

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 19, 1989

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

See Schedule A for legal description

formerly owned by John Hancock Mutual Life Insurance Company
Dakota Lakes Research Farm, a South Dakota nonprofit corporation.
has been transferred to P. O. Box 2, Pierre, South Dakota 57501

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1102A-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)
) ss.
County of Hughes)

Henry Zeman, President of Dakota
Lakes Research Farm, 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.

Henry C. Zeman
(Signed)

Subscribed and sworn to before me this 19th Day of May, 1989.

Ronald D. Olinger
(Notary Public)



Ronald D. Olinger, Notary Public
My Commission Expires
September 13, 1990

SCHEDULE C

File Number: 89-118

The land referred to in this Commitment is described as follows:

NE $\frac{1}{4}$ (less Lot H-1 in W $\frac{1}{2}$ NE $\frac{1}{4}$ and less Lot H-1 in NE $\frac{1}{4}$ NE $\frac{1}{4}$);
NW $\frac{1}{4}$ (less Lot H-1); E $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$;
and that portion of Lot 1 NOT deeded to the USA by a deed dated
July 29, 1963, and recorded in Book 259, page 467, more particularly
described as follows: That portion of Lot 1 of Section 32, Township 110
North, Range 76 West of the 5th P.M., lying northerly of the Missouri
River, described as follows:

Beginning at the Southeast corner of said Lot 1, thence Westerly along
the south line of said Lot 1, a distance of 330 feet, thence North
45 degrees west of the west line of said Lot 1, thence Northerly along
the West line of said Lot 1, to the Northwest corner thereof,
thence Easterly along the north line of said Lot 1 to the Northeast
corner thereof, thence Southerly along the east line of said Lot 1
to the point of beginning.

All of the above-described property is located in Section 32,
Township 110 North, of Range 76 West of the 5th P.M., Hughes
County, South Dakota.

 **Department of
Water & Natural Resources**

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

May 22, 1989

Ronald Olinger
Olinger, Srstka, Lovald & Robbennolt
117 E Capitol
Pierre, SD 57501

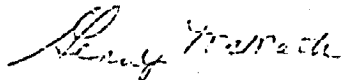
Dear Mr. Olinger:

The "Notice of Transfer" you submitted (Dakota Lakes Research Farm) for use in changing ownership on a portion of lands under Water Right No. 1102-3 has been received. Water Right No. 1102-3 will be divided and reissued as No. 1102A-3, Dakota Lakes Research Farm and No. 1102B-3, John Hancock Mutual Life Insurance Company.

The paperwork for the reissued water rights has not been completed; however, the ownership changes are effective immediately. The time between filing the transfer of ownership and the actual reissuance of the water rights, has no bearing on the water rights themselves.

Enclosed is your receipt for the \$2.50 filing fee you paid. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure

cc: Dallas Moon, Real Estate Project Office, Federal Building,
Pierre, SD 57501



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 22

1989

RECEIVED OF Ronald Olinger, 117 E. Capitol, Pierre, SD 57501

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. _____ per period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form No. 1102A-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 John Hatch (ma)
Chief Engineer John Hatch

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1102A-3
(DIVISION OF NO. 1102-3 INTO NO. 1102A-3 & 1102B-3)

(1) Raymond Shields of Pierre, South Dakota, 57501, was issued Water License No. 1102-3, October 15, 1971, for a water right to appropriate 6.49 cubic feet per second (cfs) of water from the Missouri River, Hughes County, South Dakota for irrigation purposes with a priority date of May 14, 1964.

On March 2, 1989, Water Right No. 1102-3 was transferred to John Hancock Mutual Life Insurance Company. On May 22, 1989 a portion of the land irrigated under No. 1102-3 was transferred to Dakota Lakes Research Farm, a South Dakota nonprofit corporation.

Water License No. 1102-3 is being divided and reissued as No. 1102A-3, Dakota Lakes Research Farm, a South Dakota nonprofit corporation and No. 1102B-3, John Hancock Mutual Life Insurance Company.

Water License No. 1102A-3 is being reissued for diversion of 6.05 cfs of water from the Missouri River to irrigate 423 acres in portions of Section 32, T110N, R76W.

Water License No. 1102B-3 is being reissued for diversion of 0.44 cfs of water from the Missouri River to irrigate 31 acres in portions of Section 31, T110N, R76W.

(2) It is certified that Water License No. 1102A-3 authorizes diversion of 6.05 cubic feet per second of water for beneficial use. The location of the diversion point is:

between points S64°W 91 rods and S1°30'E 138 rods from the W 1/4 corner Section 32, T110N, R76W.

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

T110N, R76W Section 32	NW 1/4 NW 1/4	38	acres
	NE 1/4 NW 1/4	39	"
	SE 1/4 NW 1/4	40	"
	NW 1/4 SW 1/4	39	"
	NE 1/4 SW 1/4	40	"
	SE 1/4 SW 1/4	39	"
	SW 1/4 SW 1/4	37	"
	NW 1/4 NE 1/4	39	"
	NE 1/4 NE 1/4	34	"
	SE 1/4 NE 1/4	38	"
	SW 1/4 NE 1/4	40	"
	Total	423	acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dakota Lakes Research Farm, a South Dakota nonprofit corporation, of PO Box 2, Pierre, South Dakota, 57501 the holder and/or owner of Water Right No. 1102A-3, is issued a license to appropriate water, the right to use 6.06 cubic feet per second of water from the Missouri River with a priority date of May 14, 1964 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1102-3 and subject to South Dakota State Law.



Chief Engineer, Water Rights Division
Dept of Water & Natural Resources

JUN 6 1989

SOUTH DAKOTA
Department of
Water & Natural Resources

Wm. Foss Building
522 East Capitol
Pierre, South Dakota 57501-3181

JUN 6 1989

1102A-3

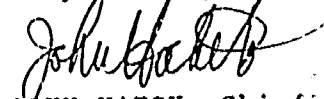
Henry Zeman, President
Dakota Lakes Research Farm
PO Box 2
Pierre, SD 57501

Dear Mr. Zeman:

The transfer and division of Water Right No. 1102-3 has been completed. The water license has been divided and reissued as No. 1102A-3, Dakota Lakes Research Farm, a South Dakota nonprofit corporation and No. 1102B-3, John Hancock Mutual Life Insurance Company.

Enclosed is a copy of Water License No. 1102A-3. If you have any questions concerning the water license, please contact us.

Very truly yours,



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

enclosure

cc: Ronald Olinger, Olinger, Srstka, Lovald & Robbennolt, 117 E
Capitol, Pierre, SD

Dallas Moon, Real Estate Project Office, Federal Building,
Pierre, SD



1102A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DAKOTA LAKES RESEARCH FARM
PO BOX 2
PIERRE SD 57501

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

RE: Violation of Water Permit No(s) 1102A-3 & 1102C-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1102A-3 & 1102C-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) 1102A-3 & 1102C-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) 1102A-3 & 1102C-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) in(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.



1102A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO:

DAKOTA LAKES RESEARCH FARM
PO BOX 2
PIERRE, SD 57501

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

RE: Failure to Report Chemical Use under Water Permit No(s) 1102A-3; & 1102C-3

The first notice to file chemigation report(s) for Permit No(s) 1102A-3; & 1102C-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1102A-3; & 1102C-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 1102A-3; & 1102C-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversarial 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 chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: **1102A-3**

DAKOTA LAKES RESEARCH FARM
PO BOX 2
PIERRE SD 57501

4. Article Number **P 906 500 159**

Type of Service:

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Addressee's Address (ONLY if requested and fee paid)

6. Signature — Addressee
X

6. Signature — Agent
X *[Signature]*

7. Date of Delivery
2-1-93 *[Signature]*

DOMESTIC RETURN RECEIPT

PS Form 3811, Apr. 1989

1102A-3



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

March 1, 1993

1102A-3
1102C-3

Dakota Lakes Research Farm
PO Box 2
Pierre, SD 57501-0002

Dear Sirs:

I am writing to acknowledge receipt the 1992 irrigation questionnaires and chemical reporting forms for Water Right Nos. 1102A-3 and 1102C-3. You may disregard the January 29, 1993, Notices of Violation of Water Right and Failure to Report Chemical Use.

The questionnaires and chemical reporting forms were received 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
Natural Resources Analyst
Water Rights Division
(605) 773-3352

1102A-3/1102C-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Dakota Lakes Research Farm

ADDRESS: PO Box 2, Pierre, SD 57501-0002 COUNTY: Hughes

DATE: November 4, 1994

TELEPHONE: 224-6114

RE: Irrigation Questionnaires for 1102A-3 and 1102C-3

COMMENTS:

Ron Doerr called regarding receipt of two irrigation questionnaires when they had only one project. He had thought that No. 1102C-3 was an amendment of 1102A-3 and they no longer needed 1102A-3.

I told him for the time being, fill out one questionnaire and put a comment on the other form that he had put all information on the first form.

The reason he still receives two questionnaires is that the water license incorporating the two has not been issued. When 1102C-3 was issued, it was given a completion date of December 6, 1994. After that time, the system will be inspected and a license incorporating the two will be issued.

NOTE TO THE FILE:

Water Permit No. 1102C-3 amended No. 1102A-3 by changing the location of the diversion point and changing the location of 10 irrigated acres. The amendment did not increase the total acreage irrigated or the water appropriation. Since both 1102C-3 and 1102A-3 are for the same water use system, only one irrigation questionnaire will be mailed (No. 1102C-3 will be the number used).

Genny McMath

Genny McMath
Environmental Scientist



1102A-3

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

January 9, 1998

NOTICE

TO: DAKOTA LAKES RESEARCH FARM, PO BOX 2, PIERRE, SD 57501 0002

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1102A-3 & 1102C-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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1102A-3 & 1102C-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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1102A-3 & 1102C-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.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1102A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1998

1102A-3
1102C-3

Dakota Lakes Research Farm
PO Box 2
Pierre, SD 57501-0002

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting form. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1102A-3 and 1102C-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



1102A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3132
www.state.sd.us/denr

JUL 10 2000

1102C-3

Dakota Lakes Research Farm
%Dwayne Beck
P.O. Box 2
Pierre, SD 57501

Dear Mr. Beck:

Enclosed is Water License No. 1102C-3. Water License No. 1102C-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

ks
enclosures

NOTE: The applicable portions of No. 1102A-3 are incorporated into this Water License No. 1102C-3.