

Water Right Number

395-2A

1. Considered

9-11 19 74

2. Name of Applicant

ROBERT O. DUSTMAN

3. Post Office Address

FARMINGDALE

4. Amount of Water claimed

2.2

5. Source of Water supply

RAPID CREEK

6. Water to be used for

IRRIGATION

Acres to be irrigated

156

7. Water to be diverted and used in

PENNINGTON

County

about

3E, 2S

miles

of

FARMINGDALE

8. Proof of Publication

Received

1st 9-13-74

Not Received

9. Application

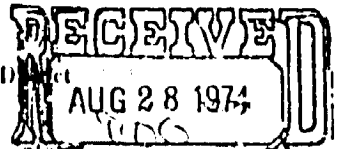
Approved

Subject to

Not Approved

Action Deferred

10. Remarks:

No. 395-2AMap No. 424-2 Water Division No. 2 RAPID CREEK
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

"CHANGE OF POINT OF DIVERSION ONLY"

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Robert O. Dustman
 Postoffice address Farmingdale, State South Dakota 57740
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
 3. Name of diversion work Dustman Irrigation Project
 4. Amount of water claimed (cubic feet per second) 2.2 - none additional - change of Point of Diversion
 5. Source of water supply Rapid Creek
 6. Location of point of diversion Change from North 12° East 215 feet from the N½ Corner, Sec. 30,
to South 9° East 860 feet from the NW Corner of Sec. 29, all in T1S, R1E
 _____ County Pennington
 7. Annual period or periods during which water is to be used April 1 to November 30
 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 156

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>W½ Sec. 29, T1S, R1E</u>	<u>156</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system One years. Additional time required to complete application of water to the proposed beneficial use One years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal, Rapid City, SD
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
 Centrifugal pump
 Diesel industrial engine

B. Works proposed to transport water to place of use.
 Short lengths of aluminum pipe
 Existing main irrigation canals.

C. Works proposed to apply water to beneficial use.
 Existing irrigation materials.

Estimated Total Cost \$ 4000.00

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

STATE OF SOUTH DAKOTA

County of Pennington

I, Robert O. Dustman 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 Robert O. DustmanSubscribed and sworn to before me this 20 day of August 1974

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 395-2A Box 35
ROBERT O. DUSTMAN FAIRMINGDALE
 (Applicant) 57725 (Post Office Address), CAPUTA
SOUTH DAKOTA 57740 DUSTMAN RANCH PARTNERSHIP
 (State) With the following modifications:

THIS PERMIT IS APPROVED FOR A CHANGE IN DIVERSION POINT. PRIORITY FOR THIS PERMIT WAS ESTABLISHED UNDER PERMIT NO 395-2 WHICH HAS BEEN PLACED IN A CANCELLED STATUS.

Date of first receipt of application AUGUST 28 19 74
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved SEPTEMBER 11 19 74 Recorded in Book 13 Page 65

WATER RIGHT PERMIT NO. 395-2A

The Water Rights Commission hereby grants and issues this Water Right Permit No. 395-2A 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 JUNE 2 19 53
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 11 19 75
3. The whole of said work is to be completed on or before SEPTEMBER 11 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith SEPTEMBER 11 19 76
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 SEPTEMBER 11 19 76; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 30

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RIGHTS COMMISSION

By:

Donald D. Purcell
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 16 19 81

Water License Issued JANUARY 16 19 81

Permit No. 395-2A

Water Diversion No. 2 Rapid Creek Water District

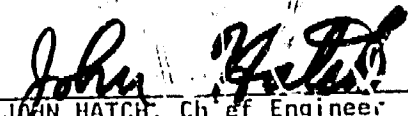
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Robert O. Dustman

_____ the holder _____ of
Permit No. 395-2A, issued upon Application No. 395-2A, bearing date of priority of June 2,
1953 authorizing the diversion of 2.2 cu. ft. per second of the waters of _____
County of Pennington, State of South Dakota at a
point south 9° east, 950' from the NW corner of Sec. 29-T1S-R11E
_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of water.

Date January 15, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 395-2A

(1) WHEREAS, On the 28th day of August A.D. 19 74
Gustman Ranch Partnership
Robert O. Gustman
 made Water Right Application No. 395-2A for a permit to use 2.2 cubic feet per second of the waters
 of Rapid Creek
 County of Pennington State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 11th day of September A.D. 19 74
 Permit No. 395-2A, with a date of priority of June 2, 1953
 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 11th day of September A.D. 19 75 and for the
 application to beneficial use of said water on or before the 11th day of September A.D. 19 76

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 2.2 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 lands all in Section 29-T1S-R11E		
		ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$		3
SW $\frac{1}{4}$ NW $\frac{1}{4}$		37
SE $\frac{1}{4}$ NW $\frac{1}{4}$		30
NW $\frac{1}{4}$ SW $\frac{1}{4}$		22
NE $\frac{1}{4}$ SW $\frac{1}{4}$		40
SW $\frac{1}{4}$ SW $\frac{1}{4}$		2
SE $\frac{1}{4}$ SW $\frac{1}{4}$		22
		156 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 Dustman Ranch Partnership & Robert O. Dustman

_____ of Caputa, SD
the holder _____ and owner _____ of said permit No. 395-2A a water right, dating from June 2, 1953
_____ to use of 2.2 cubic feet per second of the waters
of Rapid Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point south 90° east, 950' from the NW
corner of Sec. 29-T1S-R11E

and conducted to and upon portions of land in Section 29-T1S-R11E more fully
described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 395-2A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of January _____ A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Publish first publication, on or before September 3, 1974NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 28, 1974Notice is hereby given that Robert O. Dustman

whose post office address is Farmingdale, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use no additional water To change the point of diversion, and cubic feet of water per second of time from the Rapid Creek through the

Dustman Irrigation Project, the point of diversion of which is to be located to the changed from a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 and to a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 29, Twp. 18, Range 11E. Said water to be used for the purpose of providing irrigation on the following described land:

a portion of the W $\frac{1}{2}$, Section 29, T18, R11E

This application, No. 395-2A will be considered by the Water Resources Commission at their office at Pierre upon the 11th day of September, 1974, at 2:30 P.. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BPJ/bw

cc: Robert O. Dustman, Farmingdale, S.D. 57740

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

55.

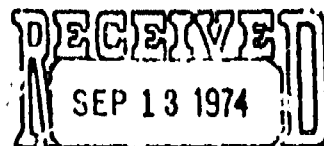
I, Jerry J. Shoener

, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bona fide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the 3rd day of September, 1974, that the fees charged for the publication thereof are Fourteen Dollars and sixty two cents.

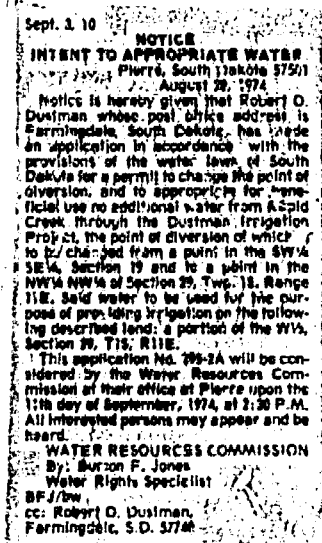
Jerry J. Shoener

Subscribed and sworn to before me this 11th day of September, 1974.

Ray W. Hurlburt
Notary Public.



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



395-2A

Robert O. Dushman

7-3-80

Stamping H.O. C.R.S. Title
of 20th page

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RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7888

PIERRE

January 8 1981

RECEIVED OF Robert Dushman, Dushman Ranch Partnership, Box 35, Caputa, SD 57725

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	395-2A	12.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	395-2A	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	395-2A	
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL		12.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / 6

Permit No. 375-2AWater Division 2 Rapid Creek Water DistrictREPORT 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 Robert O. Dustman Dustman Ranch, Section 35 - T15R11E, S17T25N holder of Permit No. 375-2A, bearing date of priority of June 2, 1953authorizing the diversion of 2.2 cu. ft. per second of the waters of Rapid Creek for Irrigation purposes, in Pennington 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;

West pump - Vertical V Belt Drive - Motor - Century 7.5 HP.
1750 RPM Part # 6-323758-1.East pump - Vertical Drive & Berkely Vertical Turbine - Ser # S000672.
Imp dia. 10" - Motor GE Model 5KG215DP6001, 7.5 HP. 1735 RPM
Flow meter. 4.0 CFS both pumps.

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

Supply Ditches

C. Works used to apply water to beneficial use.

Diversion Ditches - Flood IrrigationThe system is in the following condition: GoodThe point of diversion is located S 9° E 950' from the NW corner of 29 T15R11EThe works are capable of diverting and conveying to the place of use 4.0 cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: 1" in Sec. 29 T15R11ENW 1/4 NW 1/4 - 3 Ac. SW 1/4 NW 1/4 - 37 Ac. SE 1/4 NW 1/4 - 30 Ac.
NW 1/4 SW 1/4 - 22 Ac. NE 1/4 SW 1/4 - 40 Ac. SW 1/4 SW 1/4 - 2 Ac.
SE 1/4 SW 1/4 - 22 Ac.comprising a total of 156 acres of land.

In excess of 2.2 CFS.

Date September 3, 1980
L. Roy J. McLaughlin
(Signature)



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DUSTMAN RANCH PARTNERSHIP, ROBERT DUSTMAN, BOX 53, CAPUTA, SD
57725

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

DUSTMAN RANCH PARTNERSHIP
ROBERT DUSTMAN
BOX 53
CAPUTA SD 57725

Robert Dustman
4. Received By: (Print Name)

5. Signature: (Addressee or Agent)
X

PS Form 3811, December 1974

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

2348 318 839

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

12/13/76

8. Addressee's Address (Only if requested and fee is paid)

Domestic Return Receipt

Thank you for using Return Receipt Service.



395-2A

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

February 5, 1996

Robert Dustman
Dustman Ranch Partnership
Box 53
Caputa, SD 57725

395-2A

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996. Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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
Environmental Scientist
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1997

395-2A

Robert Dustman
Dustman Ranch Partnership
Box 53
Caputa, SD 57725

Dear Mr. Dustman,

Thank you for returning your 1997 irrigation questionnaire. I would like to take this opportunity to answer your inquiry as to why these forms are needed and why we request them annually.

First of all, the annual irrigation questionnaire is an important tool we use to manage the water resources of the state. The information provided by irrigators throughout the state is used in determining water availability from different water sources. When new water permit applications are received, the staff uses information supplied by the irrigators to determine how much the specific water source is used, and if it would be feasible to grant additional water permits. The information is particularly important in the Black Hills area where some of the smaller streams are already fully appropriated.

Secondly, Water Management Board Rules require submission of the annual irrigation questionnaire from all irrigators in South Dakota with the exception of those with water spreading systems. The reason the permit holders of these type of systems are exempt from the reporting requirements is because they have no method of measuring how much water is diverted onto their fields. Violation of Water Management Board rules can result in subsequent suspension of the water right or cancellation, depending on how many past violations that particular irrigator has had.

Once again, I want to thank you for the prompt return of your questionnaire and I hope I have addressed your concerns. If you have any further questions, please contact me.

Sincerely,

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

2000 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
Please fill out and return before December 1, 2000

395-2A
DUSTMAN RANCH PARTNERSHIP
JACK D DUSTMAN
BOX 31
CAPUTA SD 57725

CHANGES TO ADDRESS LABEL, IF ANY:
Dustman Ranch, LLP

Telephone No. (605) 393-1998

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

1. Is the system constructed? *yes ☒ no ☐

*Type of system used (check all that apply):

center pivots ☐ towlines ☐ big gun ☐
flood ☒ sprinklers ☐ other ☐

2. Did you irrigate in 2000? *yes ☒ **no ☐

*If yes, number of acres irrigated 112

**If no, list reason(s) in comment section:

3. Source of water: Rapid Creek

4. Is land enrolled in CRP? *yes ☐ no ☒

*If yes, through what year?

5. Did you apply chemicals or fertilizer through the system in 2000? *yes ☐ no ☒

* If yes, a separate chemigation form is NOT needed.

Comment Section:

Office use only



The portion of the form for reporting acres irrigated is on the back of this page. Listed below are two examples of how to complete the form:

EXAMPLE 1: In June & July, 130 acres were irrigated using a pivot system (70 acres of corn & 60 acres of alfalfa). The pump rate of the pivot is 800 gallons per minute and you pumped 8 days (@ 24 hours per day) on the corn and 22 days on the alfalfa:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	8	24
	ALFALFA	60	800 GPM	10	24
JULY	ALFALFA	60	800 GPM	12	24

EXAMPLE 2: In June, 40 acres of alfalfa were irrigated (using gated pipe @ 3000 gpm) for 5 days - 24 hours per day; 60 acres of beans were irrigated (using big gun @ 380 gpm) for 10 days at 24 hours per day:

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

For ease in calculating water use, please specify if actual irrigation hours or kilowatt hours are being reported. For kilowatt hours, include depth to water & system pressure in comment section.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 2001

395-2A

Jack Dustman
Box 31
Caputa, SD 57725

Dear Mr. Dustman:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in changing ownership of Water Right No. 395-2A.

Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

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

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-2181

No. 395-2A

Date: January 19, 2001

I/We request that Water Right No. 395-2A

formerly owned by: Dustman Ranch Partnership, % Jack Dustman, Box 31, Caputa, SD 57725

be transferred to: (name & address) Dustman Ranch, LLP, c/o Jack D. Dustman, P.O. Box 31, Caputa, SD 57725

Telephone No. (605) 393-1998

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

W 1/2 Section 29, T1S, R11E

I/We understand that the validity of Water Right No. 395-2A 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 Pennington)

I/We Jack Dustman/Dustman Ranch, LLP 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

Jack Dustman
(Signature of new owner)

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

Toni Seiner
(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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416740

Pierre, January 24, 2001

RECEIVED OF Dustman Ranch, LLP, & Jack Dustman, PO Box 31, Caputa SD 57725
the following amount in fees for services rendered as provided for by law: (Dustman Ranch Partnership)

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 395-2A

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50

50

By Daniel D. Ericksen
Chief Engineer

gmn



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2001

395-2A

Dustman Ranch, LLP
Jack Dustman
PO Box 31
Caputa, SD 57725-0031

Dear Mr. Dustman:

Thank you for following up on the transfer of ownership for Water Right No. 395-2A. The transfer has been completed and the water right is now listed in the name of "Dustman Ranch, LLP".

Enclosed is your Receipt No. 416740 in the amount of \$2.50. You may keep this for your records.

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

enclosure



395-2A

**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 14, 2004

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



395-2A

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SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 8282

DUSTMAN RANCH, LLP
JACK D DUSTMAN
PO BOX 31
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www.state.sd.us/denr

January 16, 2004

395-2A

Jack D Dustman
Dustman Ranch, LLP
PO Box 31
Caputa SD 57725-0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 395-2A.

I completed a questionnaire for you based on our January 15th telephone conversation. I am enclosing copies of your 2002 and 2003 questionnaires. You may keep them for your records.

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

Thank you for calling and 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

PMB 2020
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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



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DUSTMAN RANCH, LLP
JACK D DUSTMAN
PO BOX 31
CAPUTA SD 57725 0031

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

January 26, 2006

395-2A

Jack D Dustman
Dustman Ranch LLP
PO Box 31
Caputa SD 57725-0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. I completed a questionnaire for you based on our January 25, 2006 telephone conversation (copy enclosed).

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 395-2A. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

enclosure



395-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

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 has not been submitted for Permit No(s) 395-2A. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office 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.pd>

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.

395-2A

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 5480	DUSTMAN RANCH, LLP JACK D DUSTMAN PO BOX 31 CAPUTA SD 57725 0031	
	waiver of Signature ☐ YES ☐ NO	
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www.state.sd.us/denr

February 3, 2009

395-2A

Jack D Dustman
Dustman Ranch LLP
PO Box 31
Caputa SD 57725 0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 395-2A.

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



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January 24, 2012

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: <http://denr.sd.gov/iq.aspx>

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.



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January 30, 2012

395-2A

Jack Dustman
Dustman Ranch LLP
PO Box 31
Caputa SD 57725 0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 395-2A. 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



395-2A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: <http://denr.sd.gov/iq.aspx>

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.



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

February 4, 2014

395-2A

Jack Dustman
Dustman Ranch LLP
PO Box 31
Caputa SD 57725 0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 395-2A. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



395-2A
DEPARTMENT of ENVIRONMENT
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January 23, 2020

NOTICE

TO: DUSTMAN RANCH, LLP, JACK D DUSTMAN, PO BOX 31, CAPUTA, SD 57725 0031

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 395-2A as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 395-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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://denr.sd.gov/iq> using this password: JJHNZQ**

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.

395-2A



DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
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February 10, 2020

395-2A

Jack Dustman
Dustman Ranch LLP
PO Box 31
Caputa SD 57725 0031

Dear Mr. Dustman:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 395-2A. 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, appearing to read "Genny McMath".

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