

WATER PERMIT NO. 910A-1

Name of Applicant: NW Ranches LLC

Address: PO Box 66, Pierre SD 57501

Phone: 605 224-8851

Amount of Water Claimed: no add'l

Total Acres: no add'l

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: \$300

Corrected Application Received:

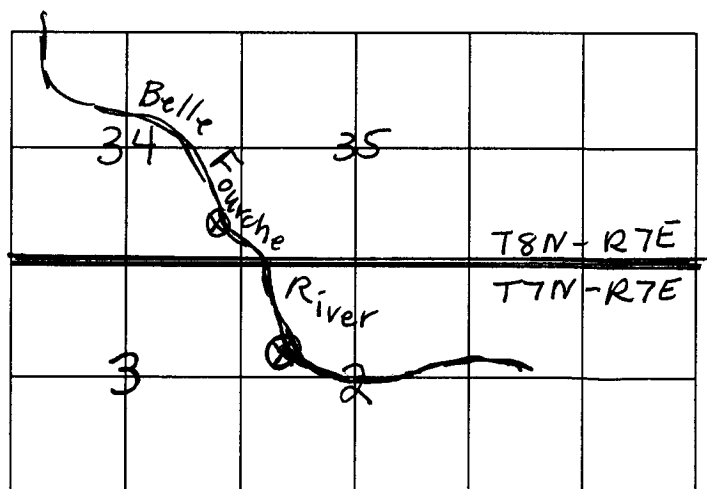
Period of Annual Use: May 1 – October 15

Remarks: 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 and period of annual use

Diversion Point: between a point in the SE ¼ SE ¼

Sec 34-T8N-R7E and the SW ¼ NW ¼ Sec 2-

T7N-R7E



Land to be Irrigated:

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: _____

FORM 2: Application for irrigation in South Dakota
(type or print)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	No. <u>910A-1</u> (office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>
	Newspaper <u>Butte Co. Post 614 State St</u>
	<u>605-892-2528</u> <u>Belle Fourche 57717</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 910-1
(Use predates Mar 2, 1955)

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

This amendment also seeks to impact Permits #1821-1, 1122-1 and 1889-1 as stated below.

- 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)
- Amount of water claimed *CFS or **GPM ***AF Total Acreage
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Belle Fourche River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Butte
between a point 1155 ft N 90 degrees E of SW Corner Section 35, T8N R7E and a point 1715 ft S 90
degrees E of NW Corner Section 2, T7N R7E
between a point SE 1/4 SE 1/4 Sec 34 T8N R7E & SW 1/4 NW 1/4 Sec 2
T 79 R 7E
- County or counties where water will be used Butte and Meade
- Annual period during which water is to be used May 1 - October 15
- 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

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

This application seeks to change the current diversion point for Permits #1821-1, 1122-1 and 1889-1 to the location now of 910-1 so that all four (4) permits divert at the same location through the same pumping equipment. This application also requests that all permits referenced herein have a uniform annual period of May 1 through October 15th

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 Wankless, 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 Wankless, PresidentSubscribed and sworn to before me this 15th day of April 2010

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

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 910A-1**

Date of first receipt of application April 16, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 910A-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. 910A-1 authorizes changing the location of the Belle Fourche River diversion points 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 permit holder is authorized to change the current diversion points locations so these four permits divert from the same pump station. The new Belle Fourche River diversion will be located between a point in the SE ¼ SE ¼ Section 34-T8N-R7E and the SW ¼ NW ¼ Sec 2-T7N-R7E. The permit holder applicant is also authorized a uniform annual period of use for the four permits of May 1 to October 15.
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 dates from which applicant may claim right  the priority dates established by the original water rights as follows:
910-1 – September 1, 1910 1122-1 – November 2, 1976
1821-1 – April 30, 2004 1889-1 – September 21, 2007
4. The date of approval of Permit No. 910A-1 is July 5, 2010.
5. 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. 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

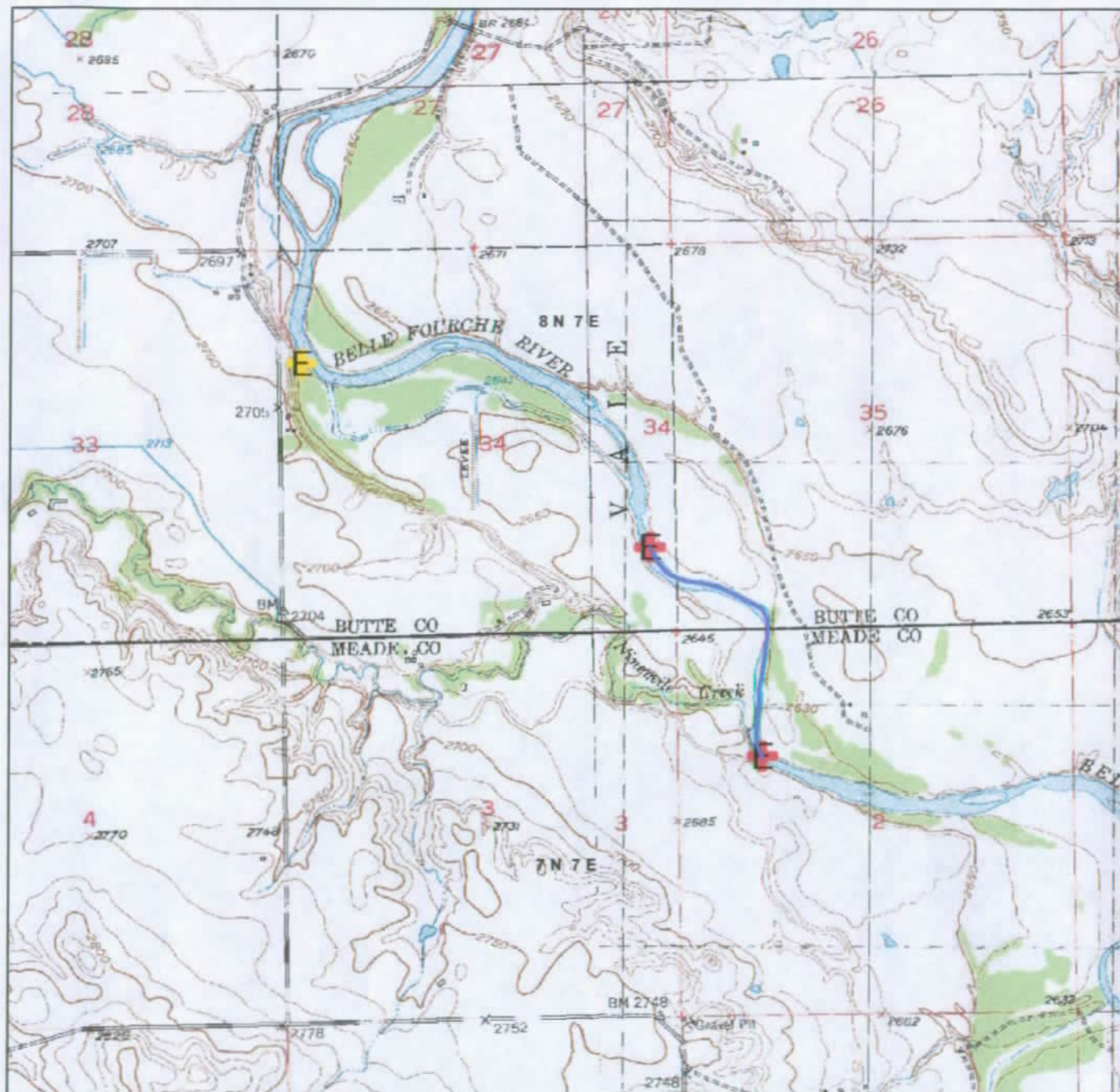
RECEIVED

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>910A-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>910A-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	300 00

No.

04534

By *Leland E. Hulse*
Chief Engineer

RECEIVED

APR 16 2010

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

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 #910-1**

To Whom It May Concern:

Attached please find an Application Amendment to Permit #910-1. The permit seeks to change the diversion points for existing Permits #1821-1, #1122-1 and #1889-1 so that those permits diversion points will be located at existing Permit #910-1's point of diversion.

As my client has gone through a comprehensive retooling of his farm and irrigation program after acquisition of the property, a central pump location with improved equipment was warranted.

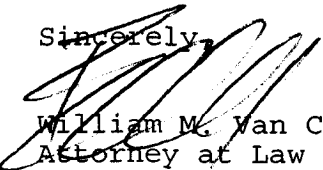
This application also seeks to request that all permits referenced herein, specifically Permits #910-1, #1821-1, #1122-1 and #1889-1, have a uniform annual period henceforth of May 1 through October 15.

Attached hereto you will find a Water Right Location Map signed by an NRCS official referencing the #910-1 point of diversion location.

A check for the permit application fee of \$300.00 was submitted along with payment for a modification of existing Permit #1852-2 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

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

JOHN S. LOVALD - Of Counsel

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

April 16, 2010

HAND DELIVERED

Eric Gronlund
Water Rights Program
DENR
523 E Capitol
Pierre SD 57501

RECEIVED

APR 16 2010

WATER RIGHTS
PROGRAM

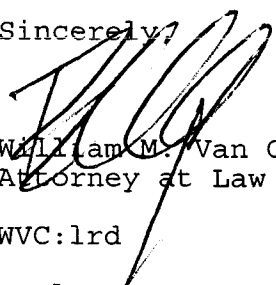
Re: Water Permits

Dear Sir:

Attached please find three cover letters and three separate applications for NW Ranches, LLC. These are as we have discussed with the information that my client and I have compiled. Also attached is a check for \$2,050.00 which should cover all three of the applications.

Please let me know what the next step is and if you need any information or additions to the materials that are submitted herewith.

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
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 910A-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. 910A-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. 910A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest.

Water Permit No. 910A-1 authorizes a change of diversion point such that Water Right Nos. 910-1 and 1122-1 & Water permit Nos. 1821-1 and 1889-1 will utilize the same pump station and unifies the annual period of use to May 1 – October 15. The priority dates for each water right will be retained and the conditions assigned to each water right are still applicable in addition to 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 order issued by the Chief Engineer.
3. 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. 910A-1
NW Ranches, LLC
May 27, 2010

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 additional 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 point locations so these four permits divert from the same location through the same pumping equipment. The proposed Belle Fourche River diversion will be located between a point in the SE¼ SE¼ Section 34, T8N-R7E and the SW¼ NW¼ Section 2, T7N-R7E. The applicant is also requesting a uniform annual period of use for the four permits of May 1 to October 15.

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 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.

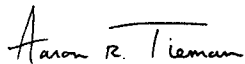
Review of the Project and Existing Water Rights

Downstream of this project to the confluence of the Belle Fourche and Cheyenne Rivers there are 29 existing water rights appropriating 93.73 cfs. Additionally, this application proposes to consolidate existing diversion points into one diversion point without increasing the amount of water. Therefore, approval of this request would not be expected to adversely affect existing downstream water rights.

If this application is approved, the diversion point for Water Right No. 1122-1 would be moved approximately 2 miles downstream, the diversion point authorized by Water Permit No. 1889-1 would be moved approximately 1 mile downstream and the diversion point authorized by Water Permit No. 1821-1 would be moved approximately ½ mile upstream. Since the new proposed location of the diversion point is within 2 miles of the existing diversion points any existing water rights/permits in this stretch of the Belle Fourche River should not experience any adverse effects.

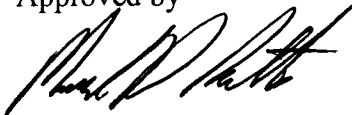
Conclusions

1. Water Permit Application No. 910A-1 proposes to consolidate existing diversion points (910-1, 1122-1, 1821-1 and 1889-1) into one diversion point without increasing the amount of water.
2. The applicant is also requesting a uniform annual period of use for the four rights/permits of May 1 to October 15.
3. 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>

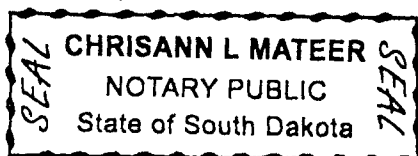
that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ —0—, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be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

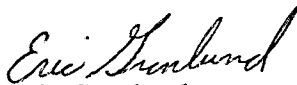
NW Ranches LLC
c/o William Van Camp
PO Box 66
Pierre SD 57501

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,

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

enclosures

Permit Nos. 910A-1, 1821-1 & 1889-1**Upper Cheyenne River** - Water District**Report of Examination of Works and/or Application of Water to Beneficial Use**

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

I have on this day, **April 21, 2016**, made a thorough examination of the water use system constructed by **NW Ranches, % William VanCamp, PO Box 66, Pierre, SD 57501** holder of **Permit No. 910A-1**, bearing the priority dates of **September 1, 1970 (Water Right No. 910-1), November 2, 1976 (Water Right No. 1122-1), April 30, 2004 (Water Permit No. 1821-1) September 21, 2007 (Water Permit No. 1889-1)**, authorizes changing the location of the Belle Fourche diversion points for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1 and also authorizes a uniform annual period of use for the four permit of May 1 to October 15; used for **irrigation purposes**, in **Butte County**.

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 additional 57.37 acres utilizing the diversion point and diversion authority authorized by Water Right No. 1122-1. The permit holder is authorized to change the current diversion point locations so these four permits divert from the same pump station. The permit holder is also authorized to change the annual period of use of these permits in order to have a uniform period of use of May 1 to October 15.

Inspection contact and relationship to
permit holder, if applicable:

Neal Wanless,
Owner

A. Works used to divert the water:

Three (3) US Electric pump/motor systems capable of pumping 3550 gallons per minute.

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

Distribution lines to five (5) center pivots in addition to sprinkler system.

The system is in the following condition **good**.

The point of diversion is located **200 feet N and 1320 feet E from the SW corner of Section 35, T8N-R7E (SW¼SW¼), Lat/Lon N44.605021/W-103.241063.** The works are capable of diverting **7.88 cfs** which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows:

Section 26, T8N-R7E
SW¼ SW¼ - 21.0 acres

Section 34, T8N-R7E
NW¼ NE¼ - 27.0 acres
NE¼ NE¼ - 40.0 acres
SW¼ NE¼ - 8.0 acres
SE¼ NE¼ - 20.0 acres

Section 2, T7N-R7E
NW¼ NW¼ - 5.0 acres
NE¼ NW¼ - 39.0 acres
NE¼ NE¼ - 40.0 acres
SE¼ NE¼ - 20.0 acres

Section 35, T8N-R7E
NW¼ NW¼ - 40.0 acres
NE¼ NW¼ - 29.0 acres
SW¼ NW¼ - 35.0 acres
SE¼ NW¼ - 40.0 acres
NW¼ NE¼ - 29.77 acres
NE¼ NE¼ - 22.46 acres
SW¼ NE¼ - 38.0 acres
SE¼ NE¼ - 21.14 acres
NE¼ SW¼ - 13.0 acres
SE¼ SW¼ - 39.0 acres
NW¼ SE¼ - 5.0 acres
SW¼ SE¼ - 40.0 acres
SE¼ SE¼ - 34.0 acres

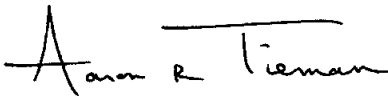
Comprising a total of 606.37 acres of land and the license should be issued for 7.88 cfs.

All structures, wells and lands on map Y

Exceptions to compliance are: none.

Comments: Water Permit No. 1889-1 does not increase the amount of water appropriated by Water Right No. 1122-1. The permit holder has requested these changes to utilize acreage more suitable for irrigation.

Upon licensing of these permits, applicable portions of Water Right No. 910-1, Water Permit No. 910A-1, Water Right No. 1122-1, & Water Permit No. 1821-1 should be incorporated into Permit No. 1889-1 for a total appropriation of 7.88 cfs from the Belle Fourche River for irrigation of 606.37 acres.



Aaron Tieman
Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: June 30, 2016

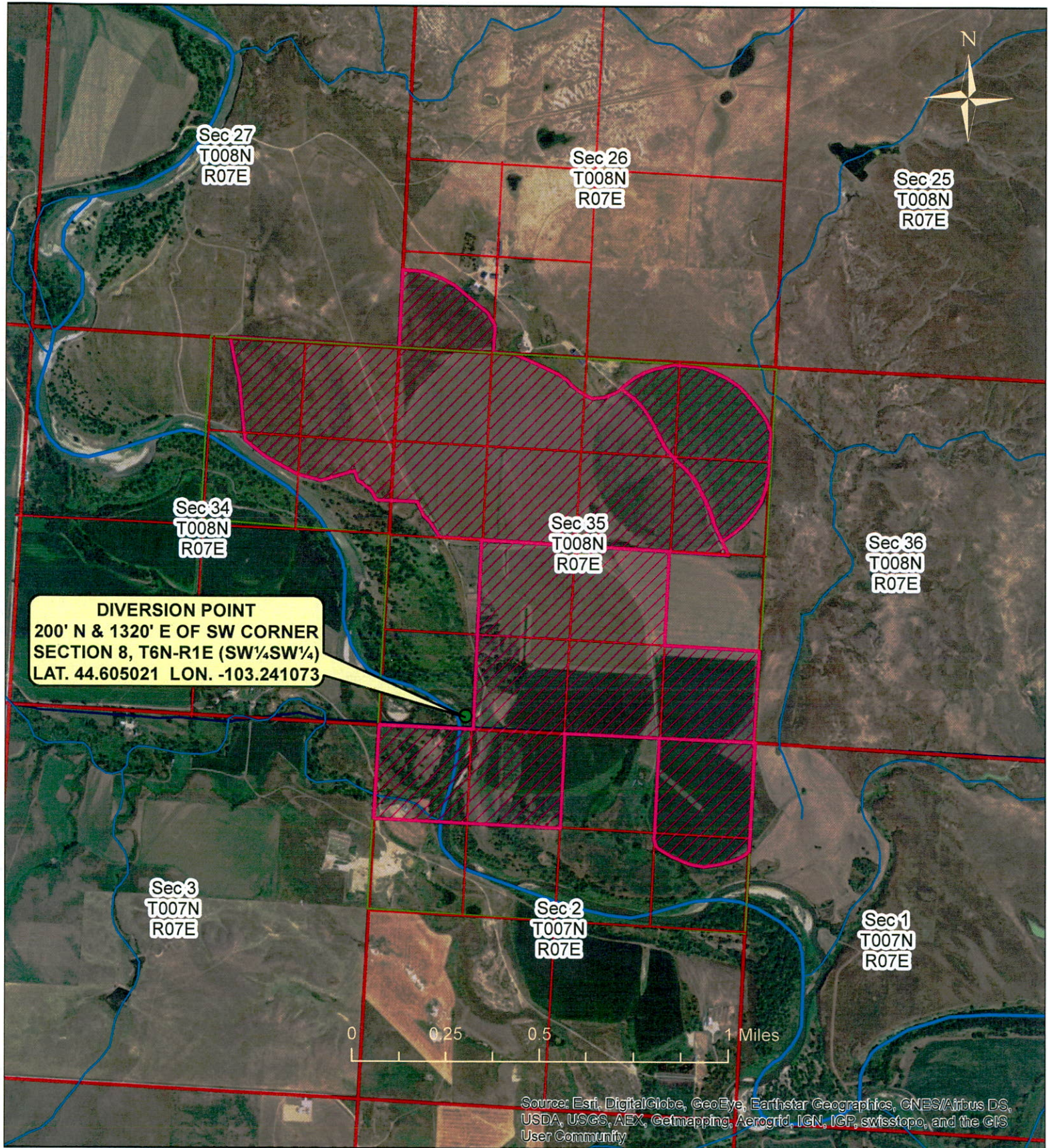
Note: With regard to the last paragraph in Aaron's report – the permits/rights will all be incorporated into No. 910A-1 based on the following Water Management Board Rule:

74:02:01:16.01. Combining permits into one license.

When inspecting systems that are covered by more than one permit or right, the applicable portions of all permits or rights and priority dates may be incorporated into one water license under the number of the latest permit issued.

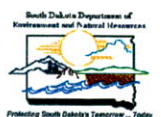
In the case of permits/rights pertaining to this water use system – the last permit issued was 910A-1.
Genny McMath

WATER PERMIT NOS. 910A-1, 1821-1 & 1889-1
JUNE 30, 2016

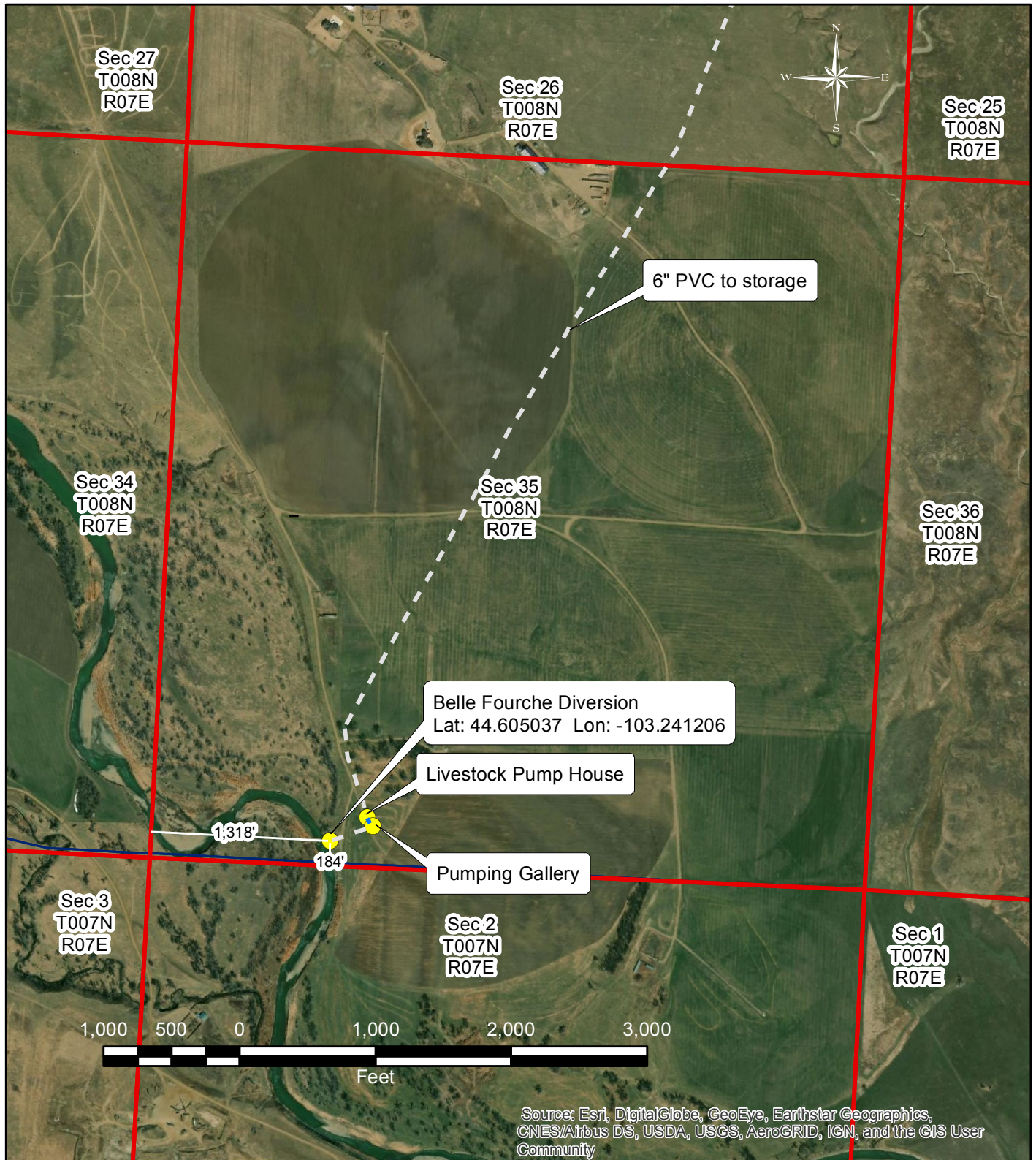


Aaron R Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



Water Right #1914-1
NW Ranches LLC
6/19/2019



Steven Quissell
Water Rights Inspector
DENR Water Rights Program





910A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 13 2017

910A-1

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

Dear Mr. Van Camp:

Enclosed is Water License No. 910A-1. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

As long as the water is used beneficially, as stated in the Water License, State Water Laws provide 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/Right Nos. 910-1, 1122-1, 1821-1 and 1889-1 were incorporated into No. 910A-1.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 910A-1**

(1) NW Ranches LLC, % Bill Van Camp, PO Box 66, Pierre SD 57501 made Application No. 910A-1, April 16, 2010 for a water permit to change the location of the Belle Fourche River diversion points for Water Right/Permit Nos. 910-1, 1122-1, 1821-1 and 1889-1. The change in location of the existing diversion point locations allows all the acreage to be irrigated from the same pump station. No. 910A-1 authorized a uniform annual period of use for all four permits of May 1 to October 15 each calendar year.

The water permits and rights associated with the water use system are as follows:

- **Water Right No. 910-1**, with a priority date of September 1, 1970 authorizes diversion of 2.5 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 175 acres;
- **Water Right No. 1122-1**, with a priority date of November 2, 1976 authorizes diversion of 4.49 cfs from the Belle Fourche River to irrigate 314 acres;
- **Water Permit No. 1821-1**, with a priority date of April 30, 2004 authorizes diversion of 0.89 cfs from the Belle Fourche River to irrigate 60 acres;
- **Water Permit No. 1889-1**, with a priority date of September 21, 2007 authorized irrigation of 57.37 acres with no increase in the diversion rate authorized under Water Right No. 1122-1;
- **Water Permit No. 910A-1**, changed the location of the diversion points authorized under the above water permits/rights from the Belle Fourche River to a common point. Existing priority dates as established under Nos. 910-1, 1122-1, 1821-1 and 1889-1 were retained.

The applicable portions of Water Right No. 910-1, Water Right No. 1122-1, Water Permit No. 1821-1 and Water Permit No. 1889-1 are incorporated into this Water License No. 910A-1. The priority dates for specific diversion rates and acreage irrigated and described below.

(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 7.88 cubic feet of water per second for beneficial use. The location of the diversion point is: 200' N and 1,320' E of the SW corner of Section 35, T8N-R7E (SW¼SW¼), Lat/Lon N44.605021/W-103.241063.

(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 26	SW ¼ SW ¼	21.00 acres	November 2, 1976 priority date
T8N, R7E Section 34	NW ¼ NE ¼	27.00 acres	November 2, 1976 priority date
	NE ¼ NE ¼	40.00 acres	November 2, 1976 priority date
	SW ¼ NE ¼	8.00 acres	November 2, 1976 priority date
	SE ¼ NE ¼	20.00 acres	November 2, 1976 priority date
T8N, R7E Section 35	NW ¼ NW ¼	40.00 acres	November 2, 1976 priority date
	NE ¼ NW ¼	29.00 acres	November 2, 1976 priority date
	SW ¼ NW ¼	35.00 acres	November 2, 1976 priority date
	SE ¼ NW ¼	40.00 acres	November 2, 1976 priority date
	NW ¼ NE ¼	29.77 acres	11 acres - November 2, 1976 priority date 18.77 acres- Sept. 21, 2007 priority date
	NE ¼ NE ¼	22.46 acres	September 21, 2007 priority date
	SW ¼ NE ¼	38.00 acres	November 2, 1976 priority date
	SE ¼ NE ¼	21.14 acres	5 acres - November 2, 1976 priority date 16.14 acres – Sept. 21, 2007 priority date

Water License No. 910A-1**Page 2**

T8N, R7E Section 35	NE ¼ SW ¼	13.00 acres	September 1, 1970 priority date
	SE ¼ SW ¼	39.00 acres	September 1, 1970 priority date
	NW ¼ SE ¼	5.00 acres	September 1, 1970 priority date
	SW ¼ SE ¼	40.00 acres	September 1, 1970 priority date
	SE ¼ SE ¼	34.00 acres	September 1, 1970 priority date
T7N, R7E Section 2	NW ¼ NW ¼	5.00 acres	September 1, 1970 priority date
	NE ¼ NW ¼	39.00 acres	September 1, 1970 priority date
	NE ¼ NE ¼	40.00 acres	April 30, 2004 priority date
	SE ¼ NE ¼	20.00 acres	April 30, 2004 priority date
	Total	606.37 acres	

Priority dates: September 1, 1970 established under Water Right No. 910-1
November 2, 1976 established under Water Right No. 1122-1
April 30, 2004 established under Water Permit No. 1821-1
September 21, 2007 established under Water Permit No. 1889-1

(4) Pursuant to South Dakota Water Law 46-5-30.1 NW Ranches LLC, % Bill Van Camp, PO Box 66, Pierre SD 57501 the holder and/or owner of Incorporated Water Right No. 910A-1 is issued a license to appropriate water, the right to use 7.88 cubic feet of water per second from the Belle Fourche River with priority dates of September 1, 1970 (2.5 cfs), November 2, 1976 (4.49 cfs), April 30, 2004 (0.89 cfs) and September 21, 2007 (acreage only) from the location specified in (2) of this license for irrigation purposes with an annual period of use from May 1 to October 15 each calendar year.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 910A-1 and subject to the following qualifications:

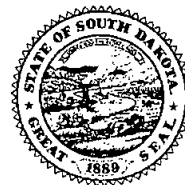
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Diversion under this Water Right shall be in accordance with any written orders issued by the Chief Engineer.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

OCT 13 2017

date



910A-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.

910A-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

910A-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

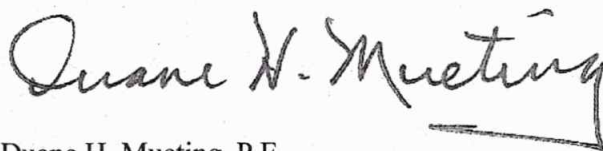
RE: Notice of Transfer of Ownership
Water Right #'s: 910A-1 / 1913-1 / 1924-1 / 1914-1

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

910A-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>910A-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# 550337

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No.: 910A-1

Date: December 15, 2022

I/We request that Water Right No. 910A-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 Section 35, Township 8 North, Range 7 East of Butte County, South Dakota.

Land irrigated: Sections 26, 34 and 35, Township 8 North, Range 7 East in Butte County, South Dakota AND Section 2, Township 7 North, Range 7 East in Meade County, South Dakota.

Permits incorporated into 910A-1 and their priority dates as follows:

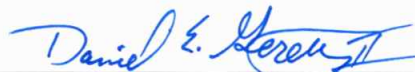
910-1 — September 1, 1970	1122-1 — November 2, 1976
1821-1 — April 30, 2004	1889-1 — September 21, 2007

I/We understand that the validity of Water Right No. 910A-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.

9/10A-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



**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 Muetting 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 Muetting, Muetting Engineering