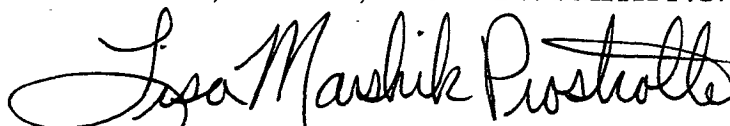
Re: Notices of Transfer of Ownership

Dear Madam or Sir:

Enclosed please find 8 Notices of Transfer of Ownership for Water Right/Permit Numbers: 214-3, 215-3, 229-3, 3543-3, 973-3, 974-3, 1569-3, and 6009-3. Also enclosed is a check in the amount of \$20.00 to cover your filing fees. It is our understanding that you notify the new owner that the transfer has occurred. When you send out that correspondence, please send me a copy of such correspondence for our records. I have enclosed a stamped self addressed envelope for your convenience. Should you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.



Lisa Marshik Prostrollo

Enclosures

cc: Mr. Roger Hansen

RECEIVED
JUL 23 2004
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 23 2004

WATER RIGHTS
PROGRAM

Water Right/Permit No. 973-3

Dated: July 16, 2004

We request that Water Right/Permit No. 973-3 formerly owned by:
David DeRouchey be transferred to:

New Owner Name: Roger A. Hansen, d/b/a Hansen Properties
Address: P.O. Box B
City, State, Zip: Centerville, South Dakota 57014 Telephone No.: (605) 563-2212

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

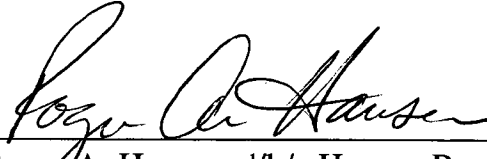
135 acres - W½ Section 22, T95N, R52W

☒ We understand that the validity of Water Right/Permit No. 973-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

Roger A. Hansen, d/b/a Hansen Properties, the new owner, certifies that the above information is true and correct.



Roger A. Hansen, d/b/a Hansen Properties

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 July 23, 2004

RECEIVED OF Lewis & Clark Title Co., PO Box 177, Yankton SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>973-3</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. 00000000

By

Darlene Ebel
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of the ownership changes for Water Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3 and Water Permit Nos. 3543-3 & 6009-3. The transfer of ownership for each has been completed. The above listed water permits and rights, formerly listed in the David DeRouchey are now listed in the name of Hansen Properties.

Each year we mail irrigation questionnaire to all irrigators in the state with the exception of those with water spreading systems. I am enclosing one of the actual forms submitted last year for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season. The forms can be completed and returned by regular mail or if you wish, blank forms can be downloaded from our website or filled out on-line and submitted electronically. More information concerning the questionnaires will be sent to you in October, 2004.

The receipts for the filing fees (totaling \$20.00) are being forwarded to Lewis & Clark Title Company in Yankton, SD.

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

c: Lisa Marshik Prostrullo w/Woods, Fuller, Shultz & Smith PC
Lewis & Clark Title Company



973-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2004

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed, for your records, are copies of Water Permit and Right Nos. 214-3, 215-3, 229-3, 973-3, 974-3, 1569-3, 3543-3 and 6009-3. I included the ownership changes that were filed with them.

Copies of the same files are also being sent to Ms. Prostrollo for her 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

c: Lisa Marshik Prostrollo w/Woods, Fuller, Shultz & Smith PC



973-3

**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 26, 2007

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 215-3, 229-3, 973-3 & 974-3 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) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 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 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014
PHONE (605) 563-2212 FAX (605) 563-2640

2-8-07

Jenny -

I HAVE RENTED my Ground
to KEN LESS FROM Merrill, IA. for
the last 3 years. I won't be
Renting to him next year And
He's Not Happy about it. I'm
Enclosing a copy of a note I sent
him 10/31/06 with the questionnaires
Asking him to get them filled
out and Returned to you. When
you called & said they had not
Arrived, I finally found out from
him that He had not filled them
out or sent them. Retaliation
I Guess.

I Am finally able to get the
info together so it know these
are late.

Roger Hansen

RECEIVED

FEB 12 2007

OVER 35 YEARS OF SERVICE WORLDWIDE

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

February 13, 2007

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Permit/Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6564-3, 6565-3, 6566-3,
6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for the water permits and rights listed above. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for the note concerning the difficulties you had with obtaining the information from your past renter. The forms you completed are fine and nothing more is needed for last season. The 2007 questionnaires will be mailed to you in October 2007.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2009

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 215-3, 229-3, 973-3 & 974-3 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) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 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 11, 2009** 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) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2009

Roger Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. The questionnaires were received on February 20th. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3.

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

We have also received the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 1813-3. The transfer has been completed. The water right formerly held by Richard and Carole K Myers is now listed in your name.

Enclosed is your Receipt No. 04039 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

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

File Nos. 215-3, 973-3, and 6569-3

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Roger A. Hansen, dba Hansen Properties

ADDRESS: PO Box B Centerville, SD

DATE: 8/14/2013 TELEPHONE: 605-563-2212

RE: Inspection of Water Right Nos. 215-3 and 973-3 and Water Permit No. 6569-3

COMMENTS:

An inspection of Water Right Nos. 215-3 and 973-3 and Water Permit No. 6569-3 was conducted on July 25, 2012. In the file for Water Permit No. 6569-3 it was stated that the proposed irrigation project would use an existing well authorized by Water Right No. 973-3 until a new well could be constructed and put to beneficial use. Water Right No. 215-3 authorizes the irrigation of 180 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 22, T95N-R52W at a maximum diversion rate of 2.55 cfs. Water Right No. 973-3 authorizes the irrigation of 135 acres in the W $\frac{1}{2}$ Section 22, T95N-R52W, most of which was authorized for irrigation by Water Right No. 215-3, at a maximum diversion rate of 1.93 cfs. Water Permit No. 6569-3 authorizes the irrigation of 42 acres in the NW $\frac{1}{4}$ Section 22, T95N-R52W at a maximum diversion rate of 1.11 cfs from two wells, one existing and authorized by Water Right No. 973-3 and a new well.

The inspection revealed that there were two center pivots irrigating a total of 189 acres. One pivot is located near the center of NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T95N-R52W, irrigates 58 acres at a diversion rate of 1.39 cfs (625 gpm), and is authorized by Water Permit No. 6569-3. This center pivot is shown as #19 in the attached map. However, the center pivot irrigates 16 more acres than authorized and has a diversion rate 0.28 cfs greater than authorized. The second irrigation system is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T95N-R52W, irrigates 131 acres, and is authorized by Water Right No. 973-3, specifically, and Water Right No. 215-3. This center pivot has a capacity of 1.78 cfs (800gpm). This center pivot is shown as #20 on the attached map. However, this center pivot irrigates 2 acres of land that was not originally authorized for irrigation by either Water Right No. 215-3 or 973-3.

Since, Water Permit No. 6569-3 authorizes the irrigation of 42 acres at a maximum diversion rate of 1.11 cfs from up to two wells, but the irrigation system irrigates 58 acres at a maximum diversion rate of 1.39 cfs from one well. A new permit will be required for the increase of

irrigated acres and increase of diversion rate. Water Right Nos. 215-3 and 973-3 authorize irrigation of 180 acres and 135 acres, respectively, with most of the 135 acres overlapping the 180 acres. Water Right Nos. 215-3 and 973-3 authorize maximum diversion rates of 2.55 and 1.93 cfs, respectively. The irrigation system authorized by Water Right Nos. 215-3 and 973-3 irrigates 131 acres at a maximum of 1.78 cfs. Therefore, Water Right No. 215-3 should be incorporated into Water Right No. 973-3 for the irrigation of 131 acres located in the SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, all in T95N-R52W, at a maximum diversion rate of 1.78 cfs. The attached map has a breakdown of the acreages for both irrigation systems.



Adam Mathiowetz

Natural Resources Engineer
DENR-Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Roger A. Hansen, dba Hansen Properties

ADDRESS: PO Box B Centerville, SD

DATE: 8/14/2013

COUNTY: Clay

TELEPHONE: 605-760-5690

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 131 acres as compared to 135 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Water Right No. 973-3 authorized the irrigation of 135 acres in the W ½ Section 22, T95N-R52W. The system as constructed irrigates 129 acres in the S ½ NW ¼ and SW ¼ of Section 22 and 2 acres in the NE ¼ SE ¼ of Section 21; all in T95N-R52W.

- **Owned by Same Property Owner**

Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 2 acre area be included in the water license.



Adam Mathiowetz, Natural Resources Engineer
Water Rights Program

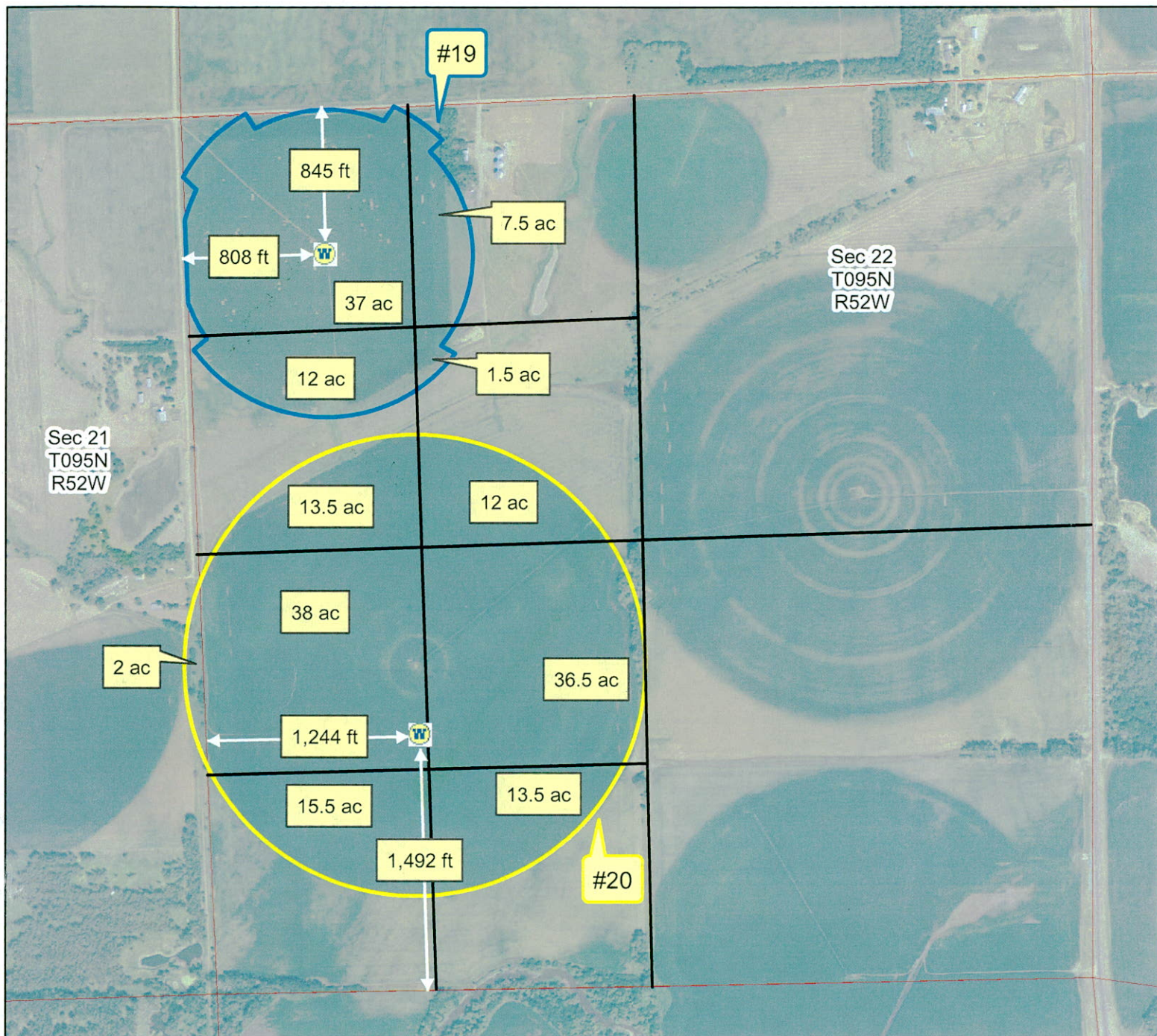
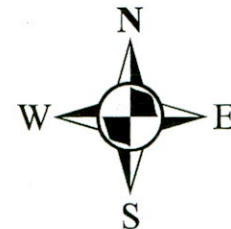
The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

Roger Hansen
Hansen Properties
PO Box B
Centerville, SD - Clay County
Water Permit No. 215-3, 973-3, and 6569-3



0 500 1,000 2,000 Feet

Well Locations

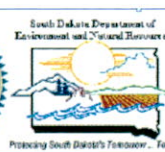
Water Permit No. 6569-3 (#19)

Water Right Nos. 215-3 and 973-3 (#20)

Section Boundaries - PLSS

Adam Mathiowetz

Adam Mathiowetz
DENR Water Rights Program
August 14, 2013





973-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 30 2013

215-3
973-3

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed is Reissued Water License No. 973-3. Based on a field investigation, No. 973-3 has been reissued to the extent of what is being irrigated. The reissued water license incorporated the applicable portions of Water Right No. 215-3 and retained the priority date established under No. 215-3. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 973-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 973-3

(1) John & Burl Litzelman were issued Water License No. 973-3, September 27, 1957 for a water right to divert 1.93 cubic feet of water per second from ground water (Lower Vermillion Missouri Aquifer), Clay County, South Dakota for irrigation of 135 acres in the W ½ Section 22, T95N, R52W. Water License No. 973-3, with a priority date of March 12, 1962 authorizes irrigation of portions of the same land described in Water Right No. 215-3. Water Right No. 215-3, with a priority date of July 2, 1956, authorizes diversion of 2.55 cfs for irrigation of 180 acres in the W ½ Section 22, T95N, R52W.

An inspection of the area authorized by these water rights found one system irrigating 131 acres from one well diverting 1.78 cfs. Water License No. 973-3 is being reissued to incorporate the applicable portions of Water Right No. 215-3. Since the number of acres being irrigated and the entire diversion rate are covered under No. 215-3, a priority date of July 2, 1956 will be retained.

Ownership changes filed with Nos. 215-3 and 973-3 are as follows:

- March 1, 1999 – transferred from John & Burl Litzelman to David DeRouchey
- July 23, 2004 – transferred from David DeRouchey to Roger A Hansen dba Hansen Properties

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,244 feet east and 1,492 feet north of the SW corner of Section 22, T95N, R52W (NW ¼ SW ¼).

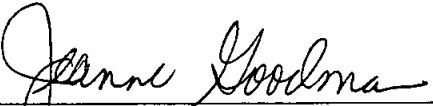
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land (pivot 20):

Section 22, T95N, R52W				Section 21, T95N, R52W*	
NW ¼ SW ¼	38.0 acres	SW ¼ NW ¼	13.5 acres	NE ¼ SE ¼	2.0 acres
NE ¼ SW ¼	36.5 acres	SE ¼ NW ¼	12.0 acres		
SW ¼ SW ¼	15.5 acres				
SE ¼ SW ¼	13.5 acres			Total	131.0 acres

**The inspection of the water use system found 2.0 acres in the NE ¼ SE ¼ Section 21 that are outside of the area described on the water right. Pursuant to SDCL 46-5-30.5 the Chief Engineer made a finding that the acreage change does not impair existing water rights and the overall project is consistent with the original application and permit.*

(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger A Hansen dba Hansen Properties, PO Box B, Centerville SD 57014 the holder and owner of Incorporated Water Right No. 973-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer) with a priority date of July 2, 1956 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 973-3.

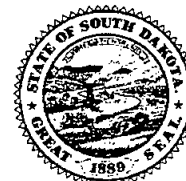


Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

AUG 30 2013

date





973-3

700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014
PHONE (605) 563-2212 FAX (605) 563-2640

1-15-16

Hello Jessure,
'LATE AGAIN!

I HAD TO WAIT QUITE A
WHILE TO GET MY WFO FROM
MY FARMER. HE'S STILL HARVESTING
CORN.

Regards!

Regrett



973-3
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 15, 2016

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 973-3, 974-3 & 1813-3 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) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 973-3, 974-3 & 1813-3 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 before the **March 3, 2016** 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: <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.



973-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Right or Permit Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 for Hansen Properties and Water Permit Nos. 8070-3, 8071-3 & 8072-3 for Hanson Irrigated Farms LLC

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water rights and water permits. 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

973-3



121 E. 5th St. / P.O. Box 1307 / Storm Lake, IA 50588

Phone: 712.732.4117 / Fax: 712.749.7502

www.metabank.com

March 6, 2019

RECEIVED

Member FDIC

MAR 11 2019

WATER RIGHTS
PROGRAM

PAID

MAR 11 2019

Ck# 66142870

Ms. Genny McMath
DENR – Water Rights Program
Joe Foss Building
523 E Capital
Pierre, South Dakota 57501

Dear Ms. McMath,

Please find enclosed the signed transfer agreements of the water rights previously owned by Hansen Properties. Also, please find enclosed a check in the amount of \$1,750 for the fees for the transfers. Please contact me at 712-749-7545 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon W. Wilcke".

Jon W. Wilcke
Market President

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **March 11**

, 20 **19**

MetaBank 5501 Broadband Lane Sioux Falls 57108

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 973-3		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09059**

By

Jeanne Goodman
Chief Engineer
772

973-3



121 E. 5th St. / P.O. Box 1307 / Storm Lake, IA 50588

Phone: 712.732.4117 / Fax: 712.749.7502

www.metabank.com

March 14, 2019

Member FDIC

Ms. Genny McMath
DENR – Water Rights Program
Joe Foss Building
523 E. Capital
Pierre, South Dakota 57501

Dear Ms. McMath,

Please find enclosed the two corrected, Notice of Transfer of Ownership forms for water permits # 973-3 and #6813-3. I understand there will not be an additional fee for correcting the legal descriptions on these forms. Also enclosed, is a new Notice of Transfer of Ownership on permit #7949-3 and a check for the \$50 transfer fee. Please let me know if there is anything else you need from us. Thanks for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jon W. Wilcke".

Jon W. Wilcke
Market President

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

Water Right/Permit No. 973-3

MAR 22 2019

Date: 2-21-19I/We request that Water Right/Permit No. 973-3WATER RIGHTS
PROGRAM

formerly owned by:

Hansen Properties

be transferred to:

New Owner Name: MetaBankAddress: 5501 Broadband LaneCity, State, Zip Sioux Falls SD 57108 Telephone No. 605-361-4347

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

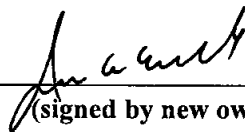
NW 1/4 SW 1/4 containing 38.0 acres, NE 1/4 SW 1/4 containing 36.5 acres, SW 1/4 of SW 1/4 containing 15.5 acres, SE 1/4 SW 1/4 containing 13.5 acres, SW 1/4 NW 1/4 containing 13.5 acres and the SE 1/4 NW 1/4 containing 12.0 acres all in section 22-T95N,R52W and the NE 1/4 SE 1/4 containing 2.0 acres in section 21-T95N-R52W.

- ☒ I understand that the validity of Water Right/Permit No. 973-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Jon W. Wilcke, Market President, MetaBank, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

Jon W Wilcke
MetaBank
PO Box 1307
Storm Lake IA 50588

RE: Ownership changes for Hansen Properties – MetaBank transfers

Dear Mr. Wilcke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by MetaBank for transferring water permits/rights from Hansen Properties to MetaBank. The ownership changes have been completed.

Water Permit/Right Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6818-3 6819-3, 6820A-3, 6821-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3, 7995-3, 8070-3, 8071-3, 8072-3 once held by Hansen Properties are now listed under “MetaBank” 5501 Broadband Lane, Sioux Falls SD 57108.

Please keep in mind the annual irrigation questionnaires will be mailed out in October, 2019 and any water use will need to be reported. If the bank has the land managed by someone, please let them know to keep track of water use during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

enclosures: Receipts for the filing fees

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN - 2 2020

Ck# 9592

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

JAN 02 2020

WATER RIGHTS
PROGRAMWater Right/Permit No. 973-3Date: December 20, 2019I/We request that Water Right/Permit No. 973-3 formerly owned by:MetaBank be transferred to:New Owner Name: Nicholas Blake & Courtney BlakeAddress: 29468 466th AvenueCity, State, Zip Centerville SD 57014 Telephone No. 605-957-5684

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

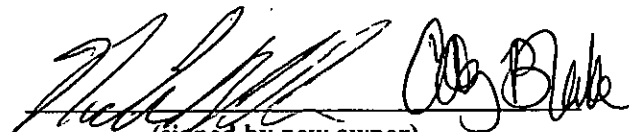
NW 1/4 SW 1/4 containing 38.0 acres, NE 1/4 SW 1/4 containing 36.5 acres, SW 1/4 of SW1/4 containing 15.5 acres, SE 1/4 SW 1/4 containing 13.5 acres, SW 1/4 NW 1/4 containing 13.5 acres and the SE 1/4 NW 1/4 containing 12.0 acres all in section 22-T95N,R52W and the NE 1/4 SE 1/4 containing 2.0 acres in section 21-T95N-R52W.

☒ I understand that the validity of Water Right/Permit No. 973-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Nicholas Blake & Courtney Blake, 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.

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Environment and Natural Resources

Date January 2, 20 20

RECEIVED OF Nicholas R Blake/Courtney Blake 29466th Ave Centerville SD 57014

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>973-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By *Jeanne Goodman*
 Chief Engineer
vtm



973-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 6, 2020

973-3
7384-3

Nicholas & Courtney Blake
29468 466th Ave
Centerville SD 57014

Dear Mr. & Mrs. Blake:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right No. 973-3 and Water Permit No. 7384-3.

The ownership changes have been completed. Nos. 973-3 and 7384-3 are now listed in your names. I have included copies for your records along with the receipts for filing the ownership changes.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you next October.

If you have any questions concerning the enclosed information, please give me a call.

Sincerely,

Genny McMath
DENR – Water Rights Program
Phone 605 773-3352
Website: <https://denr.sd.gov/des/wr>

enclosures

Water Rights Program File Documentation

Permit/Right No. and Owner:

Permit No.	Owner	Status	Uses
973-3	Nicholas & Courtney Blake	License	Irrigation
974-3	Hansen Ventures LLC	License	Irrigation
1813-3	Hansen Ventures LLC	License	Irrigation
1916-3	Troy & Sheila Gust	License	Irrigation
3905-3	Clay Rural Water System Inc	License	Rural Water System
4731-3	Richard & Gayle Johnson	License	Irrigation
5979-3	Clay Rural Water System Inc	License	Rural Water System
6563-3	Rus Farms Real Estate LLC	License	Irrigation
6565-3	Rus Farms Real Estate LLC	License	Irrigation
6566-3	Hansen Ventures LLC	License	Irrigation
6569-3	Smit Family Trust	Permit	Irrigation
6571-3	Rus Farms Real Estate LLC	License	Irrigation
6572-3	Brad & Linda Trudeau Living Trust	License	Irrigation
6808-3	Lovejoy Family Trust	License	Irrigation
6813-3	Rus Farms Real Estate LLC	License	Irrigation
6815A-3	Rus Farms Real Estate LLC	License	Irrigation
6817-3	Hansen Ventures LLC	Permit	Irrigation
6818-3	Hansen Ventures LLC	Permit	Irrigation
6819-3	Hansen Ventures LLC	License	Irrigation
6821-3	Tim Gregoire	License	Irrigation
6822-3	Hansen Properties	Permit	Irrigation
7001-3	Rus Farms Real Estate LLC	License	Irrigation
7003-3	Hansen Ventures LLC	License	Irrigation
7383-3	Hansen Ventures LLC	Permit	Irrigation
7693-3	Hansen Ventures LLC	Permit	Irrigation

Date: January 14, 2025

County: Clay

RE: aquifer designation

COMMENTS:

Jensen (2025) as part of a review of the Lower Vermillion Missouri aquifer (LVM) determined that Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, should have the aquifer reassigned. In reviewing the best information currently available for aquifer and management unit naming

conventions, the best aquifer designation for Water Rights previously listed is the Southern management unit of the Upper Vermillion Missouri aquifer (UVM:S) shown in Figure 1.

This change of aquifer designation, to the Southern management unit of the Upper Vermillion Missouri aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.

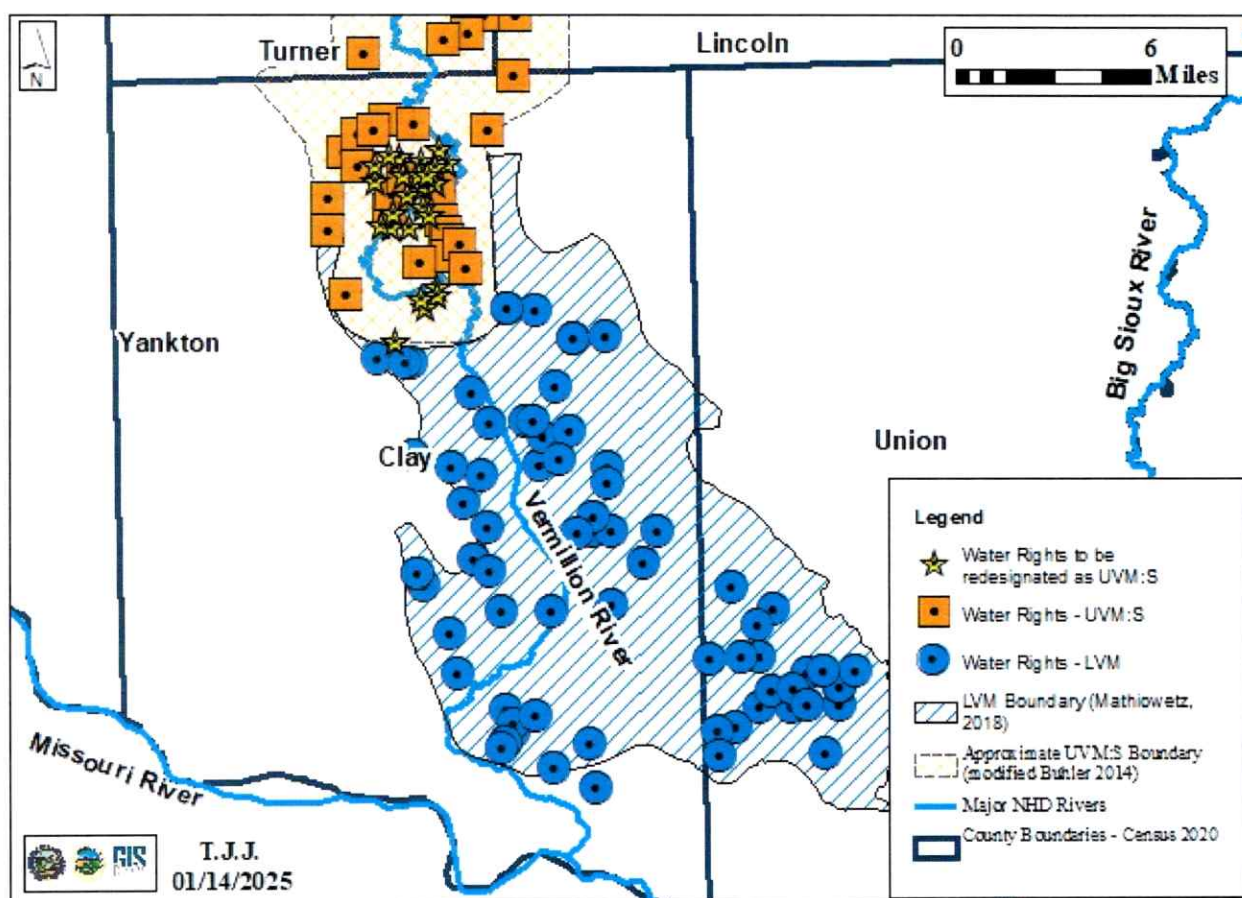


Figure 1. Map of the approximate Upper Vermillion Missouri: South aquifer boundary (Buhler, 2014), map of the approximate Lower Vermillion Missouri aquifer boundary (Mathiowetz, 2018), Water Rights/Permits for Upper Vermillion Missouri: South aquifer, Water Rights/Permits for Lower Vermillion Missouri aquifer, and Water Rights/Permits for Upper Vermillion Missouri: South aquifer previously assigned Lower Vermillion Missouri aquifer.



Tyler Jensen
Natural Resources Engineer I



Eric Gronlund
Chief Engineer

References

- Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.
- Jensen, T. 2025. Report to the Chief Engineer on Water Permit Application No. 8910-3. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.
- Mathiowetz, A. 2018. Report to the Chief Engineer on Water Permit Application 8335-3. Natural Resource Engineer IV, SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.