

1. Considered: MAY 27, 1951 Water Right No. 1223-1
2. Name of Applicant ED BRUNNER & SONS
3. Post Office Address NISLAND 57762
4. Amount of Water Claimed 3.75 2 STORAGE DAMS FOR COOLING
maximum acre feet 153 AC FEET 14.4 AE
5. Source of Water Supply 4440' WCU, MADISON FORMATION
6. Water to be used for IRR. acres to be irrigated 26.3
7. County BUTTE about 1 miles NORTH of NISLAND

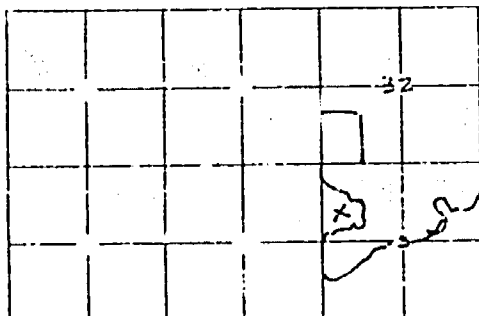
8. PROOF OF PUBLICATION: Received 6-27-81 Not Received
APPLICATION: Approved 5-27-81 Subject to AWQ - IQ and that a meter, flow
Not Approved Action Deferred be placed on the well
statement on trans the pressure office, about
the government of the granting of the well.
dated Received 3-10-81 Application complete - yes no FEE 3.00
Remarks

PRIORITY
3-10-81

Corrected Application received Period of Annual Use Mar 1 to Dec 1 of

WATER
QUALITY
Received yes 5/8/81 no APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes no Remarks

Disapproved Returned



Diversion Point
SW⁴ NW⁴ 5-8-5

Land to be irrigated
W^{1/2} SW⁴ 32-9-5
N^{1/2} & N^{1/2} SW⁴ 5-8-5

WELL LOG
Driller Bice & Taylor Licensed - yes no
Depth 4440' deep

Remarks have not received signed Well Log

Page 2

Water Right No. _____

MAP Map No. 1252-1 Map located In Water Right ☒ Map file _____
Type of Map Aerial Prepared by S.C.S.

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

5/8/81

Durt Jones & Betty Minton
(Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

1. Considered 5-27 1981
2. Name of Applicant EDWARD BRUNNER
3. Post Office Address NISLAND, ST 62
4. Amount of Water Claimed 3.75
5. Source of Water Supply MADISON FORMATION 4440' (THIS IS THE SOURCE OF THE DAMS - 153 AC FT STORAGE)
6. Water to be used for IRR
7. Acres to be Irrigated 263 maximum acre feet
8. Water to be diverted and used in BUTTE County about 1 mile NORTH of NISLAND
9. PROOF OF PUBLICATION Received 6-2-81 Not Received

trans ltr. statement from our office (JH) about requirements of the granting of the well.

APPLICATION

Approved 5/27/81

Subject to

A.W. 10 - another a meter, flow meter and pressure gauge be placed on the well.

Not Approved

Action deferred

Priority

Date

Received 3-10-81

Application Complete yes

no

FEE

\$300.00

Remarks

Date information and/or

fee or corrected Application received

Period of Annual use

MARCH 1st to DEC. 1st

WATER QUALITY

Received yes

no

APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes

no

Remarks

Disapproved

Returned

Diversion Point

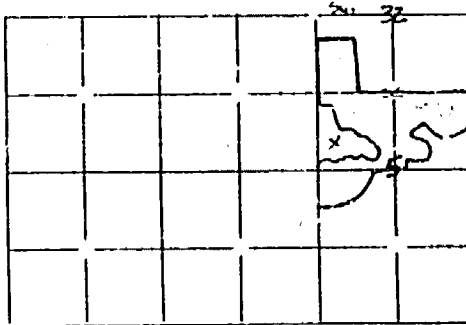
SW⁴ NW⁴ Sec 5-T8N-P5E

Lands to be irrigated

W¹/₂ SW⁴, Sec. 32-T8N-R5E;

N¹/₂ & N¹/₂ SW⁴ Section 5-

T8N-R5E



WELL LOG

Remarks Well drilled - Log not completed by driller will send.

Driller

Madison Formation

yes

no

Depth

4440' deep

Page 2

Water Right No. _____

MAP Map No. 4443 Map located in Water Right _____ Map file _____

Type of Map Aerial Prepared by S.C.S.

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on _____

Eddy Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____

F.F. & C Final Decision, including F.F. & C of Law were adopted _____

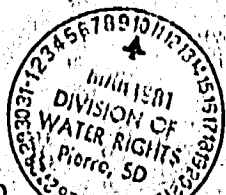
OF LAW, Date _____

FINAL Final Decision mailed to parties and/or parties notified that Final Decision

DECISIONS _____

ETC. was adopted _____

Remarks _____



No. 12231

Map No. 1032-1 Water Division No. 1 BELLE FOURCHE RIVER District

Above for Office Use

10/10/2002

APPLICATION FOR PERMIT

To Appropriative Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Ed. Brunner & Sons Phone No. 605-257-2325Post Office Address Wheatland State S. Dak. 57762

(Street, RR, or Box)

(Town)

(Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & own labor3. Name of diversion work Ed. Brunner & Sons #14. Amount of water claimed (cubic feet per second) 3.75 cubic feet5. Source of water supply well not complete in construction6. Location of point of diversion at well located in S 55 E T 8 N R 5 E40.6 rods E & 99.4 rods SCounty Butte7. Annual period or periods during which water is to be used March 1 to Dec 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, total number of acres to be irrigated 263 ac

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.
SW 1/4 SW 1/4 S 32 T 9 N R 5 E	38
S 1/2 NW 1/4 S 32 T 9 N R 5 E	19
E 1/2 NW 1/4 S 32 T 9 N R 5 E	17
NE 1/4 NW 1/4 S 32 T 9 N R 5 E	33

Land Description	No. Acres Irr.
NW 1/4 S 32 T 9 N R 5 E	35
NE 1/4 S 32 T 9 N R 5 E	32
SW 1/4 S 32 T 9 N R 5 E	27
SE 1/4 S 32 T 9 N R 5 E	17

10. Time required to complete construction of water supply system 1 year years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriative Water: Wheatland

12. Principal Features of the Proposed Water Supply System.

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

B. Works proposed to transport water to place of use. PVC pipe - aluminum pipealso open ditch

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 150,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Butte) ss.I, Ed. Brunner 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 Ed. BrunnerSubscribed and sworn to before me this 10 day of March, 1981Nancy M. M. M.

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1223-1

EDWARD BRUNNER

NISLAND

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57762

(State)

With the following qualifications:

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used directly or for storage purposes. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board, and that a ~~flow~~ flow meter and pressure gauge be placed on the well. Records of any pressure fluctuations and water supplied by the well shall be kept and such records shall be available to the Board, upon request. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application March 10, 19 81
 Date of return to applicant for correction, amendments or changes required May 8, 19 81
 Date of receipt of corrected application May 27, 19 81
 Approved May 27, 19 81 Recorded in Book 22 Page 224

WATER RIGHT PERMIT NO. 1223-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1223-1 authorizing the construction of the water use system and the plugging of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 10, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 27, 19 81
3. The whole of said work is to be completed on or before May 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 86
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 3.75 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 irrigation purposes said appropriation must be limited to not more than 2 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 May 27, 19 86; said water to be used during the following described annual period: March 1st to December 1st

Witness my hand this 10th day of June, 19 81

THE WATER MANAGEMENT BOARD

By:

John Hatch
 Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

File 1223-1

TAYLOR DRILLING CO.

2310-12 Commerce Road
RAPID CITY, SOUTH DAKOTA 57701

RALPH L. TAYLOR, SR.
RALPH L. TAYLOR, JR. (Randy)
KIM E. TAYLOR

TELEPHONE:
Office 605-348-3600
After Hours 605-342-7119

Brunner & Sons Well Nisland, South Dakota

WELL LOG:

Total Depth	4440'	Head Pressure-250PSI at surface
35'	12 3/4" O.D. Casing	0-35'
2435'	8 5/8" O.D. Casing	0-2435'
1540'	7" O.D. Casing	2390'-3930'
Open Hole		3930'-4440'
0-2	Gravel	
2-1970	Black Shale	
1970-1990	SS	Dakota Lakota
1990-2130	Mostly Black Shale	
2130-2140	Coarse SS	
2140-2180	Shale	Morrison
2180-2600	Mostly gray & green Shale	Sundance
2600-3390	Spearfish Shale	
3390-3430	Minnekahta Limestone	
3430-3540	Opache Shale	
3540-3580	Red SS	
3580-3870	Mostly Limestone & Dolomite	Minnelusa
3870-3900	Red SS	
3900-3930	Limestone	
3930-4440	Limestone & Dolomite	Madison

The undersigned hereby certifies that the foregoing is a true and correct well log of the deep well drilled on or about April 25, 1981, on

Section Five (5), Township Eight (8) North, Range Five (5)
East of the Black Hills Meridian, Butte County, South Dakota.
for Ed Brunner and Sons.

BY:

Date:

Ralph L. Taylor 4/28/81

Subscribed and sworn to
before me this 28 day of
April, 1981.

David Stanek
Notary Public

Formation taps
 1900 ft. of Tin.

Depth	Formation	
TD 4440'	Head press. 240	
0 - 35'	12 3/4" ϕ Casing	
0 - 2435 -	8 5/8" ϕ Casing	
1540 - 1570	7" ϕ Casing	3390' - 3930'
1570 - 1970	open hole	3930' - 4440'
0 - 2	gravel	
2 - 1970	Shale	
1970 - 1990	Dakota SS	Dak - Lak
1990 - 2130	Shale	
2130 - 2140	Coarse SS	
2140 - 2180	Shale	Morrison
2180 - 2600	Most gr. & green shale	(Sundance)
2600 - 3390	Essure shale	
3390 - 3430	Minnetkota	Lime
3430 - 3540	Opeche	Shale
3540 - 3580	Red Sandstone	
3580 - 3870	Limestone & Dolomite	Minnetusa
3870 - 3900	Red Sandstone	
3900 - 3930	Limestone	
3930 - 4440	Madison Lime & Dolomite	Madison

11-11-01
pucker - 7'8" upper hole

pucker - 7' lower hole

12 bags 35'

600 bags 2435'

245 # pressure

D Well Information

- (1) Drill Hole, Diameter 8", Depth 4440'
(2) Casing, Type Steel, Diameter 2400' 8" 0.5, Thickness 3/16"
(3) Screen, Type None, Diameter _____, Length _____
(4) Gravel Pack, Thickness None, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout

(1) Water Bearing Materials (Attach a copy of test well log)

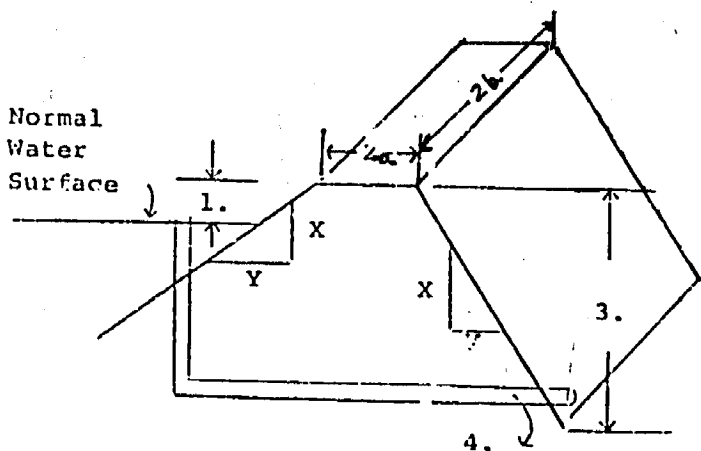
- Depth to top of water bearing material _____
Depth to bottom of water bearing material _____
Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering well.

- On same owner's property _____ rds.
On property owned by others _____ rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
2a Crest width _____ b length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

Edward Brenner
Signature of Applicant

0 Hunt - (Many pictures are
attached)

Winterton called - said
Ed Brunner wanted to add
2 storage dams for cooling
purposes on his application:

Thickness _____

Length _____

Length of gravel pack _____

1st storage dam to be located
in NW 1/4 NW 1/4 5-8N-5E
(153 acre feet storage)

Depth _____

Fill (log) _____

2nd storage dam to be located
in SE 1/4 NW 1/4 5-8N-5E
(14.4 acre feet storage)

Water will run into dam from
well water.
Jim ~~said~~ said to be buying the
land for the dam (20) in.

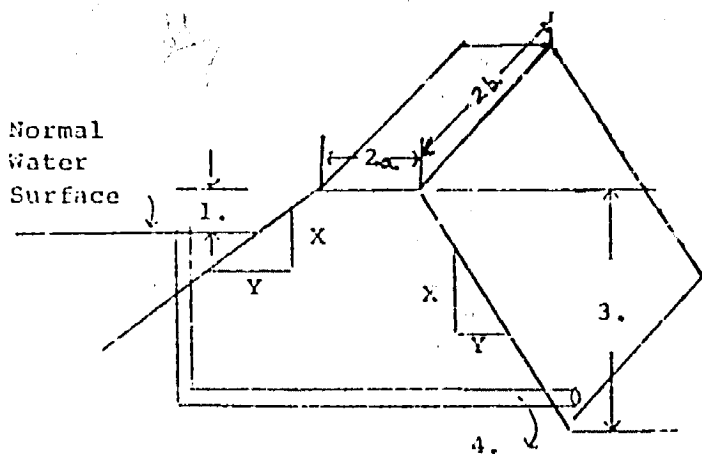
Is watering well _____

rds _____

On property owned by others _____ rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



#1

1. Freeboard 2.0'
- 2a Crest width 12' b. length 3 sides
3. Height of Dam 18'
4. Outlet dimensions:
Pipe diameter 18"
Spillway width _____
X & Y slope:
Upstream 3:1
Downstream 3:1
Surface area of impoundment
11 ac.
Drainage area above dam
well running into dam
for cooling purposes

Storage - 153 ac. ft.

- #2 Freeboard 2' Crest width 12'
Storage 14.4 ac. ft. Height 12'
Surface area _____ Outlet 12" ppe
No drainage area

Ed Brunner & Sons
Signature of Applicant

By Ed Brunner

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

284280

OWNERS NAME: E. D. Brunner OWNERS ADDRESS: Midland, S.D.

COUNTY LAND LOCATED IN: Butte PHONE: 257-2385

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: SW 1/4, NW 1/4, sec 5, T8N, R5E

2. SURFACE WATER SOURCE: _____

3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (see instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>N 1/2, sec 5, T8N, R5E</u>	<u>320</u>	<u>S 1/2, NE 1/4, SW 1/4, sec 32, T8N, R5E</u>	<u>20</u>
<u>NE 1/4, sec 5, T8N, R5E</u>	<u>160</u>		
<u>NE 1/4, SE 1/4, sec 31, T8N, R5E</u>	<u>40</u>		
<u>SW 1/4, SW 1/4, sec 32, T8N, R5E</u>	<u>40</u>		
			<u>380</u>

4. TYPE OF IRRIGATION: GRAVITY: X TOWLINE: _____ CENTER PIVOT: _____ OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: _____

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

WATER QUALITY: (to be filled by SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 31-210

8. SALINITY (EC X 10³): 20.4

9. SODIUM (SAR): 1.0

10. ADJUSTED (SAR): 0.27

RECEIVED

FEB 06 1981

3600'

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

12 DAY OF Jan, 1981.

Monte A. Hestonson
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

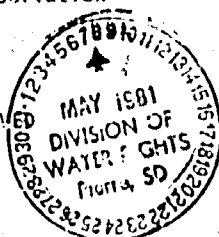
IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED



California

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Ed Bremer

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED: These soils are indicated by red hatch marks.

Sa - Saline Alkali

Mh-- Marsh

SeE- Schriber loam

These soils should not be irrigated due to the excessive amounts of salts and sodium, ponding, or steepness of slope.

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

No. 1223-1

Publish first publication, on or before May 15, 1931

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1931

Notice is hereby given that Edward Brunner whose post office address is Nisland, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.75 cubic feet of water per second of time from ground water (one well) through the Ed Brunner & Sons #1, the point of diversion of which is (one) to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 5, Twp. 8N, Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 32, T9N, R5E; N $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$; Section 5, T8N, R5E

This Application No. 1223-1 will be considered by the Water Management Board at Meeting Room #1, Knelp Building Church & Illinois, Pierre, SD upon the 27th day of May, 1931

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc. Edward Brunner, Nisland, SD 57762

BURTON F JONES
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 1223-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Butte Branch Highway Post

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

Butte at Butte Branch

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

May 14, 1981

May 22, 1981

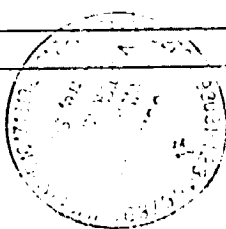
Marion Lucas
(Signature)

Editor
(Title)

May 22, 1981
(Date Signed)

Cost of Printing: 1985

WNR-808-7/72
Proof of Publication



No. 1223-1
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 8, 1981

Notice is hereby given that
Edward Brunner whose post
office address is Nisland, South
Dakota, has made an appli-
cation in accordance with the
provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 46-2-9 thru
46-2-11, 46-2-13; 46-5-1 thru
46-5-8; 46-5-10 thru 46-5-22,
46-5-41; 46-6-3, 46-6-3.1, 46-6-5,
46-6-6.1, 46-6-10, 46-6-14 and
Board Rules ARSD 52.01:01:01
thru 52.01:01:13, for a permit
to appropriate for beneficial
use 3.75 cubic feet of water
per second of time from ground
water (one well) through the
Ed Brunner & Sons #1, the
point of diversion of which is
to be located in the SW 1/4 NW 1/4
of Section 5, Twp. 8N, Range
5E. Said water to be used for
the purpose of providing irri-
gation on portions of the follow-
ing described land:

W 1/2 SW 1/4, Section 32,
T9N, R5E; N 1/2 & N 1/4
SW 1/4, Section 5, T8N,
R5E.

This application No. 1223-1
will be considered by the
Water Management Board at
Meeting Room #1, Kneip Build-
ing, Church & Illinois, Pierre,
SD upon the 27th day of May,
1981 at 10 A.M. The Board is
authorized to make a deter-
mination on this application at
the hearing. All interested per-
sons may appear and be heard.
Any person who may be af-
fected by a Board decision who
desires to present evidence
or cross-examine witnesses
according to SDCL 1-26 may
notify the Board in writing
prior to the hearing or orally
at the hearing.

This hearing is an adversary
proceeding. Any person has
the right to be present or to be
represented by a lawyer. These
and other due process rights
will be forfeited if they are not
exercised at the hearing. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

Any handicapped person
wishing to attend this hearing
can contact the Water Rights
Division, DWNR, Joe Foss
Building, Pierre, SD, prior to
the hearing date for assistance
to assure access to the hearing.

WATER MANAGE-
MENT BOARD
Burton F. Jones,
Water Rights Specialist

215/14-20

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8144

PIERRE, April 10, 19 81

Ed Brunner, Risland, SD 57762

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

1223-1	300.00
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	300.00

WATER RIGHTS COMMISSION

By (John Hatch) Chief Engineer, Executive Officer

JOHN HATCH / (b)

1223-1

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 11, 1981

Edward Brunner
Nisland, SD 57762

Mr. Brunner:

This letter is in reference to your Application No. 1223-1 for irrigation from a Madison Formation well 1,440 feet deep. After considerable discussion about the well construction, the application was approved May 27, 1981 by the Water Management Board.

The information we have indicates that 35 feet of surface casing and 2,435 feet of 8 inch O.D. casing were pressure grouted with cement grout. About 1,500 feet of 7 inch O.D. casing was installed below the 8 inch casing with packers at the bottom of the 7 inch casing and between the 7 inch and 8 inch casings.

Well construction rule 52:01:02-06 (3) states, "When the estimated artesian pressure is over one hundred and forty pounds per square inch at ground surface, small diameter flowing wells require two hundred linear feet of pressure grout. Large diameter flowing wells require a minimum of three hundred linear feet of pressure grout and pressure grout must be placed in a continuous length through all artesian aquifers above the producing aquifer."

The construction of your well does not seem to meet required well construction standards. The reason for grouting through the artesian aquifers is to seal off the aquifers to prevent well failure or cross contamination of aquifers.

We are providing a copy of this letter to Taylor Drilling as we would like to receive further information. Mr. Taylor may have information to show that the present well does meet the standards for well construction. If the well construction does not meet the standards, then we would like to know your plans for correction of the construction.

Very truly yours,

JOHN HATCH, Chief Engineer
Water/Rights Division

JH/gy

cc: Taylor Drilling

Equal Opportunity Employer

Brunner & Sons 200 F.W. 1700 F.W. 4/81

Nisland, S.D.

Sec. 5 SE 20

250 PSI @ Surface

Total Depth 4440'

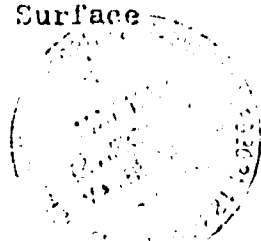
35' 12 3/4" Casing

2435' 8 5/8" Casing

1540' 7" Casing

3930-2440 Open Hole

PERMIT
#1223-1



0-2 Gravel

2-1970 Black Shale

1970-1990 Sandstone

1990-2130 Mostly black shale

Dakota Lakota

2130-2140 Coarse sandstone

2140-2180 Shale

2180-2600 Mostly gray & green Shale Sundance

2600-3390 Spearfish Shale

3390-3430 Minnekahta Limestone

3420-3540 Opeche Shale

3540-3580 Red Sandstone

3580-3870 Mostly Limestone & Dolomite

over

3670-3900

Red Sandstone
Limestone

Minnelusa

3900-3930

Limestone & Dolomite

Madison

3930-4440

Permit No. 1223-1Water Division 1 Belle Fourche River Water District
10120202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Ed Branner
and Sons of Wigland, S.D. 57762 (Bt Rt, Box 10) holder
of Permit No. 1223-1, bearing date of priority of March 10, 1981
authorizing the diversion of 3.75 cu. ft. per second of the waters of One Well
for Irrigation purposes, in Butte 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: Log sheet filed on Microfiche on Permit
Artesian Well. Depth 4440 ft., Pressure 246 PSI
Has shut-off and Temperature 125°
is being used Flows 300 gpm

B. Works used to transport water to place of use,
Pipeline to cooling ponds
Ditches to fields

C. Works used to apply water to beneficial use.
Flood and Furrow irrigation. Same system as used
on the Belle Fourche Project. The well is supplemented
Irrigation.

The system is in the following condition: GoodThe point of diversion is located 1640' S and 670' E of the NW Cor. of
Sec. 17 T 8 N R 5 EThe works are capable of diverting and conveying to the place of use 3.75 (300 gpm)
cu. ft. per second of water which is to be used for Irrigation

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

See Attached Sheetcomprising a total of 263 acres of land.300 gpm 450 - 670'
Pressure 246 PSICooling Ponds

#1 - Height 15'
Freeboard 2.0'
Crest 12.0'
Outlet Pipe 15" dia. Gate
SS: 34151

#2 - Height 12'
Freeboard 2.0'
Crest 10.0'
Outlet Pipe 12" dia.
Storage 14' 4" AF

Storage 153 AF

Date May 26, 1982Ed Branner
(Signature)

1223-1.

Ed. Brunner

5-26-82.

Well Artesian - Flows 300 ^{gpm} ~~gpd~~ - Temp 125 degrees
#440 ft. depth.

J. Hemminger

Has shut off.

Runs into two cooling reservoir.

12" PVC outlet from E Reservoir with shut off

18" Pipe outlet from W Reservoir with shut off.

Both reservoir outlet into ditches in the project for supplemental
irrigation.

South reservoir also uses 10" gated pipe. Has pipe
that he uses for several systems.

Check office for log sheet.

Submit data on the Irrigation Sheet and place
on the Form 2A's

(Q) Brunner is irrigating the NE¹SE¹ Section 31-EN-SE
it is not on his permit, nor is it listed for that.
He does have said produce it under Permit
1223-1. So he would be producing under
10-1-1 for NE¹SE¹ SE-8-8.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1223-1.

(1) WHEREAS, On the 10th day of March A. D. 1981
Ed Brunner and Sons

made Water Right Application No. 1223-1 for a permit to use 3.75 cubic feet per second of the waters of groundwater (one well)

County of Butte, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 27th day of May A. D. 1981

Permit No. 1223-1, with a date of priority of March 10, 1981
 was issued to said applicant S for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 27th day of May A. D. 1982 and for the application to beneficial use of said water on or before the 27th day of May A. D. 1986

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 0.67 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,

to irrigate the following lands:

		Acres
Section 32, T8N, R5E	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4
Section 5, T8N, R5E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	17
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	32
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	35
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	31
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3

TOTAL 263 acres

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

of St. Rt, Box 10, Wisland, South Dakota

the holder S and owner S of said permit No. 1223-1, a water right, dating from March 10, 1981

to use of 9.67 (300 gpm) cubic feet per second of the waters of groundwater (one well)

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1640'S and 670'E of the NW corner of Section 15, T8N, R5E (BC)

and conducted to and upon portions of Section 5, T8N, R5E and Section 32, T8N, R5E
more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1223-1 and subject to the laws of the State of South Dakota.

WITNESS My hand and seal of our office at Pierre, South Dakota
this 2nd day of December A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1223-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That _____ Ed Brunner & Sons

Permit No. 1223-1, issued upon Application No. 1223-1, bearing date of priority of March 10, 1981, the holder of
 authorizing the diversion of 3.75 cu. ft. per second of the waters of
groundwater (one well) County of Butte, State of South Dakota at
a point 1640'S and 670'E of the NW corner of Section 5, T3N, R5E (BC)

_____ for _____ irrigation

purposes, has ve 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 0.67 cu. ft. per second of water.

Date December 2, 1932

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 S044

PIERRE, November 20, 1932

RECEIVED OF Ed Brunner & Sons, Mistant SD 57762

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction and issuing Cert. of Construction No. 1223-1	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1223-1		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *E. J. O'Brien*
Chief Engineer Executive Officer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

1223-1
Edward Brunner
Nisland SD 57762

Dear Sir:

Water Permit No. 1223-1 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

429-1
1223-1

December 5, 1991

Water Rights Division
Joe Foss Building
523 East Capitol
c/o 500 E. Capitol
Pierre, SD 57501-5070

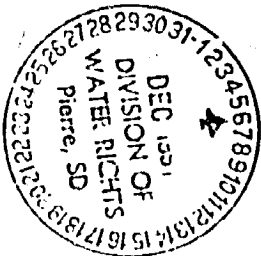
Dear Sirs:

Enclosed please find the 1991 Water Management Board
Irrigation Questionnaire. The name on it is still listed as
El Brunner, Box 10, Nisland, SD 57762. This needs to be changed
to Brunner Bros., Inc.; HCR 76 Box 14; Nisland. Please change
this for us or send us the necessary forms to do so.

Thank you very much.

Sincerely,

Ed Brunner
Ed Brunner ^{CB}





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 8, 1992

429-1
1223-1

Brunner Brothers, Inc.
HCR 76 Box 14
Nisland, SD 57762

Dear Sirs:

I am contacting you in regard to ownership of land described in Water Right Nos. 429-1 and 1223-1. On last year's irrigation questionnaires, you notified our office that the water rights should be listed in Brunner Brothers Inc., instead of Ed Brunner and Sons.

In order to change the name on the water rights, you will need to file a "Notice of Transfer of Ownership" for each one. I have enclosed partially completed transfer forms. Please review the forms, make any necessary corrections and then sign them in the presence of a notary public.

A \$2.50 filing fee is required for each transfer (total of \$5.00). The transfers will be processed upon receipt of the forms and filing fees in our office.

The 1992 irrigation questionnaires will be mailed out from our office October 16, 1992. I have changed the mailing list to reflect that Water Right Nos. 429-1 and 1223-1 should be mailed to Brunner Brothers, Inc. HCR 76 Box 14, Nisland.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 77-3352

enclosures: two transfer forms

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1223-1

Date: 10/21/92



I/We request that Water Right No. 1223-1

formerly owned by: Ed Brunner & Son

be transferred to: Brunner Bros., Inc., HCR 76 Box 14, Nisland, SD 57762 (Telephone No.) (605) 257-2191

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

SW 1/4 Section 32, T9N, R5E, and N 1/2, N 1/2 SW 1/4 Section 5, T8N, R5E

I/We understand that the validity of Water Right No. 1223-1 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 at the Division of Water Rights, 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 Battle)

I/We Brunner Bros. Inc. 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.

Bruce Brunner, President
(Signed)

Subscribed and sworn to before me this 21 day of Oct, 19 92.

Edward V. Brunner
(Notary Public)

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

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

RECEIPT

413486

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Piense, _____ October 26, 19 92

RECEIVED OF Bruce Brunner, Brunner Bros., Inc., HCR 76 Box 14, Nisland, SD 57762
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. 1223-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer



1223-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 1992

No. 429-1

1223-1

Bruce Brunner
Brunner Bros., Inc.
HCR 76, Box 14
Hiland, SD 57762

Dear Mr. Brunner:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 429-1 and 1223-1.

Our records now show you as the owner of Water Right Nos. 429-1 and 1223-1.

Sincerely,

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

enclosure

1223-1
07-92

07-92

[illegible]

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

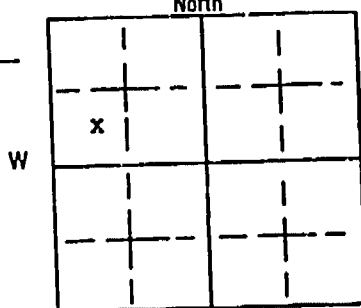
Location SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5 Twp 8 N Rg 5 E

Well Owner:

County

Butte

North



Please mark well location with an "X"

Name Erunner Brothers, Inc.

Address HCR 76, Box 14

Nisland, SD 57762

Plugging completion Date 10-3-94

CHECK APPROPRIATE BOX

EXISTING WELL



TEST HOLE



Well depth 4,300?

Casing material Steel

Casing size(s) 8 5/8", 7"

Hole depth _____

Hole size _____

Casing condition Well flowing up outside casing. Ruby Drlg got casing scraper stuck & could not retrieve all their tubing

Describe plugging procedure: Well quit flowing up inside and outside of casing after the casing scraper got stuck. Rm 2 3/8" tubing in to 600'. Stacked out on pipe left in hole. Sun Cementing pressure grouted to surface. Pulled the 2 3/8" tubing out.

Describe grout or plugging material: 250 Sacks Class G Cement

Type of non-slip plug: _____

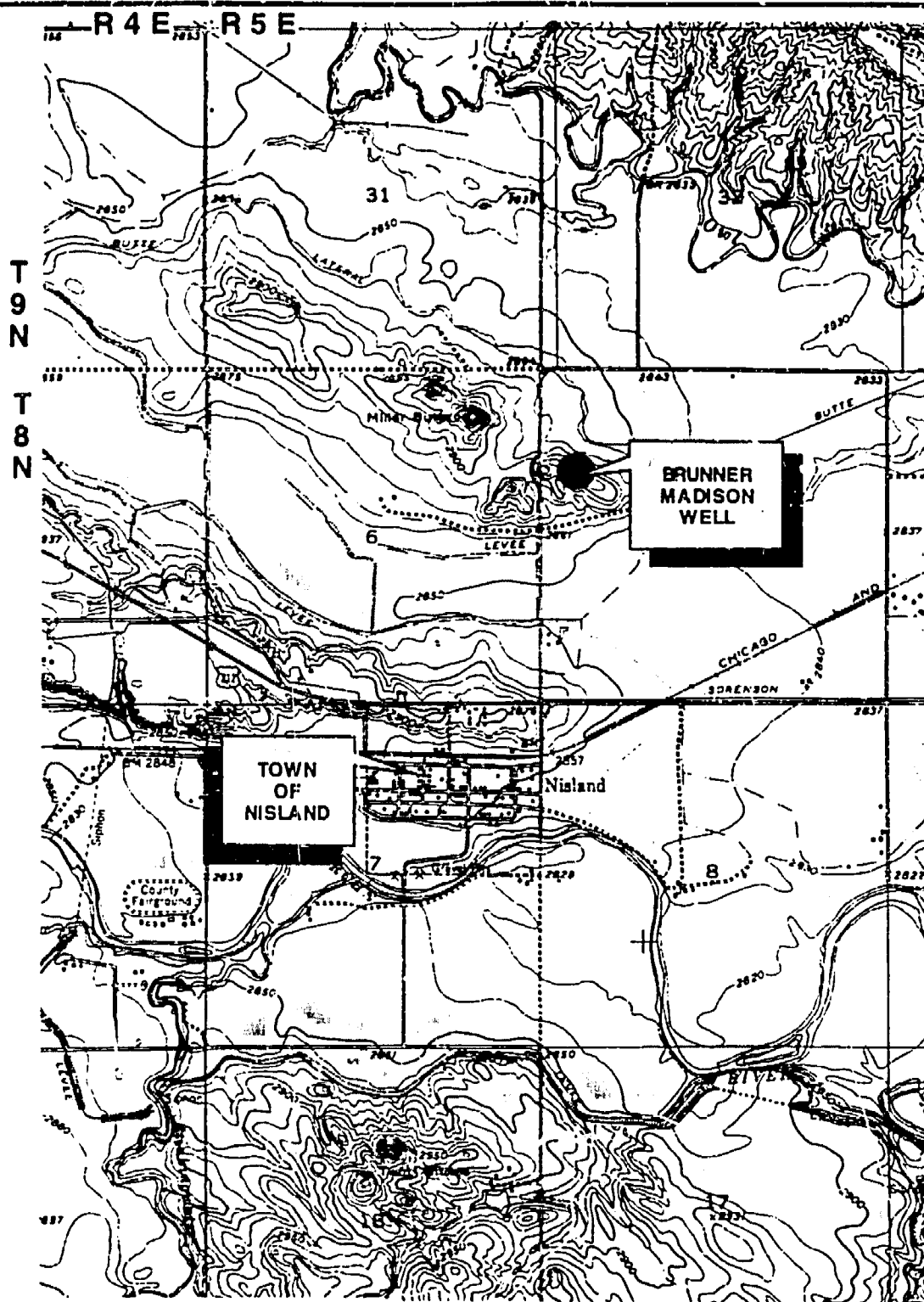
This well or test hole was plugged under license # 604 And this report is true and accurate.

Drilling firm Weston Engineering, Inc.

Signature of Licensed Representative [Signature]

Signature of Well Owner _____

Date _____



BRUNNER BROTHERS, INC.
MADISON WATER SUPPLY WELL NO. 2
WELL LOCATION MAP
FIGURE 1

SITE HISTORY

This well was drilled by Weston Engineering, Inc. (WESTON) of Upton, Wyoming, to replace Water Supply Well No. 1, which was drilled in 1981. Casing in the old well had apparently been breached by corrosion, thus allowing uncontrolled flow of groundwater at the ground surface. The cause of casing failure remains problematic, but also may be due to an incomplete cement seal between the well casing and the borehole. WESTON plugged the old well following installation of the new well.

WELL CONSTRUCTION

The high discharge rates and water pressures observed at Water Supply Well No. 1, coupled with the reported data for the Arrowhead Resources wells, determined the design of Water Supply Well No. 2. After drilling to a depth of approximately 155 feet, 150 feet of 10 3/4-inch diameter surface casing was cemented in place to minimize erosion of the ground surface. A 9 7/8-inch diameter borehole was drilled from 150 to 3367 feet; deeper drilling proceeded with an 8 3/4-inch diameter borehole to 3960 feet, where the top of the Madison Limestone was encountered. A weighted drilling fluid (12 lb/gal) was utilized from 3290 to 3960 to minimize flow from the Minnelusa Formation which enabled the well casing to be installed and cemented in place under controlled conditions, thus ensuring the structural integrity of the well seal was not degraded by channeling or voids. Use of weighted drilling fluid also ensured that the poor quality water derived from the Minnelusa Formation, as observed in Water Supply Well No. 1, was precluded from commingling with the better quality groundwater derived from the deeper Madison Limestone.

Once the top of the Madison Limestone was reached, geophysical logs (in pocket) were completed by Goodwell, Inc., of Upton, Wyoming, to clarify lithologic and water-bearing characteristics of the drilled formations. Gamma Ray and Neutron Logs were run to evaluate the density and porosity of the formation and to identify precise formation contacts. The Caliper Log provided additional information by indicating areas that may be cavernous. Because the lower open hole section of the well had not yet been drilled, the geophysical logs do not provide information on the Madison Limestone below 3960 feet. The information from the geophysical logs was used in tandem with observations made during drilling to produce the lithologic descriptions listed in Appendix A.

The upper portion of the well was completed with 26 lb/ft, 7-inch diameter steel casing. The casing was cemented in place by Sun Cementing of Gillette, Wyoming, using 800 sacks of "light" cement from 3960 feet to the ground surface. Good returns were observed at the ground surface. After allowing the cement to cure, the well was drilled to a total depth of 4565 feet, with the 6 1/4-inch diameter borehole designed as an open-hole completion in the Madison Limestone. Approximately 605 feet of the Madison Limestone are open to the well, including the highly productive cavernous zones identified in the Arrowhead Resources wells.

Flow from the well is controlled by two gate valves. One valve serves as a master valve; the second serves to control water flow for irrigation purposes. Figure 3 depicts the "as-built" details of the well, as well as a visual summary of the geologic formations encountered during drilling.

Project Geologists: Todd Jarvis, P.G., Kathy Murphy

Drilling Contractor: Weston Engineering, Inc.

Drilling Equipment: Challenger 320 T Rotary Drilling Rig
Drillers and Operators: Frank Coy, Kevin Whisler

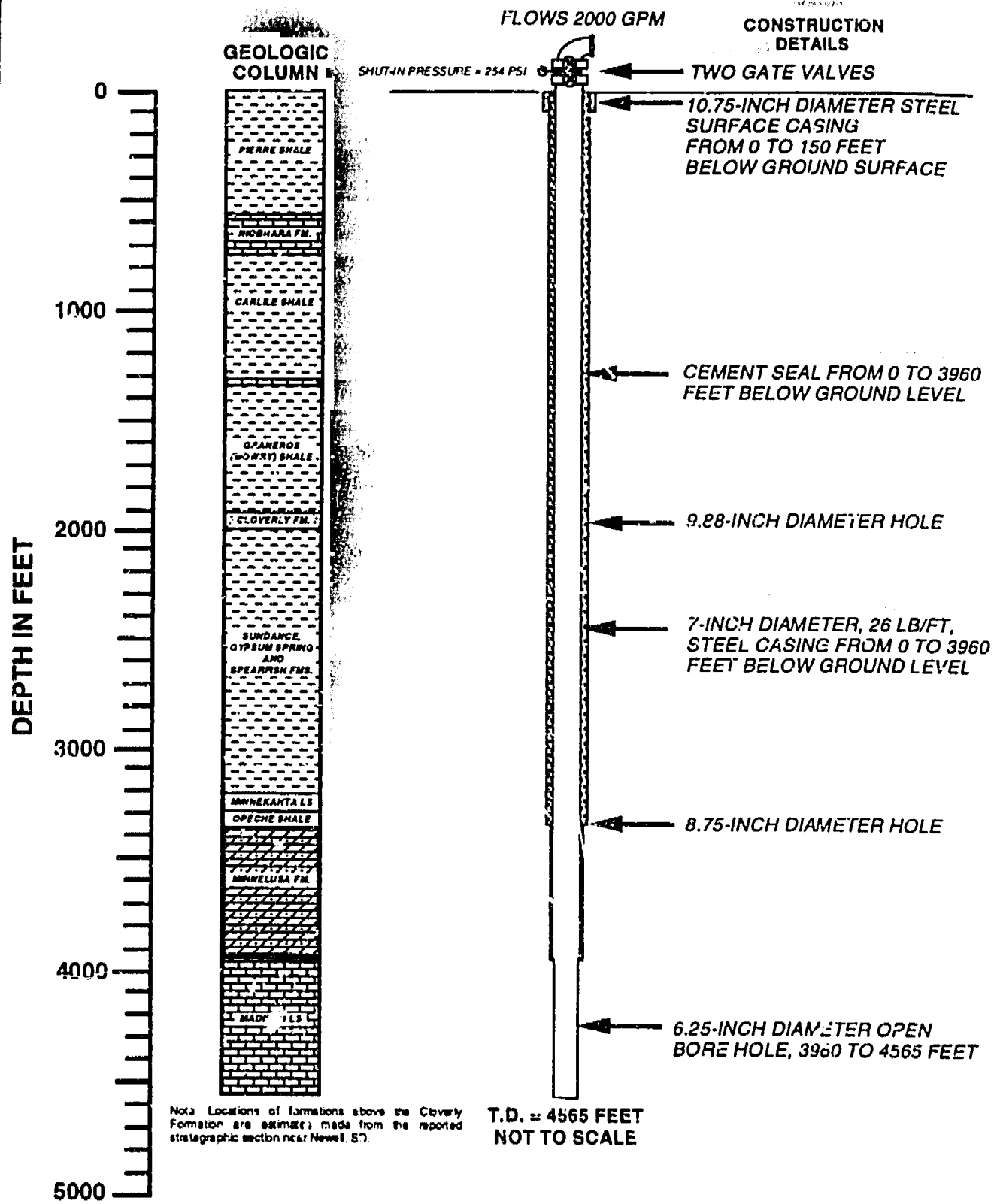
Geophysical Logging Contractor: Goodwell, Inc., Upton, Wyoming

Cementing Contractor: Sun Cementing, Gillette, Wyoming

P.O. Box 260
Upton, Wyoming 82730
(307) 468-2427

**WESTON**
GROUNDWATER • ENGINEERING
Weston Engineering, Inc.

P.O. Box 6037
Laramie, Wyoming 82070
(307) 745-6118



LITHOLOGIC DESCRIPTIONS
BRUNNER BROTHERS, INC. WELL
SW 1/4, NW 1/4 SECTION 5, TOWNSHIP 6 NORTH, RANGE 5 EAST
BUTTE CO., SOUTH DAKOTA
ESTIMATED SURFACE ELEVATION = 2910 FT (MSL)

DEPTH (FEET)	PRINCIPAL LITHOLOGY	SAMPLE DESCRIPTION	COMMENTS
CLOVERLY FORMATION			
1900 - 1992	Sandstone and sandy claystone	Light gray, medium grained, subrounded quartz grains; light gray, fine grained sand with trace pyrite and some clay in the sandy claystone.	Sample contaminated with gray, fissile shale No samples to 2586 ft.
SUNDANCE FORMATION			
2586 - 2617	Shale	Black, brittle, fissile.	Top based on gamma ray and neutron logs. No samples to 2709 ft.
GYPSUM SPRING AND SPEARFISH FORMATIONS			
2709 - 2951	Mudstone and Gypsum	Moderate reddish brown, soft, clayey mudstone; gypsum is white, powdery.	Sample contaminated with black fissile shale. Very high neutron and low gamma response at 2731 ft.
2951 - 3024	Mudstone	Mudstone, as above.	
3024 - 3087	Mudstone with Sandstone	Mudstone, as above, with moderate reddish orange, very fine grained sandstone.	
3087 - 3118	As above	Increase in gypsum.	
3118 - 3150	As above	Decrease in gypsum.	
3150 - 3181	Mudstone and sandstone	Mudstone, harder than above, trace of grayish-green, very fine grained sandstone; mudstone harder than above; no gypsum.	
3181 - 3213	Mudstone	Dark reddish brown with grayish-green mottling.	
3213 - 3244	Claystone	Very light gray, bladed, soft when wet.	
MINNEKAHTA LIMESTONE			
3245 - 3260	Limestone	Pale red, brittle.	Very fine chips; little shale contamination.
3260 - 3290	Limestone	Dark reddish brown to pale red mottled, brittle.	No samples to 3320 ft.
OPECHE SHALE			
3290 - 3335	Mudstone to Claystone	Moderate reddish brown, soft, sticky; trace white gypsum.	
3336 - 3372	As above	Light gray claystone; mudstone as above.	Sample heavily contaminated with gray fissile shale.
MINNELUSA FORMATION			
3372 - 3398	Limestone	Grayish to pink, brittle, finely crystalline.	Little shale contamination. Top based on log character on gamma ray and neutron logs.
3399 - 3430	Silty Sandstone and Limestone	Dark reddish brown, very fine grained, flaky sandstone; limestone as above.	Moderate shale contamination.
3430 - 3452	As above	Trace white gypsum; less limestone; more mudstone.	
3452 - 2493	Mudstone	Dark reddish brown with gray/green mottling; some white powdery gypsum.	
3493 - 3520	Mudstone and Gypsum	Mudstone, as above; abundant, white, v.f. crystalline gypsum.	Abundant shale contamination; small cuttings.
3520 - 3536	Dolomite	Pale red, with dark red mottling, finely crystalline.	Abundant shale.

BRUNNER BROTHERS, INC. WELL
NISLAND, SOUTH DAKOTA

DEPTH (FEET)	PRINCIPAL LITHOLOGY	SAMPLE DESCRIPTION	COMMENTS
3536 - 3554	Mudstone and Limestone	Dark reddish brown to pale red mudstone; sandy limestone.	
3554 - 3584	Mudstone, Dolomite, Limestone and Sandstone	Dark reddish brown, flaky mudstone; pale red, platy dolomite; trace grayish orange pink limestone; moderate reddish brown, slightly calcareous, v.f. grained sandstone.	
3585 - 3617	Mudstone, Gypsum, and Sandstone	Dark reddish brown mudstone, as above (30%); pale red, brittle gypsum with light red mottling; pale reddish brown, calcareous, v.f. grained, cemented sandstone (50%).	
3617 - 3629	Limestone, Mudstone, and Gypsum	Pale red, microcrystalline limestone; dark reddish mudstone; white gypsum.	Samples contaminated with gray shale.
3629 - 3639	Mudstone and Limestone	Dark reddish brown mudstone with greenish-gray mottling; some dark yellowish orange dolomitic limestone.	
3639 - 3649	Mudstone and Limestone	Moderate reddish brown, soft, sticky mudstone; dark reddish brown bladed, brittle limestone; pale red, brittle limestone; trace dark yellowish orange, v.f. grained sandstone.	Some shale contamination
3650 - 3660	Dolomite, Sandstone, and Mudstone	Grayish orange pink with pale red mottling, microcrystalline, brittle limestone; pale olive, v.f. grained sandstone speckled with heavy minerals; very dusky purple, olive gray, and dark reddish brown mudstone.	Moderate shale contamination.
3660 - 3670	Mudstone, Anhydrite, Dolomite, and Sandstone	Moderate orange brown, grayish red to dark reddish brown, platy to bladed, firm mudstone; grayish pink, firm anhydrite; dark reddish brown, hard dolomite; grayish olive, cemented, v.f. grained sandstone.	Moderate shale contamination.
3670 - 3680	Sandstone and Mudstone	Moderate reddish brown, v.f. to fine grained, moderately cemented sandstone; mudstone as above.	Sample slightly contaminated with gray shale.
3680 - 3700	Dolomite, Sandy Siltstone, and Sandstone	Grayish pink to pale red, microcrystalline dolomite; moderate brown, hard, massive siltstone with minor v.f. grained sand; and well-sorted, poorly indurated to well-cemented, v.f. to fine grained, slightly to non-calcareous sandstone. Trace anhydrite and very light gray clay in places.	Abundant gray shale contamination.
3700 - 3730	Sandstone, Siltstone, and Dolomite	Predominantly sandstone, as above; moderate brown, soft, non-calcareous silty claystone; dolomite, as above; trace white anhydrite.	
3730 - 3740	Dolomite, Sandstone, and Siltstone	Dolomite, as above; v.f. grained, slightly calcareous, quartzous sandstone; hard, dark yellowish orange, non-calcareous, slightly sandy siltstone; and pale yellowish brown, very hard, slightly calcareous siltstone. Scarce white gypsum.	
3740 - 3784	Siltstone, Shale, and Sandstone	Siltstones, as above; clayey, dark gray shale and moderate brown, very calcareous, brittle shale; moderate brown calcareous v.f. grained sandstone and sandstone, as above. Iron staining on some surfaces.	
3784 - 3794	Clayey Shale, Sandstone, and Dolomite	Clayey medium gray, brittle, non-calcareous shale; white friable, v.f. grained, well-sorted quartzous sandstone; microcrystalline dolomite, as above.	Abundant gray shale contamination.
3794 - 3830	Limestone, Siltstone, Dolomite, Shale, and Sandstone	Light olive gray to olive gray, massive, micritic limestone containing some dark fine grained sand; dark reddish brown to moderate brown, non-calcareous siltstone containing gypsum in fractures. Siltstone is more abundant than above. Dolomite, shale, and sandstone, as above.	High gamma response at 3806 ft.
3830 - 3860	Sandstone, Limestone, and Siltstone	Light gray, v.f. grained, non-calcareous quartzous sandstone; grayish red, hard massive limestone, olive gray, bladed limestone, and dark yellowish orange to pale yellowish brown limestone; dark reddish brown, non-calcareous, platy to massive siltstone.	
3860 - 3875	Siltstone, Sandstone, and Limestone	Moderate reddish brown, hard, massive, clayey, slightly calcareous siltstone, medium gray to medium dark gray, mottled, very calcareous, slightly petroliferous, clayey siltstone. Sandstone and limestone as above. Scarce iron staining on the light limestone.	High gamma response at 3860 ft.
3875 - 3890	Claystone	Moderate reddish brown claystone.	

1223-1

DEPTH (FEET)	PRINCIPAL LITHOLOGY	SAMPLE DESCRIPTION	COMMENTS
3890 - 3900	Claystone and Sandy Siltstone	Claystone, as above; minor hard, very calcareous, siltstone containing v.f., sub-rounded quartz grains.	
3900 - 3910	Silty Shale, Sandy Siltstone, and Sandstone	Hard to soft, slightly silty, hard reddish brown, non-calcareous shale; light bluish gray, non-calcareous siltstone with minor v.f. grained sand; pinkish gray, platy, rounded, non-calcareous, quartzous sandstone.	
3910 - 3922	Claystone	As above	
MADISON LIMESTONE			
3922 - 3950	Sandstone, Dolomite, and Siltstone	White v.f. grained, non-calcareous quartzous sandstone; light brownish gray to pale yellowish brown microcrystalline dolomite; dark reddish brown, non-calcareous siltstone with abundant v.f. sand.	High gamma response at 3923 ft.
3950 - 3963	Dolomite	Moderate orange pink to pale red to very pale orange microcrystalline dolomite.	
3963 - 4000	Limestone	Pale to dark yellowish brown platy, some contains black, opaque, silt-sized grains. Some very hard, pale yellowish brown to light olive gray dolomite at approx. 3985 ft.	Bottom of geophysical logs at 3965
4000 - 4030	Sandstone	V.f. to medium grained, sub-angular to rounded, very calcareous sandstone composed of quartz, feldspar and mafic grains. Sample color is pale yellowish brown to moderate brown.	No gray shale contamination
4030 - 4100	Dolomite and Limestone	Very pale orange to pale yellowish brown microcrystalline dolomite; moderate red, massive, microcrystalline limestone.	Very small cuttings.
4100 - 4430	Dolomite and Shale	Pale red to pinkish gray, dusky red, and moderate brown, hard, blocky to platy microcrystalline dolomite; greenish black to dark reddish brown, hard to soft, platy, non-calcareous, slightly silty shale. Minor iron staining on the dolomite. Calcite veins in the dolomite. Trace anhydrite. Varying percentages of red dolomite and brown dolomite with depth. The last 30 feet are dominated by light olive gray dolomite (distinct bulk sample color difference).	Vugs in some of the dolomite cuttings.
4430 - 4565	Limestone and Dolomite	Very pale orange, very light gray, and moderate yellowish brown microcrystalline limestone; moderate orange pink and moderate brown dolomite. Dusky red staining on some dolomite surfaces. Some black, silty, non-calcareous shale.	Dolomite may be contamination.

T.D. = 4465 ft

Sample colors were logged with wet samples. Color names and numbers refer to the Geologic Society of America color chart. Hole drilled with a Challenger 320t direct circulation rotary rig. Drilled by Weston Engineering, Inc., Upton, WY.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2003

1223-1

J D Hewitt
Hewitt & Simons Realty
1001 Lazelle St
Sturgis SD 57785

Dear Mr. Hewitt:

Thank you for contacting us regarding the ownership change for Water Right No. 1223-1. The water right is currently listed in the name of Brunner Brothers Inc.

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

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

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1223-1

Date: 11/16/03

I/We request that Water Right No. 1223-1

formerly owned by: Brunner Brothers Inc

be transferred to: (name & address) Five F Feedlot, LLC
20265 Superior Place
Whitewood, SD 57793 Telephone No. 605)269-2414

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

SW ¼ Section 32, T9N, R5E and N ½, N ½ SW ¼ Section 5, T8N, R5E

I/We understand that the validity of Water Right No. 1223-1 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 Five F Feedlot, LLC, the new owner, certify that the above information is true and correct.

Five F Feedlot, LLC Jim Clarkson Dm.
(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
DEC - 1 2003
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 2003

RECEIVED OF Hewitt & Simons Realty, 1001 Lazelle St, Suite 1, Sturgis SD 57785

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>1223-1</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. 000932

By Darlene Eubank
Chief Engineer gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 29, 2003

1223-1

Jim Clarkson
Five F Feedlot, LLC
20265 Superior Place
Whitewood SD 57793

Dear Mr. Clarkson:

The ownership change for Water Right No. 1223-1 has been completed. The water right formerly listed in the name of Brunner Brothers Inc is now listed in the name of Five F Feedlot LLC.

In regard to the annual irrigation questionnaire, I completed a form for you based on our telephone conversation. I am enclosing a copy for your records. The forms are mailed out in October each year with a due date by December 1st.

The receipt for the filing fee submitted with the transfer of ownership is being forwarded to Hewitt & Simons Realty. 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: Hewitt & Simons Realty w/Receipt No. 000932



1223-1

**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 20, 2005

NOTICE

TO: FIVE F FEEDLOT LLC, JIM CLARKSON, 20265 SUPERIOR PLACE, WHITEWOOD, SD 57793

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1223-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 1223-1 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 2, 2005 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) 1223-1 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 February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1223-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0346

Your item was delivered at 12:55 pm on January 21, 2005 in WHITEWOOD, SD 57793. The item was signed for by T THOMPSON.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

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► Request Proof of Delivery

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0346

FIVE F FEEDLOT LLC
JIM CLARKSON
20265 SUPERIOR PLACE
WHITEWOOD SD 57793

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

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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2005

1223-1

Jim Clarkson
Five F Feedlot LLC
20265 Superior Place
Whitewood SD 57793

Dear Mr. Clarkson:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1223-1.

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

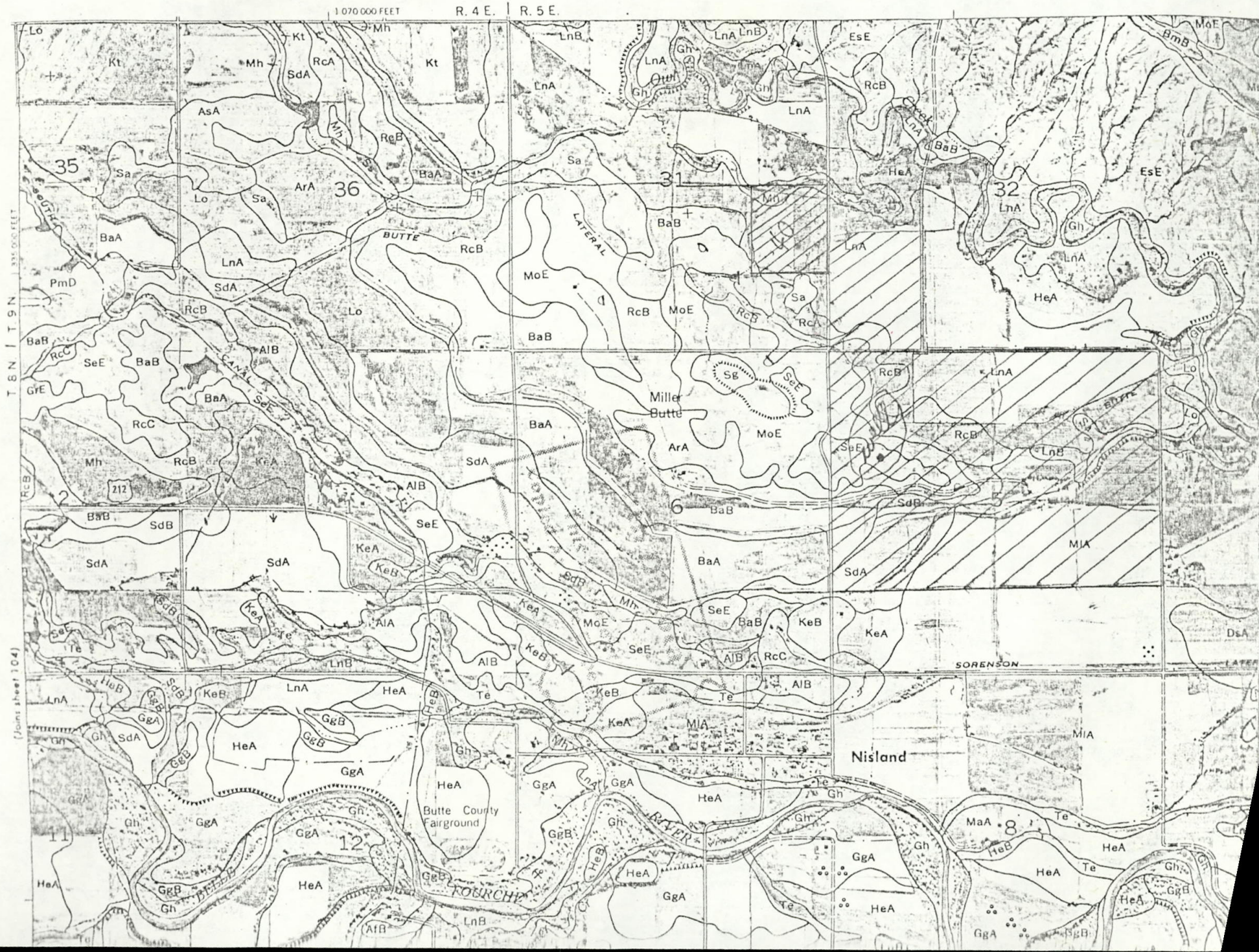
If you have any questions, please contact me.

Sincerely,

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

6/14/82 Map on 1223-1
received

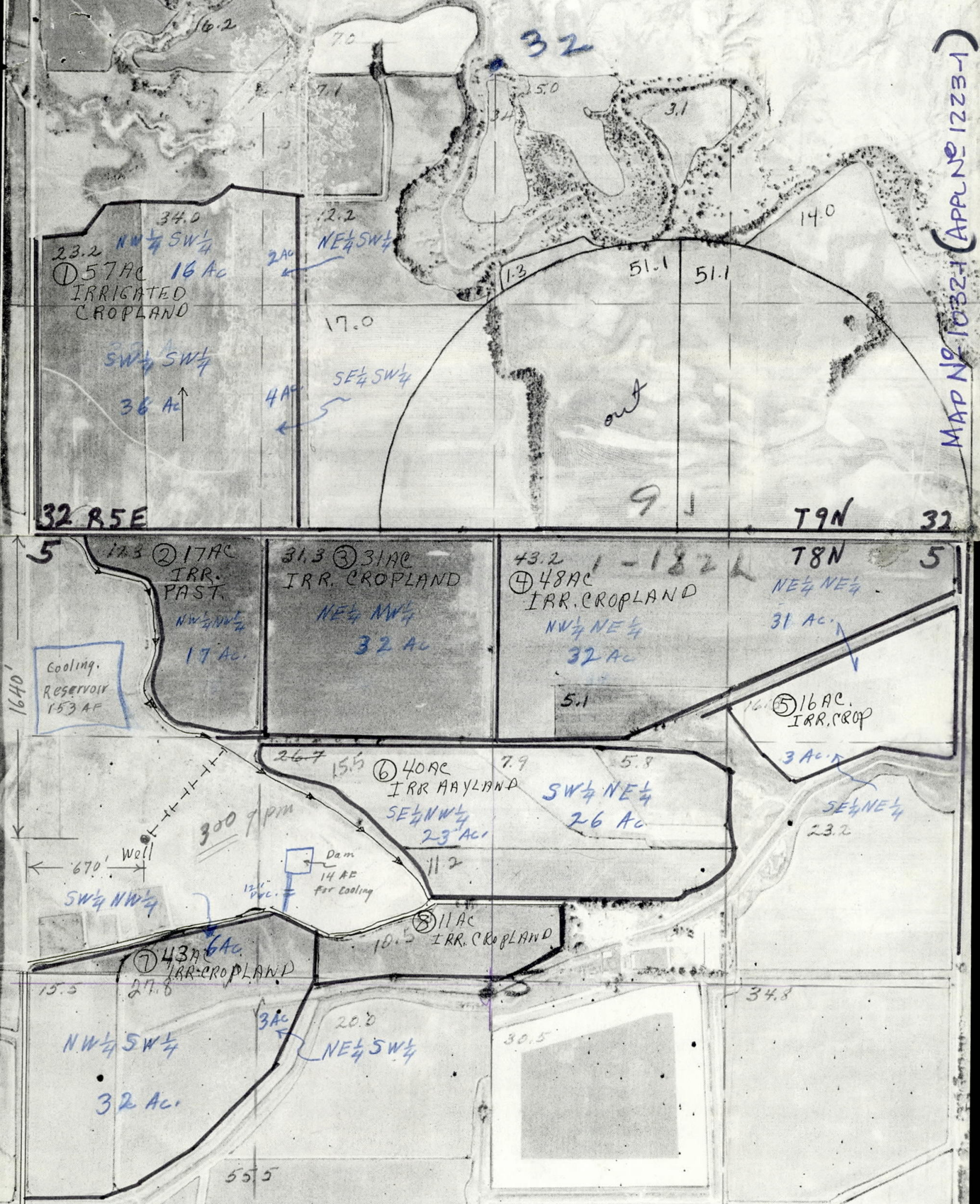
Ed Brunner



Point # 1223-1



MAP NO. 1032-1 (APP. NO. 1223-1)



SCS-CONS-261 Rev. 5-71
File Code B&F-14

CONSERVATION PLAN

UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

cooperating with
BUTTE
Conservation District

Owner ED BRUNNER & SONS
Operator " " "

Plan No. 8 Date 4/81
Scale 8" = 1 mile Acres 263
Approximate Approximate

BUTTE S. DAK Charles Logan
County State Assisted By

Location NISLAND, S. DAK

Permit # 1223-1



1223-1
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: FIVE F FEEDLOT LLC, JIM CLARKSON, 20265 SUPERIOR PLACE, WHITEWOOD, SD 57793

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) 1223-1. 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) 1223-1 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) 1223-1 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/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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8818

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:22 AM on January 23, 2010 in WHITEWOOD, SD 57793. The item was signed for by T THOMPSON.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 10:22 am, WHITEWOOD, SD 57793
- Arrival at Post Office, January 23, 2010, 7:11 am, WHITEWOOD, SD 57793

Notification Options

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No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8818

FIVE F FEEDLOT LLC
JIM CLARKSON
20265 SUPERIOR PLACE
WHITEWOOD SD 57793

Waiver of Signature ☐ YES ☐ NOPostmark
Here

before mailing.

POSTAL CUSTOMER:

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www.usps.com®
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2010

1223-1

Jim Clarkson
Five F Feedlot LLC
20265 Superior Place
Whitewood SD 57793

Dear Mr. Clarkson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1223-1.

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

File No. 1223-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Stuart Anderson – The Center at Midtown LLC, PO Box 255, Spearfish SD 57783

DATE: October 11, 2011

TELEPHONE: 605 645-1699

RE: Water Right No. 1223-1

COMMENTS:

The transfer of ownership filed by Mr. Anderson only included a portion of the acreage. I called to find out if he was listing the well location only or if he was listing only the portion he bought. He said technically, he only owns the small piece listed in the SW ¼ NW ¼ Section 5. This is due to an agreement between Five F Feedlot and the Bureau of Reclamation. There is a covenant on the deed that says the remaining land be leased to the Bureau of Reclamation until May, 2013. He indicated it is not legal for him to buy the remaining land until the lease agreement between Five F Feedlot and the Bureau expires.

Since Mr. Anderson will end up owning the entire acreage, it seems logical to leave the water right as it is rather than dividing it up into pieces and incorporating it back together in May, 2013.

The mailing address on the transfer form is PO Box 255. He indicated this was his personal mail box and correspondence should be directed to PO Box 395, Spearfish SD which is his business address.



Genny McMath
Environmental Scientist

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

OCT 11 2011

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1223-1Date: October 2011

I/We request that Water Right/Permit No. 1223-1 formerly owned by:
Jim Clarkson, Five F Feedlot, LLC be transferred to:

New Owner Name: The Center at Midtown, L.L.C.Address: P. O. Box 255City, State, Zip Spearfish SD 57783 Telephone No. 605-645-1699

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

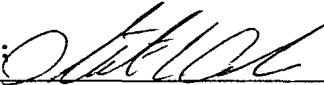
T8N, R5E, B.H.M., Butte County, SD: Sec. 5: SW/4NW/4.

☒ I understand that the validity of Water Right/Permit No. 1223-1 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, THE CENTER AT MIDTOWN, L.L.C., the new owner, certify that the above information is true and correct.

BY: 

(signed by new owner)
Stuart Anderson, Member

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 10/11, 20 11

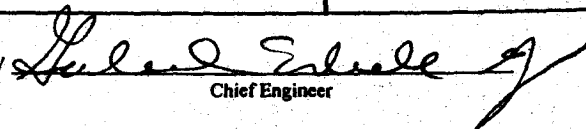
RECEIVED OF Stewart Title of the Black Hills PO Box 459 Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1223-1</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. _____	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. **05038**

By


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

October 11, 2011

1223-1

Stuart Anderson
The Center at Midtown LLC
PO Box 395
Spearfish SD 57783 0395

Dear Mr. Anderson,

I am writing to acknowledge receipt of the Notice of Transfer of Ownership form and filing fee submitted for changing ownership on Water Right No. 1223-1.

Thank you for visiting with me regarding the water right and legal description written on the transfer form. It is my understanding that you only purchased the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T8N, R5E with the intent to purchase the rest of the property in May, 2013. The remaining property is under lease agreement between Five F Feedlot and the Bureau of Reclamation and cannot be sold until the lease expires.

The receipt for the filing fee is being sent to Stewart Title of the Black Hills.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

c: Stewart Title of the Black Hills



1223-1
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: THE CENTER AT MIDTOWN LLC, STUART ANDERSON, MEMBER, PO BOX 255,
SPEARFISH, SD 57783 0255

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) 1223-1. 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) 1223-1 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) 1223-1 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.

1223-1
RECEIVED

MAR - 1 2012

WATER RIGHTS
PERMITS

**LAW OFFICES OF
BENNETT, MAIN & GUBBRUD**
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
EMAIL: bellelaw@bellelaw.com

MAX MAIN*

DWIGHT A. GUBBRUD*

JOHN W. WALLACE

*LICENSED IN SOUTH DAKOTA AND WYOMING

EST. 1908

RETIRED

DONN BENNETT

February 29, 2012

PMB2020
DENR - Water Right Program
523 E. Capitol Ave.
Pierre, SD 57501-3182

RE: Notice of Transfer of Ownership - Water Right/Permit No. 1223-1; Our File No. 5102.001011.

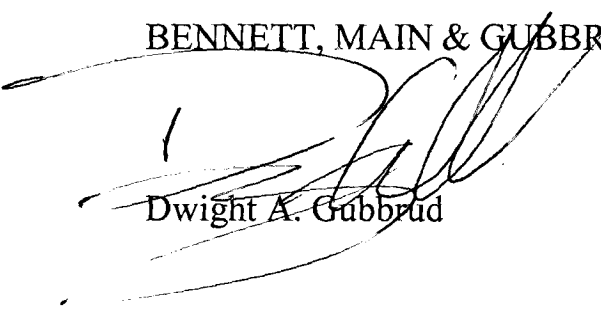
Enclosed is an original NOTICE OF TRANSFER OF OWNERSHIP regarding Water Right/Permit No. 1223-1 formerly owned by The Center at Midtown, L.L.C., which is being transferred to Montana Dakota Land LLC.

Also enclosed is our firm's check in the amount of \$50 for the filing fee as required by SDCL 46-2-13.

Please forward a file-stamped copy of this Notice to my office. Thank you.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Dwight A. Gubbrud

DAG/ra
Encs.
cc: Client

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR - 1 2012

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1223-1Date: January 1, 2012

I/We request that Water Right/Permit No. 1223-1 formerly owned by:
THE CENTER AT MIDTOWN, L.L.C. be transferred to:

New Owner Name: MONTANA DAKOTA LAND LLCAddress: P. O. Box 255City, State, Zip SPEARFISH SD 57783 Telephone No. 605-645-1699

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

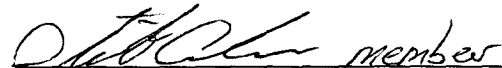
T8N, R5E, B.H.M., BUTTE COUNTY, SD: SEC. 5: SW/4NW/4

☒ I understand that the validity of Water Right/Permit No. 1223-1 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, MONTANA DAKOTA LAND LLC, 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 March 1, 20 12

RECEIVED OF Bennett Main Gubhrud PC 618 State St Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1223-1</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 05365

By *David Erbe*
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

March 1, 2012

1223-1

Stuart Anderson
Montana Dakota Land LLC
PO Box 255
Spearfish SD 57783

Dear Mr. Anderson:

I am writing to acknowledge receipt of the transfer form and filing fee for changing ownership on land described in Water Right No. 1223-1.

The ownership change has been completed. The SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T8N, R5E described in Water Right No. 1223-1, formerly listed under **The Center at Midtown L.L.C.** is now listed in the name of **Montana Dakota Land LLC**.

A file stamped copy of the transfer form and the receipt for the filing fee is being forwarded to Dwight Gubbrud with Bennett, Main & Gubbrud.

If you have any questions, please contact me.

Sincerely,

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

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

c: Dwight Gubbrud



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 2, 2012

1223-1

Stuart Anderson
Montana Dakota Land LLC
PO Box 255
Spearfish SD 57783

Dear Mr. Anderson:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1223-1. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1223-1
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: MONTANA DAKOTA LAND LLC, STUART ANDERSON, MEMBER, PO BOX 255,
SPEARFISH, SD 57783 0255

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) 1223-1. 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) 1223-1 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) 1223-1 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

1223-1

Stuart Anderson
Montana Dakota Land LLC
PO Box 255
Spearfish SD 57783 0255

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1223-1. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

1223-1

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate January 25, 2022RECEIVED OF Black Hill Title Inc. PO Box 459 Spearfish SD 57783

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>1223-1</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
om

PAID

JAN 25 2022

Ck# 230552

Rec't#

SD EForm - 0495LD V2

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

JAN 25 2022

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1223-1

Date: January, 2022

I/We request that Water Right/Permit No. 1223-1 formerly owned by:

Montana Dakota Land LLC, f/k/a The Center at Midtown LLC

be transferred to:

New Owner Name: P & L Water and Hay, LLP

Address: 18740 Riley Rd.

City, State, Zip Nisland SD 57762 Telephone No.

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

T8N, R5E, B.H.M., Butte County, SD: Sec. 5: SW/4NW/4

☒ I understand that the validity of Water Right/Permit No. 1223-1 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, P & L Water and Hay, LLP, the new owner, certify that the above information is true and correct.

By: Pamela McGinnis
(signed by new owner)

Pamela McGinnis, Partner

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.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1223-1

Date: 8-3-2022

I/We request that Water Right No. 1223-1

formerly owned by: Montana Dakota Land LLC (Center at Midtown LLC)

be transferred to: (name & address) P & L Water and Hay LLP
18740 Riley Rd
Nisland SD ~~57062~~ 57762

Telephone No. 701-751-0338

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

263 acres – SW ¼ Section 32, T9N, R5E; NW ¼, NE ¼ and N ½ SW ¼ Section 5, T8N, R5E

I/We understand that the validity of Water Right No. 1223-1 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 P&L Water and Hay LLP by Pamela J. McGinnis managing Partner, the new owner, certify that the above information is true and correct.

Pamela J. McGinnis
(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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: P & L Water and Hay LLP, 18740 Riley Rd, Nisland SD 57762

DATE: January 25, 2022

RE: ownership of land described in Water Right No. 1223-1

COMMENTS:

No. 1223-1 covers 263 acres in Section 32, T9N, R5E and Section 5, T8N, R5E in Butte County.

An ownership change was filed by P & L Water & Hay LLP for a portion of the land described in the Water Right. Prior to dividing the water right into an A & B, I contacted the old owner to see if he still owned the remaining land.

Stuart Anderson indicated the entire acreage under the water right was sold to P & L Water & Hay. The land described on the transfer form was where the well was located.

I attempted to get ahold of the new owner with no response received. In August 2022, I was able to get in touch with Pamela McGinnis with P & L Water & Hay. After sending her a copy of the water right and corresponding map, she completed a new transfer form for the entire acreage.

The water right does not need to be divided into A & B and can now be transferred in its entirety.



Genny McMath
Water Rights Program

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Partnership

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Registration of Limited Liability Partnership for

P & L Water and Hay, LLP

BUSINESS ID# DR212644

with an effective date of: October 18, 2021, duly signed and verified, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Registration of Limited Liability Partnership.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, October 18, 2021.

Steve Barnett

Steve Barnett
Secretary of State

10/20/2021 8:50 AM

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

STATEMENT OF QUALIFICATION
DOMESTIC LIMITED LIABILITY PARTNERSHIP
SDCL 48-7A-1001

FILING FEE: \$125

Make check payable to SECRETARY OF STATE

1. The name of the Limited Liability Partnership:

P & L Water and Hay, LLP

Note: The name shall contain the words "Registered Limited Liability Partnership", or "Limited Liability Partnership", or "R.L.L.P." or "LL.P.", or "RLLP", or "LLP" as the last words of the name (SDCL 48-7A-1002)

2. The street address of the partnership's chief executive office in South Dakota, or, if the partnership's chief executive office is not physically located in South Dakota then state the street address of an office in this state, if any.

18740 Riley Road	Nisland	SD	57762
------------------	---------	----	-------

Actual Street Address	City	State	ZIP+4
-----------------------	------	-------	-------

1815 Montego Drive	Bismarck	ND	58503
--------------------	----------	----	-------

Mailing Address, if Different from Street Address	City	State	ZIP+4
---	------	-------	-------

riverranchcows319@outlook.com

Email Address (Optional)

IF ADDRESS LISTED IN #2 IS NOT A SOUTH DAKOTA ADDRESS, QUESTION #3 IS REQUIRED.

3. The South Dakota Registered Agent's name

South Dakota law permits the registered agent to be **either: A)** a noncommercial registered agent (this may be an individual), **B)** a commercial registered agent, or **C)** an office holder. **Complete only one below, either (a) or (b) or (c).**

(a) The South Dakota Noncommercial Registered Agent's name: **Sam Olson**

12101 SD Hwy 20	Buffalo	SD	57720
-----------------	---------	----	-------

Actual Street Address in this State	City	State	ZIP+4
-------------------------------------	------	-------	-------

PO Box 513	Buffalo	SD	57720
------------	---------	----	-------

Mailing Address in this State, if Different from Street Address	City	State	ZIP+4
---	------	-------	-------

Email Address (Optional)

(b) When listing a Commercial Registered Agent, please state their CRA#. This number can be obtained from the Commercial Registered Agent.

Commercial Registered Agent Name

CRA#

(c) Title of the office or other position with the business:

Business Office's Actual Street Address in this State	City	State	ZIP+4
---	------	-------	-------

Mailing Address in this State, if Different from Street Address	City	State	ZIP+4
---	------	-------	-------

Email Address (Optional)

4. The partnership elects to be a limited liability partnership.

6. If the registration is not to be effective upon filing, the deferred effective date shall be: _____

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

This statement must be executed by at least **two** partners (SDCL 48-7A-105(c))

Dated 10/11/2021

Email riverranchcows319@outlook.com
(Optional)

Pamela J. McGinnis
Signature of an authorized person

Pamela J. McGinnis
Printed Name

Dated _____

Email _____
(Optional)

Signature of an authorized person

Printed Name



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 4, 2022

1223-1

Pamela J McGinnis
P & L Water and Hay LLP
18740 Riley Rd
Nisland SD 57762

Dear Ms. McGinnis:

Thank you for following up on the ownership change for Water Right No. 1223-1.

The ownership change has been completed. Water Right No. 1223-1 formerly held by Montana Dakota Land LLC (Center at Midtown LLC) is now listed under P & L Water and Hay LLP.

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 couple copies of the forms returned by past owners 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 in October.

The receipt for the filing fee that was paid is being sent to Black Hills Title Company by copy of this letter. If you have any questions, please let me know.

Sincerely,

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

enclosures

c: Black Hills Title Co, Spearfish SD

McMath, Genny

From: Pam McGinnis <RiverRanchCows319@outlook.com>
Sent: Monday, August 15, 2022 9:44 AM
To: McMath, Genny
Subject: RE: [EXT] correspondence

You can use PO Box 39, Nisland, SD 57762

From: McMath, Genny <Genny.McMath@state.sd.us>
Sent: Monday, August 15, 2022 7:49 AM
To: Pam McGinnis <RiverRanchCows319@outlook.com>
Subject: correspondence

Pam,
I mailed you a letter and a receipt for the transfer of ownership for Water Right No. 1223-1 to the address you put on the transfer form.

The post office returned the mail to me indicating the 18740 Riley Rd at Nisland SD had no mail receptacle. Is there a PO box or something that I could direct mail?

Thank you in advance!

Genny McMath
DANR – Water Rights Program
773-3352 (main phone)
773-5455 (desk phone)
Website: danr.sd.gov

