

1801A-1

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1801-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R</u>	
	Newspaper <u>Belle Fourche Bee/Post, Belle Fourche</u>	

RECEIVED
JUN 30 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Harry Einfalt (check one) X Owner Tenant/lessee Phone 605-257-2125
Mailing Address HCP 76 Box 76 Nisland State SD 57762
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 4.08 *CFS or 1818 **GPM ***AF Total Acreage 282.6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dam

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 of SE 1/4 of SEC 11
T9N R4E County Butte

5. County or counties where water will be used Butte

6. Annual period during which water is to be used May 1 through September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
All in Sec 11 - T9N-R4E (Attach sheet if more space is needed)

	Land Description	Acres	Land Description	Acres	
*	SE 1/4 of NW 1/4 of SEC 15, T9N, R4E	22.65	SE 1/4 of SE 1/4 of SEC 15, T9N, R4E	22.65	**
*	SW 1/4 of NE 1/4 of SEC 15, T9N, R4E	38	SW 1/4 of SE 1/4 of SEC 15, T9N, R4E	39	**
*	SE 1/4 of NE 1/4 of SEC 15, T9N, R4E	22.65	SE 1/4 of SW 1/4 of SEC 15, T9N, R4E	22.65	**
**	NE 1/4 of SE 1/4 of SEC 15, T9N, R4E	38	NE 1/4 of SW 1/4 of SEC 15, T9N, R4E	38	**
			NW 1/4 of SE 1/4 of SEC 15, T9N, R4E	40	**

8. Give a description of the project. (Attach sheet if more space is needed)

* 1801B-1
83.3 acres (North portion)
1.20 cfs
Harry Walters

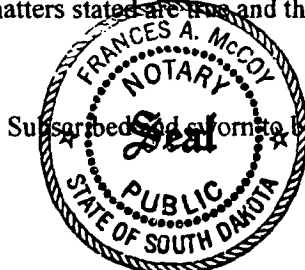
** 1801A-1
199.3 acres (south portion)
2.88 cfs
Travis, Judy & Daniel Schenk

STATE OF SOUTH DAKOTA) SS

County of Butte

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Harry L. Einfalt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Applicant's signature Harry L. Einfalt

Subscribed and sworn to before me this 25th day of June 2003

Notary Public Signature Frances A. McCoy

RECEIVED
NOV - 4 2008
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1801-1
Date: 11-1-08

I/We request that Water Permit No. 1801-1

formerly owned by: Harry Einfalt

be transferred to: (name & address) Travis & Judy Schenk, Jr. Daniel Schenk
10307 Chicken Creek Rd, Spearfish SD 57783

Telephone No. 605-642-2188

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

282.6 acres - SE 1/4, S 1/2 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4 Section 11, T9N, R4E
~~TDS~~ ~~TDS~~

I/We understand that the validity of Water Permit No. 1801-1 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 Travis Schenk, the new owner, certify that the above information is true and correct.

T-Schenk

(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 11/14, 20 08

RECEIVED OF Travis Schenk 10307 Chicker Creek Rd 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	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>1801-1</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

By

Harold Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 01 2009

1801A-1

Travis & Judy Schenk
& J Daniel Schenk
10307 Chicken Creek Rd
Spearfish SD 57783

Dear Mr. & Mrs. Schenk:

Enclosed is Reissued Water Permit No. 1801A-1. The original permit was held by Harry Einfalt and has now been divided and reissued to reflect separate ownership as follows:

- **Water Permit No. 1801A-1, Travis & Judy Schenk and J Daniel Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783** appropriating 2.88 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11 to irrigate 199.3 acres located in the SE ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.
- **Water Permit No. 1801B-1, Robert Walters, PO Box 846, Spearfish SD 57783** appropriating 1.20 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 83.3 acres located in the S ½ NE ¼ and SE ¼ NW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.

The source of water authorized for Water Permit No. 1801-1 is a small dugout on a tributary to Indian Creek. You will note from the permit that the diversion point location authorized for irrigation under your permit is also described on the permit issued to Robert Walters.

Enclosed is your Receipt No. 03797 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions concerning Water Permit No. 1801A-1, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

SOUTH DAKOTA
REISSUED WATER PERMIT NO. 1801A-1

The Water Management Board approved Water Permit No. 1801-1 on October 1, 2003 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1801-1 appropriated 4.08 cubic feet of water per second (cfs) from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 282.6 acres located in the SE ¼, S ½ NE ¼, SE ¼ NW ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.

On November 4, 2008 and September 29, 2009, ownership changes were filed for land described in the water permit. Based on the ownership changes, Water Permit No. 1801-1 is being divided and reissued as follows:

- **Water Permit No. 1801A-1, Travis & Judy Schenk and J Daniel Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 appropriating 2.88 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11 to irrigate 199.3 acres located in the SE ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.**
 - **Water Permit No. 1801B-1, Robert Walters, PO Box 846, Spearfish SD 57783 appropriating 1.20 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 83.3 acres located in the S ½ NE ¼ and SE ¼ NW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.**
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
 3. The date from which permit holder may claim right is June 30, 2003.
 4. One-fifth of the construction is to be completed on or before April 1, 2006.
 5. All construction is to be completed on or before October 1, 2008.
 6. Water is to be put to beneficial use on or before October 1, 2012.
 7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The permit holder shall control his withdrawals to ensure there is not interference with downstream domestic uses of water. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.

2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 01 2009

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 06 2015

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1801a-1Date: 4/28/15

I/We request that Water Right/Permit No. 1801a-1 formerly owned by:
Travis & Judy Schenk and J Daniel Schenk be transferred to:

New Owner Name: Dakota Central Valley, LLCAddress: 12119 Stratford Drive Suite BCity, State, Zip Clive IA 50325 Telephone No. (515) 306-1909

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

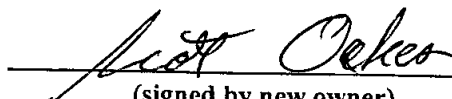
See Attached Letter

☒ I understand that the validity of Water Right/Permit No. 1801a-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, Scott Oakes, Manager, 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.

McMath, Genny

From: Trivian Martin @ Lawrence Title Company <trivian.martin@st-bh.com>
Sent: Thursday, May 07, 2015 11:47 AM
To: McMath, Genny
Subject: Schenk Water Transfer
Attachments: 70468.pdf

Genny

It is the legal that is circled. Thank you.

Trivian Martin

Escrow Agent

Lawrence Title Company/Belle Butte Title Company
PO Box 459 – 245 N Main Street
Spearfish, SD 57783-0459
Phone #605.642.7304
Fax #605.642.7608
Email: trivian.martin@st-bh.com

Confidentiality Notice: This email and any attachments contain information from Lawrence Title Company, which may be confidential. If you receive this in error we ask you to respect that confidence by notifying us of the error and deleting the email and attachments. Thank you

SOUTH DAKOTA
REISSUED WATER PERMIT NO. 1801A-1

The Water Management Board approved Water Permit No. 1801-1 on October 1, 2003 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

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- Water Permit No. 1801A-1, Travis & Judy Schenk and J Daniel Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 appropriating 2.88 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11 to irrigate 199.3 acres located in the SE ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.
 - Water Permit No. 1801B-1, Robert Walters, PO Box 846, Spearfish SD 57783 appropriating 1.20 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 83.3 acres located in the S ½ NE ¼ and SE ¼ NW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.
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 4. One-fifth of the construction is to be completed on or before April 1, 2006.
 5. All construction is to be completed on or before October 1, 2008.
 6. Water is to be put to beneficial use on or before October 1, 2012.
 7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The permit holder shall control his withdrawals to ensure there is not interference with downstream domestic uses of water. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.

continued

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/4, 20 15

RECEIVED OF Black Hills Title & Abstract 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>1801A-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07379

By Jenna Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 8, 2015

1801A-1

Scott Oakes, Mgr
Dakota Central Valley LLC
12119 Stratford Dr Ste B
Clive IA 50325

Dear Mr. Oakes:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 1801A-1.

The ownership change has been completed. Water Permit No. 1801A-1 formerly held by Travis, Judy and J Daniel Schenk is now listed in the name of "Dakota Central Valley LLC".

For informational purposes, I am enclosing copies of the last three years' irrigation questionnaires for your review. Water Permit No. 1801A-1 contains a qualification requiring submission of annual irrigation questionnaires. These forms are mailed to irrigators in South Dakota every October. They are typically due back by the first week in December. The enclosed forms will give you an idea of what type of information to keep track of during the irrigation season.

The receipt for the filing fee is being forwarded by copy of this letter to Black Hills Title and Abstract in Spearfish, SD. If you have any questions, please contact me.

Sincerely,

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

c: Black Hills Title & Abstract w/Receipt No. 07379



1801A-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 15, 2016

NOTICE

TO: DAKOTA CENTRAL VALLEY LLC, SCOTT OAKES, MGR, 12119 STRATFORD DR STE B, CLIVE, IA 50325

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1801A-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1801A-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1801A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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Updated Delivery Day is the latest information on when the Postal Service expects to deliver your package.

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DATE & TIME	STATUS OF ITEM	LOCATION
January 19, 2016, 3:09 pm	Delivered	CLIVE, IA 50325

Your item was delivered at 3:09 pm on January 19, 2016 in CLIVE, IA 50325.

January 19, 2016, 9:24 am	Out for Delivery	CLIVE, IA 50325
January 19, 2016, 9:14 am	Sorting Complete	CLIVE, IA 50325
January 19, 2016, 8:45 am	Arrived at Unit	CLIVE, IA 50325
January 19, 2016, 7:54 am	Departed USPS Facility	DES MOINES, IA 50318
January 18, 2016, 12:17 pm	Arrived at USPS Origin Facility	DES MOINES, IA 50318
January 16, 2016, 11:30 pm	Departed USPS Facility	HURON, SD 57399
January 15, 2016, 9:41 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 15, 2016, 6:05 pm	Departed Post Office	PIERRE, SD 57501
January 15, 2016, 1:06 pm	Acceptance	PIERRE, SD 57501

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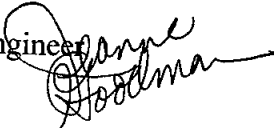
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and NATURAL RESOURCES

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

March 3, 2016

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Scott Oakes, Mgr, Dakota Central Valley LLC, 12119 Stratford Dr, Suite B
Clive IA 50325

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 1801A-1

On March 3, 2016, the Water Management Board ordered:

Effective April 4, 2016, Water Permit No. 1801A-1 be suspended for the 2016 irrigation season for failure to submit the 2015 irrigation questionnaire.

If the 2015 irrigation questionnaire is received prior to April 4, 2016, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2016 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2016 unless the 2015 irrigation questionnaire is submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2015 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2016, in Pierre, SD. The letter should include your reasons for not completing your 2015 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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



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DATE & TIME

STATUS OF ITEM

LOCATION

March 7, 2016 , 2:54 pm

Delivered

CLIVE, IA 50325

Your item was delivered at 2:54 pm on March 7, 2016 in CLIVE, IA 50325.

March 6, 2016 , 10:21 pm

Departed USPS Origin
Facility

DES MOINES, IA 50318

March 5, 2016 , 8:39 am

Arrived at USPS Origin
Facility

DES MOINES, IA 50318

March 3, 2016 , 11:57 pm

Departed USPS Facility

HURON, SD 57399

March 3, 2016 , 10:19 pm

Arrived at USPS Origin
Facility

HURON, SD 57399

March 3, 2016 , 2:00 pm

Acceptance

PIERRE, SD 57501

Available Actions

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SCOTT OAKES
DAK CENTRAL VALLEY LLC
12119 STRATFORD DR #B
CLIVE IA 50325

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PS Form 3800, June 2002

See Reverse for Instructions



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2016

1801A-1

Scott Oakes, Mgr
Dakota Central Valley LLC
12119 Stratford Dr Ste B
Clive IA 50325

Dear Mr. Oakes:

On March 3rd, the Water Management Board ordered Water Permit No. 1801A-1 suspended if the 2015 irrigation questionnaire was not received prior to April 4, 2016. The questionnaire information for your water right was received on April 1st.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2016 irrigation season.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, written over a horizontal line.

Jeanne Goodman, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1801A-1

I have this day, **June 13, 2018** made a thorough examination of the water use system constructed by **Dakota Central Valley LLC, 12119 Stratford Drive Suite B, Clive, Iowa 50325** of Permit No. **1801A-1**, bearing the priority of **6/30/2003** authorizing the diversion of **2.88** cu. ft. per second of water from a dugout for irrigation purposes in **Butte** County.

Inspection contact & relationship to permit holder, if applicable:

Scott Oakes, Manager

515-306-1909

Travis Schenk, Operator

605-645-1466

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 4RB 15-4
- 3) Size 9.13" impeller
- 4) Capacity 600 GPM (@ 84' TDH, 30 psi @ pivot)

Power:

- 1) Source Elec.
- 2) Horsepower rating 15 hp

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

- 1) Type PVC pipeline
- 2) Size 10" inches
- 3) Length 1,270 feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1,708 feet
- 3) Number of towers 9
- 4) End gun Yes (total wetted radius 1,823')
- 5) Capacity 600 GPM
- 6) Acres 118.9

D. Chemigation Equipment: None

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: None

- 3) Exceptions to compliance are: none

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:

2,130' N and 1,765' W of the SE corner Section 11 T 9N R 4E (44.754752, -103.594782)

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water (600 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 11 T9N R4E

NE ¼ SW ¼ 29.7 ac.	SE ¼ SW ¼ 23.4 ac.
NW ¼ SE ¼ 37.7 ac.	NE ¼ SE ¼ 15.2 ac.
SW ¼ SE ¼ 10.6 ac.	SE ¼ SE ¼ 2.3 ac

comprising a total of 118.9 acres of land and the license should be issued for 1.34 cfs. All structures, wells and lands on map Yes

G. Comments or other permit(s) associated with the project:

The diversion point authorized for this permit is also described on Permit #1801B-1 currently owned by Mary Mathern. The above acreage also has water allotted from the Belle Fourche Irrigation District. The water from the Irrigation District may not be used until 2027 or until Travis Schenk is no longer operating the Unit. Federal law prohibits a former owner of a unit having a district water allotment operating the unit for the current owner.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program



Zimmatic Pivot



Pivot point

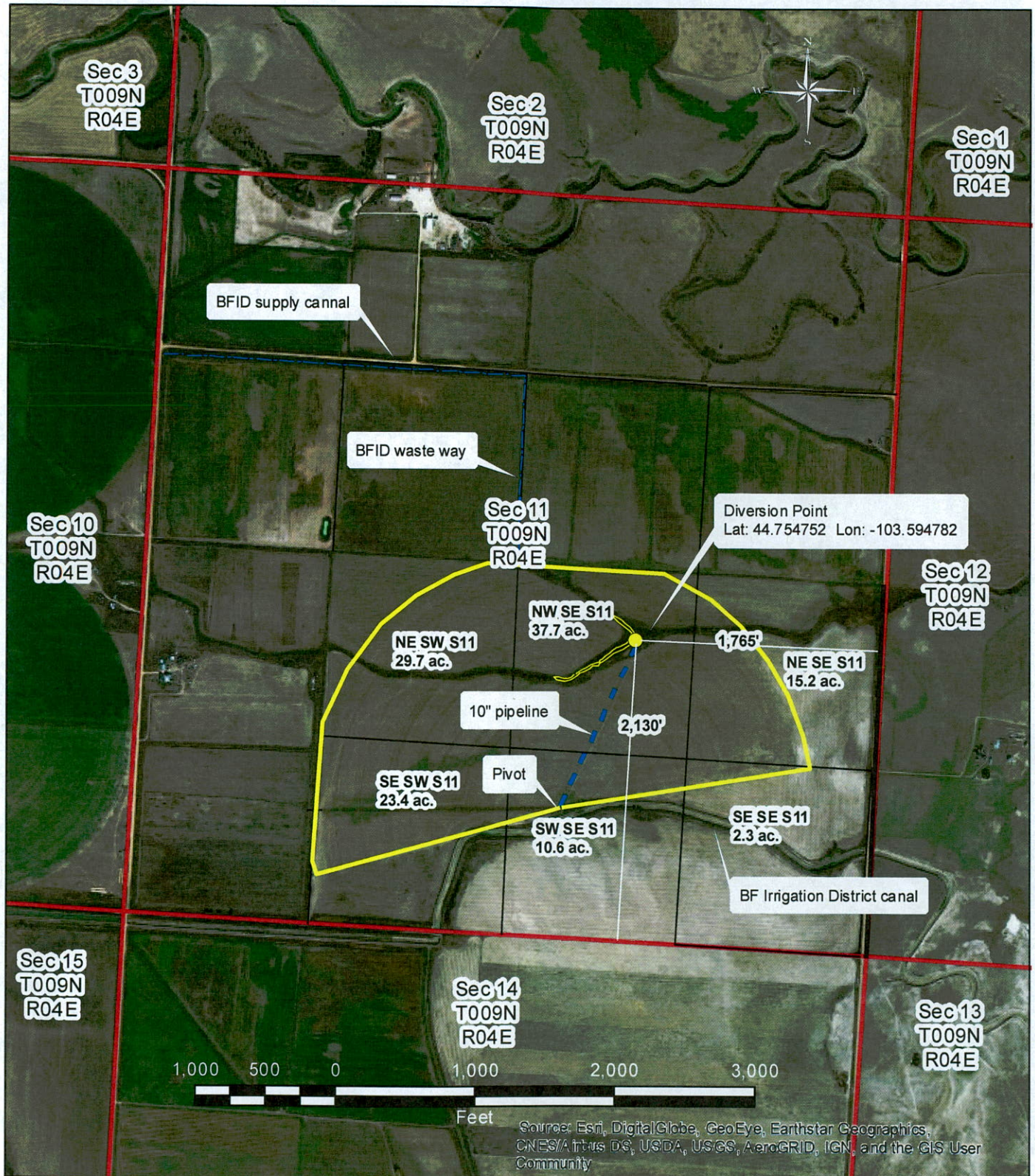


Diversion point (pump intake and trash screen
in dugout)



Pump installation

Water Right # 1801A-1
Dakota Central Valley LLC
6/13/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

JUN 29 2018

1801A-1

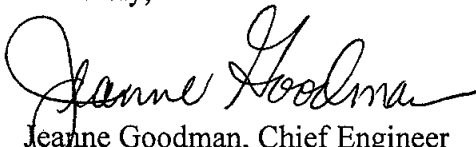
Scott Oakes, Mgr
Dakota Central Valley LLC
12119 Stratford Drive Suite B
Clive IA 50325

Dear Mr. Oakes:

Enclosed is Water License No. 1801A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,


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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1801A-1**

(1) Travis & Judy Schenk and J Daniel Schenk were issued Water Permit No. 1801A-1, October 1, 2009 for a water permit to divert 2.88 cubic feet of water per second from a dugout on a natural drainage way, located in Butte County, South Dakota for irrigation purposes. Permit No. 1801A-1, with a priority date of June 30, 2003 was approved October 1, 2003 and issued for diversion of water with construction of the described water supply system to be completed on or before October 1, 2008 and for the application to beneficial use of said water on or before October 1, 2012.

On May 6, 2015, Water Permit No. 1801A-1 was transferred to Dakota Central Valley LLC.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,130'N and 1,765'W of the SE corner of Section 11, T9N, R4E (NW ¼ SE ¼)
Latitude 44.754752, Longitude -103.594782

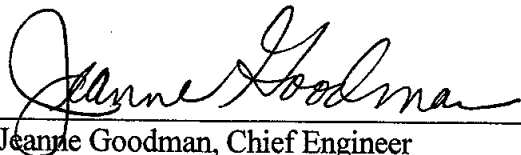
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 11, T9N, R4E	NW ¼ SE ¼	37.7 acres	NE ¼ SW ¼	29.7 acres
	NE ¼ SE ¼	15.2 acres	SE ¼ SW ¼	23.4 acres
	SW ¼ SE ¼	10.6 acres		
	SE ¼ SE ¼	2.3 acres		
			Total	118.9 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Central Valley LLC, 12119 Stratford Drive, Suite B, Clive, IA 50325 the holder and/or owner of Water Right No. 1801A-1 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from a dugout on a natural drainage way with a priority date of June 30, 2003 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1801A-1 and subject to the following qualifications:

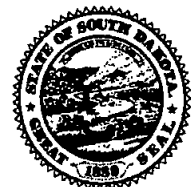
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The permit holder shall control his withdrawals to ensure there is not interference with downstream domestic uses of water. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 29 2018

date





1801A-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 25, 2019

NOTICE

TO: DAKOTA CENTRAL VALLEY LLC, SCOTT OAKES, MGR, 12119 STRATFORD DR STE B, CLIVE, IA 50325

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1801A-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 1801A-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 1801A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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.

1801A-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

1801A-1

Scott Oakes
Dakota Central Valley LLC
12119 Stratford Drive Ste B
Clive IA 50325

Dear Mr. Oakes:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1801A-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



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

January 19, 2024

NOTICE

TO: DAKOTA CENTRAL VALLEY LLC, SCOTT OAKES, MGR, 12119 STRATFORD DR STE B, CLIVE, IA 50325

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1801A-1. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1801A-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1801A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BFDXOK**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2024

1801A-1

Dakota Central Valley LLC
c/o Scott Oakes, Mgr
12119 Stratford Dr STE B
Clive IA 50325

Dear Mr. Oakes:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1801A-1. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us