

Water Right Number 1067-1

1. Considered JULY 24, 19 75
2. Name of Applicant FRED & DONNA WIENTJES
3. Post Office Address MOBRIDGE
4. Amount of Water claimed 3.14
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 220
7. Water to be diverted and used in DENEY County
about 6S, 3E miles of MOBRIDGE
8. Proof of Publication Received 7-15-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1267-1Map No. B30-1Water Division No. 1 GRAND RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)District 1012.20STATE OF SOUTH DAKOTA
PIERCE, 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 Fred Jr. & Dona D. Wientjes
Postoffice address Mobridge, Box 127, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work Fred Wientjes Diversion
4. Amount of water claimed (cubic feet per second) 3.14
5. Source of water supply ~~Cane Reservoir~~ MISSOURI RIVER
6. Location of point of diversion NE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec 6, T17N, R31E
NW $\frac{1}{4}$, NE $\frac{1}{4}$ Sec 7, T17N, R31E
SE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec 1, T17N, R30E County Dewey
7. Annual period or periods during which water is to be used May - October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 220

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>see attached sheet</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication Mobridge Tribune
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pump

B. Works proposed to transport water to place of use.

pipeline

C. Works proposed to apply water to beneficial use.

sprinklerEstimated Total Cost \$ 100,000Attachments: Attach Form 2A if diversion is in a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Walworth) ss.We Fred Jr. & Dona D. Wientjes the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Fred Jr. & Dona D. WientjesSubscribed and sworn to before me this 13th day of July, 1925

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1067-1
FRED, JR. & DONA D. WIENTJES, MOBRIDGE, BOX 127
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57601 With the following modifications:
 (State)

Date of first receipt of application JUNE 10, 19 75
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application JUNE 24, 19 75
 Approved JULY 24, 19 75, Recorded in Book 13 Page 331

WATER RIGHT PERMIT NO. 1067-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1067-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 10, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24, 19 75
3. The whole of said work is to be completed on or before JULY 24, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 3.14 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 JULY 24, 19 84; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 29TH day of JULY, 19 75

WATER RIGHTS COMMISSION

By:

Vernell W. Brucher
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

Fred Wientjes Irrigation

E $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$	Sec 1, T17N, R30E	10 acres
E $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$	Sec 1, T17N, R30E	10
E $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$	Sec 1, T17N, R30E	10
E $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$	Sec 1, T17N, R30E	10
SW $\frac{1}{4}$, SW $\frac{1}{4}$	Sec 6, T17N, R31E	40
SE $\frac{1}{4}$, SW $\frac{1}{4}$	Sec 6, T17N, R31E	40
NW $\frac{1}{4}$, NW $\frac{1}{4}$	Sec 7, T17N, R31E	40
NE $\frac{1}{4}$, NW $\frac{1}{4}$	Sec 7, T17N, R31E	40
E $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$	Sec 12, T17N, R30E	10
E $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$	Sec 12, T17N, R30E	10

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Dorothy Horn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Mobridge Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Mobridge Tribune of Mobridge, South Dakota

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

July 3, 1975

July 10, 1975

Dorothy Horn
(Signature)

Burton F. Jones
(Type)

7/10/75

(Date Signed)

Fred Wientjes applies for water permit

NOTICE OF INTENT APPROPRIATE WATER

Pierre, South Dakota 57501
June 25, 1975

Notice is hereby given that Fred, Jr. and
Dona D. Wientjes whose post office address is
Mobridge, South Dakota, has made an ap-
plication in accordance with the provisions
of the water laws of South Dakota for a permit
to appropriate for beneficial use 3.13 cubic
feet of water per second of time from the
Missouri River through the Fred Wientjes
Diversion, the point of diversion of which is to
be located in the SW 1/4 SE 1/4 of Section 4, Twp.
17N, Range 31E. Said water to be used for the
purpose of providing irrigation on portions of
the following described land: E 1/4 E 1/4, Section
1; E 1/4 NE 1/4, Section 12, T17N, R30 E;
SW 1/4 SW 1/4, Section 6; N 1/4 NW 1/4, Section 7,
T17N, R31E.

This application No. 1067-1 will be con-
sidered by the Water Rights Commission at
the North Lounge, Surbeck Center, S. D.
School of Mines at Rapid City, S. D. upon the
24th day of July, 1975, at 2:30 P. M. All in-
terested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones
Water Rights Specialist

75-710

Form 6. - Notice of Intent to Appropriate Water

No. 1067-1

Publish first publication, on or before

July 10, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 25, 1975

Notice is hereby given that Fred, Jr. and Dora D. Wientjes

whose post office address is Moabridge, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 2.14 cubic feet of water per

second of time from the Missouri River through the

Fred Wientjes Diversion, the point of diversion of which is to be located in the

SW 1/4 SE 1/4

of Section 6, Twp. 17N, Range 31E. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

E 1/2 E 1/2, Section 1; E 1/2 NW 1/4, Section 12, T17N, R30 E; S 1/2 SW 1/4, Section 6; NW 1/4 NW 1/4, Section 7, T17N, R31E

This application No. 1067-1 will be considered by the Water Rights

Commission at the North Louisa, Surbeck Center, S.D. School of Mines at Rapid City, S.D.

upon the 24th day of July, 1975 at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc:

Fred Wientjes, Jr., Moabridge, S.D. 57601



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401

Our reference:
Water Rights
Cheyenne River

JUL 16 1975

Mr. Burton F. Jones,
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on July 24, 1975, at 2:30 p.m., a Hearing will be held by the Water Rights Commission at the North Lounge, Surbeck Center, South Dakota School of Mines, Rapid City, South Dakota, on the application of Fred, Jr. and Dona D. Wientjes, of Mobridge, South Dakota, for a permit to appropriate for beneficial use 3.14 cubic feet of water per second of time from the Missouri River, the point of diversion being the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, T. 17 N., R. 31 E., Black Hills Meridian, for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate river water from the Missouri River which adjoins the boundary of the Cheyenne River Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A., Sec. 381; Winters v. United States, 207 U.S. 564, 28 S.Ct. 207; United States v. Powers, 94 F.2d 783; United States v. McIntire, 101 F.2d 650; and United States v. Alexander, 131 F.2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director, Aberdeen
Superintendent, Cheyenne River Agency
Mr. Parnell Hagen, Area Soil Conservationist, SIA, Aberdeen, S. D.
Fred, Jr. and Dona D. Wientjes, Mobridge, South Dakota.

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

October 24, 1989

1067-1

Fred Wientjes
Box 127
Mobridge, SD 57601

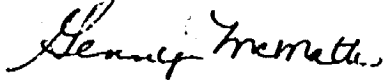
Dear Mr. Wientjes:

Thank you for the prompt return of your 1989 irrigation questionnaire. You indicated on the form that "Dona" should no longer be listed on the permit.

Enclosed is a partially completed "Notice of Transfer" form. Please complete the form and sign in the presence of a notary public. A \$2.50 filing fee is required for filing a transfer of ownership.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



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

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

November 17, 1989

1067-1

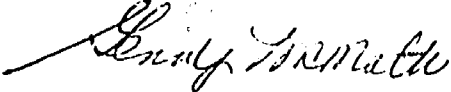
Fred Wientjes
Box 127
Mobridge, SD 57601

Dear Mr. Wientjes:

I am writing in response to the "Notice of Transfer" you submitted for filing an ownership change on Water Permit No. 1067-1. The form was completed properly; however, can not be processed without the required \$2.50 filing fee.

Please remit the \$2.50 fee as soon as possible. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NO. 1067-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, T17N, R30E, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 6,

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7, T17N, R31E; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 12, T17N, R30E

formerly owned by Fred & Dona Wientjes, Box 127, Mobridge, SD 57601

has been transferred to Fred Wientjes, Box 127, Mobridge, SD 57601

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1067-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)

County of Walworth) ss.

I, JUDITH A. KEDDING, 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.

Fred Wientjes
(Signed)

Subscribed and sworn to before me this 22 Day of November, 19 87

Judith A. Kedding
(Notary Public)
My commission expires 4. 22-91

WNR-820-9/83

Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411980

Pierre, November 27, 1950

RECEIVED OF Fred Wentjes, Box 127, Mobridge, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Permit No 1067-1	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer

[Signature]

 **Department of
Water & Natural Resources**

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

November 29, 1989

1067-1

Arred Wientjes
Box 127
Mobridge SD 57601

Dear Mr. Wientjes:

Enclosed is your receipt in the amount of \$2.50 which you paid
for the transfer of Water Permit No. 1067-1.

Our records now show just you as the owner of this Water Permit.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 1, 2000

1067-1

Fred Wientjes
Box 127
Mobridge SD 57601

Dear Mr. Wientjes:

On July 12, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1067-1, was completed by Ron Doyall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

*Thank you
Fred Wientjes*

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416629

Pierre, September 13, 2000

RECEIVED OF Fred Kientjes, Box 127, Mobridge SD 57601
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. 1067-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

50 00

(Any Other Work Provided by Law)

Total

50 00

By

Adrian E. Ebele



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 18 2000

1067-1

Fred Wientjes, Jr.
Box 127
Mobridge SD 57601

Dear Mr. Wientjes:

Enclosed is Water License No. 1067-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416629 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

NOTE: The investigation found your irrigation system is capable of diverting 2.44 cubic feet of water per second (cfs) which is equivalent to approximately 1100 gallons per minute. The statutory limit for 136 acres is 1.94 cfs (equivalent to $\approx$ 870 gpm). Diversion of water under this water license is limited to 1.94 cfs.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1067-1

(1) Fred and Donna Wientjes, Box 127, Mobridge SD 57601 made Application No. 1067-1, June 10, 1975 for a water permit to divert 3.14 cubic feet of water per second from the Missouri River, Dewey County, South Dakota for irrigation purposes. Permit No. 1067-1, with a priority date of June 10, 1975 was approved July 24, 1975 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 24, 1980 and for the application to beneficial use of said water on or before July 24, 1984.

Water Permit No. 1067-1 was transferred in 1987 from Fred and Donna Wientjes to Fred Wientjes.

An investigation conducted for licensing purposes found the well under Water Permit No. 1067-1 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet of water per second for beneficial use. The location of the diversion point from the Missouri River is ≈ 1,900 feet east and 1,125 feet north from the southwest corner of Section 6-T17N-R31E (SE ¼ SW ¼).

(3) The permit 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:

T17N-R30E					
Section 1	SE ¼ SE ¼	6 acres	Section 12	NE ¼ NE ¼	6 acres
T17N-R31E					
Section 6	SE ¼ SW ¼	24 acres	Section 7	NE ¼ NW ¼	24 acres
Section 6	SW ¼ SW ¼	38 acres	Section 7	NW ¼ NW ¼	38 acres
Total 136 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fred Wientjes Jr., Box 127, Mobridge SD 57601 the holder and/or owner of Water Right No. 1067-1 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from the Missouri River with a priority date of June 10, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1067-1 and subject to South Dakota State Law.

Garland Erbe

GARLAND ERBELE, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 18 2003

date



Permit No. 1067-1
Missouri River · Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 12, 2000, made a thorough examination of the water use system constructed by Fred Wientjes of Box 127, Mobridge SD 57601 holder of Permit No. 1067-1, bearing the priority of June 10, 1975 authorizing the diversion of 3.14 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Dewey County.

Inspection contact & relationship to permit holder, if applicable: Fred Wientjes

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model B3JRMBM CW
- 3) Size 13.5 inch

Motor:

- 1) Make 555 Cummins, 8 cyl
- 2) Horsepower rating 165 hp

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

- 1) Type PVC
- 2) Size 8 inches (10 inch intake at the river)
- 3) Length 1,400 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High pressure 85 psi
- 5) Capacity 1,100 GPM

Chemigation Equipment:

- 1) Does chemigate N (chemical tank at pivot center but no longer is used)

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (pivot put in '77)
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Missouri River: ≈ 1,900 feet E and ≈ 1,125 feet N from the SW corner section 6-T17N-R31E (SE¼SW¼). The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

SE¼SE¼ 1-17N-30E	6 ac	SE¼SW¼ 6-17N-31E	24 ac	NE¼NW¼ 7-17N-31E	24 ac
NE¼NE¼ 12-17N-30E	6 ac	SW¼SW¼ 6-17N-31E	38 ac	NW¼NW¼ 7-17N-31E	38 ac

Report of Examination of Works

Permit No. 1067-1

comprising a total of 136 acres of land and the license should be issued for 1.94 cfs.

Comments or other permit(s) associated with the project: none | All structures, wells and lands on map Y



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 15, 2000

Approval of Location Change of a Diversion Point

NAME: Fred Wientjes

ADDRESS: Box 127, Mobridge SD 57601

DATE: August 15, 2000 **COUNTY:** Dewey

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source is the Missouri River, the same as permitted, and the diversion will be reduced from 3.14 cfs to 1.94 cfs.

- **If irrigation, no new land is irrigated**

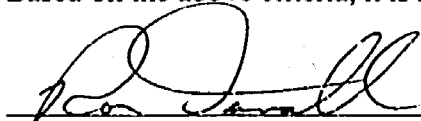
The permitted acreage is being reduced from 220 acres to 136 acres.

- **Review of Existing Diversions**

The diversion is from the Missouri River and will not interfere with existing diversions from the river. The newspaper publication for Permit No. 1067-1 specified that the diversion point was to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 6-17N-31E. The diversion point is actually located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 6.

RECOMMENDED ACTION

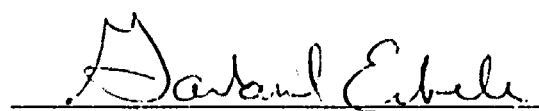
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

J & E FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/dcnr

October 27, 2000

No. 1067-1

Fred Wientjes
Box 127
Mobridge SD 57601

Dear Mr. Wientjes:

I am writing in response to our phone conversation on October 27, 2000, regarding licensing of your water permit. I apologize for all of the confusion. As we discussed, we will reissue your license for the correct acreage and water source but we need some assistance from you to do so.

I have enclosed two maps for your review. The color map shows the area covered by the center pivot based on my on-site inspection completed on July 12, 2000. The other map is a copy of aerial photos obtained from the Farm Services Agency. Please outline the areas on the aerial photo that are being flood irrigated and irrigated using your big gun. For your assistance, I have also included a copy of the legal description of all the acreages permitted for irrigation under your original water permit. The total acreage permitted for irrigation is 220 acres and the pivot covers approximately 136 acres. This leaves you with up to 84 acres for flood irrigating or irrigating with the big gun. Keep in mind that you are only entitled to be licensed for the actual number of acres that have been developed for irrigation. In addition, please mark on the aerial photo the location of your pumping points from the Missouri River.

I will also need some information on the flood irrigation equipment and the big gun:

- Approximate number of feet of gated pipe
- Gallons per minute diverted through the gated pipe
- Type of motor and pump used for flood irrigation
- Type of big gun
- Gallons per minute to operate the big gun
- Type of motor and pump used to operate the big gun
- Approximate number of feet of pipeline to deliver water to the big gun and gated pipe

Finally, can you operate your flood irrigation, big gun, and center pivot all at the same time or do you share the same pumping equipment between each of these types of irrigation?

October 27, 2000
Fred Wientjes
Page 2 of 2

After receiving back the map and the above information, I will compare everything with what your existing water permit allows. Provided everything checks out, we will get your licensed reissued as quickly as possible. Thank you again for bringing this matter to our attention.

Please give me a call at (605) 773-3352 if you have any questions. I will try to help in any way possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with the first name "Ron" and last name "Duvall" clearly distinguishable.

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

OCT 31-2000

RON DUVAL

1. GATED PIPE 2100 FT.
2. GALLONS PER.MINUTE 500
3. MOTOR MAKE 218 DETROIT 6 CYL CM DIESEL HP 150
4. PUMP MAKE BERKELE MODEL B3URMBM CW SIZE 13.5
5. BIG GUN LONG TRAVERERTYPE MODEL 1547
6. GALLOVS PER. MINUTE 500
7. NOTOR & PUMP SAME AS FOR GATED PIPE
8. PIPELINE 1320 FT. FOR BIG GUN
9. PIPELINE 2640 FT FOR GATED PIPE
- 10.CENTER PIVOT MOTOR & PUMP ARE USED ONLY FOR PIVOT
- 11.MOTOR & PUMP FOR GATED PIPE & GUN SMHEBUT RUN AT DIFFERT TIMES
12. CENTER PIVOT & EITHER BIG GUN OR GATEDPIPE COULD BE RUN SAME TIME

THANK YOU

Fritz Wientjes
FRITZ WIENTJES

THE PROJECT IS LOCATED AT MISSOURI
RIVER (LAKE OAHE) MILE 1186.30 IN
SECTION 7, TOWNSHIP 17 NORTH, RANGE
31 EAST, DEWEY CO. S. D.

MOLDSTAD BAY



Permit No. 1067-1
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 12, 2000, made a thorough examination of the water use system constructed by Fred Wientjes of Box 127, Mobridge SD 57601 holder of Permit No. 1067-1, bearing the priority of June 10, 1975 authorizing the diversion of 3.14 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Dewey County.

Inspection contact & relationship to permit holder, if applicable: **Fred Wientjes**

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model B3JRMBM CW
- 3) Size 13.5 inch

Motor:

- 1) Make 555 Cummins, 8 cyl
- 2) Horsepower rating 165 hp

Pump:

- 1) Make Berkeley
- 2) Model B3URMBM CW
- 3) Size 13.5 inch

Motor:

- 1) Make 218 Detroit, 6 cyl
- 2) Make GM Diesel
- 3) Horsepower rating 150 hp

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

Type PVC Size 8 inches (10 inch intake at the river) Length 1,400 feet (for center pivot)
1,320 feet used for big gun and 2,640 feet used for gated pipe

C. Works used to apply water to beneficial use:

Center pivot: (Pivot is capable of operating with either the gated pipe or big gun at same time)

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High pressure 85 psi
- 5) Capacity 1,100 GPM

Gated Pipe: Length 2,100 feet

Traveling Gun: Type -- Long Traveler
 Model 1547

Capacity of gated pipe and traveling gun is 500 gpm

Chemigation Equipment:

- 1) Does chemigate N (chemical tank at pivot center but no longer is used)

Report of Examination of Works

Permit No. 1067-1

D. Compliance with Permit Requirements:

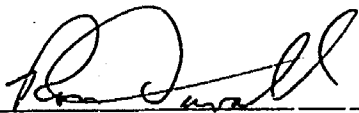
- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (pivot put in '77)
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Missouri River: $\approx$ 1,900 feet E and $\approx$ 1,125 feet N from the SW corner section 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and $\approx$ 150 feet S and $\approx$ 2,550 feet E from the W $\frac{1}{4}$ corner section 7 (NE $\frac{1}{4}$ SW $\frac{1}{4}$); both in T17N-R31E. The works are capable of diverting and conveying to the place of use 3.55 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1-17N-30E	6 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6-17N-31E	24 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7-17N-31E	24 ac
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12-17N-30E	6 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 6-17N-31E	38 ac	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7-17N-31E	38 ac
				SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7-17N-31E	40 ac
				SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7-17N-31E	40 ac

comprising a total of 216 acres of land and the license should be issued for 3.08 cfs.

Comments or other permit(s) associated with the project: none | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: November 2, 2000

Approval of Location Change of a Diversion Points

NAME: Fred Wientjes

ADDRESS: Box 127, Mobridge SD 57601

DATE: November 2, 2000 COUNTY: Dewey

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source is the Missouri River, the same as permitted, and the diversion will be reduced from 3.14 cfs to 3.08 cfs.

- **If irrigation, no new land is irrigated**

The permitted acreage is being reduced from 220 acres to 216 acres.

- **Review of Existing Diversions**

The diversions are from the Missouri River and will not interfere with existing diversions from the river. The newspaper publication for Permit No. 1067-1 specified that the diversion point was to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 6-17N-31E. The diversion point is actually located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 6-17N-31E. A second diversion was to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 7-17N-31E according to the permit application. This diversion point is actually located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 7-17N-31E.

RECOMMENDED ACTION

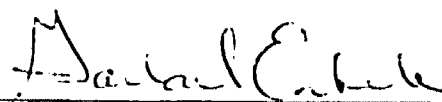
Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion points does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Fred Wientjes

ADDRESS: Box 127, Mobridge SD 57601

DATE: November 2, 2000 COUNTY: Dewey

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 216 acres as compared to 220 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**

The 80 acres located in the S½NW¼ section 7-T17N-R31E are contiguous to the permitted acreage located in the N½NW¼ section 7-T17N-R31E.

- **Owned by Same Property Owner**

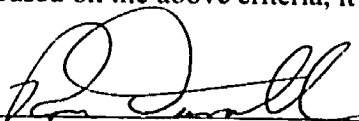
All of the property is owned by the permit holder.

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

The irrigation project was developed in approximately 1977. Works were to be constructed by 1980.

RECOMMENDED ACTION

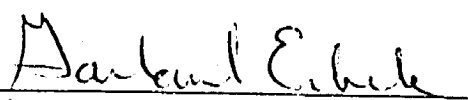
Based on the above criteria, it is recommended that the 80 acre area be included in the water license.



Ron Duvall, 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.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1067-1

(1) Fred Wientjes, Jr., Box 127, Mobridge SD 57601 was issued Water License No. 1067-1, September 18, 2000 for a water permit to divert 1.94 cubic feet of water per second from the Missouri River, Dewey County, South Dakota for irrigation purposes. Water License No. 1067-1, with a priority date of June 10, 1975 was approved July 24, 1975.

Water Right No. 1067-1 is being reissued because irrigation located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 7-T17N-R31E was not included on the original inspection report and license

An investigation conducted for licensing purposes found an additional diversion point developed under Water Permit No. 1067-1 and a change in location of the two diversion points. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point and the change in location of diversion points does not increase the potential for interference with existing water rights.

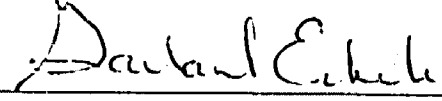
The investigation also found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.08 cubic feet of water per second for beneficial use. The location of the Missouri River diversion points are $\approx$ 1,900 feet east and 1,125 feet north from the southwest corner of Section 6-T17N-R31E (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and 2,550 feet east and 150 feet south from the W $\frac{1}{4}$ corner of Section 7-T17N-R31E (NE $\frac{1}{4}$ SW $\frac{1}{4}$).

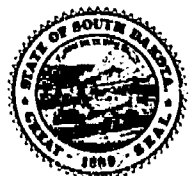
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T17N-R30E					
Section 1	SE $\frac{1}{4}$ SE $\frac{1}{4}$	6 acres	Section 12	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres
T17N-R31E					
Section 6	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24 acres	Section 7	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24 acres
Section 5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres	Section 7	NW $\frac{1}{4}$ NW $\frac{1}{4}$	38 acres
			Section 7	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
			Section 7	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
Total 216 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Fred Wientjes, Jr., Box 127, Mobridge SD 57601 the holder and/or owner of Water Right No. 1067-1 is reissued a license to appropriate water, the right to use 3.08 cubic feet of water per second from the Missouri River with a priority date of June 10, 1975 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1067-1 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 2000
date





DEC 18 2000

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1067-1

Fred Wientjes, Jr.
Box 127
Mobridge SD 57601

Dear Mr. Wientjes:

Enclosed is Reissued Water License No. 1067-1. The license was reissued to include all of the lands irrigated which were not included on the original inspection report and license. Also, enclosed is a map of the area irrigated.

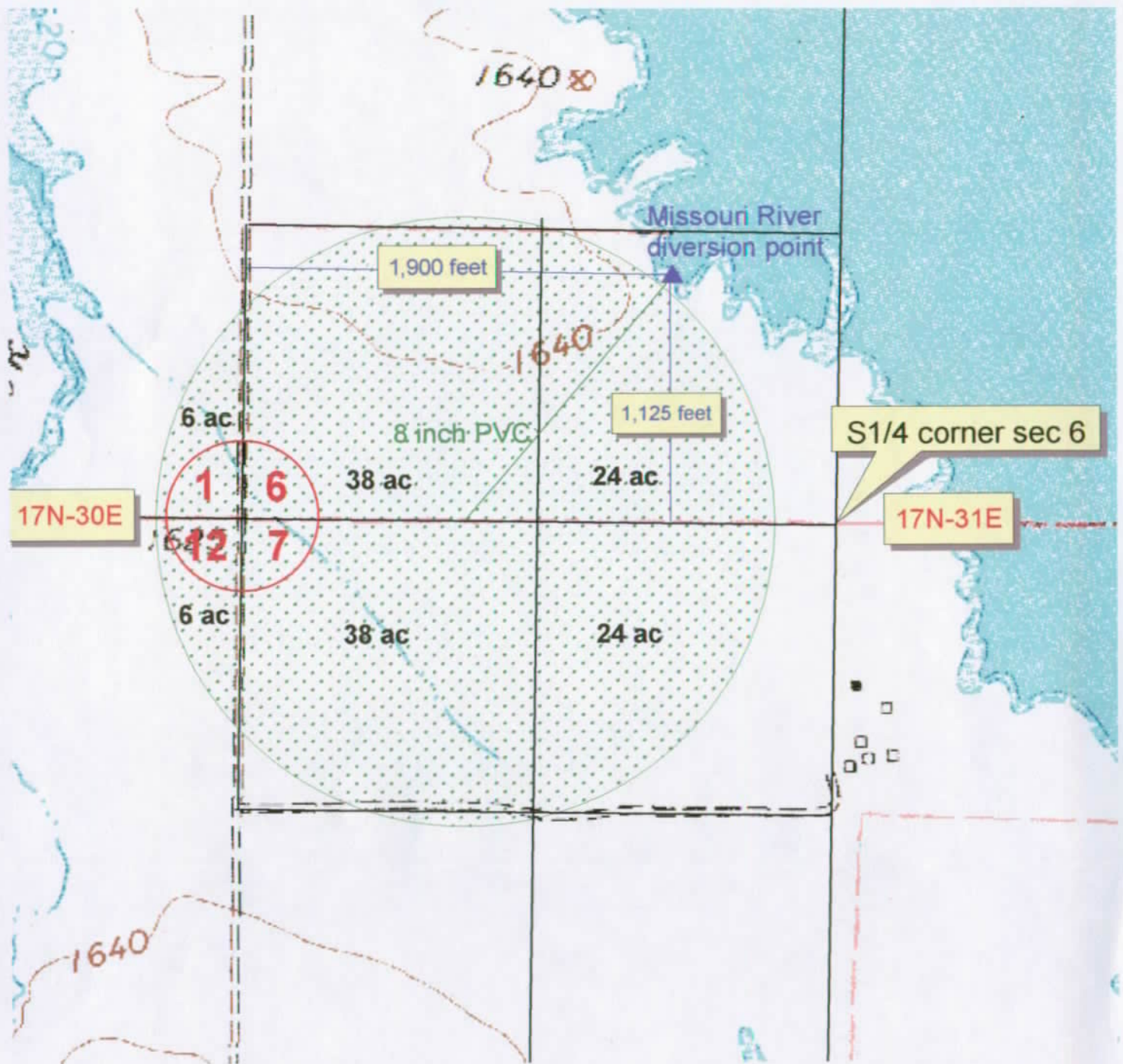
As long as you use the water beneficially, as stated in the Reissued Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

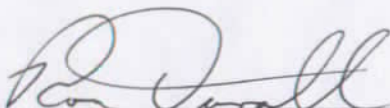
Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

700 0 700 Feet

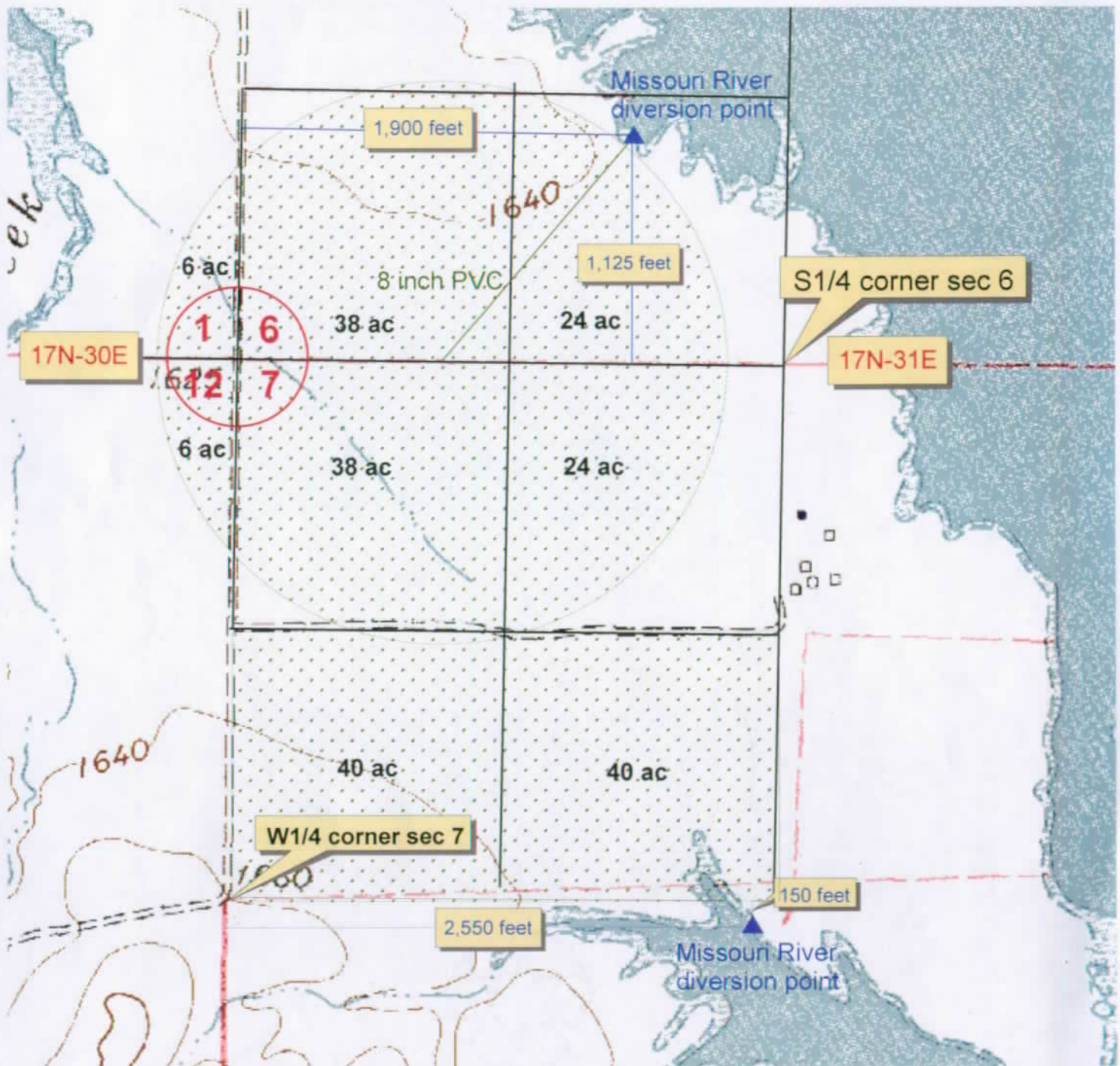


South Dakota
Department of Environment
& Natural Resources
Water Rights


Ron Duvall, Nat Res Engineer
August 15, 2000

Water Right No. 1067-1

700 0 700 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat Res Engineer
Nov 2, 2000

Water Right No. 1067-1

NOT TO SCALE

North ↑
Army Corps of Engineers Land

150.1
Oscar Melnick

Fred. Wentz Jr, Jr

Pump

1900 ft

Pipe

Army Corps
of
Engineers
Land

Hq
Headquarters

1250 ft

~~Victor Ducheneaux~~

~~SW 1/4~~

~~Victor Ducheneaux~~

7

17-31

MAP NO 880-1 (APPENDIX 1067-1)

Proposed location of pump 190 rods east, 20 rods north of
Northwest corner of Section 7 Township 17 Range 31.

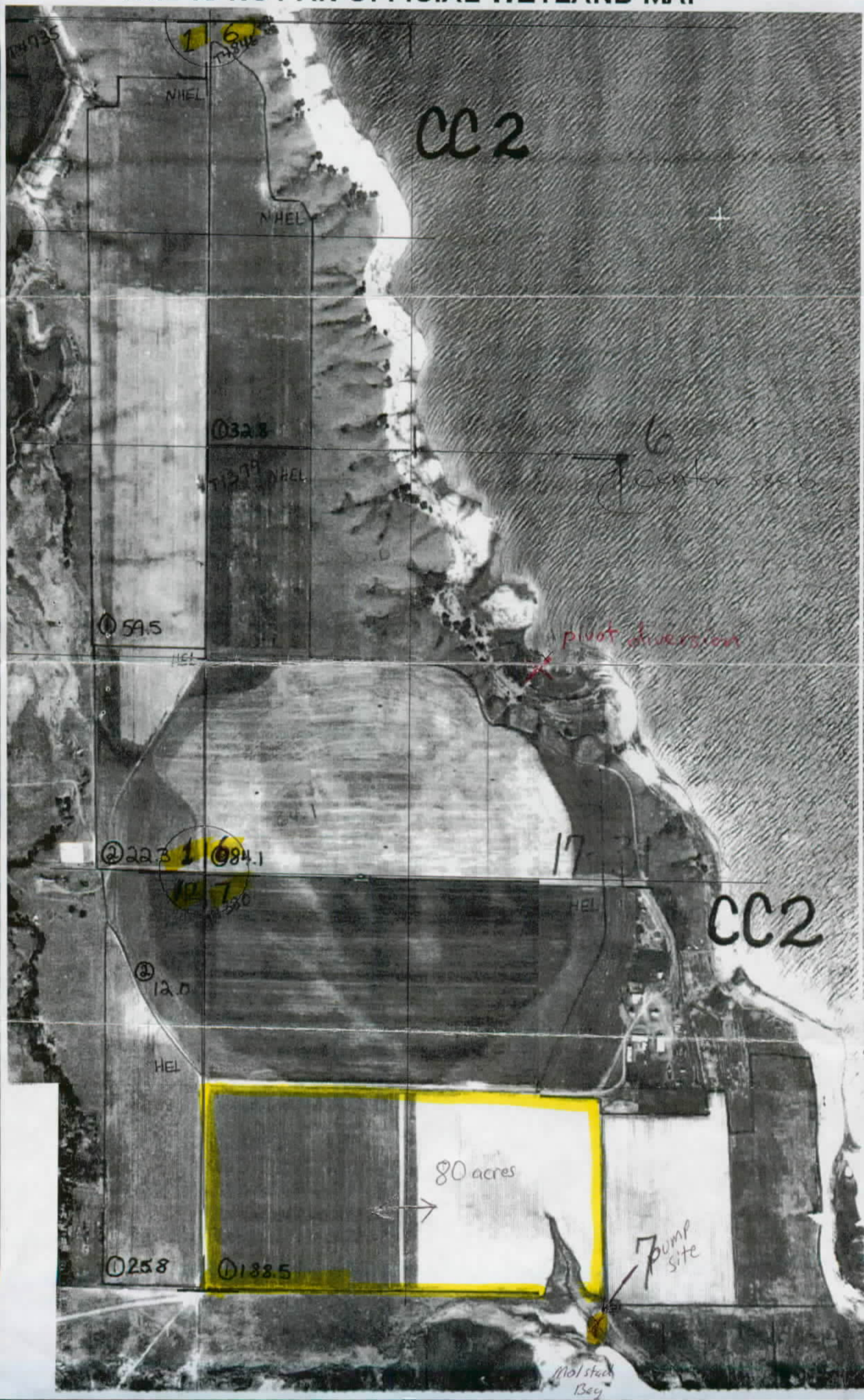
Diversion is from Lake Reservoir on Missouri River
High water line elevation is 1617.

Proposed pipeline will be about 1900 feet long.

The sprinkler system shown on the map was
designed with Soil Conservation Service assistance.
This is a part of the technical assistance being
provided Mr. Wientjes through his cooperative
agreement with the Dewey County Conservation District.

Leslie L. Labahn
District Conservationist
Timber Lake, S.D.

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: FRED WIENTJES, PO BOX 127, MOBRIDGE, SD 57601 0127

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 1067-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 1067-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

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1067-1

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4551	
FRED WIENTJES PO BOX 127 MOBRIDGE SD 57601 0127	
Waiver of Signature ☐ YES ☐ NO	
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



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www.state.sd.us/denr

February 1, 2008

1067-1

Fred Wientjes
PO Box 127
Mobridge SD 57601-0127

Dear Sir:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1067-1.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

October 28, 2008

1012-1

1067-1

Kent A Wientjes
River Bottom Cattle Co LLC
PO Box 96
Mobridge SD 57601

Dear Mr. Wientjes:

Enclosed as we discussed is the original "Notice of Transfer of Ownership" form sent in back in January for Water Right No. 1012-1. I added in the remaining legal description to show that the entire acreage under No. 1012-1 should be transferred to River Bottom Cattle Co LLC. The only thing you need to do on that one is to initial the area I marked which will reflect that you agree with the addition to the form. The filing fee for No. 1012-1 has already been paid.

I have also included a "Notice of Transfer of Ownership" form for Water Right No. 1067-1 which is currently listed in your dad's name. Please complete the form and return it to us 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.

I started to review the water permit applications you submitted in March, 2007. Two applications were submitted, one under Pete Knott/Kent Wientjes and the other one under just your name. Numerous things need to be worked out with the applications before they are complete. I am going to make copies of the applications and the letters that Ron Duvall sent and forward them to you under separate cover. When you have a chance to review the applications, please get in touch with Ron Duvall or Eric Gronlund and they can help you get them completed.

If I can answer any questions for you on the enclosed transfer forms, please contact me.

Sincerely,

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

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

enclosures



1067-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: FRED WIENTJES, PO BOX 127, MOBRIDGE, SD 57601 0127

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 1067-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1067-1 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 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.pd>

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.

1067-1

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 6036	
FRED WIENTJES PO BOX 127 MOBRIDGE SD 57601 0127	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service	
☐ First-Class Mail® parcel	
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DEPARTMENT of ENVIRONMENT
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March 12, 2009

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Fred Wientjes, PO Box 127, Mobridge SD 57601

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

SUBJECT: Amendment to Water Right No. 1067-1

On March 11, 2009, the Water Management Board amended Water Right No. 1067-1 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 2008 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire 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.

CERTIFICATION

I hereby certify that on March 12, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2009 regarding cancellation, suspension and amendments of Water Rights addressed as stated below:

Cancelled

Thomas Corrio, 33551 480th Ave., Jefferson SD 57038 5313-3

Gary R Larson, PO Box 337, Bison SD 57620 984-1

3 year suspension

Edward Patrick Henry, PO Box 11, White Clay NE 672-2

1 year suspension

Mike Slocum, Lakes Golf Course, 19 Golf Dr., Wentworth SD 57075 6055-3

Brad Kronz, McCook Country Club, PO Box 129, Salem SD 57058 5222-3 & 6874-3

Donald T & Katherine A Miller, 13217 Wilson Cemetery Rd., Newell SD 57760 1653-1

Duane Rogers, Administrator, 13575 383rd Ave., Aberdeen SD 57401 2943-3

Amendment to Water Right

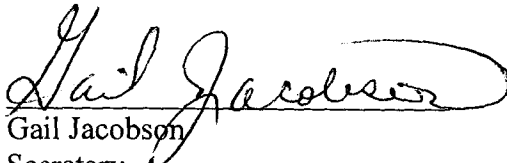
Steven Ching, 46577 188th St., Castlewood SD 57223 3224-3

Emily Stadheim Revocable Trust, 504 11th Ave N, Hettinger ND 58639 1055-1

Kent Wientjes, River Bottom Cattle Co., LLC, PO Box 96, Mobridge SD 57601 1012-1

Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd., Wasta SD 57791 618-2

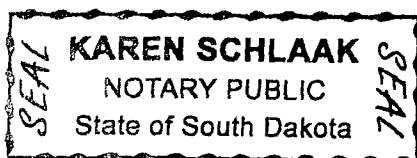
Fred Wientjes, PO Box 127, Mobridge SD 57601 1067-1


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR - 3 2009

WATER RIGHTS
PROGRAM

No. 1067-1

Date: March 22, 2007

I/We request that Water Right/Permit No. 1067-1

formerly owned by: Fred Wientjes, Jr.

be transferred to: (name & address) River Bottom Cattle Co., LLC

PO Box 96

Mobridge SD 57601

Telephone No. 605-845-7384

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

216 irrigated acres located in: SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 12; both in T17N-R30E

S $\frac{1}{2}$ SW $\frac{1}{4}$ sec 6; NW $\frac{1}{4}$ sec 7; both in T17N-R31E

I/We understand that the validity of Water Right/Permit No. 1067-1 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 Kent A. Wientjes, 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 4/3, 20 09

RECEIVED OF River Bottom Cattle Co PO Box 96 Mobridge SD 57601

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 _____ 1067-1		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

04719

By

David E. Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2009

1012-1

1067-1

Kent Wientjes
River Bottom Cattle Co., LLC
PO Box 96
Mobridge SD 57601

Dear Mr. Wientjes:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form you filed for Water Right No. 1067-1 and the corrected transfer form filed for Water Right No. 1012-1. The ownership changes have been completed.

Water Right No. 1012-1 formerly held by William R & Cecelia Hepper and Water Right No. 1067-1 formerly held by Fred Wientjes Jr., is now listed in the name of "River Bottom Cattle Co., LLC".

Enclosed is your Receipt No. 04109 in the amount of \$2.50 which you paid for filing the ownership change for No. 1067-1. Receipt No. 03329 in the same amount, was paid for by Cain Law Office and will be forwarded to them by copy of this letter.

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

enclosure

c: Rick A Cain, Cain Law Office w/Receipt No. 03329



1067-1
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 22, 2010

NOTICE

TO: RIVER BOTTOM CATTLE CO LLC, KENT WIENTJES, PO BOX 96, MOBRIDGE, SD 57601 0096

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1012-1, 1067-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 1012-1, 1067-1 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 10, 2010** 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) 1012-1, 1067-1 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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

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.



1067-1

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9389

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 11:59 AM on January 26, 2010 in MOBRIDGE, SD 57601. The item was signed for by C WIENTJES.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 26, 2010, 11:59 am, MOBRIDGE, SD 57601
- Notice Left, January 23, 2010, 7:08 am, MOBRIDGE, SD 57601
- Arrival at Post Office, January 23, 2010, 6:43 am, MOBRIDGE, SD 57601

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9389

RIVER BOTTOM CATTLE CO LLC
KENT WIENTJES
PO BOX 96
MOBRIDGE SD 57601 0096

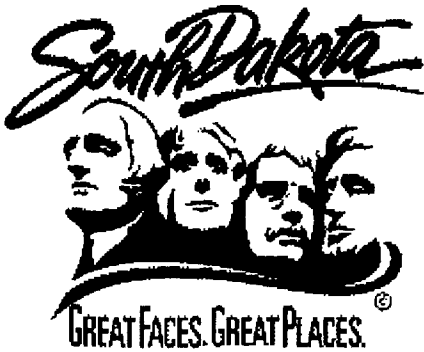
Waiver of Signature ☐ YES ☐ NO

Postmark Here

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 3800, January 2009



1067-1

**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 1, 2010

1012-1
1067-1

Kent Wientjes
River Bottom Cattle Co LLC
PO Box 96
Mobridge SD 57601-0096

Dear Mr. Wientjes:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 1012-1 and 1067-1.

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

If you have any questions, please contact me.

Sincerely,

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



1067-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: RIVER BOTTOM CATTLE CO LLC, KENT WIENTJES, PO BOX 96, MOBRIDGE, SD 57601 0096

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1012-1, 1067-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 1012-1, 1067-1 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, 2012** 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) 1012-1, 1067-1 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, 2012**, 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.

1067-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

1012-1
1067-1

Kent Wientjes
River Bottom Cattle Co LLC
PO Box 96
Mobridge SD 57601 0096

Dear Mr. Wientjes:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 1012-1 and 1067-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



1067-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: RIVER BOTTOM CATTLE CO LLC, KENT WIENTJES, PO BOX 96, MOBRIDGE, SD
57601 0096

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1012-1, 1067-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(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) 1012-1, 1067-1 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1012-1, 1067-1 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1067-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2013

1012-1
1067-1

Sam Braun
CJ Wientjes Farm Partnership
PO Box 361
Warner SD 57479

Dear Mr. Braun:

I am writing to acknowledge receipt of the 2012 irrigation questionnaires for Water Right Nos. 1012-1 and 1067-1.

On January 18, 2013, a "Notice" was sent to Kent Wientjes concerning the delinquent questionnaires and a hearing in front of the Water Management Board to consider possible suspension of the water rights. With receipt of the irrigation questionnaires, the issue has been deleted from the agenda and no hearing will be necessary.

It is my understanding from our phone conversation that you have purchased the land and will be filing ownership changes. If you need assistance with completion of the transfer forms, 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED *Rec'd fee*
FEB 20 2013WATER RIGHTS
PROGRAMMail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182Water Right/Permit No. 1067-1Date: 02-14-2013I/We request that Water Right/Permit No. 1067-1 formerly owned by:
River Bottom Cattle Co LLC be transferred to:New Owner Name: Bragan LLC (ICO Larry Braun)Address: PO BOX 108City, State, Zip Warner SD 57479 Telephone No. (605) 226-3474

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

216 Irrigated Acres Located in: SE1/4SE1/4 Sec 1; NE1/4NE1/4 Sec 12; Both of T17N-R30E
S1/2SW1/4 sec 6; NW1/4 sec 7; both in T17N-R31E

☒ I understand that the validity of Water Right/Permit No. 1067-1 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, Larry Braun Signing Representative, 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
FEB 19 2013WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/20, 20 13

RECEIVED OF Bragan LLC Larry Braun PO Box 108 Warner SD 57479

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 _____ 1067-1		
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	50 00

No. 06150

By *David J. Erdos*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 2013

1012-1
1067-1

Larry Braun
Bragan LLC
PO Box 108
Warner SD 57479 0108

Dear Mr. Braun:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 1012-1 and 1067-1.

The ownership changes have been completed. The water rights formerly held by River Bottom Cattle Company LLC are now listed in the name of Bragan LLC.

Enclosed for your records are Receipt Nos. 06149 and 06150 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive.

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

1067-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 10, 2022

1012-1
1067-1
1938-1

C J Wientjes
PO Box 96
Mobridge SD 57601-0096

Dear Mr. Wientjes:

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Right Nos. 1012-1, 1067-1 and Water Permit No. 1938-1. All three are currently listed under Bragan LLC.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150). The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed are copies of the water rights and the water permit. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

1067-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 31, 2022

RECEIVED OF Chance Wientjes dba CJ Wientjes Ranch PO Box 96 Mobridge SD 57601

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>1067-1</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By *Eric Gronlund*
Chief Engineer *vm*

PAID

JAN 31 2022

Ck# 2024

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 31 2022

WATER RIGHTS
PROGRAM

No. 1067-1

Date: 1-25-2022

I/We request that Water Right No. 1067-1

formerly owned by: Bragan LLC

be transferred to: (name & address) Chance & Michelle Wientjes

PO Box 96 Madridge SD 57601

Telephone No. 605 848-0238

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

216 acres – SE ¼ SE ¼ Section 1; NE ¼ NE ¼ Section 12, all in T17N, R30E

S ½ SW ¼ Section 6 and NW ¼ Section 7, T17N, R31E

I/We understand that the validity of Water Right No. 1067-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Chance & Michelle Wientjes, 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.



1067-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2022

1012-1
1067-1
1938-1

Chance & Michelle Wientjes
PO Box 96
Mobridge SD 57601-0096

Dear Mr. & Mrs. Wientjes:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1012-1, 1067-1 and Water Permit No. 1938-1.

The ownership changes have been completed. The above listed water rights and water permits are now listed in your names.

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CHANCE & MICHELLE WIENTJES, PO BOX 96, MOBRIDGE, SD 57601 0096

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1012-1, 1067-1, 1937-1, 1938-1. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1012-1, 1067-1, 1937-1, 1938-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 1012-1, 1067-1, 1937-1, 1938-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 12, 2026

1012-1, 1067-1, 1937-1, 1938-1

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Dear Wientjes:

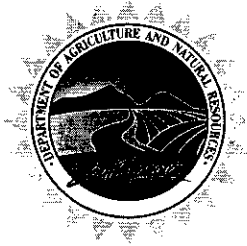
I am writing to acknowledge the receipt of your 2025 irrigation information submitted for Water Right Nos 1012-1, 1067-1, 1937-1, 1938-1, on March 10, 2026.

The Water Management Board moved to suspend Water Right Nos. 1012-1, 1067-1, 1937-1, 1938-1, for a period of one year if the questionnaire was not returned prior to April 6, 2026. You may disregard the "Notice of Entry of Order for One Year Suspension" for Water Right Nos. 1012-1, 1067-1, 1937-1, 1938-1, dated March 4, 2026.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us



1012-1 1067-1
1937-1 1938-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2026

**NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION
OF WATER RIGHTS & WATER PERMITS**

TO: Chance & Michelle Wientjes, PO Box 96, Mobridge SD 57601

FROM: Adam Mathiowetz, PE, Acting Chief Engineer *Adam Mathiowetz*
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 &
1938-1

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 & 1938-1 be suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaires. If the 2025 irrigation questionnaires are received prior to April 3, 2026, the suspensions will not take effect.

A one-year suspension of Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 & 1938-1 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaires are submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaires and a letter including your reason for not completing the 2025 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

7021 1970 0000 9489 8216

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OFFICIAL USE

Certified Mail Fee

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☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	

Postage

\$

Total

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Street

City

PS F

Postmark
Here

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

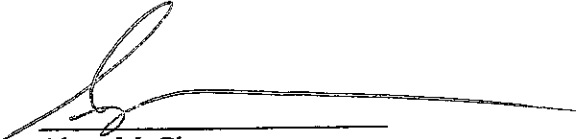
Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

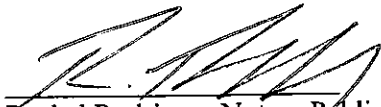
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



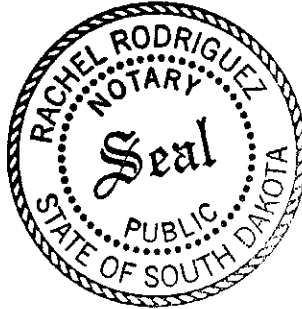
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6 day of March, 2020.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



SENDER: COMPLETE THIS SECTION

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601



9590 9402 6392 0303 3261 57

2. Article Number (Transfer from service label)

7021 1970 0000 9489 8216

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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MAR 16 2026

OFFICE OF
WATER

• Sender: Please print your name, address, and ZIP+4® in this box•

DANR WATER RIGHTS PROGRAM
523 E CAPITOL AVE
PIERRE SD 57501

