

WATER PERMIT NO. 2321-2

Phone: 308-282-1330

Name of Applicant: Jerome or Susan Pribil

Post Office Address: RR 1, Box 102E, Gordon NE 69343

Amount of Water Claimed: 1.88 add'l Total Acres: 264 (no add'l)

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bennett

Location: 16 miles east Martin

PRIORITY Date Received: 11-15-94 Fee: \$150.00

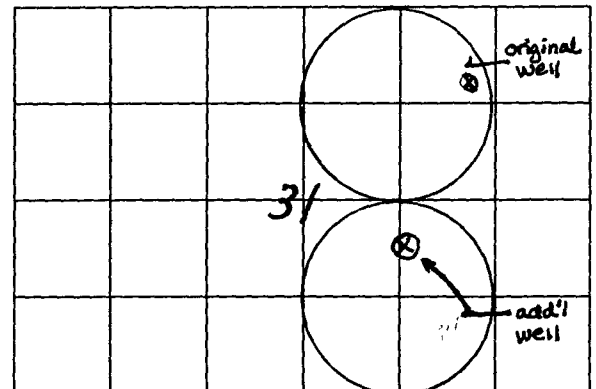
Corrected Application Received: _____ Period of Annual Use: April 1 - Oct 31

Remarks: Additional diversion point for lands covered under Water Right No. 1196-2

Diversion Point: N 1/2 SE 1/4 Sec 31-T37N-R34W

Land to be Irrigated: NE 1/4 and SE 1/4

Sec 31-T37N-R34W



Well Log: Driller: Grosch Irrigation Co. Licensed: YES X NO _____

Depth of Well: 260' REMARKS: _____

Type of Map: soils map Prepared By: Ron Duvall Reviewed and the Number

Assigned on: 11-16-94 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2321-2**

Date of first receipt of application November 15, 1994.

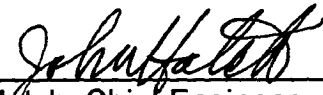
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2321-2 to Jerome or Susan Pribil, RR 1, Box 102E, Gordon NE 69343 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2321-2 appropriates 1.88 cubic feet of water per second (cfs) from one additional well to irrigate acreage authorized by Water Right No. 1196-2. Water Right No. 1196-2 appropriates 1.44 cfs from one well located in the NE 1/4 NE 1/4 Section 31 to irrigate 264 acres located in the E 1/2 Section 31; all in T37N-R34W. This permit is for one additional well 235 feet deep (Ogallala Formation) located in the N 1/2 SE 1/4 Section 31-T37N-R34W. No increase in the number of acres being irrigated is authorized by this permit.
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: April 1 - October 31.
3. The date from which applicant may claim right is November 15, 1994.
4. The date of approval of Permit No. 2321-2 is March 13, 1995.
5. One-fifth of the construction is to be completed on or before September 13, 1997.
6. All construction is to be completed on or before March 13, 2000.
7. Water is to be put to beneficial use on or before March 13, 2004.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 29 1995
date

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2321-2 Hydrologic Unit 10140203
Basin White River
Newspaper Bennett Co. Booster II, Martin
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 1196-2
(check one) (Use predates Mar 2, 1955)

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

- Name of Applicant Jerome or Susan Pribil Phone 308-282-1330
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address RR 1 Box 102E Gordon State NE 19343
(Street, RR, or Box) (City) (Zip Code) no add'l
- Amount of water claimed 1.88 ^{add'l} CFS or 850 **GPM ***AF Total Acreage 264 (1196-2)
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply 1 Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) N 1/2 SE 1/4
sec 31-T37N-R34W
- County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used April 1 -> October 31
- List below each forty acre subdivision, 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
<u>NE 1/4 NE 1/4 31-37N-34W</u>	<u>33</u>	<u>NE 1/4 SE 1/4 31-37N-34W</u>	<u>33</u>
<u>NW 1/4 NE 1/4 "</u>	<u>33</u>	<u>NW 1/4 SE 1/4 "</u>	<u>33</u>
<u>SW 1/4 NE 1/4 "</u>	<u>33</u>	<u>SW 1/4 SE 1/4 "</u>	<u>33</u>
<u>SE 1/4 NE 1/4 "</u>	<u>33</u>	<u>SE 1/4 SE 1/4 "</u>	<u>33</u>

- Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): ☐
- Crops to be irrigated: Corn Alfalfa
- Give a description of the project. (Attach sheet if more space is needed)

This application is to add one well to allow both pivots in the E 1/2 sec 31-37N-34W to be operated at the same time. The pivots are interconnected by a pipeline.

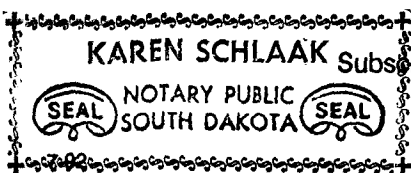
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA

County of Hughes ^{SS}

I, Jerome Pribil, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Jerome Pribil
Subscribed and sworn to before me this 22nd day of April 19 94



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

Karen Schlaak
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 235'
- b) Casing Type steel Diameter 16" Thickness .250
- c) Screen Type steel Diameter 16" Thickness .250
- d) Gravel Pack Thickness 7" Length of Gravel Pack 215'
- e) Depth to Top of Water Bearing Material 70'
- f) Depth to Water (ground surface to water level) 42'
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

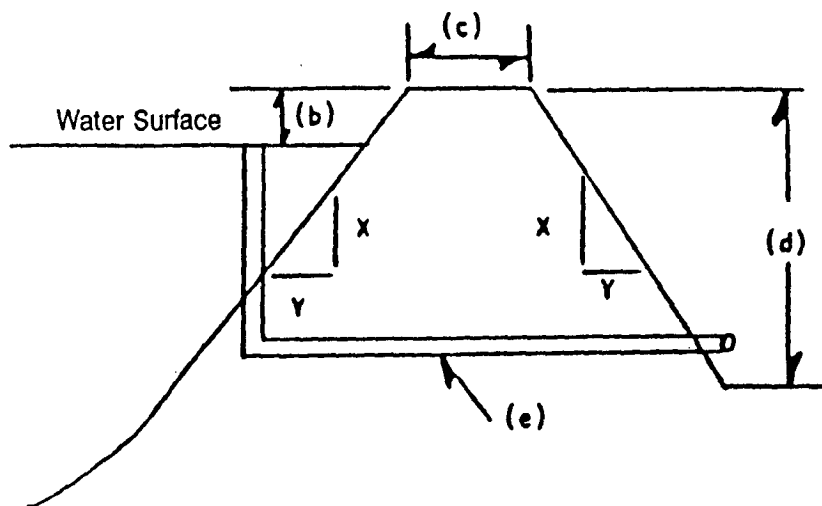
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



Alliance, Nebraska

Test #18

Date 3-10-93

Name Jerome Pribil

Address Gordon, Ne

Location NE of SE¹/₄ 31-37-34 Bennet Co. SD

N W of #12

~~Page 1 of 1~~
(locate test with "X")

_____ feet from _____ line.

_____ feet from _____ line.

[illegible]

Driller

Customer's Signature

SE 1/4 Sec. 32 W-11
SWL 49'

Discharge Pressure RPM GPM Drawdown

0	1774 2nd	1230 1180	81
20	1768	1160	80
40	1765	1050	79
60	1766	920	77

NE 1/4 Sec. 31
~~SWL 42'~~
SWL - 42'
Discharge Pressure RPM GPM Drawdown

0	1779	1220	150	Lots Sand
10	1775	1200	150	Lots Sand
20	1776	1185	150	Lots Sand
30	1774	1140	149	Little Sand
40	1775	1120	148	Little Sand
50	1768	1095	146	Little Sand
60	1770	1045	143	Trace Sand
70	1775	980	139	



RECEIPT

414148

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 22, 19 94

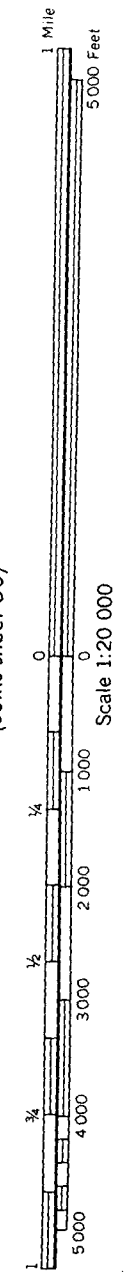
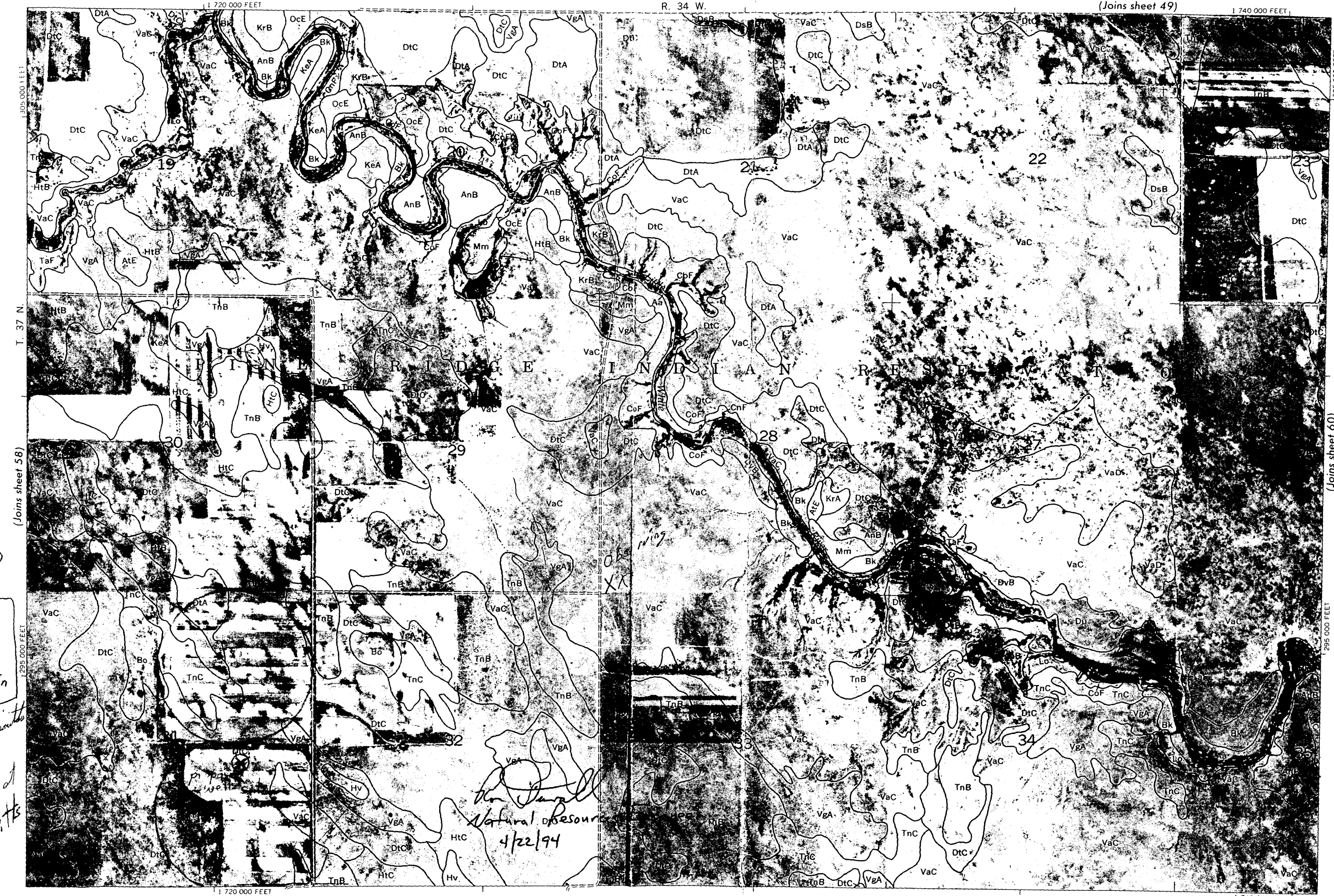
RECEIVED OF J & S Enterprises, RR 1 Box 102E, Gordon, NE 69343

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 _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer



Plane coordinate projection, 1927 North American datum.
5,000-foot grid ticks based on South Dakota coordinate system,
south zone. Mosaic compiled from 1961 aerial photographs.

(Joins sheet 69) | (70)

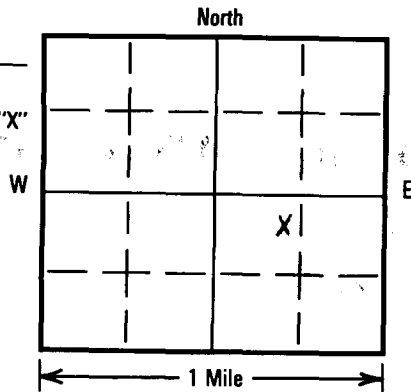
2321-2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 SE 1/4 Sec 31 Twp 37 Rg 124County Bennett

Please mark well location with an "X"

Well Completion Date 12-05-96

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? NA ft. from NA (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse circulation with air assist

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
42 LB/FT	16 IN	1 AGL	80 BGL	30 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
cement	58	15 lb./gal	0 ft.	20 ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

pumped tremie pipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 160 FEETMaterial steelSlot Size .050 Set From 80 BGL Feet to 240 BGL Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? YES, How: _____X NO, Why Not? NA

Laboratory sent to for water quality analysis _____

Well Owner: Jerome Pribil

Business Name: _____

Address: R.R. 1 Box 102EGordon, NE 69343

WELL LOG:

DEPTH

FORMATION	FROM	TO
sandy top	0	2
fine sand	2	15
fine sand & sandy clay	15	46
fine pepper sand, sandstone &		
few thin clay layers	46	88
sandstone, thin limestone layers	88	92
fine-medium pepper sand &		
little sandstone	92	130
clay, sandstone & limestone	130	140
silty sand, & few thin limestone-		
clay layers	140	158
silty sandstone, very fine sand &		
few thin limestone-clay layers	158	205
medium sharp pepper sand	205	224
fine sand, sandstone &		
limestone-clay layers	224	232
red rock	232	260

STATIC WATER LEVEL 47 1/2 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: rawhide & pumping
☐ Bailed 10 hrs
☐ Other _____

Pumping Level Below Land Surface

70 ft. After 8 Hrs. pumped 800 GPM75 ft. After 2 Hrs. pumped 1000 GPMIf pump installed, pump rate 800 GPM

REMARKS

This well was drilled under license # 189

And this report is true and accurate.

Drilling firm Gusich Irrigation Co., Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-19-96

REPORT ON WATER PERMIT APPLICATION NO. 2321-2
for Jerome or Susan Pribil
December 28, 1994

Application No. 2321-2 proposes to appropriate 1.88 cfs (850 gpm) from one additional well to irrigate acreage authorized by Water Right No. 1196-2. Water Right No. 1196-2 appropriates 1.44 cfs from one well located in the NE 1/4 NE 1/4 of section 31 to irrigate 264 acres located in the E 1/2 of section 31; all in T37N R34W. This application is for one additional well approximately 235 feet deep located in the N 1/2 SE 1/4 of section 31, T37N R34W in Bennett County. No increase in the number of acres being irrigated is authorized by this application.

AQUIFER - OGALLALA (OGLL)

The Ogallala Formation consists of fine to medium mostly quartz sand and sandstone with minor amounts of clay and carbonates which lies unconformably upon the Arikaree Formation (locally called redrock). However, at the base of the formation, in this area there can be a layer of gravel which can be 10-20 or more feet in thickness. The thickness of the Ogallala is quite variable (depending upon depth to bedrock "redrock") and according to the log submitted with the application begins at the land surface and extends to a depth of 230 feet at this site. The Ogallala is unconfined and under water table conditions at this site. Hydraulically the Ogallala and the underlying Arikaree Formations are interconnected to some extent and the Arikaree is also considered an aquifer. In Bennett County the Ogallala underlies approximately 280,960 acres and contains approximately 2.8 million acre feet of recoverable water in storage (Allen, 1984).

The Division of Water Rights monitors 22 observation wells completed into the Arikaree and 19 observation wells completed into the Ogallala Formations in Bennett County. Three wells (BT-83G, BT-83H, BT-83F) are completed into the Ogallala and are located within 1 1/2 miles of this application. Another well BT-77G completed into the Arikaree is located about 1 1/2 miles northeast of this application. Water levels for these wells show the effects of existing pumping and climatic effects. One of the wells BT-83G is located less than 1/2 mile south of this application. Hydrographs for the three Ogallala wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

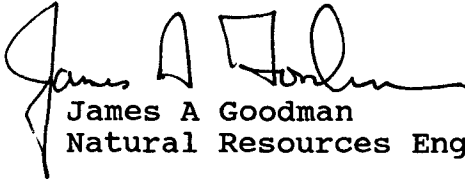
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing water permits/rights Nos. 1195-2, 1196-2, 2076-2 and 2077-2 which authorize 4 irrigation wells all located within 1 mile of this application and issued to the applicant. There is one other Water Right No. 1125-2 also for irrigation

located about 1 1/4 mile southeast of this application and issued to M. Walker. Interference is not expected to be a concern. The five existing wells in this area do not cause adverse impacts in the area. This is shown by the observation well data for the nearby monitoring wells and the addition of this point of diversion should not cause adverse effects.

CONCLUSIONS

1. Water is available from the Ogallala Formation.
2. The aquifer is unconfined and under water table conditions. Drawdown created by pumping does not cause significant drawdown in the area. Interference is not expected to be a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The land which will be irrigated by this diversion point is already covered by Water Right No. 1196-2. The purpose of this well is to allow the irrigation of two quarters (pivots) at the same time. In the past one well has been used for both of the pivots. The combination of this permit application and existing Water Right No. 1196-2 cannot exceed the statutory limit of 1 cfs per 70 acres.



James A Goodman
Natural Resources Engineer

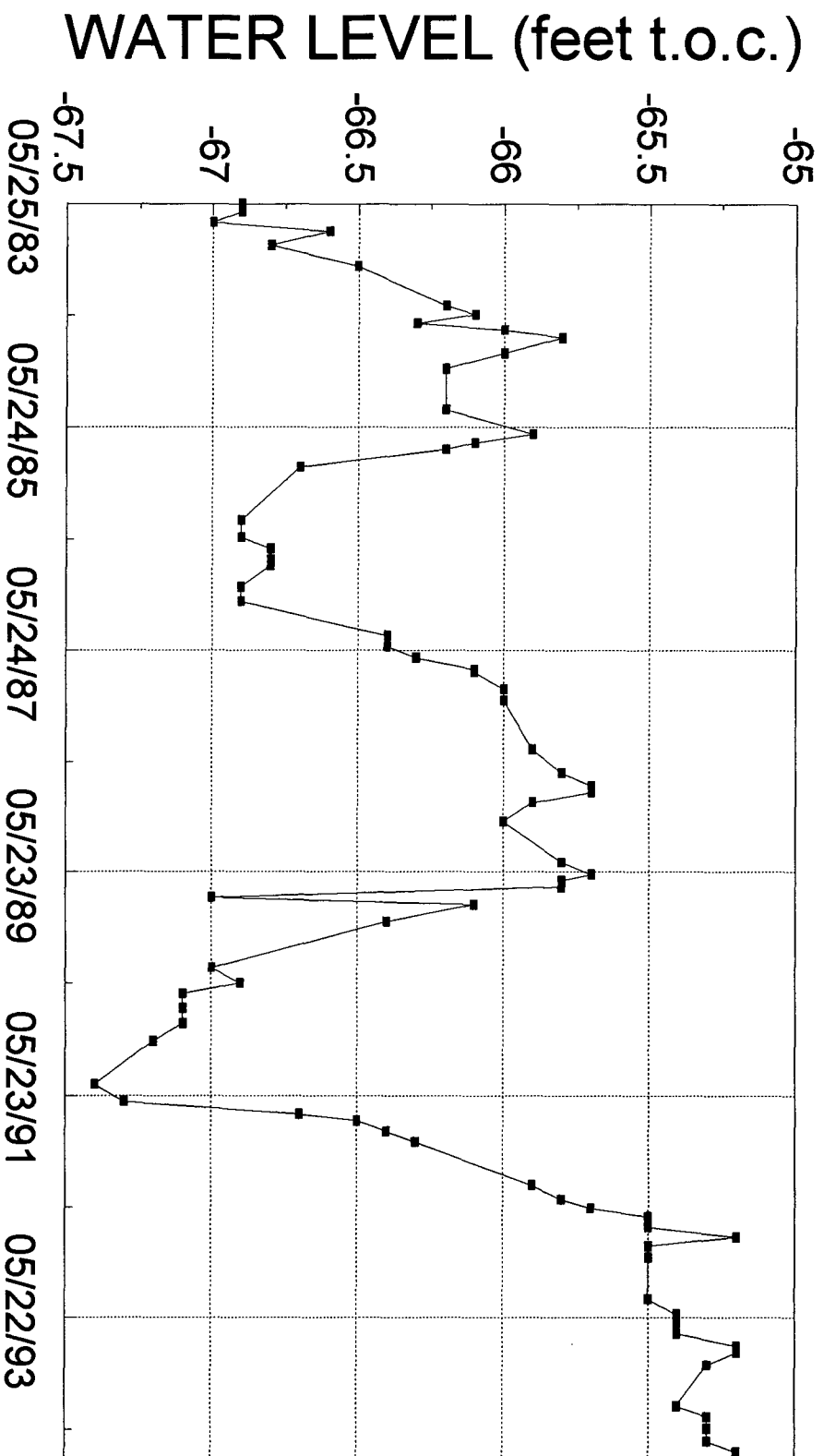
BIBLIOGRAPHY

Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1994, Unpublished Observation Well Records for Bennett County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

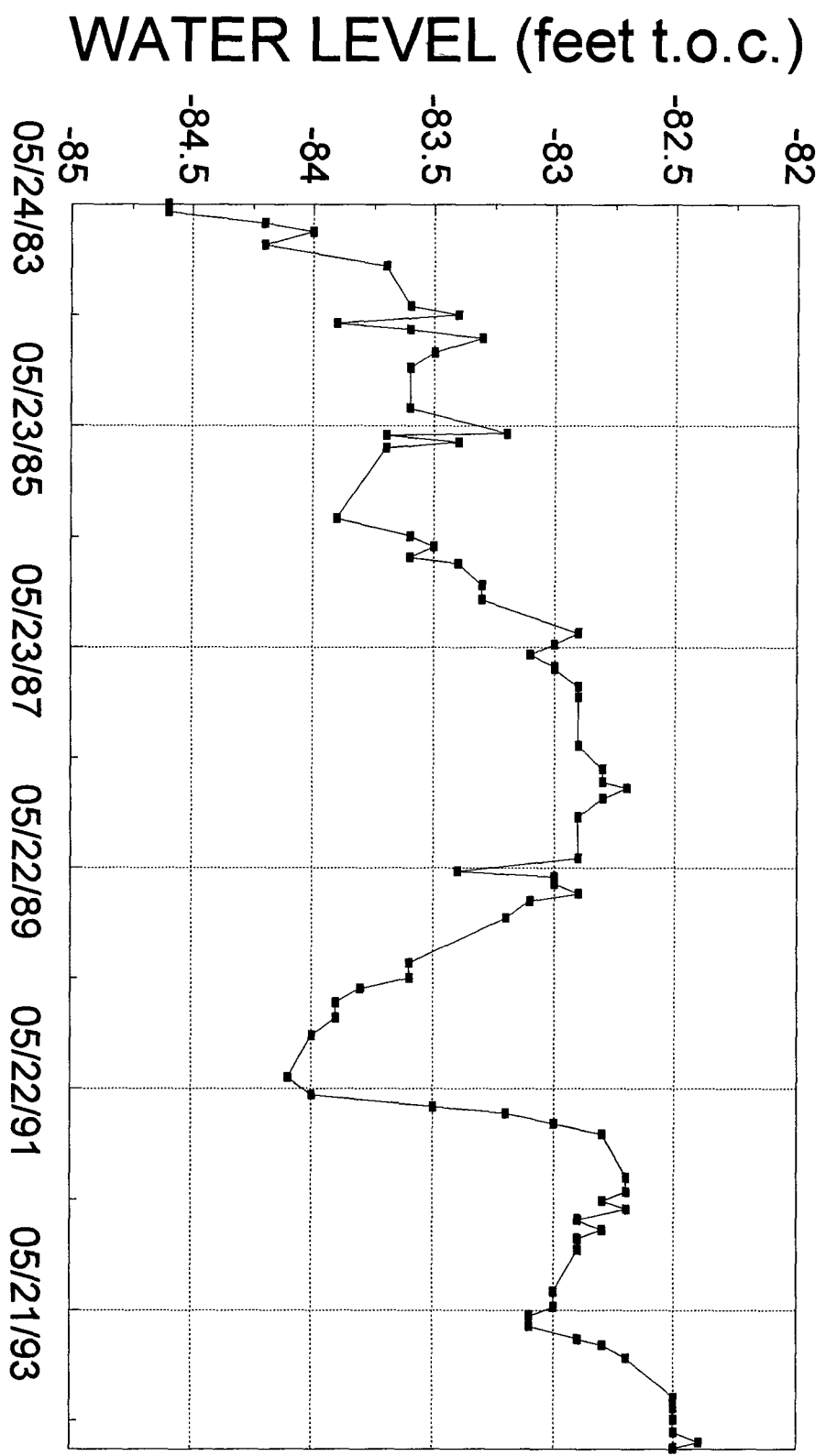
WATER RIGHTS OBSERVATION WELL

BT-83G



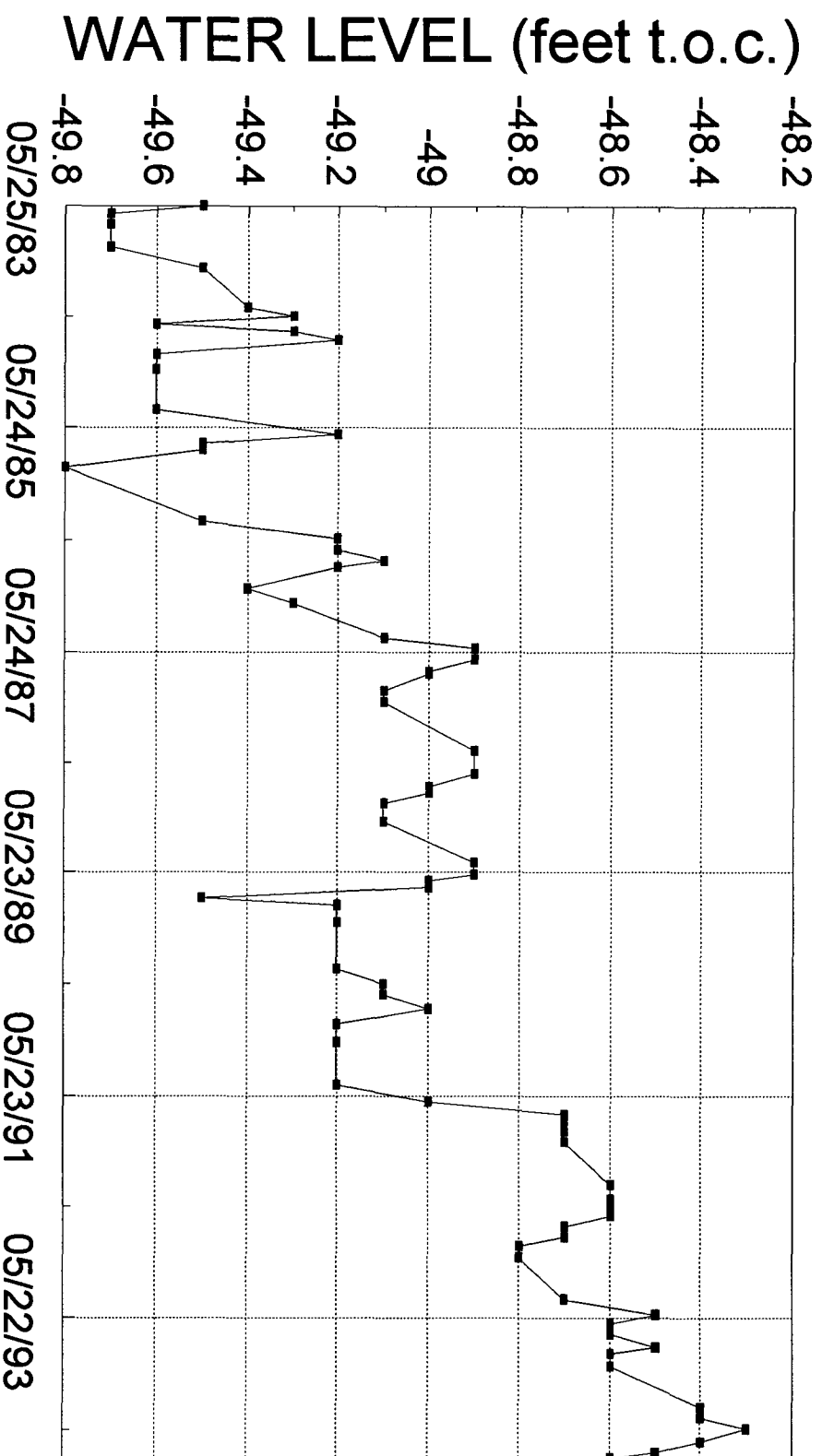
WATER RIGHTS OBSERVATION WELL

BT-83F



WATER RIGHTS OBSERVATION WELL

BT-83H



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2321-2, Jerome or Susan Pribil**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2321-2, Jerome or Susan Pribil, RR 1 Box 102E, Gordon, NE 69343.

The Chief Engineer is recommending APPROVAL of Application No. 2321-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
January 13, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 15, 1995

Jerome or Susan Pribil
RR 1 Box 102 E
Gordon, NE 69343

Dear Mr. & Mrs. Pribil:

Water Permit Application Nos. 2321-2 and 2077A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bennett County Booster II printed at Martin, SD (Ph # 605-685-6855). 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 of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

Bennett Co. Booster II
Box 610
Martin, SD 57551-0610

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2321-2 and 2077A-2 to be published twice. Please publish the first notice on February 22, 1995, with the second publication 7 days later.

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 Jerome and Susan Pribil, RR 1 Box 102E, Gordon, NE 69343 (Ph # 308-282-1330).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on February 22, 1995 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2321-2 to Appropriate Water
and 2077A-2 to Amend Water Permit No. 2077-2

Notice is given that Jerome or Susan Pribil, RR 1 Box 102E, Gordon, NE 69343 have filed applications for water permits.

Water Permit Application No. 2321-2 is to appropriate 1.88 cubic feet of water per second (cfs) from one additional well to irrigate acreage authorized by Water Right No. 1196-2. Water Right No. 1196-2 appropriates 1.44 cfs from one well located in the NE 1/4 NE 1/4 Section 31 to irrigate 264 acres located in the E 1/2 Section 31; all in T37N-R34W. This application is for one additional well 235 feet deep (Ogallala Formation) located in the N 1/2 SE 1/4 Section 31-T37N-R34W. No increase in the number of acres being irrigated is authorized by this application.

Water Permit Application No. 2077A-2 is for one additional well to irrigate acreage authorized by Water Permit No. 2077-2. Water Permit No. 2077-2 appropriates 3.77 cfs from one well located approximately 1320 feet east of the center of Section 32 to irrigate 264 acres located in the N 1/2 Section 32; all in T37N-R34W. This application is for one additional well 160 feet deep (Ogallala Formation) located in the SE 1/4 NW 1/4 Section 32-T37N-R34W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2321-2 and 2077A-2 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 the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. 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 the 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 Division, 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 March 13, 1995.

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 Division address to request copies of information pertaining to these applications. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota }
County of Bennett } ss.

Dale R. Lewis

being duly sworn, says: the Bennett County Reoster II is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was

published in said newspaper for two successive issues, bearing the following dates:

February 22, 1995

March 1, 1995

19

19

19

19

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$50.52, inures 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.

Subscribed and sworn to before me this 1st day

of March, 1995

Notary Public

County of Bennett, South Dakota

My commission expires June 27, 2002.

NOTICE OF APPLICATION

NOS. 2321-2 to Appropriate Water

and 2077A-2 to Amend Water

Permit No. 2077-2

Notice is given that Jerome or Susan Pribil, RR 1 Box 102E, Gordon, NE 69343 have filed applications for water permits.

Water Permit Application No. 2321-2 is to appropriate 1.88 cubic feet of water per second (cfs) from one additional well to irrigate acreage authorized by Water Right No. 1196-2. Water Right No. 1196-2 appropriates 1.44 cfs from one well located in the NE 1/4 NE 1/4 Section 31 to irrigate 264 acres located in the E 1/2 Section 31; all in T37N-R34W. This application is for one additional well 235 feet deep (Ogallala Formation) located in the N 1/2 SE 1/4 Section 31-T37N-R34W. No increase in the number of acres being irrigated is authorized by this application.

Water Permit Application No. 2077A-2 is for one additional well to irrigate acreage authorized by Water Permit No. 2077-2. Water Permit No. 2077-2 appropriates 3.77 cfs from one well located approximately 1320 feet east of the center of Section 32 to irrigate 264 acres located in the N 1/2 Section 32; all in T37N-R34W. This application is for one additional well 160 feet deep (Ogallala Formation) located in the SE 1/4 NW 1/4 Section 32-T37N-R34W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2321-2 and 2077A-2 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 the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. 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 the 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 Division, 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 March 13, 1995.

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 Division address to request copies of information pertaining to these applications. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources: 2TC-39



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

Jerome or Susan Pribil
RR 1 Box 102E
Gordon, NE 69343

Dear Mr. & Mrs. Pribil:

Enclosed is Water Permit No. 2321-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



2321-2

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

January 9, 1998

NOTICE

TO: JEROME PRIBIL, RR 1 BOX 102E, GORDON, NE 69343

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 in accordance with applicable provisions of SDCL 46-1-12;
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 on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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 ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

Jerome & Susan Pribal
RR 1 Box 102E
Gordon, NE 69343

RE: Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2

Dear Mr. & Mrs. Pribal:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

2076-2
2077-2
2321-2

Jerome or Susan Pribil
RR 1, Box 102E
Gordon, NE 69343

Dear Mr. And Ms. Pribil:

The investigation of your water use systems was conducted on November 19, 1997, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 2076-2, 2077-2 and 2321-2. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415703

Pierre, March 23, 19 98

RECEIVED OF Jerome or Susan Pribil, RR 1, Box 102-E, Gordon, NE 69343
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. <u>2321-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

John Stetch

2321-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: JEROME PRIBIL, RR 1 BOX 102E, GORDON, NE 69343

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 & 2321-2 in accordance with applicable provisions of SDCL 46-1-12;
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 on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 17, 1999

Jerome & Susan Pribil
RR 1 Box 102E
Gordon, NE 69343

RE: Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 and 2321-2

Dear Mr. & Mrs. Pribil:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2, 2077A-2 and 2321-2.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

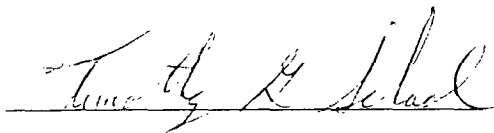
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

File No. 2077A-2Water Rights Division -DENR
Conversation or File DocumentationNAME OF PERSON OR FILE: Jerome or Susan PribilADDRESS: XXXXXXXXXXXXXXCOUNTY: Bennett Co.DATE: November 13, 2001TELEPHONE: Jerome (308) 282-1330Susan (308) 282-6134 (work)(308) 282-2163 (home)RE: Cancellation of Water Permit No. 2077A-2

I inspected Water Permit No. 2077A-2 on October 23, 2001 and talked to Jerome and Susan Pribil today about cancellation of this permit. The additional well for Water Permit No. 2077-2, to help the pivot in the NW 1/4 of Section 32-T37N-R34W, was never developed. I told both of them that if they ever wanted to develop this well, we could add an additional diversion point pursuant to SDCL 46-5-13.1 and they would not need to apply for a new permit. They said that was OK and we could schedule Water Permit No. 2077A-2 for cancellation.

They did inform me that they have divorced and all of the other permits should be in Susan's name. I told her we would send her a transfer form to transfer Water Permit Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2 to her name. She also said to send her the irrigation questionnaires.

Susan Pribil
120 N. Pine St.
Gordon, NE 69343



Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
Water Rights Program

Permit No. 2321-2
White 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 this day, **November 19, 1997**, made a thorough examination of the water use system constructed by **Jerome or Susan Pribil** of **RR1 Box 102E, Gordon, NE 69343** holder of Permit No. **2321-2**, bearing the priority of **November 15, 1994** authorizing the diversion of **1.88** cu. ft. per second of the waters of **groundwater** for **irrigation** purposes, in **Bennett** County.

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

A. Works used to divert the water:

60 Hp, US Electric motor, Model No. 440UT with an 12 inch Johnston turbine pump, Model No. 12EMC, Serial No. 77163, 800 gpm capacity

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

Approximately 850 feet of 8 inch buried PVC pipe

C. Works used to apply water to beneficial use:

10 tower, Zimmatic center pivot, Serial No. 1491, Model No. 310

The system is in the following condition **Good**. The point of diversion is located **2210 feet north & 1420 feet west of the SE corner of Sec. 31-T37N-R34W (NW ¼ SE ¼)**. The works are capable of diverting and conveying to the place of use **1.78 (800 gpm)** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Sec. 31-T37N-R34W

NOTE: The well authorized under Water Permit No. 1196-2 is used to

SW ¼ SE ¼ --33 Acres

irrigate the NE ¼ of Sec. 31-T37N-R34W.

NW ¼ SE ¼ --33

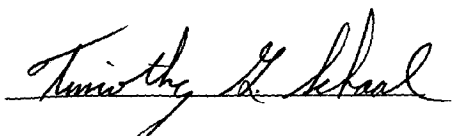
NE ¼ SE ¼ --33

SE ¼ SE ¼ --33

comprising a total of **132** acres of land and the license should be issued for **1.78 (800 gpm)** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **February 11, 1998**



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2321-2

Other permit(s) associated with the project: 1196-2

DATE OF INSPECTION: November 19, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Jerome Pribil

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Jerome or Susan Pribil, RR1, Box 102E, Gordon, NE 69343

DIVERSION POINT LEGAL LOCATION: 2210 feet north & 1420 feet west of the SE corner of
Sec. 31-T37N-R34W (NW ¼ SE ¼).

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch Irrigation Co.
- 2) No. of Wells 1
- 3) Depth(s) 260 feet
- 4) Well log is available yes
- 5) Comment: XXXX

Casing:

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type steel

Screen:

- 1) Type slotted steel
- 2) Length 160 feet
- 3) Static water level 47 feet

Pump:

- 1) Make Johnston turbine pump
- 2) Model 12EMC, Serial No. 77163
- 3) Size 12 inch
- 4) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. 440UP
- 3) Horsepower rating 60 hp

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2321-2

(1) Jerome or Susan Pribil, RR 1 Box 102E, Gordon, NE 69343 made Application No. 2321-2, November 15, 1994 for a water permit to divert 1.88 cubic feet of water per second from ground water (one well - Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2321-2, with a priority date of November 15, 1994 was approved March 13, 1995 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 13, 2000 and for the application to beneficial use of said water on or before March 13, 2004.

(2) It is certified that the applicants have 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 2,210'N and 1,420'W of the SE corner of Section 31, T37N, R34W (NW¼ SE¼).

(3) The applicants have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 31, T37N, R34W	
SW¼ SE¼	33 acres
NW¼ SE¼	33 acres
NE¼ SE¼	33 acres
SE¼ SE¼	33 acres
Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerome or Susan Pribil, RR 1 Box 102E, Gordon, NE 69343 the holders and/or owners of Water Permit No. 2321-2 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well) with a priority date of November 15, 1994 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2321-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

Jerome & Susan Pribil
RR 1 Box 102E
Gordon, NE 69343

RE: Water License Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Mr. & Mrs. Pribil:

Enclosed are Reissued Water License Nos. 1195-2, 1196-2 and Water License Nos. 2076-2, 2077-2 and 2321-2. These are the final water right documents completing your process of obtaining water rights. Also enclosed are Receipt Nos. 415701, 415702 and 415703 in the amount of \$50.00 each which you paid for the investigation and issuance of the water licenses.

For your information, SDCL 46-5-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any flowing well that is being used or is not considered abandoned, must be valved and controlled, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, SD State Water Laws provide that you have a continuing right to the use of the water. If you have any question, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

encl

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2001

Susan Pribil
120 N Pine St
Gordon, NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

Recently, Tim Schaal, a staff engineer with our program, met with you and Jerome regarding your water rights. Tim indicated that you now own all the land and the water rights should be transferred to your name. Currently they are in either Jerome's name or are listed in both your names.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. Please review the forms and make any corrections or additions that are necessary. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for \$12.50 can be made payable to the Water Rights Program.

A transfer of ownership will not be required for Water Permit No. 2077A-2. Tim said he spoke with you about scheduling the permit for cancellation consideration since the well authorized under the permit was never developed. When the permit is actually scheduled for cancellation, you will receive a letter from us letting you know the time, date and place of the hearing.

If you have any questions concerning the transfer forms or pending cancellation of Water Permit No. 2077A-2, please get in touch with me.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416988

Pierre, ~~August 26~~ November 26, 20 01

RECEIVED OF Susan Pribil, 120 N Pine St., Gordon, NE 69343
the following amount in fees for services rendered as provided for by law: (Jerome or Susan Pribil)

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 2321-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Darold Erbe
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2321-2

Date: 11/19/01

I/We request that Water Right No. 2321-2

formerly owned by: Jerome or Susan Pribil

be transferred to: (name & address) Susan Pribil, 120 N Pine St, Gordon, NE 69343

Telephone No. 308-282-2163

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

132 acres – SE ¼ Section 31, T37N, R34W

I/We understand that the validity of Water Right No. 2321-2 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

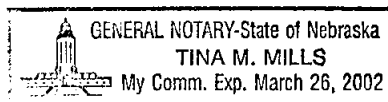
STATE OF SOUTH DAKOTA)

County of Sheidan)

I/We Susan Pribil 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.

Susan Pribil
(Signature of new owner)

Subscribed and sworn to before me this 19th day of November, 2001.

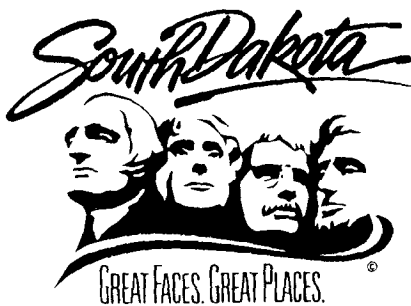


Tina M. Mills
(Notary Public)



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 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 2001

Susan Pribil
120 N Pine St
Gordon, NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

Thank you for following up on the ownership change for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2. The transfers have been completed and all of the above listed water rights are now listed in your name.

Enclosed are your Receipt Nos. 416986, 416987, 416988, 416989 and 416990 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please get in touch with me.

Sincerely,

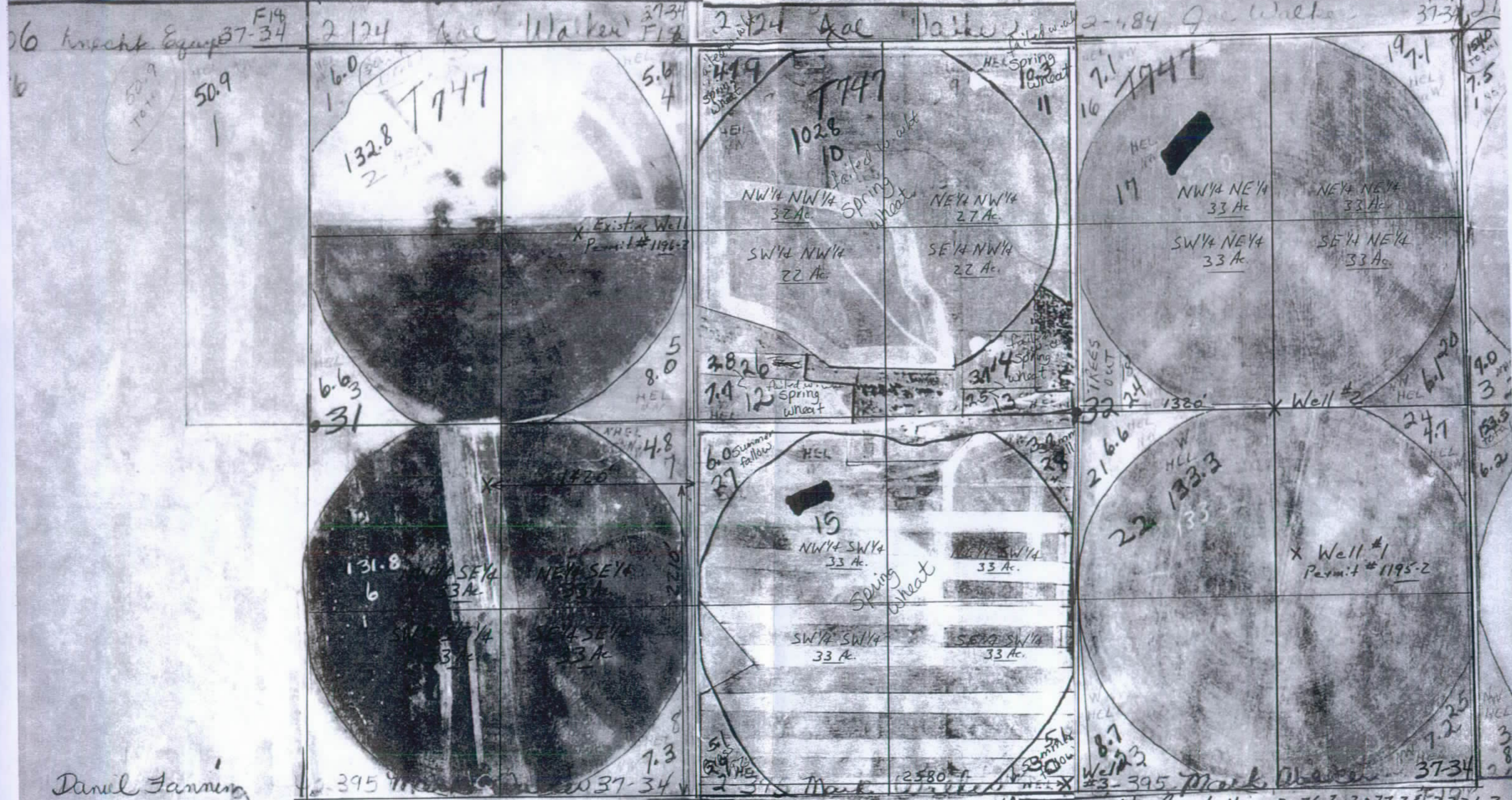
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOT TO SCALE

NOT TO SCALE

SCALE



12/5/03

2321-2

TO WHOM IT MAY CONCERN:

1196-2

2076-2

2077-2

1195-2

2321-2

WE JUST PURCHASED THESE SYSTEMS IN APRIL
OF THIS YEAR. WHEN WE TRANSFERRED THE WATER
RIGHTS, IT DIDN'T RECOGNIZE SON ~~YSCREAVICS~~
WITH THE PERMITS VS. HOW THE SYSTEMS ARE
SET UP. ON THE THREE CIRCLED PERMITS, I HAVE
DONE MY BEST TO SHOW HOW THE SYSTEMS
ARE OPERATED. 1196-2 & 2321-2 ARE TIED
TOGETHER TO ~~SER~~ SERVE 3 PIVOTS. PLEASE
LET ME KNOW IF YOU HAVE ANY QUESTIONS.

THANKS

BRENT IRELAND

605 685 1373

fireland@gwtc.net

RECEIVED
DEC - 8 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 2003

Susan Pribil
120 N Pine
Gordon NE 69343

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Ms. Pribil:

Thank you for contacting us regarding the pending sale of your land. In the event you need them, I have included copies of Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. The new owner will need to sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 20 03

RECEIVED OF Ireland Bros, HC 2 Box 76, Martin SD 57551

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	2	50
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>2321-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No.

000728

By

Darland White
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2321-2

Date: 4/22/03

I/We request that Water Right No. 2321-2

formerly owned by: Susan Pribil

be transferred to: (name & address) IRELAND BROS, LLC
HC 2 Box 76
MARTIN, SD 57551 Telephone No. 605 685 1174

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

132 acres - SE 1/4 Section 31, T37N, R34W

I/We understand that the validity of Water Right No. 2321-2 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 Two Dollars and Fifty Cents (\$2.50) 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 IRELAND BROS, LLC, the new owner, certify that the above information is true and correct.

B + J LLC (PARTNER)
(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.

RECEIVED
APR 28 2003
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2003

Ireland Bros LLC
HC 2 Box 76
Martin SD 57551

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2. The transfers have been completed. The water rights formerly listed in the name of Susan Pribil are now listed in the name of "Ireland Bros LLC".

Enclosed are your Receipt Nos. 000727, 000728, 000729, 000730 and 000731 in the amounts of \$2.50 each which you paid for filing the ownership changes. I have also included copies of the water rights and a copy of last year's irrigation questionnaires. You may keep these for your records.

In October, we will be mailing out the 2003 irrigation questionnaires. The forms I included from last year will give you an idea of what type of records to keep track of during the irrigation season. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

Ireland Brothers
28855 Maple Road
Martin, SD 57551

RECEIVED

DEC 20 2005

WATER RIGHTS
PROGRAM

December 17, 2005

To Whom It May Concern:

I am writing to clear up the operation of the water permits currently owned and operated by Ireland Bros., LLC of Martin South Dakota. These permits were transferred to Ireland Bros., LLC from Susan Pribil on or around 4/22/03.

Following is a description of how they were operated (i.e., how they were configured/piped) when we purchased the land from Susan Pribil. Included in this packet is an aerial photo (FSA Map) with the wells marked and the pipelines drawn in red as best as I know (none of the below ground piping was put in by Ireland Brothers nor has any been dug up).

Well #1 (A) (Permit #1195-2) supplies water to irrigate the SE ¼ of Sec 32.

Well #2 (B) (Permit #2077-2) supplies water to irrigate the NE ¼ of Sec 32.

Well #3 (C) (Permit #2076-2) supplies water to irrigate the SW ¼ of Sec 32.

Well E, located in the NE ¼ of Sec 31, (Permit #1196-2) can supply water to irrigate the NW ¼ of Sec 32, the NE ¼ of Sec 31 and the SE ¼ of Sec 31.

Well D, located in the SE ¼ of Sec 31, (Permit #2321-2) can supply water to irrigate the NW ¼ of Sec 32, the NE ¼ of Sec 31 and the SE ¼ of Sec 31.

Note that Wells D & E are tied together. The can supply water to any of three pivots. These two wells are used to irrigate all three pivots, a total of 367 acres.

Also note that the pivots on the SE ¼ of Sec 32 and the NE ¼ of Sec 31 are equipped with big end guns (w/ booster pumps). Flow is 850 gpm when guns are running...750 gpm when they are turned off.

I have completed the Questionnaires as best I can and have added corrections to correspond to the above information. The questionnaires are included in this packet. I have updated the address listed to our new 911 address. Also, Ireland Bros., LLC was never fully funded and is in the process of being dissolved. Therefore, we need to correct/change this to Ireland Brothers. This is a general partnership.

Please contact me if you need any additional information or if there is a problem with the information I have provided. I can be reached at 605.685.1373 or via email at tireland@gwtc.net.

Sincerely,



Brent Ireland

O SCALE

N 1/2 Section 32
2077-2

SW 1/4 Sec 32
T37N, R34W 2076 2

Timothy H. Schaal
February 11, 1998

Water Permit Nos - 2076-2, 2077-2 & 2321-2



2321-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2006

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland:

I am writing in regard to the name change needed for Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the changes. Please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

In reference to your letter of December 20th and the map showing the wells and lands they irrigate, the water rights will be reissued to reflect these changes. This will be done after the water rights have been transferred to Ireland Brothers.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
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. 2321-2

Date: _____

I/We request that Water Right No. 2321-2

formerly owned by: Ireland Brothers, LLC

be transferred to: (name & address) Ireland Brothers, 28855 Maple Rd, Martin SD 57551

Telephone No. 605 685-1373

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

SE ¼ Section 31, T37N, R34W

I/We understand that the validity of Water Right No. 2321-2 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 Two Dollars and Fifty Cents (\$2.50) 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 Ireland Bros., the new owner, certify that the above information is true and correct.

Burt Salas (Partner)
(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.

RECEIVED
JAN 12 2003
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 12, 2006

RECEIVED OF Ireland Brothers, 28855 Maple Rd, Martin SD 57551

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	2	50
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>2321-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

002177

By

Darland Elveh

Chief Engineer

gm



2321-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 2006

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

RE: Water Right Nos. 1195-2, 1196-2, 2076-2, 2077-2 and 2321-2

Dear Mr. Ireland:

In January, 2006, you submitted transfer forms and filing fees for transferring the above listed water rights from Ireland Brothers LLC to Ireland Brothers. Enclosed are your Receipt Nos. 002177, 002178, 002179, 002180 and 002181 in the amounts of \$2.50 each. You may keep these for your records.

Based on your letter and map showing how your irrigation systems are operated and the wells used to supply each system, we are in the process of reissuing a couple of the water licenses to reflect the changes. The changes should streamline the annual irrigation questionnaire reporting for you.

The licenses will be sent to you under separate cover once they are issued. If you have any questions, please contact me.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 2321-2

(1) Jerome or Susan Pribil were issued Water License No. 2321-2, April 23, 1998 for a water right to divert 1.78 cubic feet of water per second from ground water (one well – Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Water License No. 2321-2, with a priority date of November 15, 1994 was issued to the permit holders for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

Ownership changes filed with Water Right No. 2077-2:

- November 26, 2001 – Jerome Pribil or Susan Pribil to Susan Pribil;
- April 28, 2003 – Susan Pribil to Ireland Brothers LLC
- January 12, 2006 – Ireland Brothers LLC to Ireland Brothers

Water License No. 2321-2 was originally issued for diversion of 1.78 cfs from a well located in the NW ¼ SE ¼ to irrigate 132 acres located in the SE ¼ Section 31, T37N, R34W. The current water right holder has made changes to the irrigation system. The well described in No. 2321-2 has been tied together with the well in the NE ¼ Section 31, authorized under Water Right No. 1196-2. The two wells supply water to the SE ¼ Section 31 (2321-2), the NE ¼ Section 31 (1196-2) and the NW ¼ Section 32 (portions of 2077-2). Water License No. 2321-2 is being reissued to incorporate the Water Right No. 1196-2 and portions of Water Right No. 2077-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.22 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1,290'S & 620'W of the NE corner of Section 31, T37N, R34W (NE ¼ NE ¼);
- 2,210'N & 1,420'W of the SE corner of Section 31, T37N, R34W (NW ¼ SE ¼).

(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 a total of 367 acres described as follows:

Section 31, T37N, R34W				Section 32, T37N, R34W	
July 5, 1974 priority (1196-2) for 1.44 cfs & NE ¼ below :		November 15, 1994 priority (2321-2) for 1.78 cfs and SE ¼ below:		April 4, 1989 priority (2077-2)	
NW ¼ NE ¼	33 acres	SW ¼ SE ¼	33 acres	SW ¼ NW ¼	22 acres
NE ¼ NE ¼	33 acres	NW ¼ SE ¼	33 acres	NW ¼ NW ¼	32 acres
SW ¼ NE ¼	33 acres	NE ¼ SE ¼	33 acres	NE ¼ NW ¼	27 acres
SE ¼ NE ¼	33 acres	SE ¼ SE ¼	33 acres	SE ¼ NW ¼	22 acres

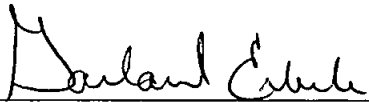
(4) Pursuant to South Dakota Water Law 46-5-30.1 Ireland Brothers, 28855 Maple Rd, Martin SD 57551 the holders and/or owners of Water Right No. 2321-2 are issued a license to appropriate water, the right to use 3.22 cubic feet of water per second from ground water (two wells – Ogallala Aquifer) with priority dates of July 5, 1974, November 15, 1994 and April 4, 1989 from the locations specified in (2) of this license.

(continued)

Reissued Water License No. 2321-2

The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2321-2 and subject to the following now applicable qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner shall control his withdrawals so there is not a reduction in needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 27 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 27 2006

1196-2
2077-2
2321-2

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland

Enclosed are Reissued Water License Nos. 2077-2 and 2321-2. The licenses were reissued based on the changes you have made to your irrigation systems and now reflect the systems as they currently operate. The reissued water licenses do not allow for an increase in the developed diversion rate or the acres irrigated.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 2077-2 and 2321-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

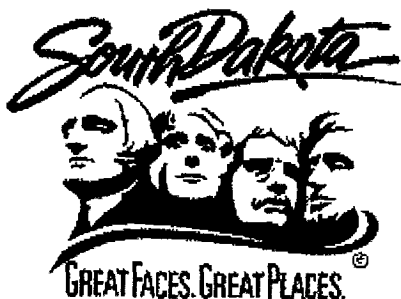
As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: The applicable portions of Water Right No. 1196-2 were incorporated into Reissued Water License No. 2321-2.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: IRELAND BROTHERS, BRENT IRELAND, 28855 MAPLE RD, MARTIN, SD 57551

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1195-2, 2076-2, 2077-2 & 2321-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1195-2, 2076-2, 2077-2 & 2321-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 1195-2, 2076-2, 2077-2 & 2321-2 in accordance with applicable provisions of SDCL 46-1-12;
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 on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2009

1195-2
2076-2
2077-2
2321-2

Brent Ireland
Ireland Brothers
28855 Maple Rd
Martin SD 57551

Dear Mr. Ireland:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 1195-2, 2076-2, 2077-2 and 2321-2.

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,

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

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

RECEIVED

APR 27 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2321-2

Date: 4-25-12

I/We request that Water Right No. 2321-2

formerly owned by: Ireland Brothers

be transferred to: (name & address) Platte Hutterian Brethern, Inc.
35271 270th ST Platte, SD 57369
Telephone No. 605 726-3142

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

367 acres - E 1/2 Section 31 and NW 1/4 Section 32, T37N, R34W

I/We understand that the validity of Water Right No. 2321-2 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 Platte Hutterian, the new owner, certify that the above information is true and correct.

Platte Hutterian Brethern Inc
(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 4/27, 20 12

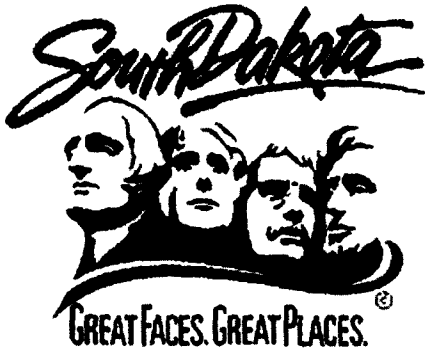
RECEIVED OF Platte Hutterian Brethren 35271 270th St Platte SD 57369

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>2321-2</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. **05427**

By *Charles Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

April 30, 2012

1195-2
2076-2
2077-2
2321-2

Dale Stahl
Platte Creek Hutterian Brethren Inc.
35271 270th St
Platte SD 57369

Dear Mr. Stahl:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1195-2, 2076-2, 2077-2 and 2321-2.

The ownership changes have been completed. The water rights formerly held by Ireland Brothers are now listed in the name of "Platte Creek Hutterian Brethren Inc."

Enclosed for your records are Receipt Nos. 05424, 05425, 05426 and 05427 in the amounts of \$50.00 each. If you have any questions, please contact me.

Sincerely,

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

enclosures