

Considered: \_\_\_\_\_

WATER PERMIT NO. 1089A-3

Phone: 605-224-4394

Name of Applicant: Dale Bignon

Post Office Address: 1213 N Euclid, Pierre SD 57501

Amount of Water Claimed: 5.64 cfs (no add'l) Total Acres: 395 (no add'l)

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Hughes

About 25 miles SW of Pierre

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C/L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 3-20-91 Fee: \$50.00 Remarks See Permit

Nos. 1089-3 and 1515-3

Corrected Application Received \_\_\_\_\_ Period of Annual Use April 1 - October 31

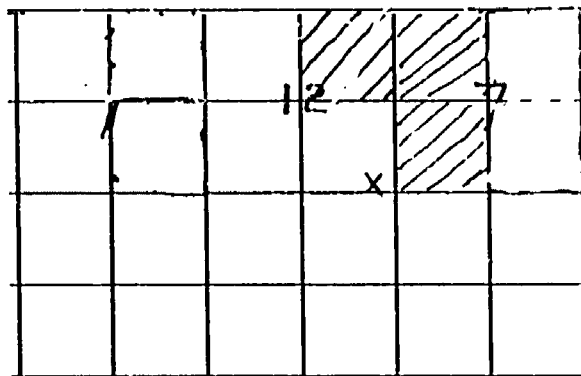
WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: SE 1/4 SE 1/4 12-108-76

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

Sec 12-108-76; NW 1/4, SW 1/4 Sec 7-108-75



Well Log: Driller: \_\_\_\_\_ Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well: \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map: areial PREPARED BY: Deb Jones Reviewed and the Number

Assigned on 3-22-91 By Karen Schlaak

(See instructions)

No. 1089A-3 Hydrologic Unit 10140101  
Basin Missouri River  
Newspaper Daily Capitol Journal, PO Box 878

# Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. 1089-3  
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)  
☒ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_

1. Name of Applicant Dale Bisson Phone No. (605) 773-9294

Post Office Address 1313 W. Euclid Pierre State SD  
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 5.64 cfs (no add'l) Total acres irrigated 395 no add'l

3. Source of Water supply Lake Sharpe (Missouri River)

4. Location of point of diversion SE 1/4 SE 1/4 Section 17, T108N, R76W

County Hughes

5. Counties where water will be used Hughes

6. Annual period during which water is to be used April 1 - October 31

7. 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. |
|------------------|----------------|
| See WR No 1089-3 |                |
|                  |                |
|                  |                |
|                  |                |

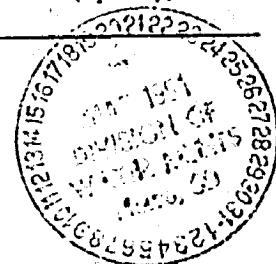
| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: \_\_\_\_\_ Towline: \_\_\_\_\_ Center Pivot: ☒ Gun: \_\_\_\_\_ Other: \_\_\_\_\_  
(Specify)

9. Crops to be Irrigated: \_\_\_\_\_

10. Give a description of proposed project. (Attach sheet if more-space is needed)



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

STATE OF SOUTH DAKOTA)  
County of Hughes)<sup>ss</sup>

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

KAREN SCHLAAK  
NOTARY PUBLIC  
SOUTH DAKOTA  
My Commission Expires Apr. 1, 1993

Signed Dale Bisson  
Subscribed and sworn to before me this 20<sup>th</sup> day of March 1991  
Karen Schlaak  
Notary Public



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 24, 1992

Nachtigal Farms, Inc.  
RR #3, Box 171  
Platte SD 57369

Dear Mr. Bisson:

Enclosed is Reissued Water Permit No. 1089A-3 which authorizes the construction of your water diversion system and beneficial use of water. The permit was issued because Item No. 4, "the date of approval line", was inadvertently left off the first permit sent to Dale Bisson dated February 20, 1992.

If you have any questions, please contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Hatch', is written over the typed name.

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

enclosure

cc: Dale Bisson

REISSUED  
SOUTH DAKOTA  
WATER PERMIT No. 1089A-3 FOR IRRIGATION

Date of first receipt of application March 20, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1089A-3 to Dale Bisson, 1213 W Euclid, Pierre SD 57501 which is now owned by Gary, David and Donald Nachtigal, RR 3, Box 171, Platte SD 57369 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1089A-3 is to change the location of the point of diversion on Water Right No. 1089-3. Water Right No. 1089-3 appropriates 5.64 cubic feet of water per second from the Missouri River. The point of diversion was to be located 1360 feet West of the East 1/4 corner, Section 12-T108N-R76W; to irrigate 395 acres located in Lot 1, NE 1/4 NE 1/4, SE 1/4 NE 1/4 Section 12-T108N-R76W, NW 1/4, SW 1/4 Section 7-T108N-R75W. The correct location of the point of diversion is the SE 1/4 SE 1/4 Section 12-T108N-R76W. This permit does not authorize any increase in diversion rate or acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1- October 31.
3. The date from which applicant may claim right is March 24, 1961.
4. The date of approval of Permit No. 1089A-3 is June 19, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

*John H. Hatch*  
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

FEB 24 1992

\_\_\_\_\_ date

SOUTH DAKOTA  
WATER PERMIT No. 1089A-3 FOR IRRIGATION

Date of first receipt of application March 20, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1089A-3 to Dale Bisson, 1213 W Euclid, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1089A-3 is to change the location of the point of diversion on Water Right No. 1089-3. Water Right No. 1089-3 appropriates 5.64 cubic feet of water per second from the Missouri River. The point of diversion was to be located 1360 feet West of the East 1/4 corner, Section 12-T108N-R76W; to irrigate 395 acres located in Lot 1, NE 1/4 NE 1/4, SE 1/4 NE 1/4 Section 12-T108N-R76W, NW 1/4, SW 1/4 Section 7-T108N-R75W. The correct location of the point of diversion is the SE 1/4 SE 1/4 Section 12-T108N-R76W. This permit does not authorize any increase in diversion rate or acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1- October 31.
3. The date from which applicant may claim right is March 24, 1964.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

John Hated  
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

FEB 20 1992

\_\_\_\_\_  
date

*South Dakota*



GREAT FACES. GREAT PLACES.

FEB 20 1992

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

Dale Bisson  
1213 N Euclid  
Pierre, SD 57501

Dear Mr. Bisson:

Enclosed is Water Permit No. 1089A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

REPORT ON APPLICATION NO. 1089A-3  
DALE BISSON  
APRIL 8, 1991

Application No. 1089A-3, Dale Bisson, proposes to change the location of the point of diversion on Water Right No. 1089-3. Water Right No. 1089-3 appropriates 5.64 cubic feet of water per second (cfs) from the Missouri River. The diversion point was to be located 1360 feet West of the E 1/4 corner, Section 12-T108N-R76W to irrigate 395 acres located in Lot 1, of the NE 1/4 NE 1/4, SE 1/4 NE 1/4 Section 12-T108N-R76W; NW 1/4, SW 1/4 Section 7-T108N-R75W. The new location for the diversion point is in the SE 1/4 SE 1/4 Section 12-T108N-R76W. This application does not authorize any increase in diversion rate or acres irrigated.

Water Source

The water source is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available.

Discussion

This application requests no additional water and no additional acreage over that approved for Water Right No. 1089-3.

There are numerous water rights/permits diverting from the Missouri River below Application No. 1089A-3. Because there is ample water in the Missouri River, Application No. 1089A-3 is unlikely to cause adverse effects on the downstream water rights/permits. There have been no complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 1089A-3 during the irrigation season.
2. The change in diversion point location will not effect existing water rights.

3. If the Water Permit Application No. 1089A-3 is approved, it should contain the following qualification:

Subject to the irrigation questionnaire being submitted every year.

*Norma C. Job*

Norma C. Job  
Natural Resource Engineer I

Approved by:

*Delvin D. Brosz*

Delvin D. Brosz, PE  
Natural Resource Engineer IV

References

1. Ahadi, M. Rassool, 1990, Report on Application No. 5370-3, Division of Water Rights, South Dakota Department of Water and Natural Resources.

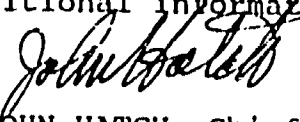
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1089A-3, Dale Bisson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1089A-3, Dale Bisson, 1213 N Euclid, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 1089A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) in the public interest with the following qualification:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name and date.

JOHN HATCH, Chief Engineer  
May 10, 1991

*South Dakota*



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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

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

May 16, 1991

Dale Bisson  
1213 N Euclid  
Pierre, SD 57501

Dear Mr. Bisson:

Water Permit Application Nos. 1089A-3 and 5537-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Capitol Journal printed at Pierre, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

*South Dakota*

GREAT FACES. GREAT PLACES.

May 16, 1991

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

Daily Capitol Journal  
PO Box 878  
Pierre, SD 57501

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1089A-3 and 5537-3 to be published twice. Please publish the first notice on May 22, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Dale Bisson, 1213 N Euclid, Pierre, SD 57501.

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

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

Sincerely,

*Eric Gronlund*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. \_\_\_\_\_

Date \_\_\_\_\_

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

Name \_\_\_\_\_

Newspaper \_\_\_\_\_

Instruction to Newspaper - Publish first Notice on May 22, 1991, with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application Nos. 1089A-3 and 5537-3

Notice is given that Dale Bisson, 1213 N Euclid, Pierre, SD 57501 has filed applications for water permits.

Water Permit No. 1089A-3 is to change the location of the point of diversion on Water Right No. 1089-3. Water Right No. 1089-3 appropriates 5.64 cubic feet of water per second from the Missouri River. The point of diversion was to be located 1360 feet west of the E 1/4 corner, Section 12-T108N-R76W to irrigate 395 acres located in Lot 1, NE 1/4 NE 1/4, SE 1/4 NE 1/4 Section 12-T108N-R76W; NW 1/4, SW 1/4 Section 7-T108N-R75W. The correct location of the point of diversion is the SE 1/4 SE 1/4 Section 12-T108N-R76W. This application does not authorize any increase in diversion rate or acres irrigated.

Water Permit No. 5537-3 is to appropriate 1.85 cubic feet of water per second from the Missouri River to irrigate 130 acres. The location of the point of diversion will be in the SE 1/4 SE 1/4 Section 12 T108N-R76W and the land to be irrigated is located in the SW 1/4 Section 17; all in T108N-R75W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1089A-3 and 5537-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 1089A-3 and 5537-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If these applications are opposed or the recommendations are contested, the June 19, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 19, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by June 10, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16;  
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,  
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4,  
46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Hughes ) ss.

I, Peggy Warner

certify that the attached printed Notice was taken  
from the Capital Journal

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

City of Pierre

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

May 22, 1991

May 29, 1991

Peggy Warner  
(Signature)

Legal Representative  
(Title)

May 30, 1991  
(Date Signed)

Cost of Printing: \_\_\_\_\_

155 lines @ .44 =  
\$68.20

5-88

No. 5296 21dly 5/22, 5/29  
NOTICE OF HEARING  
on Application Nos. 1089A-3  
and 5537-3

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1089A-3 and 5537-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation.

The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre S.D. 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3; 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

*South Dakota*

GREAT FACES. GREAT PLACES.

November 26, 1991

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

1089-3

1089A-3

5537-3

Mary Nachtigal  
RR #3 Box 171  
Platte, SD 57369

Dear Ms Nachtigal:

Enclosed are partially completed "Notice of Transfer" forms for use in filing; ownership changes on Water Right No. 1089-3 and Water Permit Nos. 1089A-3 and 5537-3. They are currently listed in the name of Dale Bisson. It is our understanding that Nachtigal Farms now owns the land described in these permits.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

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

If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosure

# RECEIPT

412606

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_, March 20, 19 91

RECEIVED OF Dale Bisson, 1213 N Euclid, Pierre, SD 57501

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

|                                                                                                                                     |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit No. <u>1069A-3</u> to Appropriate Water, to construct works 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 _____                                                                                                  |    |    |
| Fee for Filing Extension Request _____                                                                                              |    |    |
| Fee for Certified Copy of _____                                                                                                     |    |    |
| Fee for Print Copy of Map _____                                                                                                     |    |    |
| Fee for Certifying _____                                                                                                            |    |    |
| Fee for _____<br>(Any Other Work Provided by Law)                                                                                   |    |    |
| <b>Total</b>                                                                                                                        | 50 | 00 |

By John Hatch/Emile  
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1089A-3

Date: Dec. 3, 1991

I\We request that Water Permit No. 1089A-3

formerly owned by: Dale Bisson

be transferred to: (name & address) Erny Nachtigal, David Nachtigal,  
Donald Nachtigal - Platte, SD RR #3 Box 171 Telephone No.) 726-3135

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

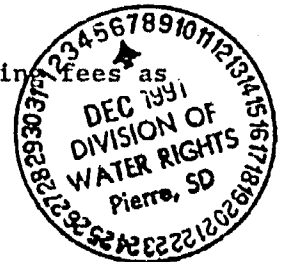
Lot 1, E 1/2 & E 1/4 Section 12, T108N, R76W and W 1/2 Section 7, T108N, R75W

I\We understand that the validity of Water Permit No. 1089A-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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA )  
 )  
County of Charles Mix )



I\We Gary Nachtigal 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.

Gary Nachtigal  
(Signed)

Subscribed and sworn to before me this 3rd day of December, 19 91.

David V. Smith  
(Notary Public)

My Commission Expires 3-6-94

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

412943

Division of Water Rights  
South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_, December 6, 19 91

RECEIVED OF Anita Nachtigal (Nachtigal Farms, Inc) RR 3 Box 171, Platte, SD 57369  
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. \_\_\_\_\_ to Appropriate Water, to construct 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 \_\_\_\_\_ Water Permit No. 1089A-3

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

2 50

By

Chief Engineer

*John H. Hald*

*South Dakota*

1089A-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

December 9, 1991

Dallas Moon  
Corps of Engineers  
Real Estate Project Office  
Federal Building  
PO Box 670  
Pierre, SD 57501-0670

Dear Mr. Moon:

Enclosed are copies of transfers filed on December 6, 1991, with Water Permit Nos. 1089A-3 and 5537-3 and Water Right No. 1089-3. They were transferred from Dale Bisson to Gary, David and Donald Nachtigal, Platte, SD.

If you have any questions, please contact.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosures



January 2, 1992

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

No. 1089-3  
1089A-3  
5537-3

Anita Nachtigal  
Nachtigal Farms, Inc.  
RR 3, Box 171  
Platte, SD 57369

Dear Ms. Nachtigal:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Our records now show Gary, David, and Donald Nachtigal as the owner of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Cheryl F. Frost'.

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

enclosure



1089A-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: GARY/DAVID/DONALD NACHTIGAL  
RR 3 BOX 171  
PLATTE SD 57369

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Violation of Water Permit No(s) 1089-3, 1089A-3 & 5537-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1089-3, 1089A-3 & 5537-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1089-3, 1089A-3 & 5537-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 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) 1089-3, 1089A-3 & 5537-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 19, 1993

1089-3  
1089A-3  
5537-3

Gary, David & Donald Nachtigal  
RR #3 Box 61  
Platte, SD 57369

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Permit Nos. 1089-3, 1089A-3 and 5537-3.

The questionnaires were received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Natural Resources Analyst  
Water Rights Division  
(605) 773-3352



January 9, 1998

**NOTICE**

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

TO: NACHTIGAL FARMS, INC, GARY NACHTIGAL, RR 3 BOX 61, PLATTE, SD 57369

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1089-3, 1089A-3, 5537-3 & 5008-3, 2713-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2713-3 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) 1089-3, 1089A-3, 5537-3 & 5008-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1089-3, 1089A-3, 5537-3 & 5008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2713-3 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 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 23, 1998

Gary Nachtigal  
Nachtigal Farms  
RR 3 Box 61  
Platte, SD 57369

RE: Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3

Dear Mr. Nachtigal:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting information. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3.

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

File No. 1089-3

1089A-3

1515-3

5008-3

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

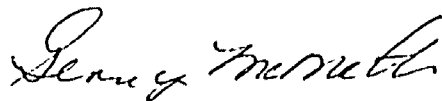
NAME & ADDRESS: Nachtigal Farms

DATE: September 17, 2002

RE: Licensing and incorporation of water permits

**COMMENTS:**

On September 17, 2002, Water License No. 5537-3 was issued to Nachtigal Farms. The license was based on an investigation done on June 18, 2002 by Lynn Beck. When the license was issued, the applicable portions of Water Permit Nos. 1089-3, 1089A-3, 1515-3 and 5008-3 were incorporated into the license.



Genny McMath  
Environmental Scientist

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Transferred to

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Del Jones, acting CEO 3/30/91

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## TRACT REGISTER OF ACQUISITION AFTER 1 JANUARY 1943 (CIVIL)

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| 500       | Don Benedict, et al            | 17.50   |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 501       | Walter Pruess, et al           | 243.51  |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 502       | Walter Pruess, et al           | 250.34  |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 503       | Charles Arch Estate            | 66.26   |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 504       | Howard Hansen Estate, et al    | 802.10  |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 505       | Violet Kosok, et al            | 790.4   |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 506       | Deleted                        |         |     |       |       | Now included in tr. 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     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| 524       | H.C. Coltrane                  | 31.25   |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              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| 525       |                                |         |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 526       | Lower Brule Indian Reservation |         |     |       |       | Acres included in the Tract Register of Segment "1"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| 527       | Crow Creek Indian Reservation  |         |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 528       | Dept. of Interior (1941)       | 593.70  |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 529       | Deleted                        |         |     |       |       | Now included in tract D                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   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| 530       | Sodak Corporation              | 2.50    |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 531       |                                |         |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 532       | Lower Brule Indian Reservation |         |     |       |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           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| 533       | CEMETERY "L"                   |         |     |       |       | Entire acreage (0.00) incl. in tr. 519                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    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| 534       | Sodak Corporation              | 0.04    |     |       |       | Formerly part of tract 521. 1/4 sec. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 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