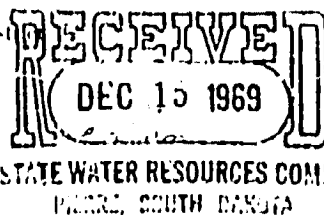


1011-2

1. Considered MARCH 18, 1970
2. Name of Applicant JIM BIERLE
3. Post Office Address MIDLAND
4. Amount of water claimed 3.5
5. Source of water supply BAD RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 247
7. Water to be diverted and used in HARRISON county
about 3 E miles of MIDLAND
8. Proof of Publication
Received 3-9-70
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1011-2Map No. 877-2 Water Division No. 2 BAD RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Jim Bierle
Postoffice address Midland, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract employment of others, or by direct labor) Contract and Direct Labor
3. Name of diversion work Hadsen-Bierle Irrigation Project "No 2"
4. Amount of water claimed (cubic feet per second) 3.5 C.F.S.
5. Source of water supply Bad River
6. Location of point of diversion Any where between Points A and B in Sect 3 and C and D in Sect 35, 36, 1 and 2 on either side of the Bad River adjacent to ownership boundaries County Haakon
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 247

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4, 3-1N, 25E</u>	<u>23</u>	<u>SE 1/4, 15-2N-25E</u>	<u>17</u>
<u>NE 1/4, 3-1N, 25E</u>	<u>67</u>	<u>SW 1/4, 36-2N-25E</u>	<u>60</u>
<u>E 1/4, 2-1N-25E</u>	<u>30</u>	<u>SE 1/4, 36-2N-25E</u>	<u>27</u>
<u>W 1/4, 1-1N-25E</u>	<u>23</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to appropriate Water published in Pioneer Review
Philip S. Dak. 57567
12. Principal Features of the Proposed Water Supply System
- A. Works proposed to divert water from its natural source.
- B. Works proposed to transport water to place of use.
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

County of HaakonI, Jim Bierle, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Subscribed and sworn to before me this 12 day of December, 1969Signed James J. Bierle

Notary Public (or other qualified officer)

MYRNA ABEL, Notary Public
Haakon County, South Dakota
My Commission Expires 8-2-71

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1011-2
POB JIM BIERLE MIDLAND
 (Applicant) (Post Office Address)

1011 SOUTH DAKOTA 57552 With the following modification:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

Date of filing receipt of application DECEMBER 15 19 69
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved MARCH 18 19 70 Recorded in Book 11 Page 81

WATER RIGHT PERMIT NO. 1011-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1011-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 15 19 69
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18 19 72
3. The whole of said work is to be completed on or before MARCH 18 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 76
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 18 19 76; said water to be used during the following described annual period: APRIL 1 TO OCTOBER

Witness my hand this 20TH day of MARCH 19 70.

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued August 29 19 74

Water License Issued August 29 19 74

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1011-2

(1) WHEREAS, On the 13th day of February 69
15th day of December A. D. 19 69
Jim Bierle

made Water Right Application No. 984-2 for a permit to use 2.0
1011-2 3.5 cubic feet per second of the waters
of the Bad River and a dry draw

County of Beakon, State of South Dakota, for irrigation

(2) WHEREAS, On the 27th day of March 69
20th day of March A. D. 19 70
Permit No. 984-2 with a date of priority of February 13, 1969
1011-2 December 15, 1969

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 26th day of March A. D. 19 74
18th day of March 75 and for the
application to beneficial use of said water on or before the 26th day of March A. D. 19 78
18th day of March 78

and Whereas, the applicable portions of Permit No. 984-2 are being incorporated into Water
License No. 1011-2, and Permit No. 984-2 is being placed in a cancelled status.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 4.1 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
for irrigating the following land:

February 13, 1969 Priority		December 15, 1969 Priority	
Section 1, T1N, R25E	Acres	Section 36, T2N, R25E	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.0	NW $\frac{1}{4}$ SE $\frac{1}{4}$	21.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	Section 35, T2N, R25E	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.5	SE $\frac{1}{4}$ SE $\frac{1}{4}$	18.0
Total	143.5	Section 2, T1N, R25E	
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.0
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.5
		Section 1, T1N, R25E	
		NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
		Total	134.5 Acres

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

_____ of Midland

the holder _____ and owner _____ of said permit No. 1011-2 a water right, dating from February 13, 1969
and December 15, 1969 to use of 4.01 cubic feet per second of the waters
of the Bad River and a dry draw

in the County of Haakon and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____

between a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, and a point 80 rods West of the E $\frac{1}{4}$
Corner, Section 36, T2N, R25E

and conduct to and upon portions of Sections 1 and 2, T1N, R25E and Sections 35 and 36,
T2N, R25E, described more fully on the face of th's License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1011-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of August A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Form 15.

Permit No. 1011-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jim Bierle

984-2 984-2 the holder of
Permit No. 1011-2, issued upon Application No. 1011-2, bearing date of priority of February 13, 1969
December 15, 1969 authorizing the diversion of 2.00
3.50 cu. ft. per second of the waters of Bad
River and Dry Draw County of Haskell, State of South Dakota,
between a point in the SW 1/4 Sec. 35, and a point 80 rods West of the E 1/4
Corner, Section 36, T2N, R25E
 , for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.01 cu. ft. per second of water.

Date August 29, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

Form G - Notice of Intent to Appropriate Water

1011-2

Publish first publication, on or before February 19, 1970.

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 16, 1970

Notice is hereby given that Jim Bierle

whose post office address is Midland, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

3.5 cubic feet of water per second of time from the St. Mary River through the Madsen-Bierle Irrigation Project #2, the point of diversion of which is to be located in the

between points in the SW 1/4 NW 1/4, Section 3, T1N, R25E, and in the SW 1/4 SE 1/4, Section 36, T2N, R25E

~~of Section 36, T2N, R25E, and in the SW 1/4 SE 1/4, Section 36, T2N, R25E~~ Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 Section 3; E 1/2 Section 2; W 1/2 Section 1, all in T1N, R25E; SE 1/4, Section 35, S 1/2 Section 36, T2N, R25E

This application No. 1011-2 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 1970, at 2:00 P.M. All interested persons may appear and be heard.

cc: Jim Bierle, Midland, S.D.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

Les Ravellette

_____, of said County and State, being duly sworn, on oath says: THE PIONEER-REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PIONEER-REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Publisher _____ of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice Intent to Appropriate Water _____, a printed copy of which is hereto attached, was printed and published in said newspaper for _____ successive issues, the first publication being on the 22 day of January, 1970 and the last publication on the 12 day of February, 1970; that \$11.58 being the full amount of the fee for publication of the annexed notice inure solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Les Ravellette

Subscribed and swore to before me this 2 day of March, 1970.

Walter L. Taylor
Notary Public, Haakon County

No. 1011-2

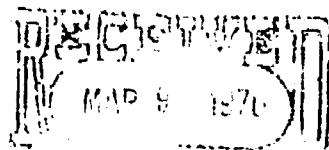
NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
January 16, 1970

Notice is hereby given that Jim Bierle whose post office address is Midland, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.5 cubic feet of water per second of time from the Bad River through the Madsen-Bierle Irrigation Project #2, the point of diversion of which is to be located between points in the SE1/4 NW1/4, Section 3, T1N, R25E, and in the NW1/4 SE1/4, Section 36, T2N, R25E. Said water to be used for the purpose of providing irrigation on portions of the following described land: N1/2 Section 3; E1/2 Section 2; W1/2 Section 1, all in T1N, R25E; SE1/4 Section 36, S1/2 Section 36, T2N, R25E.

This application No. 1011-2 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 1970, at 2:00 P.M. All interested persons may appear and be heard.

Water Resources Commission
By: Burton E. Jones
Water Rights Specialist
(Pub. Jan. 23, 29, Feb. 5 & 12)



SEAL OF THE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 1011-2Water Division 2 151 River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Harvey H. Hildebrandof Jim Bierle of Millbrook, S.D. holderof Permit No. 984-2, bearing date of priority of February 15, 1969, 1969authorizing the diversion of 2100 cu. ft. per second of the waters of Bad River & Crows for irrigation purposes, in Hot Spring County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Berkley (centrifugal pump) Sec 62105
8" x 4" (1500 GPM) followed by 4-cyl. Diesel
Diesel Motor 52 HP Model 70122

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

150' 8" T+L aluminum pipe with fittings

C. Works used to apply water to beneficial use.

1650' T+L 8" Galval aluminum Pipe
header type around some 2" gates 90" gates
dykes

The system is in the following condition: Good

The point of diversion is located Between point in SW 1/4 Sec 35 TAN R25E
and point 80 Rods West of Sec 35 TAN R25E on
both banks of Bad River

The works are capable of diverting and conveying to the place of use

cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: 151 River Priority

<u>N 1/2 NE 1/4 Sec 1 TIN R25E</u>	<u>20.0 acres</u>	<u>NE 1/2 SW 1/4 Sec 26 TAN R25E</u>	<u>21.0 acres</u>
<u>SW 1/4 NE 1/4 Sec 1 TIN R25E</u>	<u>20.0 acres</u>	<u>SE 1/4 SW 1/4 Sec 26 TAN R25E</u>	<u>12.0 acres</u>
<u>NE 1/4 NW 1/4 Sec 1</u>	<u>30.0 acres</u>	<u>SW 1/4 SW 1/4 Sec 26 TAN R25E</u>	<u>19.0 acres</u>
<u>NW 1/4 NW 1/4 Sec 1</u>	<u>40.0 acres</u>	<u>SE 1/4 SW 1/4 Sec 25 TAN R25E</u>	<u>18.0 acres</u>
<u>SW 1/4 NW 1/4 Sec 1</u>	<u>31.5 acres</u>	<u>NE 1/4 NE 1/4 Sec 2 TIN R25E</u>	<u>25.0 acres</u>
	<u>123.5 acres total</u>	<u>NE 1/4 NW 1/4 Sec 1 TIN R25E</u>	<u>10.0 acres</u>
		<u>SW 1/4 NW 1/4 Sec 2</u>	<u>14.5 acres</u>
			<u>134.5 acres total</u>

Note: Lands include parcel
Recorded 9042 6000. All land included in
in Permit 1011-2

Date

2-11-70

(Signature)

7217

1011-2

August 30, 1974

Mr. Jim Bierle
Midland
South Dakota 57552

Dear Mr. Bierle:

Enclosed herewith are, Water license No. 1011-2, Certificate of Construction, and Receipt No. 4 2660, in the amount of \$12.00 for the fee which you have paid.

Water license No. 1011-2 is the final water right document completing your process of obtaining a water right.

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

Sincerely,

DONALD DRISCOLL, Chief Engineer
WATER RIGHTS COMMISSION

DD/BFJ/bw

P.S. As was previously indicated the pertinent portions of Permit No. 984-2 have been included in Water license No. 1011-2 and therefore Water Permit No. 984-2 will be placed in a cancelled status.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2005

1011-2
RECEIVED
NOV - 2 2005
WATER RIGHTS
PROGRAM

JIM BIERLE
25121 CAPA RD
MIDLAND SD 57552

NOTICE TO SUBMIT THE 2005 IRRIGATION QUESTIONNAIRE

Please complete and return the enclosed 2005 irrigation questionnaire form(s) by **December 2, 2005**. **Returning the irrigation questionnaire(s) is required whether or not you irrigated this year.**

Some items to be aware of when completing the enclosed form(s):

- Completion of the form(s) does NOT protect a water right from being subject to cancellation for periods of nonuse greater than three years unless legal excuse exists (legal excuse includes unavailability of water to satisfy a permit, excessive precipitation causing flooding, or participation in a federal set aside program such as the Conservation Reserve Program.)
- A water right or permit is subject to suspension or cancellation if the irrigation questionnaire(s) is not returned.
- If you have multiple permits, do not combine the permits onto a single questionnaire form if the water sources are not the same for each permit. The water source for each permit is shown in No. 5 on your questionnaire.

If you have questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352 or by email at genny.mcmath@state.sd.us. Additional copies of the questionnaire can also be downloaded by following the "Permitting/forms" link at "<http://www.state.sd.us/denr/wr>."

For the Water Management Board

Garland Erbele, Chief Engineer
Water Rights Program

*Garland I would
really like to answer Garland Erbele
& you to some of
these questions but we haven't had rain on this
enclosure since the end of May '05*

3 easy options to return your irrigation questionnaire(s)	1. Mail,	2. Fax, or	3. Online
	Use the enclosed postage paid return envelope	Fax the completed form(s) to 605 773-4068	Follow "Permitting/forms" link at www.state.sd.us/denr/wr
For assistance completing your form(s), contact Genny McMath at 605 773-3352 or by email: genny.mcmath@state.sd.us			
Note: Examples of how to complete questionnaires are available on the reverse side of this page.			

*Have a good Fall !!
Jim*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2015

1011-2

Kory M Bierle
Madsen Ranch Cattle Co LLC
25135 Capa Rd
Midland SD 57552

Dear Ms. Bierle:

I am writing in follow-up to our email communication concerning ownership of Water Right No. 1011-2. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1011-2

Date: _____

RECEIVED

NOV 23 2015

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 1011-2

formerly owned by: Jim Bierle

be transferred to: (name & address) Madsen Ranch Cattle Co LLC, Kory M Bierle, Registered Agent
25135 Capa Rd, Midland SD 57552

Telephone No. (605)-843-2275

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

134.5 acres: W ½ NE ¼ & NW ¼ Section 1, E ½ NE ¼ Section 2, NE ¼ NW ¼ Section 3, T1N, R25E;

NW ¼ SE ¼, E ½ SW ¼, SW ¼ SW ¼ Section 36; SE ¼ SE ¼ Section 35 all in T2N, R25E

I/We understand that the validity of Water Right No. 1011-2 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 Madsen Ranch Cattle Co LLC, the new owner, certify that the above information is true and correct.

by Kory M Bierle Reg. Agent
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/23, 20 15

RECEIVED OF Madsen Ranch Cattle Co LLC 25135 Capa Rd Midland SD 57552

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1011-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07530

By

Jessie Hochman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 2015

1011-2

Kory M Bierle
Madsen Ranch Cattle Co LLC
25135 Capa Rd
Midland SD 57552

Dear Ms. Bierle:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 1011-2.

The ownership change has been completed. Water Right No. 1011-2 formerly listed in the name of Jim Bierle is now listed in the name of Madsen Ranch Cattle Co LLC with you as the registered agent.

Enclosed for your records is Receipt No. 07530 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: MADSEN RANCH CATTLE CO LLC, KORY BIERLE, 25135 CAPA RD, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 1011-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1011-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CGSIZC**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

1011-2

Madsen Ranch Cattle Co LLC
c/o Kory Bierle
25135 Capa Rd
Midland SD 57552

Dear Mr. Bierle:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1011-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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