

WATER PERMIT NO. 1924-1

Name of Applicant: NW Ranches LLC

Address: PO Box 60, Pierre SD 57501

Phone: 605 224-8851

Amount of Water Claimed: 1.5 cfs

Total Acres: 80

Source of Water Supply: Nine-Mile Creek

Water to be used for: irrigation

County: Meade/Butte

Type of Waste Disposal System: NA

Location: 15 miles southeast of Newell

PRIORITY Date Received: 2-25-11

Application/License Fee: \$950

Corrected Application Received: 3-24-11

Period of Annual Use: May 1 – October 15

Remarks: Requesting a diversion rate greater than statutory limit.

Diversion Point: SE ¼ SE ¼ Section 33-T8N-R7E

Land to be Irrigated: W ½ NE ¼, SE ¼ NE ¼

Section 4-T7N-R7E

Depth of Well: NA

Well Driller:

Remarks:

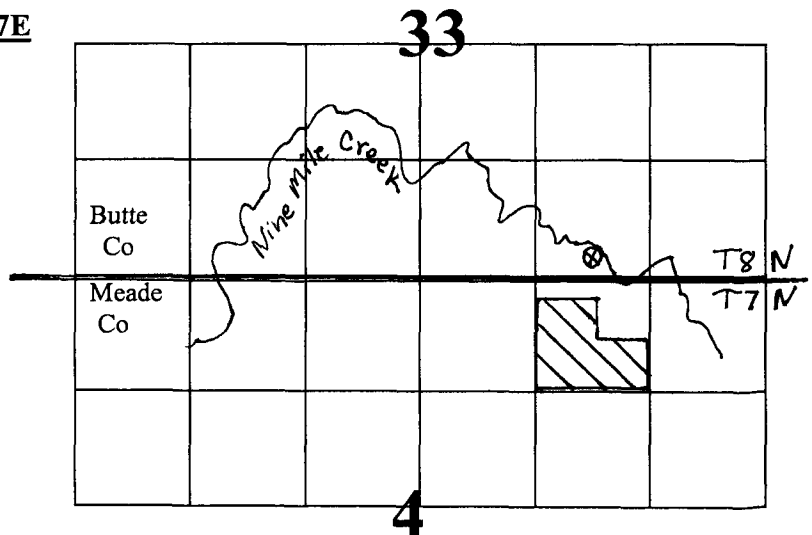
Type of Map: topo

Prepared by: Mathew Odden, Butte Co NRCS

Reviewed and the Number Assigned on: 3-24-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 1924-1 (office use only)
Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Butte Co. Post 614 State St. Belle Fourche 57719
Meade Co. Times 1022 Main Sturgis 57785 605-892-2528

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FEB 25 2011

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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 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 1.5 *CFS or 675 **GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Nine-Mile Creek

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte

A Pump site in the SW1/4SE1/4SE1/4 of Section 33, T8N, R7E

5. County or counties where water will be used Meade

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
SW1/4NW1/4 Section 4 T7N R7E	30		
NW1/4NW1/4 Section 4 T7N R7E	25		
SE1/4NW1/4 Section 4 T7N R7E	25		

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

The project entails using water from Nine-Mile Creek for irrigation purposes.

Requesting diversion rate greater than statutory limit

STATE OF SOUTH DAKOTA)

County of Butte) 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, NW Ranches Manager, 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 NW Ranches LLC: Manager
Neal W. Anders

Subscribed and sworn to before me this 19th day of February 2011

My Commission Expires
March 21, 2017
William M. VanCamp

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 1924-1

Date of first receipt of application February 25, 2011.

Date of return to applicant for corrections, amendments or changes February 28, 2011.

Date of receipt of corrected application March 24, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1924-1 to NW Ranches, LLC, c/o William Van Camp, Attorney, 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. 1924-1 appropriates 1.5 cubic feet of water per second (cfs) from Nine Mile Creek located in SE1/4 SE 1/4 Section 33-T8N-R7E for irrigation of 80 acres located in the W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 4-T7N-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 February 25, 2011.
4. The date of approval of Permit No. 1924-1 is July 5, 2011.
5. One-fifth of the construction is to be completed on or before January 5, 2014.
6. All construction is to be completed on or before July 5, 2016.
7. Water is to be put to beneficial use on or before July 5, 2020.
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 orders 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 No. 1924-1 authorizes a maximum diversion rate of 1.5 cfs for the irrigation of 80 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 30 2011
date



WATER RIGHT MAP

Date: 2/16/2011

Customer(s): NW RANCHES LLC

District: BUTTE COUNTY CONSERVATION DISTRICT

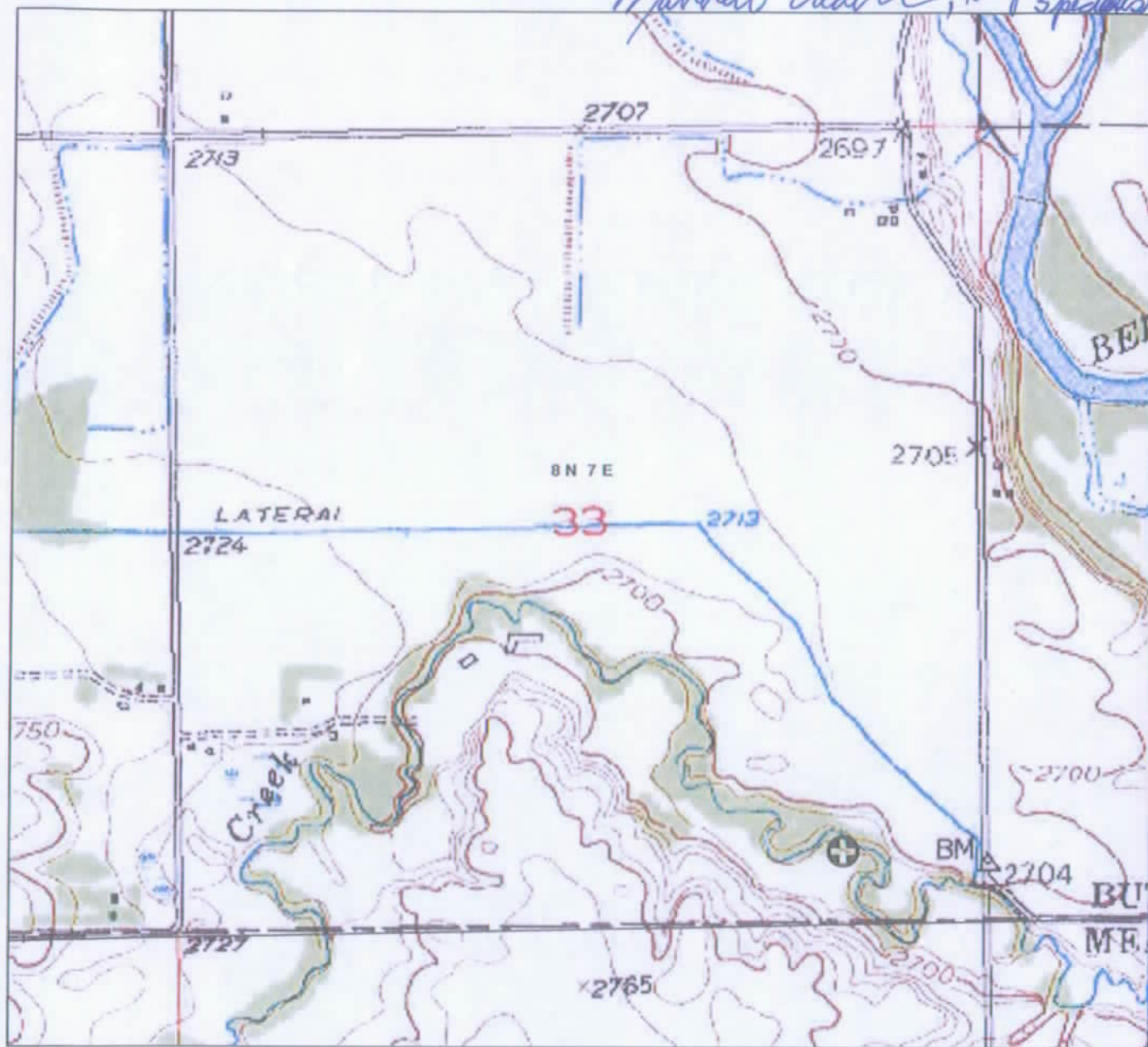
State and County: SD, BUTTE

Field Office: BELLE FOURCHE SERVICE CENTER

Agency: USDA-NRCS

Assisted By: MATTHEW ODDEN

Matthew Odden, Rangeland Mgmt Specialist



APPROXIMATE SCALE: 1:12000

1 INCH = 1000 FEET 5.28 INCHES = 1 MILE

RECEIVED

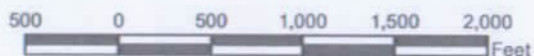
FEB 25 2011

WATER RIGHTS
PROGRAM

Legend

Proposed Pump Site

Township/Range



Proposed Irrigation Land Map

Customer(s): NW RANCHES LLC

Date: 3/14/2011

District: BUTTE COUNTY CONSERVATION DISTRICT

Field Office: BELLE FOURCHE SERVICE CENTER

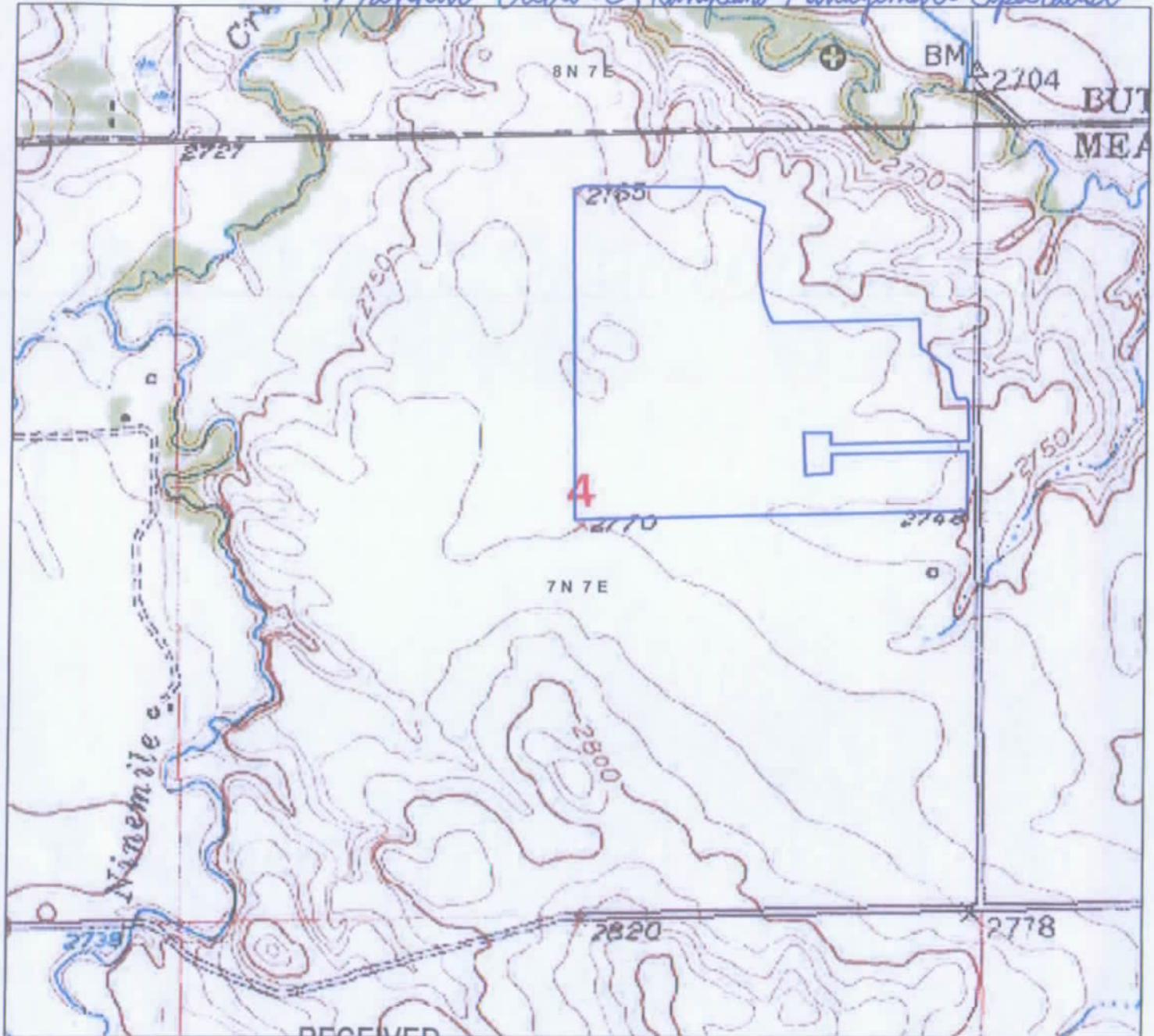
Approximate Acres: 97

Agency: USDA-NRCS

State and County: SD, BUTTE

Assisted By: MATTHEW ODDEN

Matthew Odden, Rangeland Management Specialist



Legend

- Irrigation New Land PROGRAM
- Proposed Pump Site
- Township/Range-Butte
- Township/Range-Meade

APPROXIMATE SCALE: 1:12000
1 INCH = 1000 FEET 5.28 INCHES = 1 MILE

500 0 500 1,000 1,500 2,000



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

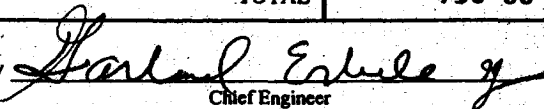
Date 2/28, 20 11

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>1924-1</u> to Appropriate Water, to construct and to put water to beneficial use	750	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 _____		
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	750 00

No. **04936**

By 
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/24, 20 11

RECEIVED OF Olinger Lovald McCahren & Reimers P80 Box 66 Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	200	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>1924-1</u>		
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	200 00

No. **04955**

By

Harland Erbe
Chief Engineer

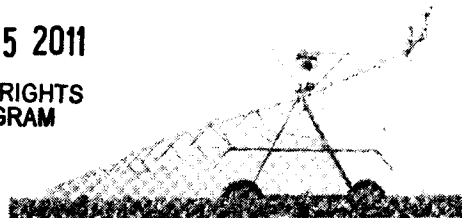
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FEB 25 2011

WATER RIGHTS
PROGRAM

K & J Ag Industries

3342 Rosander • Vale, SD 57788
Ph. (605) 456-1888 • Fax (605) 456-1889



January 7, 2011

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

Dear Bill,

The pump on 9 mile creek has a maximum pumping rate of 675 gpm or 1.5 cfs. The pivot purposed will make a 77% circle and cover 80 acres and will put on 1 inch of water in 55 hours. This pivot was nozzled at the higher rate because of 2 reasons:

Reason 1 and the main reason was soil type, with the soil type being a sandy loam with a gravel base under that.

Reason 2 was so Neal could irrigate the land faster and get water on land when needed and also help out when he knows he has to share the water with one pump down stream

For example if we went with a lower gpm, putting on 450 gpm, the same pivot that covers 80 acres will take 80.8 hours to irrigate the 80 acres whereas with 675 gpm it will irrigate in 55 hours.

If you have any questions, please do not hesitate to give me a call.

Thank you,

Dale E. Knutson
K & J Ag Industries

RECEIVED

FEB 25 2011

WATER RIGHTS
PROGRAM

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

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

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851

FAX: 605-224-8269

TOLL FREE: 877-225-5548

February 24, 2011

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

Re: Application for Permit to Appropriate Water for Irrigation
SD E Form 0499LD V3
New Pump Site - Nine Mile Creek

To Whom It May Concern:

Attached please find a check for \$750.00 along with the Application for Permit to Appropriate Water for Irrigation referencing the above-entitled matter.

Also attached please find a letter from K & J Ag regarding the amount of diversion requested and Water Right Map.

If you need anything further, please feel free to contact me.

Sincerely,



William M. Van Camp
Attorney at Law

WVC:lrd

enclosure

cc: client



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2011

William M Van Camp, Attorney
Olinger, Lovald, McCahren & Reimers PC
PO Box 66
Pierre SD 57501

RE: Application for Permit to Appropriate Water – NW Ranches LLC

Dear Mr. Van Camp:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of NW Ranches LLC. In order to complete the application, the following is required.

- We received the topographic map showing the Nine-Mile Creek diversion point located in the SE ¼ SE ¼ Section 33-T8N-R7E. Please submit a map of Section 4-T7N-R7E with the 80 acres to be irrigated outlined. As with the other map, it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- In addition to the application filing fee for \$750 which has been submitted, the Water Rights Program collects the \$200 licensing fee at the time of filing. Please submit \$200 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

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

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

March 23, 2011

RECEIVED
MAR 24 2011
WATER RIGHTS
PROGRAM
JOHN S. LOVALD - Of Counsel
TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL FREE: 877-225-5548

Karen Schlaak
Water Rights Program
DENR
523 E Capitol
Pierre SD 57501

Re: Application for Permit to Appropriate Water-NW Ranches LLC

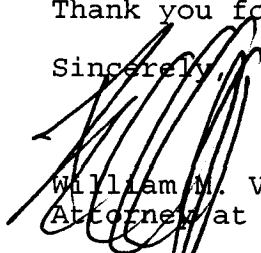
Dear Karen:

Attached please find an Application that has been modified as it was brought to my attention by the NRCS that we incorrectly identified the land to be irrigated in Section 4 Township 7 North Range 7 East - Meade County. I have included a new application signed and dated, including that correct description along with a map as requested of the area where the acreage to be irrigated is located. This has been signed by an NRCS official. Also included is a \$200.00 additional amount for our licensing fee.

If you need you need to have me resubmit this as one entire application versus having it coming in a disjointed fashion, please let me know and I will get you whatever you need.

Thank you for your help in this matter.

Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd

enclosures

cc: client



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1924-1, 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. 1924-1, NW Ranches, LLC, Neal Wanless, care of William Van Camp, PO Box 66, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 1924-1 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 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 orders 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 No. 1924-1 authorizes a maximum diversion rate of 1.5 cfs for the irrigation of 80 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

REPORT ON APPLICATION NO. 1924-1

For NW Ranches LLC

May 10, 2011

Application 1924-1 proposes to appropriate 1.5 cubic feet of water per second (cfs) from Nine Mile Creek located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T8N-R7E for irrigation of 80 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T7N-R7E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

WATER SOURCE AND EXISTING WATER PERMITS/RIGHTS

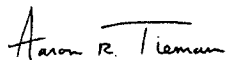
Nine Mile Creek, located in western Meade County, flows in a northeast direction until it joins the Belle Fourche River 8 miles east of Vale, SD. Nine Mile Creek has a drainage basin that covers approximately 23,000 acres. There are no flow measuring devices located on Nine Mile Creek to provide any historical flow analysis, although, the 23,000 acre drainage basin should be sufficient enough to provide the necessary flows to meet the needs of existing irrigators and downstream domestic use. Upon reviewing the irrigation questionnaires for the existing water rights on Nine Mile Creek it was found that there were no years in which there was non-irrigation due to lack of water. Giving more indication that unappropriated water is available from Nine Mile Creek.

There are 9 existing water rights appropriating 12.81 cfs from Nine Mile Creek which are located upstream of the proposed project and 3 existing water rights appropriating 2.64 cfs which are located downstream of the proposed project.

The proposed project was designed by K & J Ag Industries of Vale, SD. The design includes a pump on Nine Mile Creek with a maximum pumping rate of 675 gpm or 1.5 cfs. The center pivot proposed will make a 77% rotation which will cover 80 acres and will put on 1 inch of water in 55 hours. This pivot was nozzled at the higher rate due to soil type, with soil type being a sandy loam with a gravel base.

CONCLUSIONS

1. Application 1924-1 proposes to appropriate 1.5 cubic feet of water per second (cfs) from Nine Mile Creek located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T8N-R7E.
2. Nine Mile Creek's basin size of 23,000 acres should be sufficient enough to provide necessary flows to accommodate existing irrigators and downstream domestic use.
3. No existing water rights on Nine Mile Creek should be adversely affected by this proposed project.
4. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres with soil type being stated as the justification for the higher rate.



Aaron R. Tieman

Natural Resources Project Engineer

Approved by

A handwritten signature in black ink, appearing to read 'Mark D. Rath', written in a cursive style.

Mark D. Rath

Natural Resources Engineering Specialist

BIBLIOGRAPHY

Water Right, 2011, Water Rights Data, SD DENR, DES, Water Rights Program,
Pierre, SD, 57501.

RECEIVED

JUN 24 2011

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Pam Buhler, being duly sworn, says: That the Meade County Times Tribune is, and during all times hereinafter mentioned, is a legal newspaper as defined in SDCL 17-2-2, as amended, published in Sturgis, Meade County, South Dakota, by Lee Enterprises; that affidavit is and during all of said times, is 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 which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>June 15</u>	201	<u>1</u>	201
<u>June 22</u>	201	<u>1</u>	201
	201		201
	201		201
	201		201

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 40.61, 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 Buhler

Subscribed and sworn to before me this

22nd day of June 2011

Curtis J. Skaley

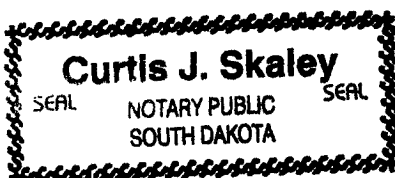
Notary Public, South Dakota

My Comm. Expires: 02/14/2017

20589251

Account No. # 20589253

Total Amount \$ 40.61



**NOTICE OF APPLICATION
NO. 1924-1 to Appropriate
Water**

Notice is given that NW Ranches, LLC, care of William Van Camp, PO Box 66, Pierre SD 57501 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second (cfs) from Nine Mile Creek located in SE 1/4 SE 1/4 Section 33-T8N-R7E for irrigation of 80 acres located in the W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 4-T7N-R7E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1924-1 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant ~~must~~ file a petition if ~~contesting the~~ Chief Engineer's ~~recommen-~~ dation. 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, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 this application.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$40.61.

**Published Wed., June 15
and Wed., June 22, 2011
Meade County Times
Tribune**

RECEIVED

JUN 29 2011

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota
County of Butte

Karen L. Wallace, being duly sworn, says: That the *Butte County Post* is, and during all times hereafter mentioned, was a legal newspaper as deemed in SDCL 17-2-2, as amended, published at Belle Fourche, Butte County, South Dakota, By *Rapid City Journal*; that affidavit is and, during all of said times, was employed 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 date(s):

\$2258 Wed June 15, 2011

\$1805 Wed June 22, 2011

_____, 2011

_____, 2011

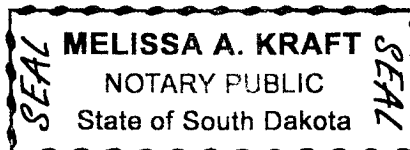
That the full amount of the fee charged for publishing the same, to with, that of \$ 40.61, insures solely to the benefit of the publisher of said newspaper that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Karen Wallace
Karen Wallace, Office Manager

Subscribed and sworn to before me this 28th day of June, 2011.

Melissa A. Kraft
Notary Public, South Dakota

My commission expires _____
My Commission Expires
August 13, 2011



**NOTICE OF APPLICATION
NO. 1924-1 to Appropriate
Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1924-1 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing ~~will be~~ scheduled and the Water Management Board will ~~consider~~ this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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dation. 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, 2011.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources

Published twice at the total approximate cost of \$40.61.

**Published Wed., June 15
and Wed., June 22, 2011
Butte County Post**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2011

Meade County Times & Tribune
1022 Main St
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1924-1 to Appropriate Water to be published twice. Please publish the first notice on June 15, 2011 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, care of 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-----

No. 1924-1

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

Date _____

We are in receipt of your letter of June 15, 2011 enclosing Notice to Appropriate Water by Application No. 1924-1 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
www.state.sd.us/denr

June 6, 2011

Butte County Post
614 State St
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1924-1 to Appropriate Water to be published twice. Please publish the first notice on June 15, 2011 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, care of 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-----

No. 1924-1

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

Date _____

We are in receipt of your letter of June 15, 2011 enclosing Notice to Appropriate Water by Application No. 1924-1 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
www.state.sd.us/denr

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

June 6, 2011

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

Dear Mr. Van Camp:

Water Permit Application No. 1924-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publishers of the following papers:

Butte County Post printed at Belle Fourche SD (Ph # 605-892-2528).
Meade County Times & Tribune printed at Sturgis SD (Ph # 605-347-2321)

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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 15, 2011 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 NO. 1924-1 to Appropriate Water

Notice is given that NW Ranches, LLC, care of William Van Camp, PO Box 66, Pierre SD 57501 has filed an application for a water permit to appropriate 1.5 cubic feet of water per second (cfs) from Nine Mile Creek located in SE ¼ SE ¼ Section 33-T8N-R7E for irrigation of 80 acres located in the W ½ NE ¼, SE ¼ NE ¼ Section 4-T7N-R7E. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1924-1 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, 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 this application. 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
www.state.sd.us/denr

AUG 30 2011

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

Dear Mr. Van Camp:

Enclosed is Water Permit No. 1924-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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,

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

enclosures

1924-1

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

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

JOHN S. LOVALD - Of Counsel

TELEPHONE: 605-224-8851
FAX: 605-224-8269
TOLL FREE: 877-225-5548

December 6, 2012

RECEIVED

DEC - 7 2012

WATER RIGHTS
PROGRAM

Garland Erbele
Chief Engineer
Water Rights Program
523 East Capitol
Pierre SD 57501

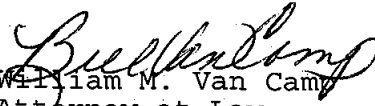
Re: Water Right Management Irrigation Questionnaire

Dear Mr. Erbele:

Enclosed please find the 2012 Water Management Board Irrigation Questionnaire for the following:

1. Permit No. 1924-1
2. Permit No. 1821-1
3. Permit No. 1122-1
4. Permit No. 1852-1
5. Permit No. 1913-1
6. Permit No. 1889-1
7. Permit No. 1104-1
8. Permit No. 910-1
9. Permit No. 910A-1

Sincerely,


William M. Van Camp
Attorney at Law

WVC:lrd

enclosures

cc: client

108-1924-1
108-1821-1
108-1122-1
108-1852-1
108-1913-1
108-1889-1
108-1104-1
108-910-1
108-910A-1

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

Page 1 of 3

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: **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:
445' N and 1,390' W of the SE corner Section 33 T8N R7E (44.605758, -103.271501).
2. The works are capable of diverting and conveying to the place of use 1.5 cu. ft. per second of water (675 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 4 T7N R7E		
NW ¼ NE ¼ 17.0 acres	SW ¼ NE ¼ 34.1 acres	SE ¼ NE ¼ 28.9 acres

comprising a total of 80.0 acres of land and the license should be issued for 1.5 cfs.

All structures, wells and lands on map: **Yes**

G. Comments or other permits associated with the project:

Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 6/21/2019



Nine Mile Creek diversion 6/19/2019



Turbine and air/vac valve

Report of Examination of Works

Permit No. 1924-1



Pivot and manifold with Air/Vac valve

Reinke
MORE RIGHT THAN RAIN

Reinke Manufacturing Co. Inc.
101 Reinke Road P.O. Box 186
DeSoto, Nebraska 68340
USA
(402) 355-7251 www.reinke.com

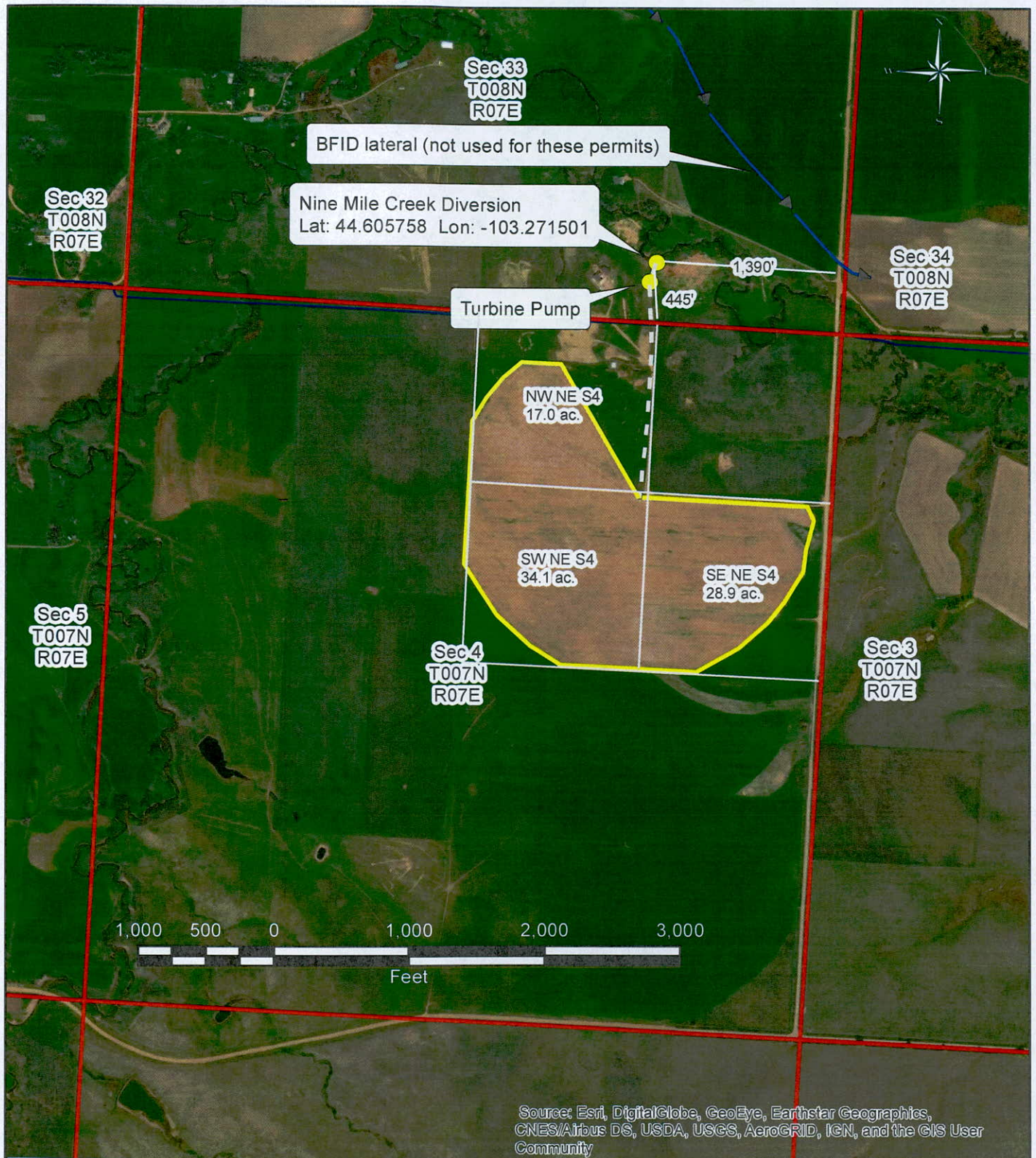
System Serial No: 0611-48371-2008 System Pressure (psi): 33.0 System Length (ft): 1237.0
Owner's Name: N.W. HOLDINGS System Press. (psi): 33.0 Dist. To End Tower (ft): 1163.3
End (ft) Tower Tire Size: 11.2x20 (in) Center Drive Gear Ratio: 45:1 (in) Speed @ 100% (gpm): 12.81
End Gun Model No: SR1000V 85.7 (ft)

Water Application Depth (in):	0.115	0.49	0.78	1.03	1.28	1.41
Percent Timer Setting 50 Hz:	100%	23%	15%	11%	8%	8%
Application Duration (hr : min):	9:38	41:59	64:23	87:48	107:18	120:43

End Gun Trip Adjustment: 1/4 inch at the cam wheel is equivalent to 20 feet at the end of the system.

Pivot Specification

Water Right #1924-1
NW Ranches LLC
6/19/2019



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Approval of Location Change of Diversion Point(s)

NAME: NW Ranches, c/o William VanCamp, attorney

ADDRESS: PO Box 66, Pierre SD 57501

DATE: June 26, 2019

COUNTY: diversion – Butte, acreage - Meade

TELEPHONE:

AUTHORITY:

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

Water Permit No. 1924-1 appropriates 1.5 cubic feet of water per second from Nine Mile Creek at a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33-T8N-R7E-(Butte County) for irrigation of 80 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4-T7N-R7E (Meade County). A licensing investigation found the point of diversion located 70 feet west which is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33-T8N-R7E.

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

The diversion point intake is located in Nine Mile Creek. The licensing investigation found 1.5 cfs developed for irrigation which is the amount authorized by the water permit.

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

The water permit authorized 80 acres to be irrigated. This licensing investigation found 80 acres capable of being irrigated.

- **Review of Existing Diversions**

The change does not appreciably change the point of diversion. There are no water rights between the authorized legal description and the point where the diversion was developed.

RECOMMENDED ACTION

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



Eric Gronlund
Water Rights Program

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

This change in location does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



1924-1

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. 1924-1

(1) NW Ranches LLC, % William Van Camp, PO Box 66, Pierre SD 57501 made Application No. 1924-1, February 25, 2011 for a water permit to divert 1.50 cubic feet of water per second (cfs) from Nine Mile Creek, Butte County, South Dakota for irrigation purposes. Permit No. 1924-1, with a priority date of February 25, 2011 was approved July 5, 2011 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, 2016 and for the application to beneficial use of water on or before July 5, 2020.

An investigation conducted for licensing purposes found the diversion point developed for irrigation under Water Permit No. 1924-1 was not in the location authorized by the permit. The diversion point was permitted for the SE ¼ SE ¼ Section 33, T8N, R7E. The developed point of diversion on Nine Mile Creek was located 70 feet west of the original described location in the SW ¼ SE ¼ Section 33, T8N, R7E. Pursuant to SDCL 46-5-13.1 the Chief Engineer made a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the 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 1.50 cubic feet of water per second for beneficial use. The diversion point is located in Butte County and is described as follows:

- 445'N and 1,390'W of the SE corner of Section 33, T8N, R7E (SW ¼ SE ¼)
Latitude 44.605758, Longitude -103.271501

(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 located in Meade County:

T7N, R7E Section 4	NW ¼ NE ¼	17.0 acres
	SW ¼ NE ¼	34.1 acres
	SE ¼ NE ¼	28.9 acres
	Total	80.0 acres

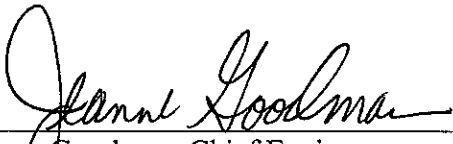
(4) Pursuant to South Dakota Water Law 46-5-30.1 NW Ranches LLC, % William Van Camp, PO Box 66, Pierre SD 57501 the holder and/or owner of Water Right No. 1924-1 is issued a license to appropriate water, the right to use 1.50 cubic feet of water per second from Nine Mile Creek with a priority date of February 25, 2011 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. 1924-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.

continued

- 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 No. 1924-1 authorizes a maximum diversion rate of 1.50 cfs for the irrigation of 80 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- 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





1924-1
**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.

1924-1



**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

1924-1

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

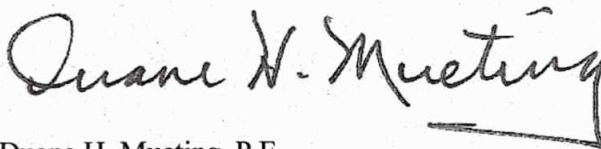
RE: Notice of Transfer of Ownership
Water Right #'s: 910A-1 / 1913-1 / 1924-1 / 1914-1

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

1924-1

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date December 21, 2022

RECEIVED 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>1924-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

DEC 21 2022

Ck# 690337

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No.: 1924-1

Date: December 15, 2022

I/We request that Water Right No. 1924-1

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

Land irrigated: West One-Half of the Northeast One-Quarter and the Southeast One-Quarter of the Northeast One-Quarter of Section 4, Township 7 North, Range 7 East of Meade County, South Dakota.

I/We understand that the validity of Water Right No. 1924-1 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.

1924-1

State of South Dakota

Office of the Secretary of State

Certificate of Registration

Foreign Limited Partnership

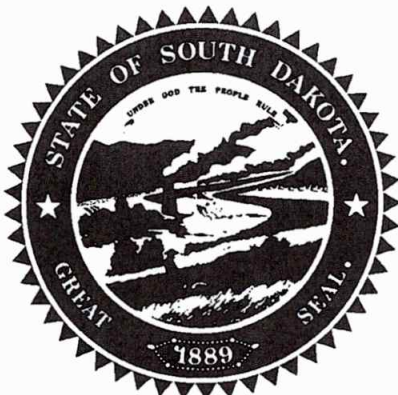
I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Application for Registration of Foreign Limited Partnership to transact business in this state for

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
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General Partner	Street Address	City	State	ZIP+4
-----------------	----------------	------	-------	-------

General Partner	Street Address	City	State	ZIP+4
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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
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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



1924-1

**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