

1458-3

1. Considered Jan 10, 1968
2. Name of Applicant A. B. Hudson
3. Post Office Address Prairie Village, Kansas
4. Amount of water claimed 2.28
5. Source of water supply Ground
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Spink County
about 10 E miles 25 of Frankfort.
8. Proof of Publication Received 1 st
Not Received _____
9. Application Approved ✓
Subject to Proof
Not Approved _____
Action deferred _____
10. Remarks:

No. 1458-3Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

DEC 5 1967

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant Freeland Farms
Doland, SD 57436
Postoffice address P.O. Box 2434, City of Doland, State Kansas

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(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)

Contract(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Karstens ~~XXXXXX~~ Farm Irrigation3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply Well5. Location of point of diversion 2610' south and 60' east of the northwest corner of22-116-61 or bank Spink County.6. Annual period or periods during which water is to be used APRIL THROUGH OCTOBER

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling, or combination system?

(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated NW 1/4 of 22-116-61, Spink County, South Dakota

(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, 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 1062-3

8. Estimated cost of work:

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

(c) Plumbing, \$.....

(e) Other structures

(b) Pumping plant, \$....2400.00

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

Rock, \$.....

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 bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....

material used in construction

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

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

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

Material

(d) Canal: Total length.....miles.

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, Redfield, South Dakota

STATE OF ~~SOUTH DAKOTA~~ KANSASCounty of JacksonI, A. B. Hudson

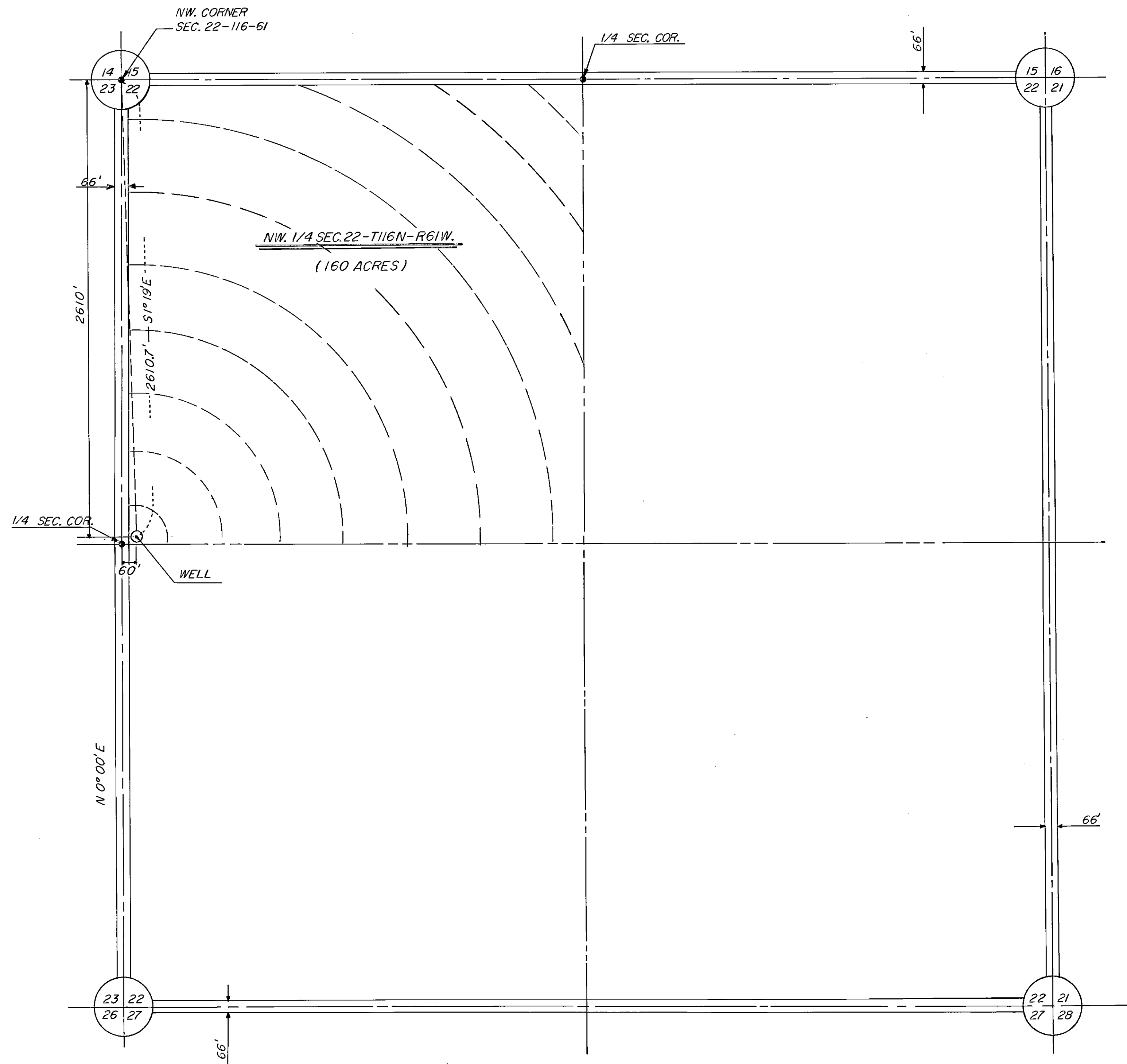
being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed A. B. HudsonSubscribed and sworn to before me this 30th day of November, 1967.

My Commission Expires August 29, 1970

Samuel J. Mack
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



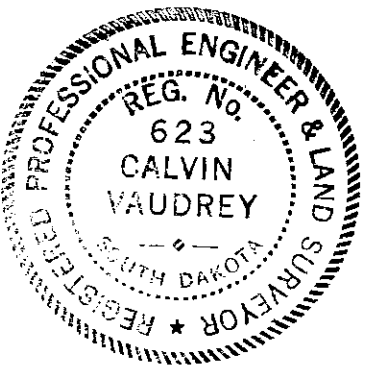
SURVEYOR'S CERTIFICATE

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 A.B. HUDSON I DID SURVEY THE TRACT OF IRRIGABLE LAND WITHIN THE OWNERSHIP BOUNDARIES FOR WHICH APPLICATION FOR AN APPROPRIATE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FROM UNDER THIS TRACT FOR IRRIGATION PURPOSES IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 22ND DAY OF NOVEMBER, A.D., 1967.

Calvin Vaudrey
REGISTERED LAND SURVEYOR



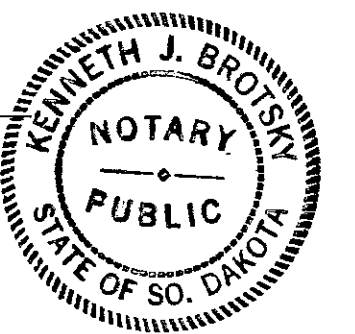
ACKNOWLEDGMENT OF SURVEYOR

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 SAME.

WITNESS MY HAND AND SEAL THIS 22ND DAY OF NOVEMBER, 1967.

Kenneth J. Brost
NOTARY PUBLIC
MY COMMISSION EXPIRES January 4, 1973



NOTE:
CIRCLES RADIATING FROM WELL
SHOW IRRIGABLE LAND

REV.	DATE	DESCRIPTION	MADE	APPR.
J. T. BANNER & ASSOCIATES, INC. CONSULTING ENGINEERS BROOKINGS, SOUTH DAKOTA				
WATER RIGHTS MAP				
SHOWING DIVERSION LOCATION FOR PERMIT TO APPROPRIATE WATER				
DRAWN: L.S.	APPROVED: _____			
DESIGNED:	DATE: _____			
CHECKED: J.O.E.	APPROVED: _____			
DATE: Nov 22, 1967	DATE: _____ FOR J. T. BANNER & ASSOC. INC.			
SCALE: SHEET 1 OF 1		DRAWING NUMBER 6107		

MAP NO 1062-3 (APPL NO 1458-3)

- 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, or the capacity of the well or periods of operation or other arrangements will be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of **HUGHES** } ss.

Pierre, South Dakota, **FEBRUARY 6, 1968**

This is to certify that the foregoing application was received by the Commission at **10:00** o'clock
a m. upon the **5TH** day of **DECEMBER, 1967**

State Water Resources Commission

By: *[Signature]*

for Chief Engineer, Executive Officer

Number of permit **1458-3**

Date of first receipt of application **DECEMBER 5, 1967**

Date of return to applicant for correction, amendments or changes required as follows: **—**, 19**—**

Date of receipt of corrected application **—**, 19**—**

Date from which applicant may claim right **DECEMBER 5, 1967**

Approved **JANUARY 10, 1968** Recorded in Book **10** Page **81**

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 **JULY 10, 1969**

2nd. The whole of said work is to be completed on or before **JANUARY 10, 1971**

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

JANUARY 10, 1973

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 **2.28** 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 **JANUARY 10, 1973**, said water to be used during the following described annual period:

APRIL THRU OCTOBER
Witness my hand this **6TH** day of **FEBRUARY, 1968**

State Water Resources Commission

By: *[Signature]*

Chief Engineer, Executive Officer

Certificate of Construction Issued **AUGUST 20, 1968**

Water License Issued **AUGUST 20, 1968**

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 54'.

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 16", Thickness of casing 0.219.

Length of casing 39'. If collection gallery, length, size and
depth of gallery _____.

(b) Screens

Type of perforated screen Johnson Irrigator.

Size of perforated screen 16" 15'
(diameter) (length)

Thickness of gravel pack 7", length of gravel pack 54'.

(c) Water Bearing Materials

Distance of water 29'. Character of water bearing materials
Gravel.

Thickness of water bearing material 24'.

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Layne-Bowler, size 8" column, 12' bowl.

Kind of Motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 75, Name of Motor GE Hollow Shaft.

(e) Complete Well

Capacity 1100 at drawdown of 90'. Estimated

Form 2A-(Continued)

cost \$2,000.00.

(f) Owner of land upon which well is located A. B. Hudson
Name

P. O. Box 8141, Prairie Village, Kansas, 66208

Address

(g) Distance to nearest existing wells

On same owner's property No rods. On property owned

by others 170 rods.

FILE NO. _____ DISTRICT _____

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That _____ **A.B. Hudson**

of **Prairie Village** -----, County of **Johnson** -----, and State of
Kansas -----, the holder of Permit No. **1458-3**, issued upon Application
No. **1458-3** bearing date of priority of **December 5, 1967** -----, authorizing the diversion of
2.28 ----- cu. ft. per second of the waters of **ground water** -----

County of Spink, State of South Dakota, at a point 2610' S and 60' E of the NW Corner, Section 22, T116N, R61W

-----, for ----- **irrigation** -----
 purposes, ha. 2.4 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 ----- **2.4** ----- 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 irrigating the NW $\frac{1}{4}$, Section 22, T116N, R61W**

Witness my hand this 20th day of August A. D. 1368

State Water Resources Commission

14v:

J.W. GRIMES

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 1458-3.

WHEREAS, On the 5th day of December A. D. 1967

A.B. Hudson

of Prairie Village County of Johnson and State of
Kansas duly made application (No. 1458-3) to us for a permit to use 2.28

cubic feet per second of the waters of ground water

County of Spink, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 6th day of February A. D. 1968

Permit No. 1458-3 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 10th day of

January A. D. 1971 and for the application to beneficial use of said

water on or before the 10th day of January A. D. 1973
 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 2.4

cubic feet per second of said waters, as evidenced by our Certificate No. 1458-3

dated August 20, 1968 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of

priority of December 5, 1967 and,

WHEREAS, On the 17th day of October A. D. 1967

proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water;

for irrigating the NW $\frac{1}{4}$, Section 22, 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 A.B. Hudson
of Prairie Village, Kansas the holder and owner of said permit No. 1458-3
a water right, dating from December 5, 1967 to the use of 2.28
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 hereinbelow mentioned, to be diverted at a point 2610' S and 60' E
of the NW Corner, Section 22, T116N, R61W
and conducted to and upon the NW 1/4, Section 22, 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 regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of August A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

On or before
(First Publication December 14, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 5, 1967

Notice is hereby given that A.B. Hudson whose postoffice address is Prairie Village, Kansas ~~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 2.28 cubic feet of water per second of time from the ground water ~~xx~~ through the Karstens Farm Project ~~xxxx~~, the point of diversion of which is to be located on the ~~bank of said stream in the~~ SW $\frac{1}{4}$ ~~X~~ of the NW $\frac{1}{4}$ of Section 22 ~~xxxx~~ Twp 116N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, Section 22, T116N, R61W

~~and for~~ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, at 2:00 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: Richard Battey, Redfield, S.D.

~~Chief Engineer, Executive Officer~~

BURTON F. JONES
Water Rights Specialist

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

SS

I, Harold D. Jones, of said County and State, being first duly sworn on oath, say that the REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as Amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by the SPINK COUNTY PRINTING CO., INC., and has been such newspaper during the time hereinafter

mentioned, and that I, Harold D. Jones, the undersigned am Editor of said newspaper in charge of the advertising

department thereof, and have personal knowledge of all the facts

stated in this affidavit, and that the legal or official notice entitled:

Appropriation of Water

a printed copy of which is hereto attached, was printed and published

in said newspaper in 4 successive issues, to-wit:

The first publication being made on Dec. 14 1967

2nd Dec. 21 1967 5th _____ 19____

3rd Dec. 28 1967 6th _____ 19____

4th Jan. 4 1968 7th _____ 19____

that the full amount of the fee charged for publishing the same to-wit:

the sum of \$ 13.24, inures to the benefit of

the publisher of the REDFIELD PRESS, that no agreement or

understanding for the division thereof has been made with any

other person, and that no part thereof has been agreed to be paid

to any person whomsoever

Subscribed and sworn to before me this 4th day

of January 1968

Notary Public, Spink County, South Dakota

(SEAL)

No. 77

No. 1455-3

APPROPRIATION OF WATER

Office of State Water
Resources Commission,
Pierre, S. Dak.,

December 5, 1967

Notice is hereby given that A. B. Hudson whose postoffice address is Prairie Village, Kansas, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of flow from ground water through the Martens Farm Project, the point of diversion of which is to be located in the SW 1/4 of the NW 1/4 of Section 22 Twp. 116N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 22, T116N, R61W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, at 2:00 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.

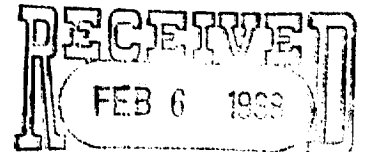
State Water Resources
Commission

By:

BURTON F. JONES

Water Rights Specialist

(Dec. 14, 21, 28; Jan. 4)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. **1458-3**
JAMESWater Division No. **3** **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 your letter of authorization dated _____

I have this day made a thorough examination of the diversion works constructed by **A. B. HUDSON**, of **PRAIRIE VILLAGE**, **KANSAS**, **JOHNSON** County, **South Dakota**, holder of Permit No. **1458-3**, issued upon Application No. **1458-3** bearing date of priority of **DECEMBER 5, 1967**, authorizing the diversion of **2.28** 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: **54' WELL W/ 8" LAYNE BOWLER PUMP W/ 12" PIPES POWERED BY 75HP GE ELECTRIC MOTOR. 2040' OF 8", 1260' OF 10" AND 510' OF 6" MAINLINE. 4 - 1280' 4" TOW LINES W/ RAINBIRD 30 W SPRINKLER HEADS @ 40' SPACING**

and the system is in the following condition: **NEW**

The point of diversion is located **2610' S AND 60' E OF THE NW CORNER, SECTION 22, T116N, R61W**

The works are capable of diverting and conveying to the place of use **2.4** cu. ft. per second of water, which is to be used for _____

The legal sub-divisions to be irrigated are: **NW 1/4, SECTION 22, T116N, R61W**

comprising a total of **160** acres of land.

The domestic use intended comprises _____

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

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

- SEAL -

Burton Jones
WATER RIGHT SPECIALIST
WATER RESOURCES COM.

- 960-3 * NEAR WADRON - 3 of 4 wells have been drilled. Time limit up on construction time. Will require a new application if 4th well is drilled. Present ~~with~~ systems delivered 6.2 CFS. Lic. will be issued for that amount.
- 961-3 * NEAR WADRON - OK as submitted - change in location of Well #1 recognized.
- 962-3 * NEAR WADRON OK as submitted
- * SHOULD THESE BE IN THE NAME OF HUDSON FARMS, INC.?
- 1033-3 ^{GLANZBERG (?)} HUDSON FARMS, INC. ONE WELL CONSTRUCTED - PERMIT CALLS FOR 4.57 - SYSTEM GOOD FOR 2.2 CFS LICENSE WILL BE ISSUED FOR THAT AMT.
- 1040-3 ^{NITZEL} HUDSON FARMS INC. OK AS SUBMITTED
- 1048-3 ^{RIDDLE} HUDSON FARMS INC. OK AS SUBMITTED
- 1049-3 ^{GLANZBERG} HUDSON FARMS INC. OK as submitted
- 1050-3 ^{SHULTZ FARM} HUDSON FARMS INC. PERMIT CALLS FOR 2 WELLS - 3 WELLS CONSTRUCTED. SHOULD HAVE APPLICATION FOR 3rd WELL (1050-3A) (EAST)
- 1071-3 ^{JORDAN FARM} HUDSON FARMS, INC. OK as submitted
- 1072-3 ^{East Hamburg Farm} HUDSON FARMS, INC. OK as submitted
- 1073-3 ^{West Hamburg Farm} HUDSON FARMS, INC. OK CHANGE IN LOCATION OF WELLS RECOGNIZED.

1119-3 ^{WINDMILL FARM} HUDSON FARMS INC. OK as submitted

1120-3 * ^{SUNSHINE FARM} GUINN SATTAN JK as submitted

1223-3 ^{PAVE FARM} ROCKET GAS & OIL CO, INC. Not completed
Have until November 17, 1968 to
complete work.

1458-3 ^{CARSON FARM} SYSTEM ON NW⁴, Section 22, T116N, R61W
THAT NO APPLICATION HAS BEEN
SUBMITTED FOR. (INSPECTION MADE)

HUDSON FARMS

	<u>4"</u>	<u>6"</u>	<u>8"</u>	<u>10"</u>
960-3	15,360	4,160	1,890	
961-3	12,800	1,980	2,550	790
962-3	6,200	2,040	670	
1033-3	3,840	420	2,520	
1040-3	6,400	1,510	390	420
1048-3	6,400	1,080	900	
1049-3	3,840		1,290	
1050-3	16,280	3,880	1,530	
1071-3	6,400	660	1,530	1,230
1072-3	6,400	720	1,560	1,170
1073-3	10,240	2,520	2,520	
1119-3	6,400	720	1,530	
1120-3	10,240	1,260	1,920	
1458-3	5,120	510	2,040	1,260
TOTAL	115,920	21,460	22,840	4,870

165,090

31+ MILES OF PIPE

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
 Joe Foss Building
 Pierre, South Dakota 57501

Date April 14, 1977

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

NW 1/4 22-116-61.

formerly owned by A. B. Hudson

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

Water Right Permit No. 1458-3 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)
) ss.
 County of Hughes)

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 Westhead
 (Notary Public)
 Land/Water Clerk II

~~CONFIDENTIAL~~
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,

Genny Young

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

BD3103GY.wr

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

June 16, 1982

Dettler Farms
RR
Doland SD 57436

SECOND NOTICE

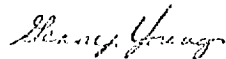
Dear Sirs:

On January 4, 1982 notice was sent to you concerning the transfer of water rights listed in the name of Freeland Farm, 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
Water Rights Specialist

GY:ks

enclosures

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

1048-3
1071-3
1072-3
1073-3
1458-3
1891-3
2613-3

August 15, 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



Department of Water & Natural Resources

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

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,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosures

NO. 1458-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-1-87

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

N.W. 1/4 Section 22 T 116 N Range 61 W

formerly owned by Freeland Farms

has been transferred to K-D. Trust for 466 Delinda 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. 458-3 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

(Proved day is 4th of March)
Betty L. Bell

Betty L. Bell
(Notary Public)



451940

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

Pierre, April 17, 1907.

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>1458-3</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

RES

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.

1458-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

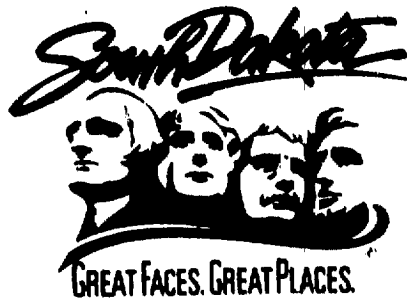
The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, 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.



1458-3

**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



1458-3
**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

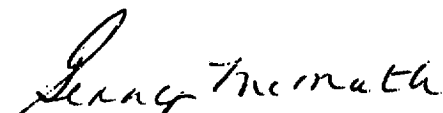
COMMENTS:

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



**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.



1458-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5904

Your item was delivered at 8:54 am on January 18, 2003 in DOLAND, SD 57436. The item was signed for by D HOFER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5904

DEWAYNE HOFER
K-D TRUST
BOX 406
DOLAND SD 57436

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001

1458-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE 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:

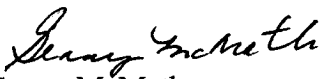
I am writing to acknowledge receipt of the 2002 irrigation questionnaires for the following Water Rights:

- 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



January 14, 2004

1458-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.



1458-3
**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

1458-3



**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



1458-3

**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



1458-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2006

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. 1458-3

Date: 12-1-06

I/We request that Water Right No. 1458-3

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:

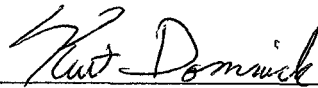
NW ¼ Section 22, T116N, R61W

I/We understand that the validity of Water Right No. 1458-3 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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1458-3</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. _____	2	50
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.

02665

By

Darland Eide
Chief Engineer



1458-3

**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.

RECEIVED

MAR 27 2009

WATER RIGHTS
PROGRAM

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1458-3Date: 3/24/2009

I/We request that Water Right/Permit No. 1458-3 formerly owned by:
United Feeders,LLP be transferred to:

New Owner Name: Donald L. & Shirley A. StarrAddress: 3013 San Luis DriveCity, State, Zip Colorado Springs CO 80909 Telephone No. (719) 473-8259

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

NW 1/4 Section 22, T116N, R61W

☒ I understand that the validity of Water Right/Permit No. 1458-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Donald L. & Shirley A. Starr, the new owner, certify that the above information is true and correct.

Donald L. Starr Shirley A. Starr
(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 3/27, 20 09

RECEIVED OF Donald Starr 3013 San Luis Dr Colorado Springs CO 80909

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 1458-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

444

By

David Schick
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2009

1458-3

Donald L & Shirley A Starr
3013 San Luis Dr
Colorado Springs CO 80909

Dear Mr. & Mrs. Starr:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 1458-3. The transfer has been completed. The water right formerly held by United Feeders LLP is now listed in your names.

Enclosed is your Receipt No. 04094 in the amount of \$2.50. You may keep this for your records.

Our records show that Belmont Hutterian Brethren Inc in Frankfort, SD currently leases this land through 2011. The annual irrigation questionnaire will be directed to them for completion. If you would rather we send the form directly to you each year, please contact me 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

enclosure



1458-3

**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".

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

enclosures

RECEIVED

DEC - 5 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1458-3

Date: 11/30/12

I/We request that Water Right No. 1458-3

formerly owned by: Donald L & Shirley A Starr

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:

NW ¼ Section 22, T116N, R61W

I/We understand that the validity of Water Right No. 1458-3 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 Anthony Ekren, the new owner, certify that the above information is true and
(Riverview, LLP) 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/5, 20 12

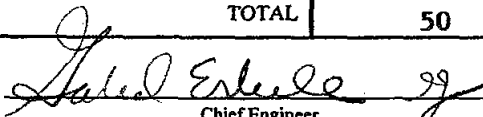
RECEIVED OF Riverview LLP 26406 470th Ave Morris MN 56267

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>1458-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05736**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 6, 2012

1458-3

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Ekren:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 1458-3.

The ownership change has been completed. Water Right No. 1458-3, formerly held by Donald L. and Shirley A. Starr, is now listed in the name of Riverview LLP.

Enclosed for your records is Receipt No. 05736 in the amount of \$50.00. 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

enclosure