

WATER PERMIT NO. 1913-1

Name of Applicant: NW Ranches LLC

Address: PO Box 66, Pierre SD 57501

Phone: 605 224-8851

Amount of Water Claimed: 1.49

Total Acres: 59 acres

Source of Water Supply: Belle Fourche River

Water to be used for: irrigation

County: Butte

Type of Waste Disposal System: NA

Location: approximately 10 miles southeast of Newell

PRIORITY

Date Received: 4-16-10

Application/License Fee: \$700.00

Corrected Application Received:

Period of Annual Use: May 1 – October 15

Remarks: increase the diversion rate authorized by Water Permit No. 1852-1 and requesting irrigation of add'l acreage

Diversion Point: SW ¼ NW ¼ Sec 34-T8N-R7E

Land to be Irrigated: E ½ SE ¼ Sec 33-T8N-R7E

Depth of Well: NA

Well Driller:

Remarks:

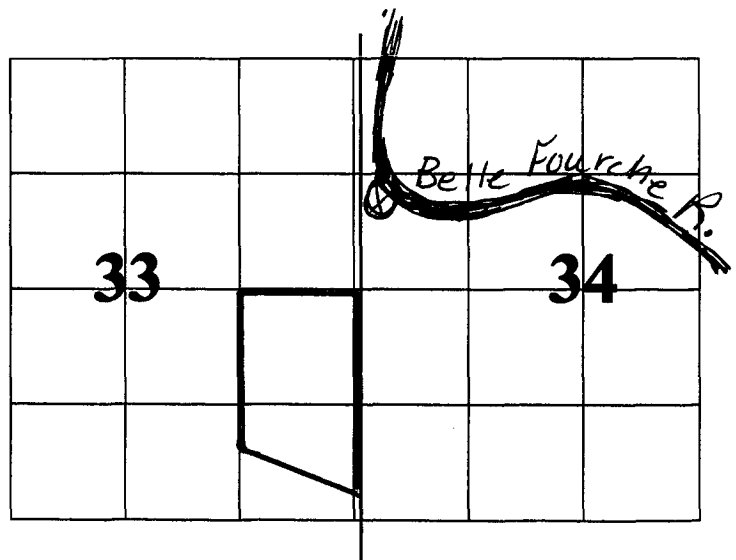
Type of Map: topo

Prepared by: Matthew Odden, NRCS

Reviewed and the Number Assigned on: 4-20-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



RECEIVED

APR 16 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>1913-1</u>	Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche</u>	
	Newspaper <u>Butte Co. Post 614 State St.</u> <u>605-892-2528 Belle Fourche SD 57717</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 1852-1
(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 NW Ranches LLC Phone 605-224-8851
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 66 Pierre SD 57501
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.49 *CFS or **GPM ***AF Total Acreage 5.9
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Belle Fourche River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County
1500 feet South and 236 feet East of the NW corner of Section 34, T8N R7E lat./long: 44.6148
-103.26514 (SW1/4 NW1/4)
5. County or counties where water will be used Butte
6. Annual period during which water is to be used May 1 - October 15
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE1/4SE1/4 Section 33 T8N R7E	<u>37</u>		
SE1/4SE1/4 Section 33 T8N R7E	<u>22</u>		

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

This application is for additional diversion rate for Permit 1852-1 which is permitted for 1.74 cfs. This application with the attached letter asking for the increase requests an addition 1.49cfs. This application would use the same diversion point as Permit 1852-1 and would add an additional 58.57 acres as shown above.

STATE OF SOUTH DAKOTA)
County of Meade) SS

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

I, Neal W. Winkless, President, 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 Neal W. Winkless, President

Subscribed and sworn to before me this 15th day of April 20 10

WILLIAM VAN CAMP, Notary Public
My Commission Expires
March 21, 2011

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 1913-1**

Date of first receipt of application April 16, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1913-1 to NW Ranches, LLC, c/o Bill VanCamp, PO Box 66, Pierre SD 57501 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. 1913-1 appropriates 1.49 cubic feet of water per second (cfs) from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW 1/4 NW 1/4 Section 34 to irrigate 59 additional acres located in the E 1/2 SE 1/4 Section 33-T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE 1/4 Section 33, T8N, R7E.
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 – October 15.
3. The date from which applicant may claim right is April 16, 2010.
4. The date of approval of Permit No. 1913-1 is July 5, 2010.
5. One-fifth of the construction is to be completed on or before January 5, 2013.
6. All construction is to be completed on or before July 5, 2015.
7. Water is to be put to beneficial use on or before July 5, 2019.
8. 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 by-passed.
2. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 1852-1 and 1913-1, combined, authorizes a maximum diversion rate of 3.23 cfs for the irrigation of 180.9 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

AUG 09 2010
date



Water Right Location Map

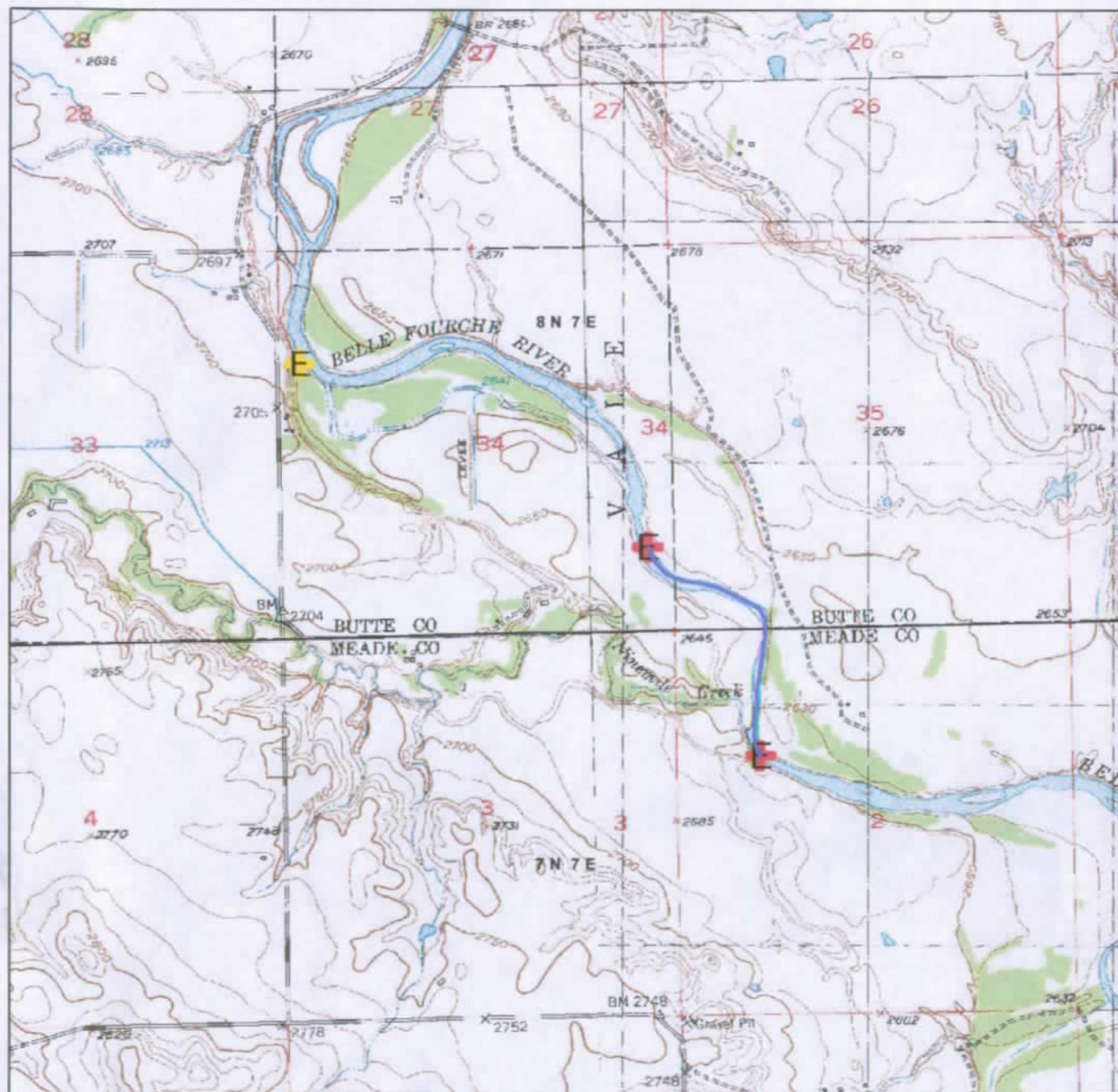
RECEIVED

Applicant(s): NW RANCHES, LLC

APR 16 2010

Map Completed by: Matthew Odden,
Rangeland Management Specialist
USDA-NRCS, Belle Fourche Field Office

WATER RIGHTS
PROGRAM



Legend

910-1

910-1.shp

1852-1.shp

Township/Range-Butte

Township/Range-Meade

APPROXIMATE SCALE: 1:24000
1 INCH = 2000 FEET 2.64 INCHES = 1 MILE

1,000 0 1,000 2,000 3,000 4,000
Feet





RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 4/16, 20 10

RECEIVED OF NW Ranches LLC PO Box 578 Pierre SD 57501

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

Fee for Application for Permit No. <u>1913-1</u> to Appropriate Water, to construct and to put water to beneficial use	500	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. <u>1913-1</u>	200	00
Fee for Filing Transfer Form _____		
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	700	00

No.

04533

By

Harold Erbelle
Chief Engineer

LAW OFFICES
OLINGER, LOVALD, McCAHREN & REIMERS, P.C.
117 EAST CAPITOL
P.O. BOX 66
PIERRE, SOUTH DAKOTA 57501-0066
www.olingerlaw.net

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APR 16 2010

WATER RIGHTS
PROGRAM

RONALD D. OLINGER
LEE C. "KIT" McCAHREN
WADE A. REIMERS
WILLIAM M. VAN CAMP

April 16, 2010

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

HAND DELIVERED

PMB2020 Department of Environmental and Natural Resources
Water Rights Program
523 E. Capitol
Pierre SD 57501

**Re: Application for Permit to Appropriate Water Within the State
of South Dakota - Permit #1852-2**

To Whom It May Concern:

Attached please find an Application for additional diversion rate for Permit #1852-2 as well as to add an additional 58.57 acres to that permit. The reason for the additional acreage is that the land covered by the addition was originally flood irrigated with water from the Belle Fourche Irrigation District, but as my client has gone through a comprehensive retooling of his farm and irrigation program after acquisition of the property, he would intend to run a center pivot on the additional 58.57 acres using the pumping facilities already on the property and utilized to supply water pursuant to Permit #1852-1.

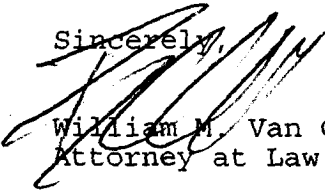
As the request for diversion increase exceeds the statutory authority, please find a letter to myself from Dale E. Knutson of K & J Ag Industries explaining the requested water level. The applicant would request pursuant to SDCL 46-5-6 that greater diversion for the reasons stated in the attached letter be granted.

Also attached you will find copies of maps, one signed by the NRCS Office relating to the water right diversion location and another signed by the Farm Service Agency detailing the additional 58.57 acres location which is all in the SE1/4 of Section 33, Township 8 North, Range 7 East of Section 35 in Butte County.

A check for the permit application fee of \$700.00 was submitted along with payment for a modification of existing Permit #910-1 and a new Livestock Pipeline System.

If you have any questions on any of these matters or if you need additional information from me or my client, please feel free to let me know.

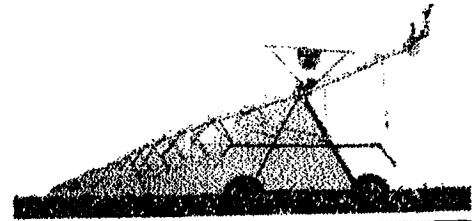
Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd
enclosures
cc: client

K & J Ag Industries

313 342 Rosander • Vale, SD 57788
Ph. (605) 456-1888 • Fax (605) 456-1889



April 14, 2010

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APR 16 2010

WATER RIGHTS
PROGRAM

William Van Camp
Olinger, Lovald, McCahren & Reimers, P.C.
PO Box 66
Pierre, SD 57501-0066

Dear Bill,

The pump on the West side of river referred to in Permit #1852 has a maximum pumping rate of 1650 gpm or 3.36 cfs. The pivot on south side of Doug's house makes a full circle and irrigates 116.6 acres and is nozzled to use 1100 gpm. This pivot can put 1 inch of water on those 116.6 acres in 51 hours. The other pivot makes a half circle and irrigates 52 acres and is nozzled to use 550 gpm. This pivot puts 1 in of water on those 52 acres in 45 hours. With these two pivots the customer will be able to irrigate a total of 168.6 acres.

These pivots were nozzled at the higher rate because the soil type has very little top soil and is mainly sand and gravel. We wanted to make sure adequate water was available for a successful crop.

The pump has a variable frequency drive control which allows us to pump with one pivot at a time or if necessary with both. With this option, the customer can pump either 550 gpm or 1100 gpm or a maximum 1650 gpm.

If you have any questions, please do not hesitate to give me a call at 605-456-1888.

Thank you,

Dale E. Knutson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1913-1, NW Ranches, LLC**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1913-1, NW Ranches, LLC, c/o Bill Van Camp, PO Box 66, Pierre SD 57501-0066

The Chief Engineer is recommending APPROVAL of Application No. 1913-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 1852-1 and 1913-1, combined, authorizes a maximum diversion rate of 3.23 cfs for the irrigation of 180.9 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 4, 2010

NOTE: The Belle Fourche River may not be a reliable source of water, especially during periods of drought. As the permit holder you will need to limit your withdrawals so downstream prior rights are not impaired. The permit may be subject to periodic shut-off orders issued by the Chief Engineer.

REPORT ON WATER PERMIT APPLICATION NO. 1913-1
NW Ranches, LLC
May 26, 2010

Application No. 1913-1 proposes to appropriate 1.49 cubic feet of water per second (cfs) from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW¼ NW¼ Section 34 to irrigate 59 additional acres located in the E½ SE¼ Section 33, T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE¼ Section 33, T8N-R7E. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres, therefore, the applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Review of the Water Source – Belle Fourche River

The water source for this proposed project is the Belle Fourche River in the SW¼ SE¼ Section 34, T8N-R7E in Butte County. The Belle Fourche River rises in the northeast Wyoming and flows northeast around the northern edge of the Black Hills then east to the Cheyenne River confluence north of Wasta, SD, a total of 290 river miles. Belle Fourche Dam is part of the U.S. Department of the Interior, Bureau of Reclamation, Belle Fourche Project completed in 1914 that includes a diversion dam, storage dam and a system of canals that irrigate 57,068 acres located in southern Butte County in western South Dakota.

Since 1945 the United States Geological Survey (USGS) has maintained a stream flow gaging station near on the Belle Fourche River near Sturgis, SD located approximately 20 miles downstream of this proposed project. This gage is located downstream of several Belle Fourche Project wasteways and tributaries such as Owl and Horse Creeks. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 236 to 231 cfs or greater for the months May through September during any given year. There is a 75 percent probability the median flow rate could range from 77 to 211 cfs or greater for this same period of time. (Table 1)

Table 1. Belle Fourche River near Sturgis, SD Median Flow Percentiles in cfs.

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	9	15	30	42	49	94	142	142	78	38	37	20
75%	19	25	52	56	77	172	211	208	167	56	47	28
50%	28	39	98	133	236	281	266	270	248	65	56	36
25%	40	90	408	473	650	659	364	330	299	88	77	50
10%	89	300	942	927	1372	1555	556	427	345	174	149	90

A portion of the water in the river is return flows from the Belle Fourche Irrigation District. This would be reflected in the flows increasing during the summer months as shown in Table 1 corresponding to irrigation return flows coming from the District. Because the amount or method of irrigation can change, return flows cannot be counted upon to provide a reliable supply of water.

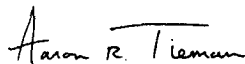
Review of the Project and Existing Water Rights

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 29 existing water rights appropriating 93.73 cfs. Based upon historic flow data, the existing water rights downstream of this project would have a high probability that they will not be adversely affected if this application is approved.

The applicant is requesting a diversion rate greater than the statutory limit than the 1 cfs per 70 acre restriction established by South Dakota Codified Law (SDCL) 46-5-6. However, SDCL 46-5-6 provides that the Water Management Board may allow for a greater diversion rate if the method of irrigation, time constraints, or soil types so require. The annual volume of water delivered to the land may not exceed two acre-feet per year.

Conclusions

1. Water Permit Application No. 1913-1 proposes to appropriate 1.49 cfs from the Belle Fourche River for irrigation purposes.
2. This proposed application, if approved, will utilize the existing diversion point authorized by Water Permit No. 1852-1.
3. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres
4. The applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.
5. Approval of this request would not be expected to adversely affect existing water rights.



Aaron R. Tieman
Natural Resources Project Engineer

Approved by



Mark D. Rath
Natural Resources Engineering Specialist

Bibliography

USGS National NWISWeb Water Information System 2010, Historical Stream Flow for South Dakota.

Water Right, 2010, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

RECEIVED

JUN 29 2010

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Pam Capp, being duly sworn, says: That the *Butte County Post* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as an Office Manager by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>June 16</u>	<u>2010</u>	<u>201</u>
<u>June 23</u>	<u>2010</u>	<u>201</u>
<u>201</u>	<u>201</u>	<u>201</u>
<u>201</u>	<u>201</u>	<u>201</u>
<u>201</u>	<u>201</u>	<u>201</u>

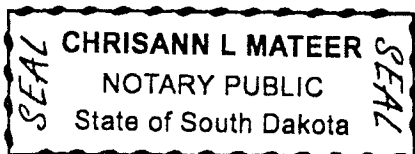
that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 0, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Pam Capp
Office Manager

Subscribed and sworn to before me this

25th day of June, 2010
Chrisann L. Mateer

Notary Public, South Dakota



Account No. _____

Total Amount 0

NOTICE OF APPLICATION

NOS. 910A-1, 1913-1 and 1914-1 to Amend and Appropriate Water

Notice is given that NW Ranches, PO Box 66, Pierre SD 57501 has filed the following applications for a water permit.

Application No. 910A-1 proposes to change the location of the Belle Fourche River diversion points authorized for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1. Water Right No. 910-1 appropriates 2.5 cubic feet of water per second (cfs) to irrigate 175 acres; Water Right No. 1122-1 appropriates 4.49 cfs to irrigate 314 acres; Water Permit No. 1821-1 appropriates 0.89 cfs to irrigate 60 acres; and Water Permit No. 1889-1 appropriates no additional water to irrigate an addition 57.37 acres utilizing the diversion point and diversion authority authorized by Water Right No.

1122-1. The applicant is proposing to change the current diversion points locations so these four permits divert from the same pump station. The proposed Belle Fourche River diversion will be located between a point in the SE 1/4 SE 1/4 Section 34-T8N-R7E and the SW 1/4 NW 1/4 Sec 2-T7N-R7E. The applicant is also requesting a uniform annual period of use for the four permits of May 1 to October 15.

Application No. 1913-1 proposes to appropriate 1.49 cfs from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW 1/4 NW 1/4 Section 34 to irrigate 59 additional acres located in the E 1/2 SE 1/4 Section 33-T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE 1/4 Section 33, T8N, R7E. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres, therefore, the applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 1914-1 proposes to appropriate 0.444 cfs from the Belle Fourche River located between a point in the SE 1/4 SE 1/4 Section 34-T8N-R7E and the SW 1/4 NW 1/4 Section 2-T7N-R7E. The water is for a livestock watering system.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 910A-1, 1913-1 and 1914-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 5, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

/s/ Steven M. Pirner, Secretary

Department of Environment and Natural Resources
Published twice at the total approximate cost of \$71.57.

**Published Wed., June 16
and Wed., June 23, 2010
Butte County Post**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2010

Butte County Post
614 State St
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

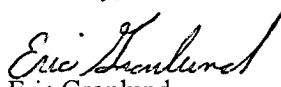
Enclosed is a Notice on Application Nos. 910A-1, 1913-1 and 1914-1 to Appropriate Water to be published twice. Please publish the first notice on June 16, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is NW Ranches, LLC, c/o William Van Camp, PO Box 66, Pierre SD 57501 (Ph # 605-224-8851).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 910A-1, 1913-1 & 1914-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 7, 2010 enclosing Notice to Appropriate Water by Application Nos. 910A-1, 1913-1 & 1914-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 7, 2010

NW Ranches LLC
c/o William Van Camp
PO Box 66
Pierre SD 57501

Dear Mr. Van Camp:

Water Permit Application Nos. 910A-1, 1913-1 & 1914-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Butte County Post printed at Belle Fourche SD (Ph # 605-892-2528). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on June 16, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 910A-1, 1913-1 and 1914-1 to Amend and Appropriate Water

Notice is given that NW Ranches, PO Box 66, Pierre SD 57501 has filed the following applications for a water permit.

Application No. 910A-1 proposes to change the location of the Belle Fourche River diversion points authorized for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1. Water Right No. 910-1 appropriates 2.5 cubic feet of water per second (cfs) to irrigate 175 acres; Water Right No. 1122-1 appropriates 4.49 cfs to irrigate 314 acres; Water Permit No. 1821-1 appropriates 0.89 cfs to irrigate 60 acres; and Water Permit No. 1889-1 appropriates no additional water to irrigate an addition 57.37 acres utilizing the diversion point and diversion authority authorized by Water Right No. 1122-1. The applicant is proposing to change the current diversion points locations so these four permits divert from the same pump station. The proposed Belle Fourche River diversion will be located between a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T8N-R7E and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2-T7N-R7E. The applicant is also requesting a uniform annual period of use for the four permits of May 1 to October 15.

Application No. 1913-1 proposes to appropriate 1.49 cfs from the Belle Fourche River utilizing the existing diversion point authorized by Water Permit No. 1852-1 located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 to irrigate 59 additional acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33-T8N-R7E. Permit No. 1852-1 currently appropriates 1.74 cfs from the river to irrigate 121.9 acres located in the NE $\frac{1}{4}$ Section 33, T8N, R7E. The existing permit and this application combined will appropriate 3.23 cfs to irrigate 180.9 acres, therefore, the applicant is also requesting authorization for a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 1914-1 proposes to appropriate 0.444 cfs from the Belle Fourche River located between a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T8N-R7E and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2-T7N-R7E. The water is for a livestock watering system.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 910A-1, 1913-1 and 1914-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 5, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 09 2010

NW Ranches LLC
Bill Van Camp
PO Box 66
Pierre SD 57501

Dear Mr. Van Camp:

Enclosed are Water Permit Nos. 910A-1, 1913-1 & 1914-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with a large initial "G" and a stylized "E".

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permits No. 1852-1 and 1913-1

I have this day, June 19, 2019 made a thorough examination of the water use systems constructed by NW Ranches LLC of Permit Nos. 1852-1 and 1913-1, bearing the priorities of 8/25/2005 and 4/16/2010 respectively authorizing the diversion of 3.23 cu. ft. per second of water of the Belle Fourche River for irrigation purposes in Butte County.

Inspection contact & relationship to permit holder :

Adam Karrels , ranch manager
605-490-1701 (cell)

Correspondence to:

Wm. Van Camp, Attorney
PO Box 66, Pierre SD 57501-0066

A. Works used to divert the water:

Pump:

- 1) Make American Marsh
- 2) Model --- short set vertical turbine
- 3) Size ---
- 4) Capacity 1,650 gpm

Power:

- 1) Source Electric
- 2) Horsepower rating 200 hp

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

- 1) Type PVC pipe
- 2) Size 12 and 8 inches
- 3) Length 3,887 feet

C. Works used to apply water to beneficial use:

Center Pivot: #1852-1 (north)

- 1) Make Reineke
- 2) Machine length 1,199.0 feet
- 3) Number of towers 7 End Gun Yes
- 4) Capacity 1,100 gpm
- 5) Acres 123.0

Center Pivot: #1913-1 (south)

- Make Reineke
Machine length 1,138.0 feet
Number of towers 6 End Gun Yes
Capacity 550 gpm
Acres 54.5 (1/2 circle)

D. Chemigation Equipment:

- | | |
|-----------------------------------|--|
| 1) Does chemigate <u>yes</u> | 6) Interlock type <u>-----</u> |
| 2) Mainline check valve <u>no</u> | 7) injection pump type <u>-----</u> |
| 3) Inspection port <u>no</u> | 8) injection check valve <u>-----</u> |
| 4) Low pressure drain <u>no</u> | 9) positive displacement pump <u>-----</u> |
| 5) Air/Vac valve <u>Yes</u> | 10) Discharge 20' from source <u>n/a</u> |

Comments: A chemigation valve which includes a check valve, inspection port, air/vac and low pressure drain needs be installed at each pivot pad location. The injection pump was not onsite at the time of inspection. Any injection pump used shall meet State requirements for chemigation safety.

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) List any extended period of nonuse: none
- 4) Exceptions to compliance are: **Permit #1852-1 appropriated 1.74 cfs and Permit #1913-1 appropriated an additional 1.49 cfs for a total of 3.23 cfs (1,450 gpm). The installed system has a total capacity of 3.67 cfs (1,650 gpm). The pipeline system does not have anti-pollution equipment installed as required by State Law for systems injecting chemicals into the water supply.**

F. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,525' S and 355' E of the NW corner Section 34 T8N R7E (44.614803, -103.264964).
2. The works are capable of diverting and conveying to the place of use 3.67 cu. ft. per second of water (1,650 gpm) which is used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 33 T8N R7E

NW ¼ NE ¼ 19.2 acres	SE ¼ NE ¼ 37.1 acres	NW ¼ SE ¼ 6.0 acres
NE ¼ NE ¼ 17.6 acres	SE ¼ SE ¼ 20.3 acres	NE ¼ SE ¼ 38.4 acres
SW ¼ NE ¼ 38.9 acres		

comprising a total of 177.5 acres of land and the license should be issued for 3.23 cfs.

All structures, wells and lands on map: Yes

G. Comments or other permits associated with the project: Water Permit No. 1852-1 appropriated 1.74 cfs to irrigate 121.9 acres from the Belle Fourche River as a supplement to Belle Fourche Irrigation District water. Permit No. 1913-1 authorized 1.49 cfs and an additional 59 acres of irrigation from the Belle Fourche River. Both permits utilize the same diversion point. Water from the Belle Fourche Irrigation District is no longer utilized for the acreage authorized under No. 1852-1.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 6/20/2019

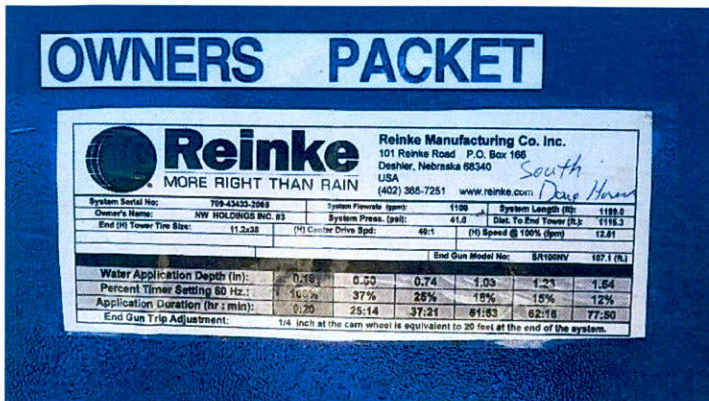
Report of Examination of Works Permit No. 1852-1 and 1913-1



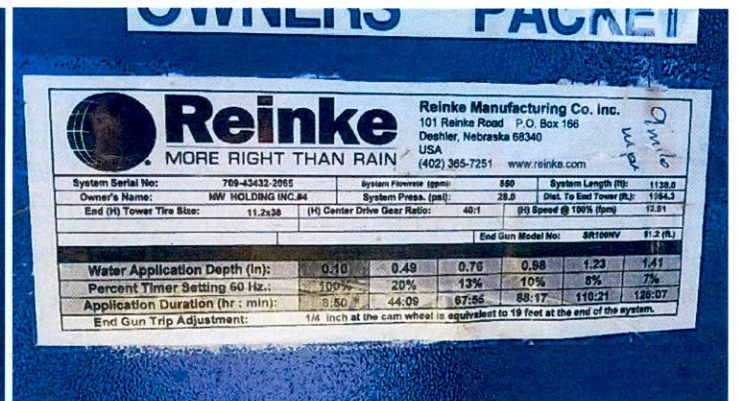
Belle Fourche diversion for
Permits 1852-1 and 1913-1



Permit No. 1852-1 pivot and appurtenances



Permit No. 1852-1 pivot spec. (full circle)



Permit #1913-1 pivot spec. (half circle)

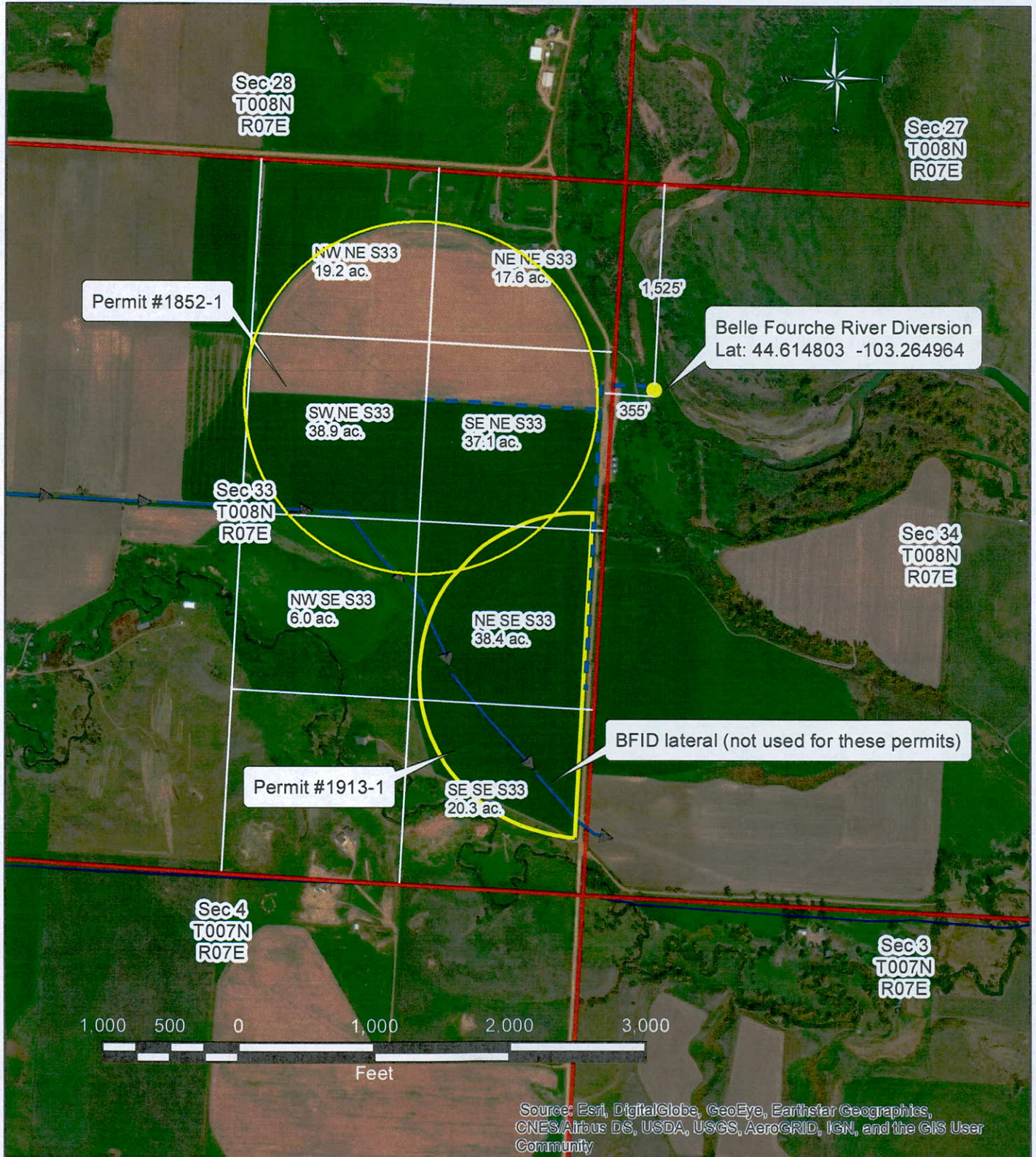


Permit #1913-1 pivot



Permit #1913-1 pivot appurtenances

Water Right #1852-1 and 1913-1
NW Ranches LLC
6/19/2019



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: NW Ranches – c/o Bill VanCamp,

ADDRESS: PO Box 66, Pierre SD 57501

DATE: July 25, 2019

COUNTY: Butte

TELEPHONE:

AUTHORITY

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

A licensing investigation was conducted for Water Permit Nos. 1852-1 and 1913-1 held by NW Ranches. The permits combined appropriated 3.23 cubic feet of water per second (cfs) from the Belle Fourche River for irrigation of 180.9 acres to be located in the NE ¼ and E ½ SE ¼ Section 33-T008N-T07E. The inspection found the works capable for diverting 3.23 cfs irrigating 177.5 acres. The examination of works report proposes that the two permits be incorporated into one water license.

The area irrigated includes the areas authorized by the permits but also includes six acres in the NW ¼ SE ¼ Section 33-T008N-T07E. Those six acres are including in the 177.5 acres found to be irrigated. Based on the configuration of the irrigation system, it appears the pivot in the NE ¼ of Section 33 was shifted a little south of the center of the quarter section in order for the pivot to be able to make full rotation.

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 177.5 acres as compared to 180.9 acres authorized by the two permits.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes – the acres are part of the coverage by a standard quarter section center pivot.

- **Owned by Same Property Owner**

Yes – NW Ranches owns the NW ¼ SE ¼ Section 33-T008N-T07E.

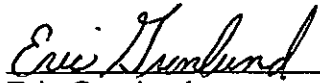
- **Developed Prior to Expiration of Construction Period**

Yes – the construction period for Water Permit No. 1913-1 was July 5, 2019. The licensing investigation which found the system to be in place was conducted June 19, 2019.

continued

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 6 acre area be included in the water license.



Eric Gronlund

Water Rights Program

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

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



Jeanne Goodman, Chief Engineer

Water Rights Program



1913-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 03 2019

1913-1
1924-1

NW Ranches LLC
% William Van Camp
PO Box 66
Pierre SD 57501-0066

Dear Mr. Van Camp:

Enclosed are Water License Nos. 1913-1 and 1924-1. They are the final water right documents completing the process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation systems, the staff engineer noted in his report the pipeline system does not have anti-pollution equipment installed as required by state law. A chemigation valve which includes a check valve, inspection port, air/vac and low pressure drain needs to be installed at the pivot pad location.

Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program (his card is attached). You do not have authority to use existing chemigation equipment until it is properly installed and meets standards.

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

Note: Upon licensing, the applicable portions of Water Permit No. 1852-1 were incorporated into Water License No. 1913-1.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1913-1**

(1) NW Ranches LLC, % William Van Camp, PO Box 66, Pierre SD 57501 made Application No. 1913-1, April 16, 2010 for a water permit to divert 1.49 cubic feet of water per second (cfs) from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 1913-1, with a priority date of April 16, 2010 was approved July 5, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 5, 2015 and for the application to beneficial use of water on or before July 5, 2019.

Water Permit No. 1913-1 authorized an 59 additional acres located in the E ½ SE ¼ Section 33, T8N, R7E and 1.49 cfs from the Belle Fourche River utilizing the existing diversion point authorized under Water Permit No. 1852-1. Water Permit No. 1852-1, with a priority date of August 25, 2005 authorizes diversion of 1.74 cfs from the river to irrigate 121.9 acres located in the NE ¼ Section 33, T8N, R7E.

An investigation of Nos. 1852-1 and 1913-1 for licensing purposes found the pivot location was shifted slightly south of the original location and included 6 acres not described in the permits. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the change in acreage does not impair existing water rights and the overall project, as developed, is consistent with the original applications.

The applicable portions of Water Permit No. 1852-1 are incorporated into this Water License No. 1913-1. A priority date of August 25, 2005 is retained for 1.74 cfs as established under No. 1852-1. A priority date of April 16, 2010 is retained for 1.49 cfs as established under No. 1913-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.23 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,525'S and 355'E of the NW corner of Section 34, T8N, R7E (SW ¼ NW ¼ Section 34)
Latitude 44.614803, Longitude -103.264964

(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:

T8N, R7E Section 33	NW ¼ NE ¼	19.2 acres	SE ¼ SE ¼	20.3 acres
	NE ¼ NE ¼	17.6 acres	NW ¼ SE ¼	6.0 acres
	SW ¼ NE ¼	38.9 acres	NE ¼ SE ¼	38.4 acres
	SE ¼ NE ¼	37.1 acres	Total 177.5 acres	

NE ¼ carries a priority date of August 25, 2005 (1852-1)

SE ¼ carries a priority date of April 16, 2010 (1913-1)

(4) Pursuant to South Dakota Water Law 46-5-30.1 NW Ranches LLC, % William Van Camp, PO Box 66, Pierre SD 57501 the holder and/or owner of Incorporated Water Right No. 1913-1 is issued a license to appropriate water, the right to use 3.23 cubic feet of water per second from the Belle Fourche River with priority dates of August 25, 2005 (1.74 cfs) and April 16, 2010 (1.49 cfs) from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1913-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Diversion under this water right shall be in accordance with any written orders issued by the Chief Engineer.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right Nos. 1852-1 and 1913-1, combined, authorize a maximum diversion rate of 3.23 cfs for the irrigation of 177.5 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

Acres reduced from the original 180.9 acres specified in No. 1913-1 to 177.5 based on level of development.

- This Water Right is subject to the irrigation water use questionnaire being submitted each year.



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

SEP 03 2019

date





1913-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: NW RANCHES LLC, WILLIAM M VAN CAMP, PO BOX 66, PIERRE, SD 57501 0066

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1104-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 910A-1, 1913-1 & 1924-1 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 910A-1, 1913-1 & 1924-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1104-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://danr.sd.gov/iq> using this password: HHKEXW**

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.

1913-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2022

William Van Camp
PO Box 66
Pierre SD 57501

RE: NW Ranches LLC – irrigation questionnaires

Dear Mr. Van Camp:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for NW Ranches LLC.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 910A-1, 1104-1, 1913-1 and 1924-1. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

1913-1

RECEIVED

DEC 21 2022

OFFICE OF
WATER

MUETING ENGINEERING

612 Community Drive
Seneca, Kansas 66538
785-334-6044
mueting-eng@rainbowtel.net

December 13, 2022

Chief Engineer
Department of Agriculture & Natural Resources
Water Rights Program
523 East Capitol
Pierre, South Dakota 57501-3181

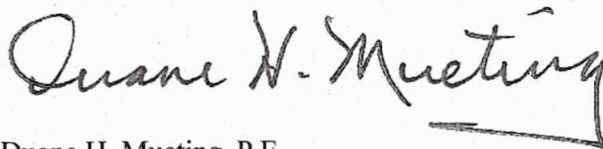
RE: Notice of Transfer of Ownership
Water Right #'s: 910A-1 / 1913-1 / 1924-1 / 1914-1

Please find enclosed four (4) applications for Transfer of Ownership of the above noted water rights. Also enclosed is a check for \$200.00 (\$50.00 per Water Right) for the transfer filing fee.

Should you have any questions or require additional information, please contact this office.

Sincerely,

MUETING ENGINEERING



Duane H. Mueting, P.E.
Licensed Professional Engineer #16142 (SD)

DHM/alm

cc: Dan Gerety, J-Six Enterprises, LLC
File

PAID

DEC 21 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck#

Rec't#

To: Chief Engineer
Water Rights Program, DANR
523 East Capitol
Pierre, South Dakota 57501-3181

No.: 1913-1

Date: December 15, 2022

I/We request that Water Right No. 1913-1

formerly owned by: NW Ranches, LLC

be transferred to: J-Six South Dakota Land Holdings, LP
604 Nemaha Street, Seneca, Kansas 66538
785-336-1499

RECEIVED

DEC 21 2022

OFFICE OF
WATER

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

Diversion point location: Southwest One-Quarter of the Northwest One-Quarter of Section 34, Township 8 North, Range 7 East of Butte County, South Dakota.

Land irrigated: East One-Half of the Southeast One-Quarter and the Northeast One-Quarter of Section 33, Township 8 North, Range 7 East of Butte County, South Dakota.

Permit 1852-1 retains a priority date of 08/25/2005 and was incorporated into permit 1913-1 which has a priority date of 04/16/2010.

I/We understand that the validity of Water Right No. 1913-1 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 Dan Gerety, President — J-Six South Dakota Land Holdings, LP, the new owner, certify that the above information is true and correct.

Signed by New Owner

NOTE: Water permits may be cancelled for non-construction after the five year construction period has expired. Once a water permit is developed and water used, the permit becomes a right. A water right may be lost for three (3) 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.

1913-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date December 21, 2022RECEIVED OF J-Six Farms 604 Nemaha Street Seneca, KS 66538

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>1913-1</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

20m

1913-1

State of South Dakota

Office of the Secretary of State

Certificate of Registration

Foreign Limited Partnership

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Application for Registration of Foreign Limited Partnership to transact business in this state for

J-Six South Dakota Land Holdings, L.P.

BUSINESS ID# FP239852

with an effective date of: December 6, 2022, 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 Registration and attach hereto a duplicate of the Application for Registration of Foreign Limited 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, December 6, 2022.

Steve Barnett

Steve Barnett
Secretary of State

12/06/2022 4:02 PM

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

APPLICATION FOR REGISTRATION FOREIGN LIMITED PARTNERSHIP

FILING FEE: \$125

Make check payable to SECRETARY OF STATE

1. The Name of the limited partnership:

J-Six South Dakota Land Holdings, L.P.

Note: The name shall contain the words "Limited Partnership" or the initials "L.P." or "LP".

2. If different, the name which it proposes to register and transact business in South Dakota:

3. The name of the state or other jurisdiction under whose laws it is incorporated: Kansas

4. The date of its formation: 12-05-2022

5. The street address of the office required to be maintained in the State of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership:

<u>604 Nemaha</u>	<u>Seneca</u>	<u>KS</u>	<u>66538</u>
Street Address	City	State	ZIP+4

Mailing Address if different from street address	City	State	ZIP+4
--	------	-------	-------

Email Address (Optional)

6. The South Dakota Registered Agent's name:

South Dakota law permits the registered agent to be either: **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 Danny R. Smeins

<u>755 7th. Street, Suite 106</u>	<u>Britton</u>	<u>SD</u>	<u>57430</u>
Actual Street Address in this State	City	State	ZIP+4

<u>P.O. Box A</u>	<u>Britton</u>	<u>SD</u>	<u>57430</u>
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)

7. The name and business address of each general partner. Any foreign corporation acting as the general partner in a limited partnership shall comply with the foreign corporation registration laws of this state.

Five Star Land Series - J-Six Enterprises, L.L.C. 604 Nemaha Seneca KS 66538
 General Partner Street Address City State ZIP+4

General Partner Street Address City State ZIP+4

General Partner Street Address City State ZIP+4

General Partner Street Address City State ZIP+4

8. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn:

604 Nemaha Seneca KS 66538
 Street Address City State ZIP+4

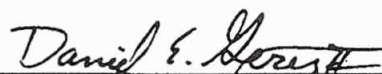
Mailing Address if different from street address City State ZIP+4

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 document must be signed by a general partner.

Dated 12/5/2022 _____

Email rhonda@fairviewmills.com
 (Optional)


 Signature of an authorized person

Daniel E. Gerety, II, Pres, JAK#1, LLC, Manager
 Printed Name



1913-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 21, 2022

910A-1
1913-1
1914-1
1924-1

Dan Gerety
J-Six South Dakota Land Holdings LP
604 Nemaha St
Seneca KS 66538

Dear Mr. Gerety:

I am writing to acknowledge receipt of the transfer forms and filing fees sent to us by Mueting Engineering.

The ownership changes have been completed. Water Right Nos. 910A-1, 1913-1, 1914-1 and 1924-1 formerly held by NW Ranches LLC are now listed under J-Six South Dakota Land Holdings LP.

Enclosed are receipts for the filing fees that were paid. If you should have any questions, please let me know.

Sincerely,

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

enclosures

c: Duane H Mueting, Mueting Engineering