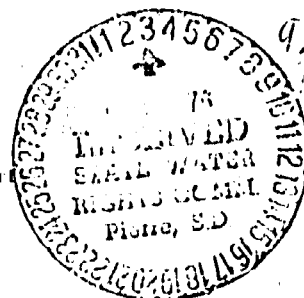


1389-2

1. Considered MAY 20, 1976
2. Name of Applicant WILL J. JONAS
3. Post Office Address O'NEILL, NEB.
4. Amount of water claimed 1.80
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 128
7. Water to be diverted and used in GREGORY county
about 9.5 miles of LAKE ANDES
8. Proof of Publication Received 5-19-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1389-7Map No. 1176-2 Water Division No. 2 WHITE RIVER District _____
(Blanks to be filled by the Engineer or 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 Will J. Jonas
 Postoffice address O'Neil, State Nebraska
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Jonas #1
4. Amount of water claimed (cubic feet per second) 1.8 C.F.S.
5. Source of water supply Missouri River
6. Location of point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27-95-65
- County Gregory
7. Annual period or periods during which water is to be used June, July, August, September
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 128

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.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 27-95-65	50		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 27-95-65	40		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27-95-65	15		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27-95-65	23		

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 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Lake Andes Wave
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Centrifugal pump

B. Works proposed to transport water to place of use.

Buried Pipe

C. Works proposed to apply water to beneficial use.

Big GunEstimated Total Cost \$ 25,000Attachments: 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 GregoryI, Will J. Jonas, 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.Signed Will J. JonasSubscribed and sworn to before me this 30 day of April, 1976.

Notary Public (or other qualified officer)

G. S. SMITH, NOTARY PUBLIC

My Commission Expires Oct. 2, 1981

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1389-2

WILL J. JONAS
(Applicant)

O'NEILL
(Post Office Address)

NEBRASKA
(State)

With the following modifications:

Date of first receipt of application MAY 3 1976

Date of return to applicant for correction, amendments or changes required — 19—

Date of receipt of corrected application — 19—

Approved MAY 20 1976 Recorded in Book 15 Page 82

WATER RIGHT PERMIT NO. 1389-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1389-2 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 MAY 3 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 1978
3. The whole of said work is to be completed on or before MAY 20 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 1981
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 1.8 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 MAY 20 1981; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 24TH day of MAY 1976

WATER RIGHTS COMMISSION

By:

John Hlatky
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

Publish first publication, on or before May 10, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

A May 3, 1976Will J. Jones

Notice is hereby given that

whose post office address is O'Neill, Nebraska, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use1.8 cubic feet of water per second of time from the Missouri River through theJones #1, the point of diversion of which is to be located in theSW 1 NE 1of Section 27, Twp. 05N, Range 05W. Said water to be used for the purpose of providing irrigation on the following described land:S 1 NW 1, N 1 SW 1, SW 1 NE 1, NW 1 SE 1, Section 27, T95N, R65W

This application No. #1389-2 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976 at 1:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: James T. Birwin, Britow, Nebraska 68719

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1389-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Davison) ss.

I, Gerald H. Putjenter hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Daily Republic

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Mitchell

County of Davison and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 10, 1976

May 17, 1976

Gerald H. Putjenter
(Signature)

Publisher
(Title)

May 17, 1976
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
May 3, 1976

Noticer I. hereby given that WILL
J. Jones whose post office ad-
dress is O'Neill, Nebraska, has
made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.8 cubic feet of
water per second of time from
the Missouri River through the
Jonas No. 1, the point of diversion
of which is to be located in the
SW 1/4 NE 1/4 of Section 27, Twp.
33N, Range 65W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: SW
NW 1/4, NW 1/4 SW 1/4, SW 1/4 NE 1/4,
NW 1/4 SE 1/4, Section 27, Twp.
33N, Range 65W.

This application No. 1389-2 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 20th day of
May, 1976, at 1:00 P.M. All in-
terested persons may appear and
be heard.

WATER RIGHTS
COMMISSION
By: John Hatch
for BURTON F. JONES
Water Rights Specialist



WATER LICENSE NO. 1389-2.

(1) WHEREAS, On the 3rd day of May A. D. 19 76
Will J. Jonas

made Water Right Application No. 1389-2 for a permit to use 1.80 cubic feet per second of the waters
of the Missouri River
County of Gregory, State of South Dakota, for Irrigation

purpose; and
(2) WHEREAS, On the 20th day of May A. D. 19 76
Permit No. 1389-2, with a date of priority of May 3, 1976
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 20th day of May A. D. 19 81 and for the
application to beneficial use of said water on or before the 20th day of May A. D. 19 81

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 0.78 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,

to irrigate the following land all in Section 27, T95N, R65W

SW $\frac{1}{4}$ NW $\frac{1}{4}$	20 acres	(BC)
SE $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	(BD)
NW $\frac{1}{4}$ SW $\frac{1}{4}$	10 acres	(CS)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 acres	(CA)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13 acres	(AC)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	22 acres	(DB)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4 acres	(DC)
TOTAL	127 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 Will J. Jonas

of O'Neill, Nebraska 68763

the holder and owner of said permit No. 1389-2 a water right, dating from May 3, 1976 to use of 0.78 cubic feet per second of the waters

of the Missouri River

in the County of Gregory and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 630'E and 270'N of the center of Section 27, T95N, R65W (AC)

and conducted to and upon portions of Section 27, T95N, R65W more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1389-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota this 26th day of September A. D.

Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer Executive Officer JOHN HATCH

Permit No. 1389-2Water Division 2 Niobrara TRB Water District
10150001REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Will J. Jones of O'Neil, Nebraska 1287163 holder of Permit No. 1389-2, bearing date of priority of May 3, 1976 authorizing the diversion of 1.8 cu. ft. per second of the waters of Missouri River for Irrigation purposes, in Gregory 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:

John Deere 85HP engine
Berkley Centrifugal Pump
Model B3JOB
Imp. Dia. 13 1/2"

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

2200 feet of 6" Aluminum pipe

C. Works used to apply water to beneficial use.

Nelson Water Winch Traveling Gun
Serial No. CC13722
350gpm Capacity, 1320 feet of 4 1/2" hose

The system is in the following condition: Excellent

The point of diversion is located SW 1/4 NE 1/4 Sec. 27-95-65
630'E and 270'N 1/2 mile center of Section 27, T95N, R65W

The works are capable of diverting and conveying to the place of use 0.78cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: SW 1/4 NW 1/4 - 20 Ac.

SE 1/4 NW 1/4 - 35 Ac., NW 1/4 SW 1/4 - 10 Ac., NE 1/4 SW 1/4 - 23 Ac.,
SW 1/4 NE 1/4 - 13 Ac., NW 1/4 SE 1/4 - 22 Ac., SW 1/4 SE 1/4 - 4 Ac., all
in Section 27-95-65.

comprising a total of 127 acres of land.Date August 3, 1983

Tim Schaal
(Signature)

LICENSE FOR PERMIT NUMBER 1389-2

1. Legal location of wells: _____

dams & structures: Missouri River - SW 1/4 NE 1/4 27-95-65

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkley Motor a) make John Deer

b) model B3T03 b) model no. _____

c) size 13 1/2 c) horsepower rating 85

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

2300 rpm

3. Distribution lines:

a) size of lines 6"

b) type Aluminum

c) length 2200 ft.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sidroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

d) Gate Flp

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

g) Gun

- 1) make Nelson Water Winch
- 2) serial number CC13722
- 3) nozzle size _____
- 4) capacity (GPM) 350
- 5) PSI 70
- 6) hose size 4 1/2"
- 7) hose length 1320 ft.

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

X _____

X _____

X _____

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
823 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

August 18, 1983

N O T I C E

Will J Jonas
O'Neill,
Nebraska 68763

Dear Mr. Jonas:

The inspection of your water use system and inspection of the extent application of water to beneficial use, as developed under your Water Right No. 1385-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

Section 58 of House Bill 1001 as passed by the 1983 Legislature effective March 8, 1983 states that a permit holder may not divert water until this \$50.00 license fee has been paid.

Sincerely,

KAREN SCHLAACK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

WNR-814 5/83
Request for W/L fee(\$50)

RECEIPT

Division of Water Rights

No. 9331

South Dakota Department of Water and Natural Resources

Pierre, September 12, 1983

RECEIVED OF

James T. Kirwan, Bristow, NE 68719

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1382-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

JOHN HATCH (ins)

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

September 26, 1983

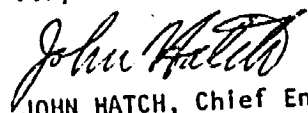
Will J. Jonas
c/o James Kirwan
RR#1, Box 24
Bristow, NW 68719

Dear Mr. Jonas:

Enclosed herewith is, Water License No. 1389-2. This 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.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WLR-817 3/83
Transmittal of Water License



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 19, 1991

1389-2

Jonas Land Corporation
PO Box 415
Gregory, SD 57533

Dear Sir:

Enclosed, as we discussed, is a "Notice of Transfer of Ownership" for filing an ownership change with Water Right No. 1389-2. The water right is currently listed in the name of Will Jonas.

Please check over the form, complete as necessary and sign in the presence of a notary. Upon completion, return the transfer form to us with a required filing fee of \$2.50.

Also enclosed are copies of Water Right Nos. 556-2 and 1389-2, and a summary of SD Water Law and Water Rights Information. I have changed the address for Water Right No. 556-2 to PO Box 415, Gregory SD. As you requested, I have taken Mr. Kirwan (listed as operator) off of the irrigation questionnaire mailing list. Future irrigation questionnaires will be mailed directly to you unless you specify otherwise.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



Jonas Land Corporation
Box 415
Gregory, South Dakota 57533
913-352-6169

Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. McMath:

Enclosed please find check for transfer of ownership of water right 1389-2.

I also believe Jonas Land Corporation owns water right 566-2. In viewing the correspondence you sent me, I am wondering if our ownership to water right 556-2 is in jeopardy or danger of suspension because of Mr. Joe Kirwans failure if any, to successfully complete the yearly irrigation questionnaire.

It is our intention to maintain both permits in good standing as we intend on irrigating agriculture crops.

Please advise if there is anything else we need to do regarding these permits. Please address all future correspondence to the above address. You may contact me by phone at 913-352-6169 if necessary.

Sincerely,

William Jones

WJ/tb

8/22/91 - I called & explained about the irrigation questionnaire process
Genny

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 9, 1934

RECEIVED OF Jonas Land Corporation, 619 Whittecar St., Box 419, Gregory, SD 57733

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____	2	50
Fee for Filing Transfer Form _____ Water Right No. 1350-2		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

No. 1385-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: July 2, 1991

I/We request that Water Right/Right No. 1389-2

formerly owned by: Will Jonas

be transferred to: (name & address) Jonas Land Corporation Box 415
Gregory, South Dakota 57533 (telephone No.) 913-352-6169

Title to the following described land(s)/property has been transferred as described above:
S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27, T95N, R65W

I/We understand that the validity of Water Right/Right No. 1389-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing required under SDCL 46-2-13.

KANSAS
STATE OF ~~SOUTH DAKOTA~~
County of LINN

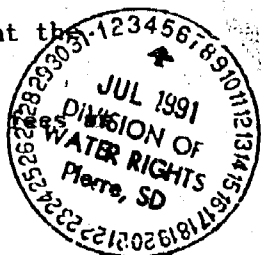
I, William Jonas being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

William Jonas
(Signed)

Subscribed and sworn to before me this 2nd day of July, 19 91.

PAUL V. MYERS
NOTARY PUBLIC
STATE OF KANSAS
My Comm. Exp. 3-23-95

Paul V. Myers
(Notary Public)



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

South Dakota

GREAT FACES. GREAT PLACES.

August 23, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

No. 1389-2

Jonas Land Corporation
Box 415
Gregory, SD 57533

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1389-2.

Our records now show you as the owner of Water Right No. 1389-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

1389-2

JONAS LAND CORPORATION
Post Office Box 415
Gregory, South Dakota 57533

December 5, 1991



Department of Environment and Natural Resources
Water Right Division
Joe Foss Building
523 East Capitol Street
Pierre, South Dakota 57501-3181

Dear Ms. McMath:

As per our telephone conversation this date please find enclosed yearly irrigation questionnaire's for Jonas Land Corporations irrigation permits # 556-2 and # 1389-2.

I sincerely appreciate your help and understanding regarding permit # 1389-2 previously filled out by our tenant Mr. James Kirwan.

I most certainly hope that I have filled the questionnaire's out correctly, if not please advise.

Sincerely,

A handwritten signature in cursive script that reads "William Jonas".

William Jonas - President

WJ/ms

Heron - Wooded

19.0

19.2

95-65

Boon

18-115
Will J. Jones

To be
Irrigated

To be Irrigated

Buried

Pipe line

POINT OF
DIVERSION

11.4

13.2

9.0

0.27

Let
Lyle M. Spence
P.O.

~~MAP NO. 1174-2~~ APRIL NO. 1389-2

NOT TO SCALE



NOT TO SCALE



1389-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2015

556-2
1389-2

William Jonas
Jonas Land Corporation
PO Box 205
Pickstown SD 57367-0205

Dear Mr. Jonas:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to PO Box 18, Pickstown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 6, 2018

556-2

1389-2

William J Jonas III
PO Box 4148
Independence MO 64051

Dear Mr. Jonas:

Enclosed are two 2018 Irrigation Questionnaires listed in the name of William Jonas returned to us by the Post Office. The envelope stated Mr. Jonas was deceased. The Gregory County Register of Deeds indicated you were his son and contact person.

Please complete the questionnaires to the best of your ability or forward them to the operator if necessary. As stated in the letter, it is important that the forms are returned to this office by December 3, 2018.

The Register of Deeds also indicated the land was for sale. Enclosed are partially completed Notice of Transfer of Ownership forms. Upon sale of the land, the transfer forms should be completed, checked over for accuracy, signed by the new owner and returned to our office with a required filing fee of \$50.00 each.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions regarding completing the irrigation questionnaires or the Notice of Transfer forms, please contact Genny McMath at 605 773-3352

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
email: karen.schlaak@state.sd.us

enclosures



1389-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2019

556-2
1389-2

William J Jonas III
PO Box 4148
Independence MO 64051

Dear Mr. Jonas:

I am writing in regard to ownership of land described in Water Right Nos. 556-2 and 1389-2. These two water rights authorize diversion of water from the Missouri River to irrigate land in portions of Sections 21, 22, 27 and 28, T95N, R65W in Gregory County, South Dakota.

Back in November we became aware the ownership needed to be changed. Transfer forms were mailed to you for filing ownership changes or to give to the new owner(s) to complete, but to date we have not received anything back from you.

In the event you do not have the original forms, enclosed are partially completed transfer forms for your use in updating the water rights. Upon completion, please sign the forms and return them to our office with a total of \$100 (\$50 for each transfer).

If the land was sold to someone else, please let us know the new owner(s) name and address and we can follow-up with them. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
DENR - Water Rights Program
605 773-3352
Email: genny.mcmath@state.sd.us

enclosures

1389-2

DAVENPORT EVANS

— LAWYERS —

DAVENPORT, EVANS, HURWITZ & SMITH, LLP

206 WEST 14TH STREET • P.O. BOX 1030 • SIOUX FALLS, SOUTH DAKOTA 57101-1030
T: (605) 336-2880 • F: (605) 335-3639 • WWW.DEHS.COM

July 24, 2020

RECEIVED

JUL 27 2020

**WATER RIGHTS
PROGRAM**

Writer's Direct Dial
(605) 357-1231

E-Mail Address
kbiord@dehs.com

Genny McMath
PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

Re: Notice of Transfer of Ownership

Dear Genny:

Enclosed is a Notice of Transfer of Ownership for Permit No. 556-2 and a Notice of Transfer of Ownership for Permit No. 1389-2. Also enclosed is our check in the amount of \$100.00 in payment of the filing fees. If you have any questions, please let us know.

Thank you.

Sincerely,



KALEN K. BIORO
For the Firm

KKB/lmd
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

RECEIVED

JUL 27 2020

Water Right/Permit No. 1389-2Date: July 20, 2020WATER RIGHTS
PROGRAMI/We request that Water Right/Permit No. 1389-2 formerly owned by:William Jonas and Jonas Land Corporation be transferred to:New Owner Name: Eagle Roost, LLCAddress: 6225 S. Pinnacle Place, Suite 201City, State, Zip Sioux Falls SD 57108 Telephone No. 605-376-6911

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

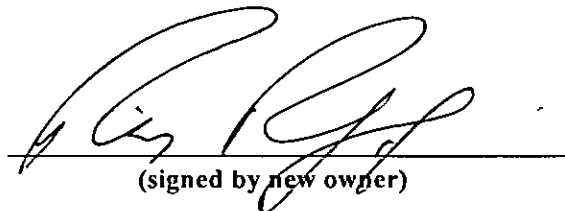
S/2NW, N/2SW, SWNE, NWSE, and SWSE of Section 27, Township 95 North, Range 65 West

☒ I understand that the validity of Water Right/Permit No. 1389-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Riley Reiff, Member of Eagle Roost, LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 27, 2020

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 S Pinnacle Place, Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf by Davenport Evans law firm.

The ownership changes have been completed. Water Right Nos. 556-2 and 1389-2 formerly held by Jonas Land Corporation are now listed under Eagle Roost LLC.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a copy of a past questionnaire for each water right to give you an idea of what type of information to keep track of during the growing season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

The receipts for the filing fees are being forwarded by copy of this letter to Kalen Biord with the law firm. If you have any questions, please let us know.

Sincerely,

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

C: Kalen K Biord, Davenport Evans Hurwitz & Smith LLP

1389-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date July 27, 2020RECEIVED OF Eagle Roost LLC PO Box 1030 Sioux Falls SD 57101-1030

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>1389-2</u>	\$50.00
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	\$50.00

By Eric Gronlund
Chief Engineer

VM

1389-2



**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: EAGLE ROOST LLC, RILEY REIFF, 6225 S PINNACLE PL, STE 201, SIOUX FALLS, SD 57108

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) 1389-2 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) 556-2 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) 556-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1389-2 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: DQSTUG**

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.

1389-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 Pinnacle Pl Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 556-2 and 1389-2. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: EAGLE ROOST LLC, RILEY REIFF, 6225 S PINNACLE PL, STE 201, SIOUX FALLS, SD 57108

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 1389-2 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) 556-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 556-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1389-2 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 8, 2023** 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: YKYHUH**

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 26, 2023

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 S Pinnacle Pl Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 556-2 and 1389-2. 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