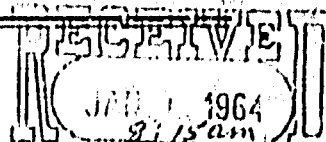


1073-3

1. Considered 3-11, 1964
2. Name of Applicant Hudson Farm Inc
3. Post Office Address Redfield
4. Amount of water claimed 4.5B
5. Source of water supply Ground water (2 wells)
6. Water to be used for irrigation
Acres to be irrigated 320
7. Water to be diverted and used in Spink County about
4 1/2 E 35 miles of North Dakota
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1073-3
 Water Division No. 3 James River District _____
 (Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COM.
 S.D. 50071 DAYOT

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant --- Friedland Farms _____
 Postoffice address --- Doland, SD 57436 _____, State S. Dak.

I. If a corporation _____

(a) Name of same --- Hudson Farms, Inc. _____

(b) Date and place of incorporation --- 2-23-62 - Redfield, S. D. _____

(c) Amount of capital stock --- \$600,000.00 _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

H. R. Hudson, A. B. Hudson, Irving C. Klineck, Kansas City, Kansas _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work --- West Leinbaugh Farm _____

3. Amount of water claimed --- 4.45 maximum allowable cubic feet per second _____

4. Source of water supply --- Wells (two) _____

5. Location of point of diversion --- 1320' E. to 1320' W. of NE corner Section 19, T. 116 N. _____

R 61 W & 1320' N & 1300' West of SE corner _____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used --- April 1st to Nov. 1st _____

7. To be used for: _____

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? --- sprinkler _____

(a) Number of acres to be irrigated --- 312 acres. _____

(b) Legal subdivisions to be irrigated --- East 1/2 Section 19, T. 116 N. R. 61 W. _____

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No 10-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping Plant

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at top

.....feet; thickness at bottomfeet; thickness at top

feet; slope at front water face; slope at back face

material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;

Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work three years.

11. Time required for complete application of water to the proposed beneficial use five years.

12. Choice of newspaper for publication of notice of intention to appropriate

Redfield Press

STATE OF SOUTH DAKOTA

County of Spink } ss.

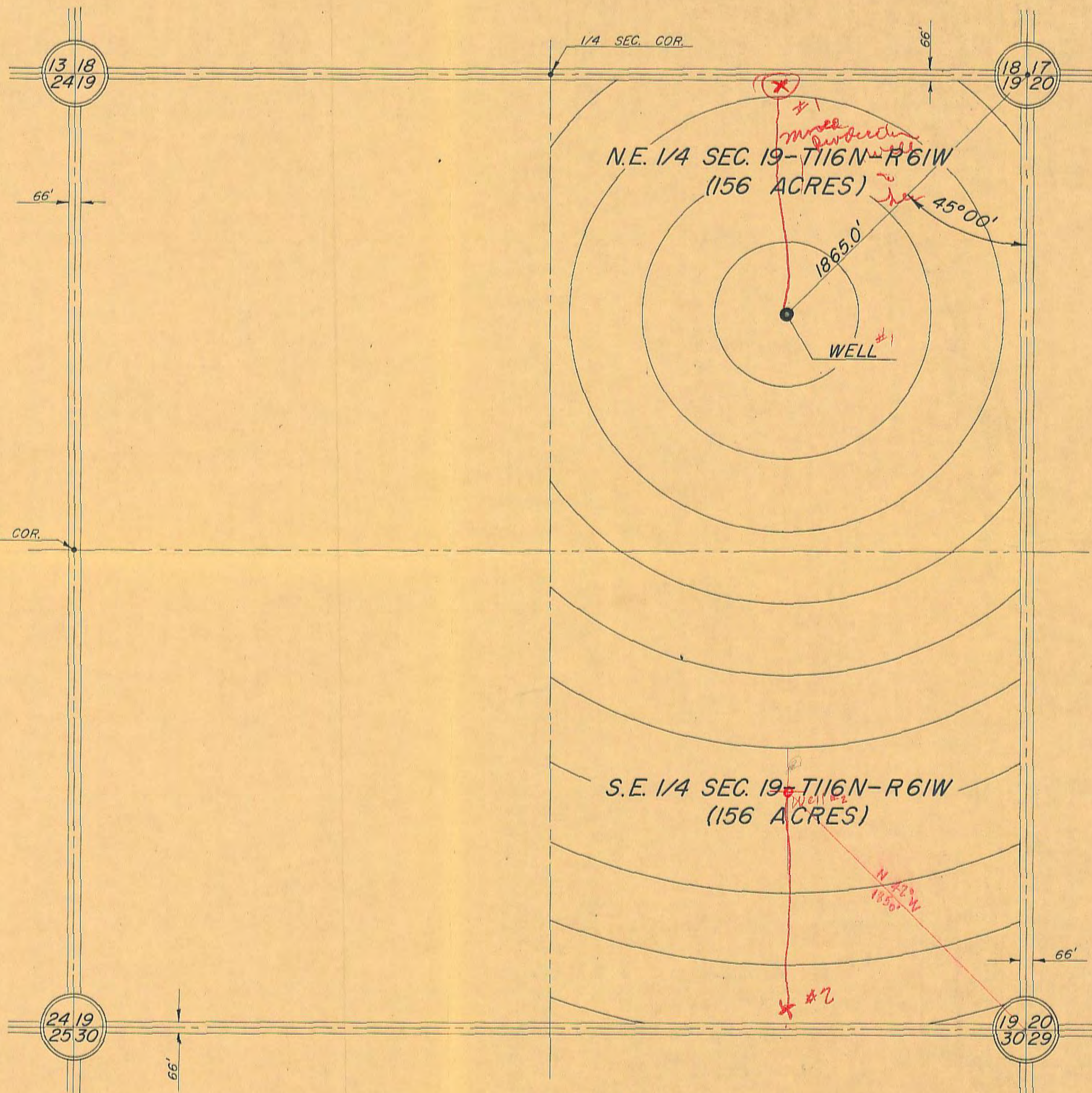
I, Hudson James Sme, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed James C. Fenwick

Subscribed and sworn to before me this 4 day of Jan, 1964

Richard V. Latta
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR WITHIN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF HUDSON FARMS, INC., I DID SURVEY THE TRACTS OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDER-GROUND WATERS FROM UNDER THESE TRACTS FOR IRRIGATION PURPOSES AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, A.D., 19____.

Calvin Vaudrey
REGISTERED LAND SURVEYOR

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 4 DAY OF December, 1963.

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

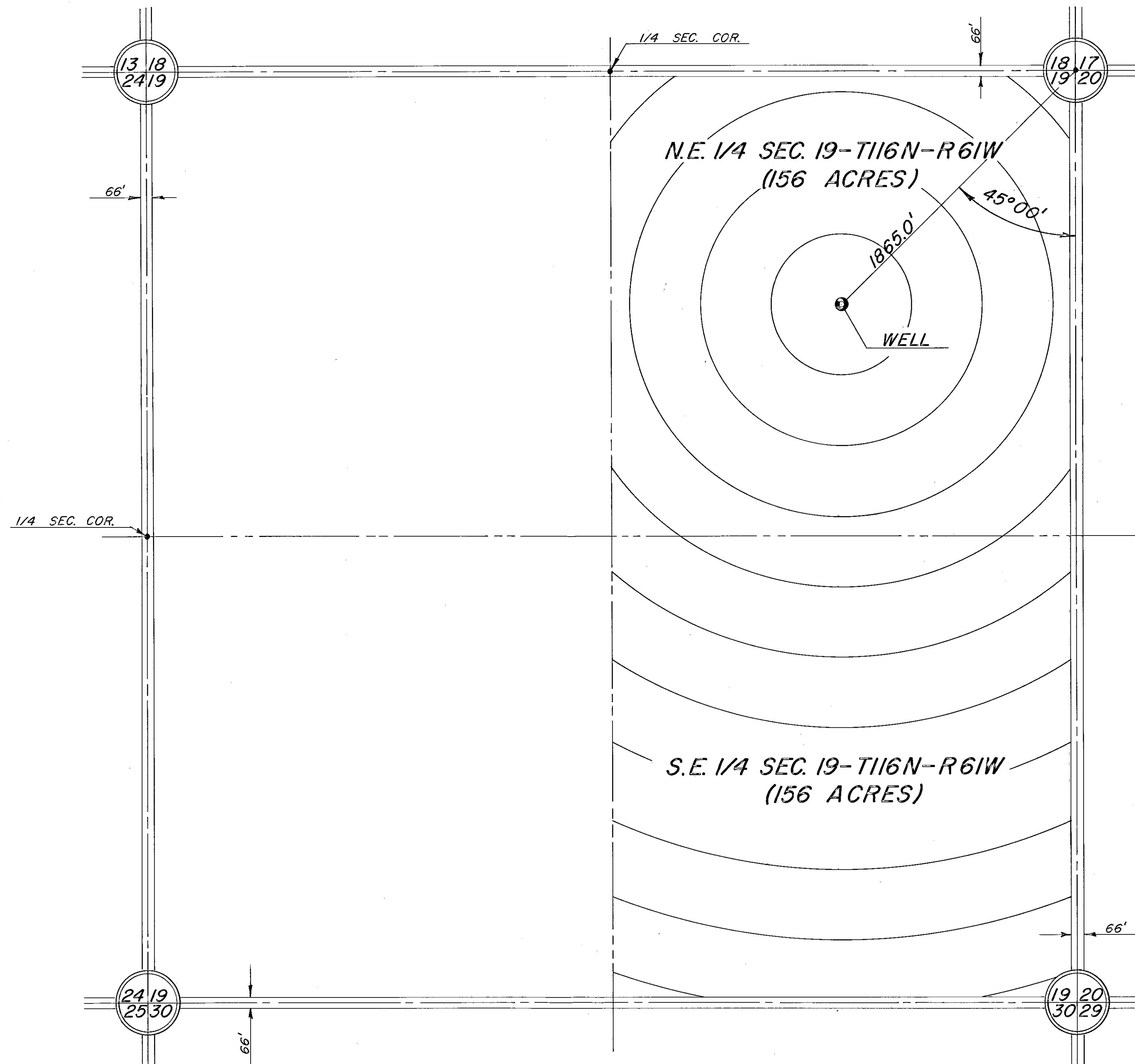
WATER RIGHTS MAP

SHOWING DIVERSION LOCATION
FOR PERMIT TO APPROPRIATE WATER

J. T. BANNER & ASSOCIATES, INC., ENGINEERS, BROOKINGS, SOUTH DAKOTA

APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES, INC.
DATE _____	
CHECKED BY _____	DRAWN BY L.D.H.
DATE _____	SHEET _____ OF _____

Map No 710-3 (Appl No 1093-3)



NOTE:
CIRCLES RADIATING FROM WELL
SHOW IRRIGABLE LAND.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

I, CALVIN VAUDREY, A REGISTERED LAND SURVEYOR WITHIN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF HUDSON FARMS, INC., I DID SURVEY THE TRACTS OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDER-GROUND WATERS FROM UNDER THESE TRACTS FOR IRRIGATION PURPOSES AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, A.D., 19____.

Calvin Vaudrey
REGISTERED LAND SURVEYOR

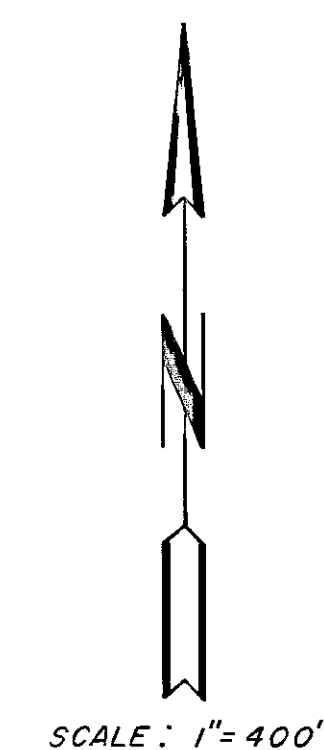
ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA S.S.
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED CALVIN VAUDREY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 4 DAY OF December, 1963.

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES _____



WATER RIGHTS MAP

SHOWING DIVERSION LOCATION
FOR PERMIT TO APPROPRIATE WATER

J. T. BANNER & ASSOCIATES, INC., ENGINEERS, BROOKINGS, SOUTH DAKOTA

APPROVED _____	FOR _____
DATE _____	
APPROVED _____	FOR J. T. BANNER & ASSOCIATES, INC.
DATE _____	
CHECKED BY _____	DRAWN BY <u>L.D.H.</u>
DATE _____	SHEET _____ OF _____

Map No 710-3 (Appl. No 10733)

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect those water supplies.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

March 25, 1964

This is to certify that the foregoing application was received by the Commission at 3:15 o'clock

9 a.m. upon the 9th day of January, 1964

State Water Resources Commission

By:

Durston J. J. J.
for Chief Engineer, Executive Officer

Number of permit

1073-3

Date of first receipt of application

January 9

1964

Date of return to applicant for correction, amendments or changes required as follows:

1964

Date of receipt of corrected application

1964

Date from which applicant may claim right

January 9

1964

Approved

March 11, 1964

Recorded in Book

8

Page

175

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

September 11, 1965

2nd. The whole of said work is to be completed on or before

March 11, 1967

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

March 11, 1969

4th. The water appropriated shall be used for the purpose of

irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 4584.45 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for Irrigation on or before

March 11, 1969

during the following described annual period:

April 1 to November 1

Witness my hand this

25th

day of

March, 1964

State Water Resources Commission

By:

Rollins

Chief Engineer, Executive Officer

Certificate of Construction Issued

AUGUST 19, 1968

Water License Issued

AUGUST 19, 1968

Form 2A — Wells (Supplement to Form 2)

West Leinbaugh Farm
South Well

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" , Depth 22'
Type of casing 5" pipe
(wood, concrete, steel, etc.)
Size of casing 16" , Thickness of casing 10 gauge
Length of casing 88' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Johnson Indicator
Size of perforated screen 16" , 20'
(diameter) (length)
Thickness of gravel pack 2" , length of gravel pack 63'

(c) Water Bearing Materials

Distance to water 23' Character of water bearing materials
..... Medium (coarse sand to gravel)
.....
.....
Thickness of "water bearing" material 65'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Westernland Roller , size 3"
Kind of motor LP Gas
(gasoline, electric, diesel, etc.)
Horsepower 125 HP , Name of Motor UV 549 International

(e) Complete well

Capacity 1200 GPM at drawdown of 70' Estimated cost \$2200.00

(f) Owner of land upon which well is located Hudson Farms, Inc.
Name
..... Kansas City, Kansas
Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 220 rods

Permit No. 1073-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hudson Farms, Inc.of Redfield, County of Stanley, and State of South Dakotathe holder of Permit No. 1073-3, issued upon Application No. 1073-3, bearing date of priority of January 9, 1964, authorizing the diversion of 4.45 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at Well #1, 1320' N. & 50' S. of NE Corner; Well #2, 1320' W. and 50' N. of SE Corner, Section 19, T119N, R61W, for irrigation

purposes, has fully 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 4.58 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: for irrigation of the E1/2, Section 19, T116N, R61W

Witness my hand this 19th day of August A. D. 1968

State Water Resources Commission

By:

J. W. CRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1073-3

WHEREAS, On the 9th day of January A. D. 1964
Hudson Farms, Inc.

of Redfield County of Spink and State of
South Dakota duly made application (No. 1073-3) to us for a permit to use 4.45
cubic feet per second of the waters of ground water
County of Spink, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 25th day of March A. D. 1964
Permit No. 1073-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the day of
March A. D. 1967 and for the application to beneficial use of said
water on or before the 11th day of March A. D. 1969
and,

WHEREAS, On the 17th day of October A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of
4.56 cubic feet per second of said waters, as evidenced by our Certificate No. 1073-3
dated August 19, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.58 cubic feet per second of water, with date of
priority of January 9, 1964 and,

WHEREAS, On the 17th day of October A. D. 1967
proof was duly made of the application to beneficial use of 4.45 cubic feet per second of said water;
for irrigating 312 acres in the E $\frac{1}{2}$, Section 19, T116N, R61W

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 Hudson Farms, Inc.
of Redfield the holder and owner of said permit No. 1073-3
a water right, dating from January 2, 1964 to the use of 4.45
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at points 1320' W and 50' S of the
NE Corner, and 1320' W and 50' N of the SE Corner, Section 19, T116N, R61W
and conducted to and upon the E $\frac{1}{2}$, Section 19, T116N, R61W

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply canal or lateral from
which such water may be taken, when such rules and regulatlens have for their object the nomical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commisson

By:

J. W. GRILES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

West Leinbaugh Farm
North Well

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 88'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 16", Thickness of casing 10 gauge
 Length of casing 88' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Johnson Irrigator
 Size of perforated screen 16", 20'
 (diameter) (length)
 Thickness of gravel pack 7", length of gravel pack 88'

(c) Water Bearing Materials

Distance to water 23' Character of water bearing materials
Medium to coarse sand to gravel
 Thickness of water bearing material 65'

(d) Pump and Motor

Type of pump Turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Westernland Roller, size 8"
 Kind of motor L. P. Gas
 (gasoline, electric, diesel, etc.)
 Horsepower 128 BHP, Name of Motor UV 549 International

(e) Complete well

Capacity 1200 GPM at drawdown of 70' Estimated cost \$2200.00

(f) Owner of land upon which well is located Hudson Farms, Inc.
 Name
Kansas City, Kansas
 Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 720 rods

on or before February 13, 1964
(First Publication February 13, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 3, 1964

Notice is hereby given that Hudson Farms, Inc. whose postoffice address is Redfield S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4,58 cubic feet of water per second of time from the ground water through the West Leinbaugh Farm Diversions, the point of diversion of which is to be located ~~on the~~ in the center of the NE 1/4 and ~~in the center of the NE 1/4 and~~ in the SE 1/4 of the SE 1/4 of Section 19 Twp. 116N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

E 1/2, Section 19, T116N, R61W

~~XXXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of March, 1964, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission.

By:

CC: Harold Jones, Publisher
Redfield Press
Redfield, S. Dak.

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } ss.Harold D. Jones being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Redfield Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Redfield County of Spink and State of South Dakota;

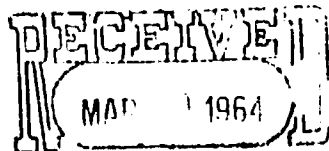
that the said notice was published in said newspaper on the following dates:

Feb. 13, 20, 27; Mar. 5

in each and every issue of the full number thereof, the first

publication being made on the 13th day of February1964 and the last publication on the 5th day ofMarch 1964, upon which days or times of publication aforesaid the newspaper was regularly published,

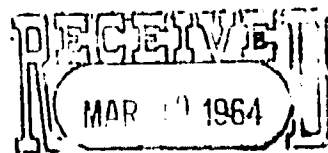
and that during the whole time of said publication he

was Editor ~~the printer~~ and publisher of the said newspaper.Harold D. JonesSubscribed and sworn to before me this 5th day of March A. D. 1964STATE WATER RESOURCES COM.
PIERRE, SOUTH DAK.Notary Public Spink County, S. D.No. 94 No. 1073-3
NOTICE OF
INTENTION TO APPROPRIATE WATER
Office of State Water Resources
Commission
Pierre, South Dakota
February 3, 1964

Notice is hereby given that Hudson Farms, Inc. whose postoffice address is Redfield, 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 4.58 cubic feet of water per second of time from ground water through the West Leinbaugh Farm Diversion, the point of diversion of which is to be located in the center of the NE 1/4 and in the SE 1/4 of the SE 1/4 of Section 19 Twp. 116N Range 8.W. Said water to be used for the purpose of providing irrigation on the following described land:

E1/2, Section 19, T114N, R61W
This application will be taken up by the State Water Resources Commission at their office at Pierre, S.D., for consideration upon the 11th day of March, 1964, at 2 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By:
BURTON F. JONES
Water Right Specialist
(Feb. 13, 20, 27, Mar. 5)STATE WATER RESOURCES COM.
PIERRE, S.D. 57111 DAKOTA

Permit No. 1073-3Water Division No. 3 JAMES RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota.

Dear Sirs: I hereby certify that ~~in accordance with the provisions of the act authorizing the~~

I have this day made a thorough examination of the diversion works constructed by HUDSON FARMS, INC. of REDFIELD
SPINK County, South Dakota. holder of Permit No. 1073-3, issued
 upon Application No. 1073-3, bearing date of priority of JANUARY 9, 64, authorizing the
 diversion of 4.58 cu. ft. per second of the waters of GROUND WATER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: WELL #1 - 80' WELL #2 - 61' - BOTH WITH 8" LOWE
BOWLER PUMP - 3-12CM BOWLS & BOTH POWERED BY 60HP U.S.
ELECTRIC MOTOR, 2520' CF 8" & 2520' OF 6" MAINLINE
8-1280' 4" TRACTOR PULL SPRINKLER LINES W/ 3/4" 6 RAINBIRD
230W SPRINKLER HEADS @ 40' SPACING @ 50 PSI
 and the system is in the following condition: EXCELLENT

* The point of diversion is located WELL #1 - 1320' W & 50' S OF NE CORNER;
WELL #2 1320' W & 50' N OF SE CORNER, SECTION 19, T116N, R6W

The works are capable of diverting and conveying to the place of use 4.58 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal subdivisions to be irrigated are: NE 4 & SE 4, SECTION 19, T116N, R6W

comprising a total of 312 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

* LOCATION OF WELLS CHANGED FROM POINTS
SHOWN ON WIR MAP 710-3.

Witness my hand, this 17TH day of OCTOBER, A. D. 1967.

—SEAL—

Dustin Jones
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Form 20

No. 1073-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Jon Ponn Building
Pierre, South Dakota 57501

Date April 14, 1977



This is to notify you that title to the lands described as follows:

S.E. 1/4 19-116-61, NE 1/4 Sec 19, T116N, R61W

formerly owned by A.B. Hudson

has been transferred to Larry Herb, Keith Glenn Freeland or
Freeland Farms
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1073-3 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

\$2.50

A fee of ~~one dollar~~ is hereto attached to cover filing fees as required
under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Freeland Farms 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 I know of my
own personal knowledge that the information herein stated is true.

Larry Freeland
(Signed)

Subscribed and sworn to before me this 14th day of April

19 77.

Betty Westlund
(Notary Public)

Land/Water Clerk

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

January 4, 1982

Dettler Farms
Rural Route
Doland, South Dakota 57436

Dear Sirs:

As per our telephone conversation December 30, 1981, enclosed are transfer forms for transferring Water Right Permits in the name of Freeland Farms, Herb Freeland, and Larry Freeland, to your name.

Each transfer form is partially filled out including the permit number, number of acres, and land covered under the permit. Check over each form, date, sign and have notarized before returning them to this office with a \$2.50 filing fee for each permit. Only complete the forms pertaining to the land you now own. Please return the remaining forms with, if possible, the name of the person(s) now owning the land.

Also enclosed are the 1981 Irrigation Questionnaires, please complete the forms pertaining to the Water Rights covering land you now own, and return them to our office.

Please note that Permit No. 3890-3 is still in deferred status. If you have any questions or need further information, please contact our office. We would appreciate your prompt attention in this matter.

Sincerely,

Gonny Young

Gonny Young
Water Rights Specialist
Water Rights Division
Phone: (605) 773-3352

BD3103GY.wr

South Dakota Department of
Water & Natural Resources
Jon Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

Dear Sirs:

On January 4, 1982 notice was sent to you concerning the transfer of water rights listed in the name of Freeland Farms, Herb Freeland and Larry Freeland. To date, nothing has been heard from you on this matter.

Enclosed is a list of their water rights and a number of transfer forms. Check over the list and complete the forms pertaining to the land you now own. Each transfer form should be dated, signed, notarized and returned to this office with a \$2.50 filing fee (\$2.50 each). Return the remaining forms with, if possible, the name of the person(s) now owning the land.

It is very important that our water right files remain up to date concerning proper ownership. Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,

Genny Young

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

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

1048-3
1071-3
1070-3
1073-3
1458-3
1891-3
2613-3

August 16, 1986

DeWayne Hofer
Box 406
Doland SD 57436

Dear Mr. Hofer:

In follow-up to our telephone conversation of August 14, 1986, enclosed is the list of water permits we have on file under the name of Freeland Farms. Also enclosed are blank transfer forms for use in transferring some of these permits to your name.

Please check over the legal descriptions of the permits and complete the transfer forms accordingly. Each form needs to be signed and notarized. A \$2.50 filing fee is required for each transfer.

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

If you would happen to know who owns the land covered under the remaining permits, this information would be very helpful to me. Any information you would have as far as ownership of these would be appreciated.

If I can answer any questions for you, please advise.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure

NO. 1073-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-4-87

This is to notify you that the title to the lands described as follows:

E 1/2 Section 19 T116 N Range, 61 W

formerly owned by Freeland Farms

has been transferred to K-D Trust Box 406 Doland S.D. 57436
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1073-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

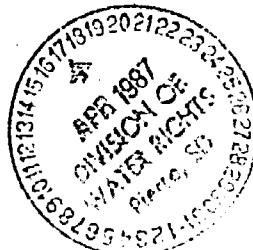
STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Karen Hoyer 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 I know of my own personal knowledge that the information herein stated is true.

Karen Hoyer
(Signed)

Subscribed and sworn to before me this 4th Day of March, 1987

Betty L. Bell
(Notary Public)





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 501-3181

March 17, 1987

Second Notice
Permit Nos. 1048-3
1071-3, 1072-3,
1073-3, 1458-3,
1891-3, 2613-3,

DeWayne Hofer
Box 406
Doland, SD 57436

Dear Mr. Hofer:

On August 15, 1986, notice was sent to you concerning the transfer of Water Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, and 2613-3 in the name of Freeland Farms. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each, for a total of \$17.50. The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 required Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

enclosures

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

1072-3
1073-3
1458-3

April 29, 1987

K-D Trust
Box 406
Doland, South Dakota 57436

Dear Sir:

Enclosed are receipt Nos. 410839, 410840 and 410841 in the amount of
\$2.50 each which you paid for transfer of Water Right Nos. 1072-3, 1073-3
and 1458-3.

Our records now show K-D Trust as owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/

Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

442841

Pierre, _____ April 17, 19 87

RECEIVED OF K-D Trust, Box 406, Doland, SD 57436

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1073-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (MS)



1073-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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 has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 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 20, 1998, 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.

1073-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

DeWayne & Karen Hofer
Box 406
Doland, SD 57436

RE: Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3

Dear Mr. & Mrs. Hofer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 and 2613-3.

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



1073-3
**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: DEWAYNE & KAREN HOFER, BOX 406, DOLAND, SD 57436

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 has not been submitted for Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3 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, 1999, 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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: DeWayne & Karen Hofer

ADDRESS: Box 406, Doland, SD

DATE: March 24, 1999

RE: irrigation questionnaires for Water Right/Permit Nos. 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3 & 2613-3

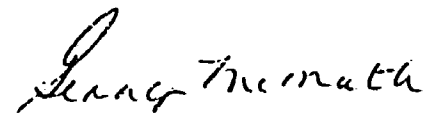
COMMENTS:

On January 22nd a notice was mailed to DeWayne & Karen Hofer concerning their 1998 irrigation questionnaires. Mr. Hofer called shortly after that time and requested a new set of forms. It seems the forms did not get mailed to the correct address and I remailed forms to him again. On March 2nd I contacted Mr. Hofer to let him know I still had not received forms. He was going to try and over-night them to me.

I spoke with him prior to the hearing and he indicated they were on their way. I deleted the matter from the agenda – however by March 8th I still did not have the forms and called him back. He said the forms were mailed the 2nd and said he would make copies of the forms and remail them that day.

On March 24th I contacted him again and he confirmed he had mailed the second set out and that we should have received them by now. Instead of mailing another set – Mr. Hofer faxed the information to me.

Due to the lightness of the copies, I retyped the information he faxed. Since the forms are now on file, no further action is necessary and a Board hearing will not be scheduled.



Genny McMath
Environmental Scientist



1073-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DEWAYNE HOFER, K-D TRUST, BOX 406, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1072-3, 1073-3 & 1458-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 5, 2003, 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) 1072-3, 1073-3 & 1458-3 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 28, 2003, 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.



1073-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2003

Kevin Dettler
40168 173RD St
Doland SD 57436

Dear Mr. Dettler:

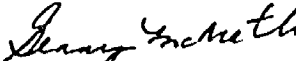
I am writing to acknowledge receipt of the 2002 irrigation questionnaires for the following Water Rights:

- Kevin & Becky Dettler: 961-3, 1050-3, 1120-3, 1223-3, 3114-3 (Robert Freeburg) and 3189-3 (Russ Hansen Estate)
- DeWayne Hofer & K-D Trust: 1072-3, 1073-3 and 1458-3
- Michael J Silver: 1048-3, 1071-3, 1891-3 and 2613-3

You may disregard the January 17, 2003, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and the issue 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

c: DeWayne Hofer
Michael J Silver



1073-3

**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: KEVIN DETTLER, 40168 173RD ST, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 961-3, 1050-3, 1120-3 & 1223-3, 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 961-3, 1050-3, 1120-3 & 1223-3 qualification:

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

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. 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) 961-3, 1050-3, 1120-3 & 1223-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1048-3, 1071-3, 1072-3, 1073-3, 1458-3, 1891-3, 2613-3, 3114-3 & 3189-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 27, 2004**, 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 (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.



1073-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

Kevin Dettler
40618 173rd St
Doland SD 57436

Dear Mr. Dettler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit/Right Nos. 961-3, 1048-3, 1050-3, 1071-3, 1072-3, 1073-3, 1120-3, 1223-3, 1458-3, 1891-3, 2613-3 and 3114-3.

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 letting me know that you will be farming only Robert Freeburg's land next year. I will make the changes to the files and get in contact with the owners of the other property to find out what they want to do with next years questionnaires.

If you have any questions, please contact me.

Sincerely,

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

1073-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

1072-3
1073-3
1458-3

DeWayne & Karen Hofer
K-D Trust
Box 406
Doland SD 57436

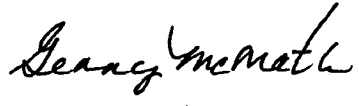
Dear Mr. & Mrs. Hofer:

I am contacting you in regard to Water Right Nos. 1072-3, 1073-3 and 1458-3, listed in your names.

Kevin Dettler has notified our office that he will not be farming the land for you next year. I have made the changes to the water right files. Future correspondence, including the annual irrigation questionnaires, will be sent directly to you unless you notify us otherwise.

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



1073-3

**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 18, 2006

1072-3
1073-3
1458-3

George W Cluts
17324 394th Ave
Frankfort SD 57440-6716

Dear Mr. Cluts:

Thank you for contacting us regarding the pending ownership changes for Water Right Nos. 1072-3, 1073-3 and 1458-3. The water rights are currently listed in the name of K-D Trust.

Enclosed are copies of the water rights and partially completed "Notice of Transfer of Ownership" forms. The transfer forms should be completed and then signed by the new owner(s). Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

As soon as we receive the signed forms and the filing fees, the water rights will be transferred to reflect the new ownership.

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



July 20, 2006

1073-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1072-3
1073-3
1458-3

George W Cluts
17324 394th Ave
Frankfort SD 57440-6716

Dear Mr. Cluts:

On April 18th, you contacted us regarding the pending ownership changes for Water Right Nos. 1072-3, 1073-3 and 1458-3. The water rights, listed in the name of K-D Trust, authorize irrigation of the following:

No. 1072-3: NW ¼ Section 20, T116N, R61W
No. 1073-3: E ½ Section 19, T116N, R61W
No. 1458-3: NW ¼ Section 22, T116N, R61W

To date, we haven't received any information as to whether the land has changed ownership or if the water rights should be left as they are. If you have any additional information concerning these water rights, let me know.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1073-3

Date: 12-1-06

I/We request that Water Right No. 1073-3

formerly owned by: K-D Trust

be transferred to: (name & address) United Feeders, LLP
26410 470th Ave
Morris, MN 56267 Telephone No. 320-392-5609

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

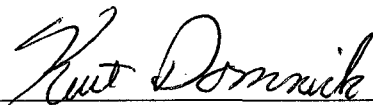
E ½ Section 19, T116N, R61W

I/We understand that the validity of Water Right No. 1073-3 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 Kurt Domnick, Partner of United Feeders the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIVED
DEC - 5 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 5, 20 06

RECEIVED OF United Feeders LLP, 26410 470th Ave., Morris MN 56267

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1073-3</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

2664

By

Darland Elbe

Chief Engineer

gm



1073-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 2006

1072-3
1073-3
1458-3

Kurt Domnick
United Feeders LLP
26410 470th Ave
Morris MN 56267

Dear Mr. Domnick:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 1072-3, 1073-3 and 1458-3. The transfers have been completed. The water rights formerly listed in the name of K-D Trust are now listed in the name of United Feeders LLP.

The annual irrigation questionnaires for the land described in these water rights were forwarded to Belmont Hutterian Brethren Inc. My understanding is that they have a lease agreement until 2011. We will continue to correspond with the colony concerning the annual forms until you notify us to do otherwise.

Enclosed are Receipt Nos. 02663, 02664 and 02665 in the amount of \$2.50 each which you paid for filing the ownership changes. 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

McMath, Genny

From: Joe Basel [joe.basel@riverviewfarms.com]
Sent: Thursday, June 12, 2008 2:00 PM
To: McMath, Genny
Subject: RE: United Feeders LLP

Genny,

Thank you for cleaning this up. We can use the new one, both Tom and Kurt are in the new office with me. You can send those to my attention, they just put them on my desk anyway.

Thank You,

Joseph Basel
Director of Sustainability
United Feeders

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, June 11, 2008 8:25 AM
To: joe.basel@riverviewgroup.net
Subject: United Feeders LLP

I am contacting you in regard to the recent water permit approved for United Feeders LLC. In reviewing the files, we have several permits for United Feeders LLP and have three different addresses. Could you send me a quick note to let me know which address the company would prefer correspondence sent to?

We have the following for addresses:

No. 6724-3: United Feeders

705 100th St SE, DeGraff, MN (in care of Tom Walsh)

Nos. 1458-3, 3035-3, 3175-3, 4714-3: United Feeders LLP

26410 470th Ave, Morris MN (in care of Kurt Domnick, Ptr)

No. 6998-3: United Feeders LLP

(this is the new one)

26406 470th Ave, Morris MN (in care of Joe Basel)

If you prefer that correspondence be sent to the addresses that are on each one – that's fine too. I just want to make sure we have our records correct.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: United Feeders LLP and West Central Land LLP Water Rights and Permits

I am writing in follow-up to your email communication with Eric Gronlund concerning the recent merger of West Central Land LLP and United Feeders LLP into Riverview LLP.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for the following Water Permits or Rights:

- West Central Land LLP - 1776-3, 6883-3 and 7105-3
- United Feeders - 6724-3, 1072-3, 1073-3, 3035-3, 6998-3, 7063-3 and 3175A-3

Please complete the forms and return them to our office with a required filing fee of \$50.00 each (total of \$500.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

RECEIVED

OCT 25 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1073-3
Date: 10-21-10

I/We request that Water Right No. 1073-3

formerly owned by: United Feeders LLP

be transferred to: (name & address) Riverview, LLP

26406 470th Ave
Morris, MN 56267 Telephone No. 320-392-5609

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

E ½ Section 19, T116N, R61W

I/We understand that the validity of Water Right No. 1073-3 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 Riverview, LLP, the new owner, certify that the above information is true and correct.

Brady Jansen, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/25, 20 10

RECEIVED OF Riverview LLP 26406 470th Ave Morris MN 56267

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>1073-3</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.

04637

By Harold Erule
Chief Engineer

1073-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2010

Brady Janzen
Riverview LLP
26406 470th Ave
Morris MN 56267

Re: Water Permit or Right Nos. 7105-3, 7063-3, 6998-3, 6883-3, 6724-3, 3175A-3,
3035-3, 1776-3, 1073-3, 1072-3

Dear Mr. Janzen:

The recent ownership changes you filed for Riverview LLP have been completed. The water rights or permits formerly held by West Central Land LLP and United Feeders are now listed in the name of Riverview LLP.

The receipts for the filing fees are enclosed. 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

enclosures

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

Hello,

Just wanted to give everyone notice that Anthony Ekren will be taking over the permitting, zoning, and annual reporting duties here at Riverview. Please direct all future correspondences to him. He can be reached at 320.392.5609 ext 297 (office), 320.287.0978 (cell), or anthony.ekren@riverviewllp.com.

Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

McMath, Genny

From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Thursday, July 21, 2011 7:56 AM
To: mikedurre@hotmail.com; Peterson, Mark (DOT); Hicks, Matt;
mcdirector@venturecomm.net; Mohan, Krishna (MDH); Wegleitner, Paul; Myers, Ben;
billkleindl@co.stevens.mn.us; Schwint, George (MPCA); McMath, Genny;
sheri.reuss@state.mn.us; janell.miersch@state.mn.us; Gronlund, Eric; Woodmansey, Kent;
Kindt, Trish
Cc: anthony.ekren@riverviewllp.com; brad.fehr@riverviewllp.com
Subject: Contact Change

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Thanks and have a great day!

Brady Janzen
Riverview, LLP
320.392.5609

1073-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2012

1072-3
1073-3
1458-3

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Ekren:

Thank you for calling me back with regard to ownership of land described in Water Right Nos. 1072-3, 1073-3 and 1458-3. Water Right Nos. 1072-3 and 1073-3 are already listed under Riverview LLP. No. 1458-3 is the only one needing transferred at this time.

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

I am including the irrigation questionnaires pertaining to the three water rights. I originally sent the forms to Belmont Hutterian Brethren who returned them to me indicating ownership changes had occurred. In reality, ownership had only changed on one of them. I had them as operator for all three water rights. Please complete the forms and return them prior to December 3rd.

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

enclosures



February 27, 2018

26406 470th Ave
Morris, MN 56267
(320) 392-5609

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

Eric,

Riverview, LLP is requesting an amendment to water right permit #1073-3. The change consists of replacing the existing well that has become non-functional with a new well. The new well will be located 10 feet north of the existing well. The well will be placed at the same depth as the existing well and there will be no change to the acres being irrigated. There will also be no increase to the current permitted diversion rate. Attached is a map showing the location of the old well along with the location of the new well.

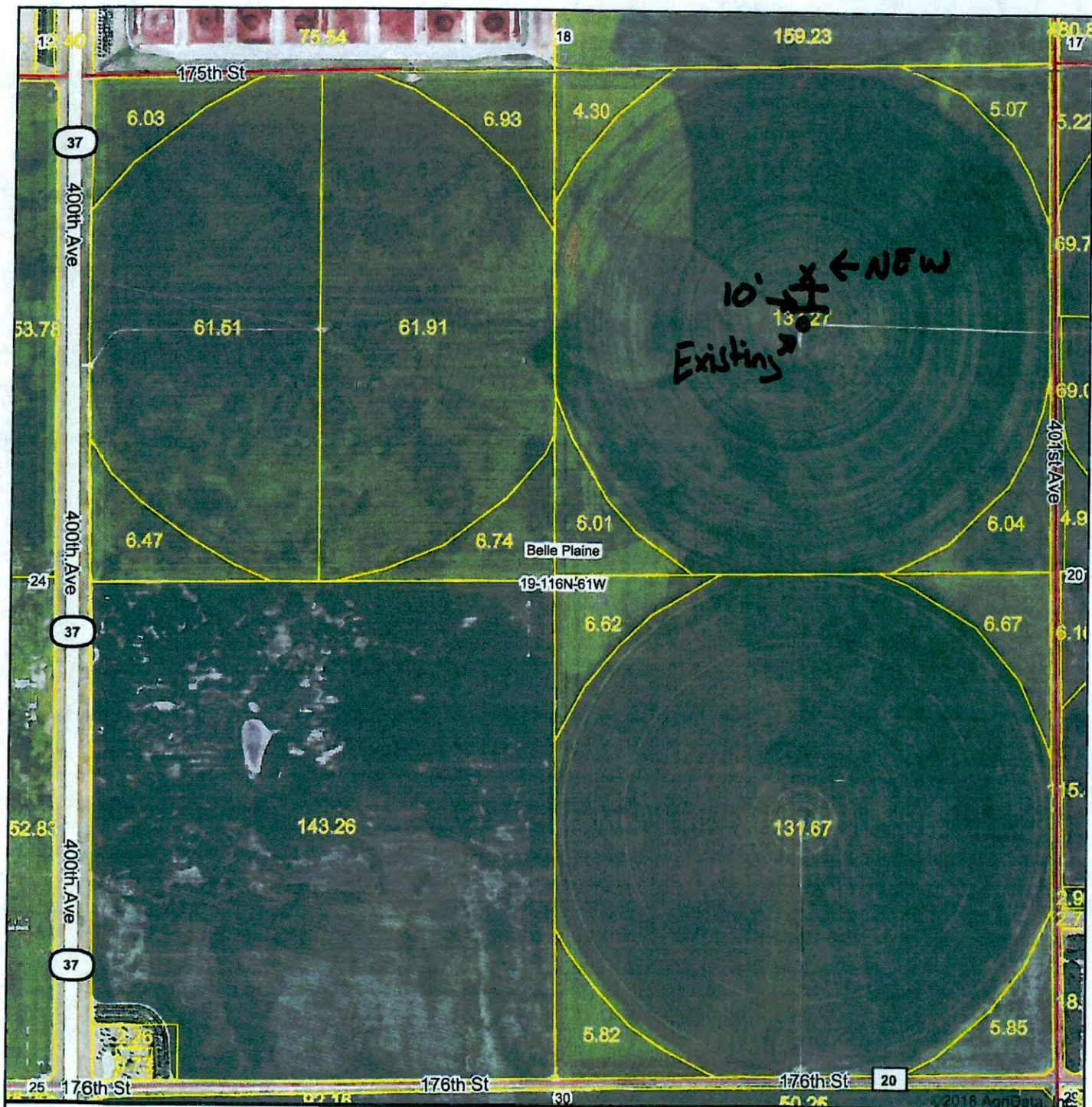
The old well will be plugged in accordance with South Dakota well construction standards.

Thank you,

Anthony Ekren
Riverview, LLP

Aerial Map

1073-3



map center: 44° 50' 33.69, -98° 12' 39.71

0ft 810ft 1621ft

Maps Provided By:
 **surety**
 CUSTOMIZED ONLINE MAPPING
 © AgriData, Inc. 2018 www.AgrDataInc.com

19-116N-61W
Spink County
South Dakota



2/28/2018

Request for Change of Diversion Point

NAME: Riverview, LLP

ADDRESS: 26406 470th Ave, Morris, MN 56267

DATE: April 26, 2018

COUNTY: Spink

TELEPHONE: 320-392-5609

BACKGROUND:

Water Right No. 1073-3 appropriates 4.45 cubic feet of water per second (cfs) from two wells completed in the Tulare: East James aquifer in Spink County for irrigation of 312 acres in the E ½ Section 19, T116N R61W. At the time of the licensing inspection (October 17, 1967), the diversion points were identified as being located 1320' W and 50' S of the NE Corner, and 1320' W and 50' N of the SE Corner, Section 19, T116N R61W. There are no well completion reports on file for these wells, however the indicated depths from the licensing inspection are 80 feet for the northern well and 61 feet for the southern well.

A request was filed to change the location of a diversion point for Water Right No. 1073-3 due to the current well that has become non-functional. The proposed well is expected to be located approximately 10 feet north of the existing well, and remains located in the NE ¼ Section 19, T116N R61W. As indicated on the map provided with the request, the existing well is located at the center of the NE ¼ of Section 19. This prior change of diversion and the well completion report for the current existing well are not on record with the Water Rights Program. From aerial imagery, it appears that the location of the originally licensed well was intact until the mid to late 2000's, and now that location appears to be farmed over.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be permitted provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source**

The water source authorized by Water Right No. 1073-3 is the Tulare: East James aquifer. The licensed well is completed to a depth of 80 feet. The proposed replacement well will be completed to a similar depth. Nearby wells indicate that the replacement well will also be in the Tulare: East James aquifer at the estimated completed depth.

- **No additional water appropriated**

No additional appropriation of water is requested. This request is for a change in the location of the diversion point. Water Right No. 1073-3 currently appropriates 4.45 cfs (2000 gpm) for the irrigation of 312 acres from two wells. The proposed replacement well does not increase the appropriation of Water Right No. 1073-3.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest domestic well on file and completed into this aquifer is approximately 0.9 miles southeast of the licensed diversion location and 0.7 miles from the existing and proposed diversion locations. The distance to the nearest domestic wells has decreased. The nearest water right/permit completed into this aquifer is approximately 0.9 miles southeast of the licensed diversion location and 0.7 miles from the existing and proposed diversion locations. Based upon the small change in distance from other users in the Tulare: East James aquifer and the unconfined nature of the aquifer; interference is not expected to be a concern.

Observation Well Data

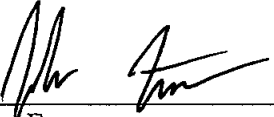
The Water Rights Program has 34 observation wells completed into the Tulare: East James aquifer. The nearest observation well completed into this aquifer (SP-77J) is located approximately 1.1 miles southwest of the well site. Historic water levels in SP-77J show that the groundwater surface has increased approximately 10 feet since the well was constructed in 1977. Other nearby observation wells, SP-66D (1.9 miles), SP-66E (1.8 miles), and SP-80K (1.7 miles) show a similar water surface elevation or a slightly increased water surface elevation over their period of records. These changes do not take into account climatic conditions, or the influence that pumping from nearby wells may cause.

CONCLUSION

- The change in location of the diversion point in the NE ¼ does not propose to appropriate additional water.
- This change of diversion does not affect the diversion point located in SE ¼ Section 19, T116N R61W.
- The water source continues to be the Tulare: East James aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change in location of the diversion point under Water Right No. 1073-3 should be approved.



John Farmer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The change in location of this diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 26, 2018

Riverview, LLP
c/o Anthony Ekren
26406 470th Ave
Morris, MN 56267

To Mr. Ekren:

Water Right No. 1073-3 appropriates 4.45 cubic feet of water per second (cfs) from two wells completed in the Tulare: East James aquifer in Spink County for irrigation of 312 acres in the E $\frac{1}{2}$ Section 19, T116N R61W. At the time of the licensing inspection (October 17, 1967), the diversion points were identified as being located 1320' W and 50' S of the NE Corner, and 1320' W and 50' N of the SE Corner, Section 19, T116N R61W.

You filed a request to change the location of a diversion point for Water Right No. 1073-3. The proposed well is expected to be located approximately 10 feet north of the existing well, and remains located in the NE $\frac{1}{4}$ Section 19, T116N R61W. As indicated on the map provided with your request, the existing well is located at the center of the NE $\frac{1}{4}$ of Section 19. This prior change of diversion and the well completion report for the current existing well are not on record with the Water Rights Program. This change of diversion point does not affect the diversion point located in the SE $\frac{1}{4}$ Section 19, T116N R61W.

The replacement well will need to be constructed according to South Dakota well construction standards and the well completion report will need to be submitted to the Water Rights Program as outlined in ARSD 74:02:01:08.01. Any well that is abandoned must be plugged in accordance with South Dakota well construction standards.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in location of the diversion point for Water Right No. 1073-3 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate or appropriation has been requested or approved.

If you have any questions, please contact John Farmer at (605) 773-3352.

Sincerely,

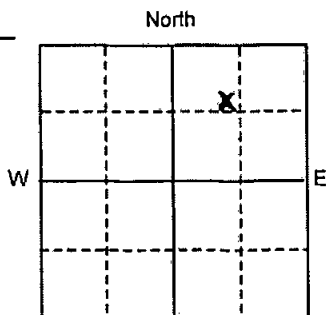
Jeanne Goodman, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 19 Twp 116N Rg 61W

County Spink

Please mark well
location with an "X"

Well Completion Date

7/19/18

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	46.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	12.00 IN	66.0 FT	76.0 FT	17.50 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	8	Lb/gal	0.0 Ft	36.0 Ft
Gravel Pack		Lb/gal	36.0 Ft	66.0 Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 12.00 Inches Length 20.0 Feet
 Material Stainless Steel

Slot Size 80 Set From 46.0 Feet to 66.0 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?☐ No, Why Not?Lab to which water
quality sample sent for analysis

Well Owner: Riverview LLP / United Feeders

Business Name:

Address: 26406 470th Ave

City, State, Zip: Morris MN 56267

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil Black	0	1
Clay Tan	1	4
Clay Yellow	4	19
Sandy clay Blue	19	40
Gravel/decomposed trees	10	50
Gravel Tan	50	66
Clay Blue	66	76

STATIC WATER LEVEL 27.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

50.0 Ft. After 5.0 Hrs. pumped 850.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

800gpm
20hr developmentGPS: 44 50 46.1N
98 12 21.3W

Kris VanHueveln

This well was drilled under license # 463 and this
report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 09/20/2018

RECEIVED

DEC 18 2018

WATER RIGHTS
PROGRAM



February 24, 2020

26406 470th Ave
Morris, MN 56267
(320) 392-5609

SD DENR Water rights program

RE: Change in contact information

Dear Eric Gronlund,

I will no longer be with Riverview at the end of March, please remove me as the contact person for the Riverview water rights permits. Please make the following changes:

Please make the following person the main contact person for Riverview water rights permits:

Brady Janzen
320-349-0318
Brady.janzen@riverviewllp.com

Additionally, please make the following person a secondary contact person for Riverview water rights permits:

Matt Waldbeser
320-287-1028
Matt.waldbeser@riverviewllp.com

Thank you,



Anthony Ekren

SD DANR, WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Carson Tevelde

ADDRESS: 47853 236th St, Egan SD 57024

DATE: June 10, 2021

TELEPHONE: 559-805-3249

RE: Complaint concerning irrigation of property not covered by a water right

COMMENTS:

Dan Wilson (ph. 605-460-1172) called indicating that the NW1/4 section 19-116N-R61W was being irrigated and the property was no longer covered by a water right.

After reviewing the file, it was found that the property was covered for irrigation from a well in the NE1/4 NW1/4 section 19 completed into the Tulare East James aquifer. The permit authorizing the irrigation was No. 2208-3. An application was filed to transfer the location of the irrigated acreage approximately six miles to the northeast. Application No. 2208A-3 was approved so the NW1/4 section 19 is currently NOT covered for irrigation from the Tulare East James aquifer.

I contacted Dairy Wise Builders (in process of transferring the feedlot to themselves – currently in name of Riverview LLP) and spoke to Carson Tevelde. I informed Mr. Tevelde I had been told that the NW1/4 was being irrigated from the aquifer and not the lagoons. We discussed the transfer of the water right from the NW1/4 and he was aware of that. Mr. Tevelde contacted Eric (the manager) who is learning about operation of the other irrigation water rights (No. 1073-3 and 1072-3) and how the systems are interconnected with the lagoons for disposal of wastewater.

After contacting the manager, Mr. Tevelde confirmed that while experimenting with switching valves water had been diverted from the well in the NE1/4 section 19 to the NW1/4 section 19. The well located in the NE1/4 NW1/4 section 19 which was used under No. 2208-3 is no longer connected to the delivery system. I informed Mr. Tevelde water could not be used under Water Right No. 1073-3 to irrigate the NW1/4 of section 19. Mr. Tevelde indicated that the valve has been closed and the well will not be used to irrigate the NW1/4 which has grass on it. He understood that the only water that could be placed on the NW1/4 would be wastewater from the lagoon system.

I contacted Mr. Wilson and advised him of what I found out and he thanked me. Mr. Wilson also mentioned that the artesian wells used to supply the feedlot had caused his well to stop flowing and he was not pleased about that. Water Permit No. 6724-3 authorizes use of three Dakota aquifer wells to supply the feedlot.

RECOMMENDED ACTION:

Recommending no action provided no further water gets applied from the Tulare East James aquifer on the NW1/4 section 19-T116N-R61W. The initial application may have been inadvertent while learning how the manifold system operates but any future applications may be subject to pursuing board or civil action.



Ron Duvall
Water Rights Permitting Administrator
SD DANR, Water Rights Program