

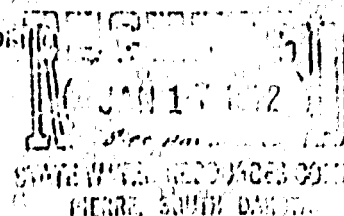
Water Right Number 1919-3

1. Considered March 15, 1962
2. Name of Applicant Gurney Seed and Nursery Company
3. Post Office Address Yankton, S.D.
4. Amount of water claimed 2.23
5. Source of water supply Ground Water
6. Water to be used for irrigation
- Acres to be irrigated 156.70
7. Water to be diverted and used in Yankton 6 County
about NE Edge XXXXXX of Yankton
8. Proof of Publication Received 3-13-72
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

372-8
1016-3
Map No. 1192-3 No. 1919-3
Water Division No. 3 JAMES RIVER
(Plans to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Gurney Seed and Nursery Company, Inc.
 Postoffice address Yankton, State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor
 3. Name of diversion work Gurney Irrigation Project No. 6
 4. Amount of water claimed (cubic feet per second) 2.28
 5. Source of water supply Ground Water
 6. Location of point of diversion a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T93N, R55W

- County Yankton
 7. Annual period or periods during which water is to be used April thru October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, Total number of acres to be irrigated 156.7

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.	Land Description	No. Acres Irr.
Sec. 5, T93N, R55W, SE $\frac{1}{4}$ SW $\frac{1}{4}$	29.0	Sec. 8, T93N, R55W, SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
Sec. 8, T93N, R55W, NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.7	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Public Opinion, Yankton, S.D.
PIERRE & DAKOTA,
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. The purpose of this application is to consolidate Water Rights No. 485-3 and No. 1660-3, and to use the well granted in No. 1660-3 to irrigate lands covered under No. 485-3. System is now completed and has been operated under this arrangement for the past few years.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA

County of YanktonI, GURNEY SEED & NURSERY CO.

do hereby certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this

17th day of August, 1920
John P. Lindgren
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1919-3
GURNEY SEED & NURGERY CO., INC. YANKTON
(Applicant) (Post Office Address)

SOUTH DAKOTA With the following modifications:
(State)

PERMITS NO 485-3 AND NO 1660-3 WERE CANCELLED PRIOR TO
 APPROVAL OF THIS PERMIT NO 1919-3, AND THE PRIORITIES
 INCORPORATED INTO THIS PERMIT

The irrigation well approved under this Permit will be located
 near domestic wells and other irrigation wells which may obtain
 water from the same aquifer. The irrigation well owner, under
 this Permit, shall control his irrigation withdrawals so there
 is not a reduction of needed water supplies in existing domestic
 wells or in irrigation wells having prior water rights.

Date of first receipt of application JANUARY 17 19 72
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved MARCH 15 19 72 Recorded in Book 12 Page 78

WATER RIGHT PERMIT NO 1919-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1919-3 authorizing the construction of
 the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right
 Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 97 CFS FROM MAY 29, 1967 14
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 14
3. The whole of said work is to be completed on or before 14
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 14
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of
 water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.23 cubic feet per second; neither shall it
 exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use;
 served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be
 limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is
 actually and beneficially applied for irrigation on or before THIS DATE 14 said water to be used during the
 following described annual period: APRIL THRU OCTOBER

Witness my hand this 20TH day of MARCH 19 72

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 80'

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

Size of casing 12" Thickness of casing 12"

Length of casing 70' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Stainless Steel

Size of perforated screen 12" 10'
(diameter) (length)

Thickness of gravel pack 9" length of gravel pack 20' above screen

(c) Water Bearing Materials

Distance to water 33' Character of water bearing materials Coarse Sand, Glacial drift

Thickness of water bearing material 40'

(d) Pump and Motor

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

Name of pump Inyne size 6"

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

Horsepower 50 hp. Name of Motor Electric

(e) Complete well

Capacity 750 gpm at drawdown of _____ Estimated cost _____

(f) Owner of land upon which well is located GURNEY SEED & NURSERY CO.
Name

Yankton, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 100 rods

WATER LICENSE NO. . . . 1919-3

(1) WHEREAS, On the 17th day of January A. D. 19 72
Gurney Seed and Nursery Co., Inc.

made Water Right Application No. 1919-3 for a permit to use 2.23 cubic feet per second of the waters
of ground water
County of Yankton, State of South Dakota, for irrigation

_____ purposes; and
(2) WHEREAS, On the 15th day of March A. D. 19 72
Permit No. 1919-3 with a date of priority of 1939, May 29, 1967 and February 12, 1969
was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 20th day of March A. D. 19 72 and for the
application to beneficial use of said water on or before the 20th day of March A. D. 19 71

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 2.23 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the diversion of water for beneficial use of the following extent,

irrigation purposes on following described land nil in T95N, R55W

Section 8	Acres	Section 5	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0	Total	156.7 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.0		

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Curney Seed and Nursery Co., Inc.

of Yankton, S.D.
the holder _____ and owner _____ of said permit No. 1919-3 a water right, dating from 1939, May 29, 1967 and February 12, 1969 to use of 2.23 cubic feet per second of the waters of ground water
in the County of Yankton and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NW 1/4, Section 8, T93N, R55W

and conduct to and upon portions of Sections 8 and 5, T93N, R55W, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1919-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this, 9th day of June A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 1919-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gurney Seed and Nursery Co., Inc.

_____ the holder _____ of
Permit No. 1919-3, issued upon Application No. 1919-3, bearing date of priority of 1939, May 29,
1967 & February 12, 1969, authorizing the diversion of 2.23 cu. ft. per second of the waters of _____
ground water County of Yankton, State of South Dakota at _____
a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T93N, R55W

_____, for irrigation

_____, has ⁸ 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 2.23 cu. ft. per second of water.

Date June 9, 1972

WATER RESOURCES COMMISSION

By

J.W. GRIMES, Executive Officer

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Colin D. Monfort, publisher, being first duly sworn says: That he is the of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice Intert to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for 4 successive weeks, the first publication being made on the 10th day of Feb., 1972, and the last publication being made on the 2nd day of Mar., 1972.

The first publication being made on the 10th day of Feb.
The second publication being made on the 17th day of Feb.
The third publication being made on the 24th day of Feb.
The fourth publication being made on the 2nd day of Mar.
The fifth publication being made on the day of
The sixth publication being made on the day of
The seventh publication being made on the day of
The eighth publication being made on the day of
The ninth publication being made on the day of
The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$16.64, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Colin D. Monfort

Subscribed and sworn to before me this 23rd day

of Feb., 1972

Notary Public, South Dakota

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 21, 1972

Notice is hereby given that Gurney Seed and Nursery Co., Inc., whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to consolidate Pierre, 4813 and 14603, for appropriate for beneficial use 2.3 cfs of water per second of time from 6:00 a.m. through the Gurney Seed and Nursery Co., Inc. point of diversion of which is to be located in the NW 1/4 of Section 6, Twp. 92N, Range 51W, said water to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4 SW 1/4 Section 31, 11W, and NE 1/4 SW 1/4 Section 31, 11W, R51W. This application No. 1119-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION
By: Burton J. Jones,
Water Rights Specialist

RECEIVED
MAR 13 1972

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Publication Fees \$

Received Payment,

Form 6 - Notice of Intent to Appropriate Water

1919-3

Publish first publication, on or before February 17, 19 72

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

January 25, 19 72

Notice is hereby given that Gurney Seed and Nursery Co., Inc.

whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use to consolidate permits 485-3 and 1660-3 2.23 cubic feet of water per second of time from the ground water through the

Gurney Irrigation Project #6, the point of diversion of which is to be located in the _____

NW 1/4 NW 1/4

of Section 8, Twp. 93N, Range 55W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 SW 1/4, Section 5; NE 1/4 and NE 1/4 SW 1/4, Section 8, T93N, R55W

This application No. 1919-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 19 72, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mr. Donald L. Kruehl, Vice President, Gurney Seed and Nursery Co., Inc.
Yankton, South Dakota 57078

Permit No. 1919-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by GURNEY SEED & NURSERY Co., Inc. of YANKTON holder of Permit No. 1919-3, bearing date of priority of 1939 & FEBRUARY 12, 1969 MAY 29, 1967 authorizing the diversion of 2.23 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in YANKTON County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP WELL WITH 12" STEEL CASING
WESTERN LAND ROLLER 8" PUMP, POWERED BY
50 H.P. G.E. ELECTRIC MOTOR

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

1000' 5" MAINLINE & 6000' OF 4" SPRINKLER
LINE W/ RAINBIRD #30WS SPRINKLER HEADS W/
11/64 NOZZLES @ 40' SPACINGS

C. Works used to apply water to beneficial use.

The system is in the following condition: GOODThe point of diversion is located A POINT IN THE NW⁴NW⁴ SECTION 8,
T93N, R55WThe works are capable of diverting and conveying to the place of use 2.23cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T93N, R55W

SECTION 8		SECTION 5	
NW ⁴ NW ⁴	38.7 AC.	SE ⁴ SW ⁴	39.0 AC.
NE ⁴ NW ⁴	39.0 "	NE ⁴ SW ⁴	6.0 "
SW ⁴ NW ⁴	5.0 "		

comprising a total of 156.7 acres of land.Date APRIL 18, 1972

Durston Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

**South Dakota Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

Gurney Seed & Nursery Co.
110 Capitol
Yankton SD 57078

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 277-3, 1913-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *Delvin W. Broy*
JOHN HATCH, Chief Engineer
Water Rights Division
605-773-3352

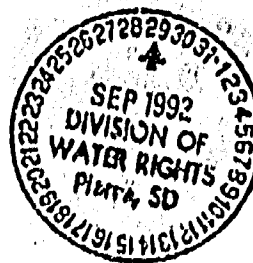




GURNEYS
SEED & NURSERY CO.

September 17, 1992

Greg Johnston
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3181



Dear Mr. Johnston:

Following is all of the information I could gather on the Murphy and Larson wells. The Murphy well, which according to the information you had was at one time on Nichols Farm. According to one of my oldest employees, that is true. There used to be a well on that farm. He does not remember how deep the well was or when they discontinued it's use.

I called Bill Christiansen who is the owner of the well company we use now. He informed me that Nichols Well and Pump Company from Sioux City Iowa were the ones who drilled both the Larson and Murphy wells. This company is no longer in existence. Bill believes that both of these wells were drilled in the late 1960s. The geology information he could give me was that from 15 to 20 feet deep is a sandy clay, from 20 to 40 feet deep is a fine sand, from 40 to 100 feet deep is gravel and below 100 feet is a blue clay. Bill also informed me the depth of the Larson well is 43 feet. The casing type is transite. It's length is 43 feet and the screen type is a slotted transite. The Murphy farm well is 80 feet deep with transite type casing again 80 feet deep with a slotted screen at the base.

Later I found information in my file from the Nichols Well and Pump Company dated 5/09/69 for the Murphy farm. For the Larson farm I find a date of May 8, 1969 as a drilling date.

Greg, this is all of the information I could find on the wells. If it can be of any further help, please let me know. Thank you for giving me the information on how to fill an existing well.

Sincerely,

Tim Van de Kamp,
Field Production Manager

HOME OF HARDY NORTHERN-GROWN PLANTING STOCK

04011-0191

1919-3

File No. 277-3/485-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Gurney Nursery, Tim Vande Kamp Manager

ADDRESS: 110 Capital St., Yankton, SD 57078 COUNTY: Yankton

DATE: 10/9/92 TELEPHONE: 665-4451

RE: Replacement wells under Vested Rights Nos. 277-3 and well location under Vested Right No. 485-3, 660-3 and 1919-3

COMMENTS: After inspecting Vested Right No. 277-3 for 40 acres (0.57 cfs) located in the NW1/4 and SW1/4 Section 8-T93N-R55W, I found that the original well was replaced by another well located 30' south of the original. The new well is still under within the legal description given under the advertisement and license for No. 277-3. The new well was drilled in 1969 by Nicols Well and Pump of Iowa (out of business). The well completion report is not available. Christiansen Drilling has given information about the well based on their work on the well and pump.

Vested Right No. 485-3 is supplied water from the diversion point authorized under Permit No. 1660-3 located in the NE1/4 NW1/4 Section 8-T93N-R55W in Yankton County. Water Permit No. 1919-3 consolidates both Vested Right No. 485-3 and Water Permit No. 1660-3 with the diversion point being the same as under No. 1660-3. The advertisement for No. 1919-3 states the point of diversion is to be located in the NW1/4 NW1/4 of Section 8, but the advertisement for Permit No. 1660-3 indicates the well is in the NE1/4 NW1/4 of Section 8 and this the same location as the well presently being used for No. 1919-3. It appears the license and report of examination of works are in error for No. 1660-3 and the license, report of examination of works and the advertisement are in error for No. 1919-3. There is a description of the well on Form 2A for No. 1919-3, although there is no well completion report available because the driller, Nicols Drilling and Pump, is now out of business.

Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

1919-3

VESTED RIGHT NO 485-3Missouri River Water District

Report OF Examination OF Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Gurney Nursery of 110 Capital Street, Yankton, SD 57078 holder of Permit No. 485-3, bearing the priority of 1939 authorizing the diversion of 0.64 cu. ft. per second of the waters of the Lower James Missouri Aquifer for irrigation purposes, in Yankton County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One Well - 80' deep with 70' of 12" steel casing and 10' of 12" stainless steel screen;
Western Land Roller pump, Model No. C67665, 5 stages, 10", 600 GPM @ 60 PSI; US Electric
Motor, Model No. A365 UP, 50 HP

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

1000' of 5" aluminum line

C. Works used to apply water to beneficial use:

Moveable Sprinkler system - consisting of 6000' of 4" aluminum sprinkler line with
150 Rainbird Model No. 30 Sprinkler heads with 1/4" nozzles spaced 40' apart

The system is in the following condition good. The point of diversion is located 1947'E
and 396'S of the NW corner of Section 8-T93N-R55W. The works are capable of diverting and
conveying to the place of use 1.33 cu. ft. per second of water which is to be used for
irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 8-T93N-R55W:SE1/4 NW1/4 = 39 acres NE1/4 SW1/4 = 6 acrescomprising a total of 45 acres of land and the license should be issued for 0.64 cfs.Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: None Date 10/13/92

Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

1919-3

LICENSE FOR VESTED RIGHT NO. 485-3 DATE 10/13/92
Other permit(s) associated with the project Nos. 1919-3 and 1660-3 -
Permit No. 1919-3 consolidates both Vested Right No. 485-3 and Permit No.
1660-3 with the diversion point being the same as under No. 1660-3

DIVERSION POINT LEGAL LOCATION: 1947'E and 396' S of the NW corner of
Section 8-T93N-R55W

WELL INFORMATION: Well Drilling Firm Nicols Well and Pump

No. of Wells 1 Depth(s) 80

- a) Casing: 1) diameter 12 inches b) Screen: 1) type Stainless Steel
2) length 70 feet 2) length 10 feet
3) type Steel c) Pump 1) make Western Land
Roller

d) Static Water Level 33 feet

2) model C67665

e) Motor:

3) size 10 inches

1) make US Electric

4) capacity 600 GPM

2) model No. A365 UP

5) turbine pump - No. of stages 5

3) horsepower rating 50 hp

6) operating pressure 60 PSI

DISTRIBUTION LINES OR CANALS:

- a) type aluminum b) size 5 inches c) length 1000 feet

System Type: Moveable Sprinkler System

Consists of 6000' of 4" aluminum
sprinkler line with 150 Rainbird Model No. 30 Sprinkler heads with 1/4"
Nozzles with 40' spacings (This system is licensed under No. 1919-3 which
consolidates 45 acres (0.64 cfs) under Vested Right No. 485-3 as well as
111.7 acres (1.59 cfs) under No. 1660-3).

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and
lands listed on permit N/A (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner
started irrigation by the end of construction period N/A (Y/N)

1919-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1919-3 FOR IRRIGATION

Date of Receipt of Claim January 17, 1972.

Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 1919-3 for irrigation purposes for Gurney Nursery, 110 Capital Street, Yankton SD 57678 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1919-3 appropriates 0.64 cubic feet of water per second from one well located in the NE 1/4 NW 1/4 Section 8 to irrigate 45 acres located in the SE 1/4 NW 1/4 and the NE 1/4 SW 1/4 Section 8; all in T93N-R55W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1939.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The irrigation well approved under this Vested Right will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

APR 1 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 1919-3 is also included as a part of Water License No. 1919-3 for a total of 2.23 cfs to irrigate 156.7 acres.

1919-3



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

APR 1 1993

Tim Vande Kamp, Field Production Manager
Gurney's Seed & Nursery Co.
110 Capital St
Yankton SD 57078

Dear Mr. Vande Kamp:

The Water Management Board has validated the enclosed Vested Water Right Nos. 277-3 and 1919-3. These validations gives legal status to the claims and are the final document for your vested rights.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over a faint, larger version of the same signature.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2002

Ralph Marquardt
PO Box 1040
Yankton SD 57078

465-4665

Dear Mr. Marquardt:

For several years, Gurney Seed & Nursery Co. Inc. held water rights for irrigation use in Yankton County. It is our understanding that you now own portions of the property that is covered by water rights held by Gurney Seed & Nursery Co. Inc.

- Water Right No. 277-3 authorized irrigation in portions of Lots 3, 14 & 15 (NW ¼ SE ¼ and SW ¼ SE ¼ Section 8-T93N-R55W).
- Water Right No. 1919-3 authorized irrigation in the SE ¼ NW ¼ Section 8-T93N-R55W.

In an effort to keep our records accurate we would like to know if you irrigate any of the above listed lands. If so, the water rights should be transferred to your name.

Please call or write and let us know the status of irrigation on this property. If you are irrigating this land, we will send you the proper forms to get the water rights transferred to you. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2002

Donald Tucker
1410 Whiting Drive
Yankton SD 57078

Dear Mr. Tucker:

For several years, Gurney Seed & Nursery Co. Inc. held water rights for irrigation use in Yankton County. It is our understanding that you now own portions of the property that is covered by water rights held by Gurney Seed & Nursery Co. Inc.

- Water Right No. 1919-3 authorized irrigation in portions of the NE ¼ SW ¼ Section 8-93N-R55W.

In an effort to keep our records accurate we would like to know if you irrigate any of the above listed lands. If so, the water right should be transferred to your name.

Please call or write and let us know the status of irrigation on this property. If you are irrigating this land, we will send you the proper forms to get the water right transferred to you. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-0182
www.state.sd.us/dem

January 24, 2002

No. 1919-3 and 277-3

Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

Thank you for returning the maps and outlining the lands you own. Enclosed are partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right Nos. 1919-3 and 277-3.

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 (\$5.00 total).

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,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



June 13, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Donald Tucker
1410 Whiting Drive
Yankton SD 57078

Dear Mr. Tucker:

On January 3, 2002, we sent you a letter regarding ownership and irrigation of land located in the NE ¼ SW ¼ Section 8-T93N-R55W (copy enclosed). As of today, we have not received a response from you.

Again we are requesting you please call or write and let us know the status of irrigation on this property. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact Genny McMath or me. Thank you for your cooperation.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 2002

No. 1919-3 and 277-3

Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

On January 24, 2002 we sent you partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1919-3 and 277-3. As of today, we have not received the forms. Enclosed are two more forms.

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 (\$5.00 total).

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,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1919-3

Date: 6-25-02

I/We request that Water Right No. 1919-3

formerly owned by: Gurney Seed & Nursery Co. Inc

be transferred to: (name & address) Ralph and Lucille Margardt
P.O. 1040 Yankton, S.D. 57078 Telephone No. 605-665-4665

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

150.7 acres - NW 1/4 Section 8-T93N-R55W and SE 1/4 SW 1/4 Section 5-T93N-R55W

I/We understand that the validity of Water Right No. 1919-3 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.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/We Ralph Margardt 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.

Ralph Margardt

(Signed by new owner)

Subscribed and sworn to before me this 26th day of August, 2002

Aileen Bevan

(Notary Public)

My Commission expires 3-23-06

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 September 6, 20

RECEIVED OF Ralph & Lucille Marquardt, PO Box 1040, Yankton SD 57078

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>1919-3</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. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)*	TOTAL		
	2.50		

No. 003238

By Darland Erbe
Chief Engineer *grr*

Water Rights Program - File Documentation

NAME: Donald Tucker

ADDRESS: Yankton

DATE: 6-27-2002 **COUNTY:** YA **TELEPHONE:** 605 665-1339

RE: transfer

COMMENTS:

Donald Tucker spoke with Eric Gronlund and I stating he owned the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8-T93N-R55W which was previously irrigated by Gurney Seed & Nursery Co.

Mr. Tucker stated presently he is handwatering corn (less than an acre). Mr. Tucker stated he does not use the well authorized by Water Right No. 1919-3, but uses a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8.

Eric explained to him when a permit was required and was going to send Mr. Tucker application forms in the event he decided to irrigate more than he is presently.

When Water Right No. 1919-3 is transferred, the 6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8 should be deleted.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 2002

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

The transfer of ownership forms and filing fees have been received for filing ownership changes with Water Right Nos. 277-3 and 1919-3. The transfers have been completed. The water rights, formerly listed in the name of Gurney Seed & Nursery Company are now listed in your names.

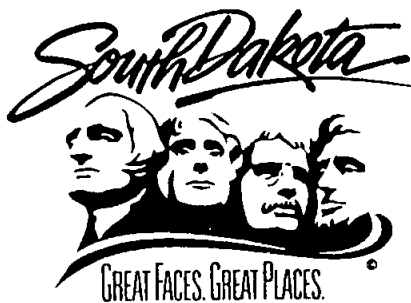
There was a 6 acre portion under No. 1919-3 (NE ¼ SW ¼ Section 8) that is owned by Donald Tucker and not included in the transfer. We are still working with Mr. Tucker to determine what he would like to do with his portion.

Enclosed are Receipt Nos. 000268 and 000269 in the amount of \$2.50 each. If we can answer any questions for you, please contact us.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 2002

1661-3
1919-3

Donald Tucker
PO Box 757
Yankton SD 57078

Dear Mr. Tucker:

Enclosed, as we discussed, are Notice of Transfer of Ownership forms for use in filing an ownership change on the portion of land that you own described in Water Right Nos. 1661-3 and 1919-3.

I included the legal description of the land you own on the form for 1919-3. I left that portion blank on 1661-3 because I was not certain which area you owned. Please review both forms and complete as needed. A \$2.50 filing fee is needed for each transfer. The check or money order for the \$5.00 fee can be made payable to the Water Rights Program.

I have also included a map showing the area described in Water Right No. 1661-3. The area in yellow is the portion Mr. Nelson has filed a transfer on. Please outline the portion you own and the well that would be used to irrigate that portion.

You indicated you may know who owns the other areas. The dotted area in the W ½ SW ¼ Section 4, SE ¼ NW ¼ Section 4 and the area in the NW ¼ NW ¼ Section 10 are the portions I needed assistance on determining land ownership.

Thank you in advance for your help. I am enclosing a postage paid envelope for your convenience in returning the transfer forms, map and the filing fees. If you have any questions, please let me know.

Sincerely,

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

enclosures

1919-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 277-3 & 1919-3. 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) 277-3 & 1919-3 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.



**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 10, 2003

NOTICE OF AMENDMENT OF WATER RIGHTS

TO: Ralph & Lucille Marquardt, PO Box 1040, Yankton SD 57078

FROM: Garland Erbele, Chief Engineer, Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right Nos. 277-3 and 1919-3

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has amended Water Right Nos. 277-3 and 1919-3 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2002 irrigation questionnaires. The addition of this qualification to your water rights means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.



1919-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 277-3 & 1919-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(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) 277-3 & 1919-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 277-3 & 1919-3 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 24, 2006**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2006

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 277-3 and 1919-3.

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



1919-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 277-3 & 1919-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 277-3 & 1919-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 277-3 & 1919-3 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 **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

1919-3

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Track & Confirm

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Label/Receipt Number: 2303 2160 0000 0799 6033
Status: **Delivered**

Your item was delivered at 9:42 AM on January 29, 2007 in YANKTON, SD 57078. The item was signed for by L MARQUARDT.

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Signature Confirmation SM Receipt	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6033	RALPH & LUCILLE MARQUARDT PO BOX 1040 YANKTON SD 57078
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com [®] or call 1-800-222-1811
	ONE-ONLY (POSTAL USE ONLY) ☐ Priority Mail SM Service ☐ First-Class Mail [®] parcel ☐ Package Services parcel
PS Form 153, May 2002 (See Reverse)	



**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 1, 2007

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 277-3 and 1919-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2007

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

Enclosed are your 2007 irrigation questionnaires for Water Right Nos. 277-3 and 1919-3.

In order for the questionnaires to be considered complete, they will need to be filled out. Please complete the back side of the forms with the crop(s), acres irrigated, pump rate, hours per day and days in each month that water was applied.

We use the information contained on the irrigation questionnaires during the review process of new applications to determine how much water is currently being used from a specific water source and how much is still available for appropriation.

The forms must be completed and returned to us no later than December 3, 2007. 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 277-3 & 1919-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 277-3 & 1919-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 277-3 & 1919-3 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 **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

January 22, 2008

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

Enclosed are your 2007 irrigation questionnaires for Water Right Nos. 277-3 and 1919-3.

In order for the questionnaires to be considered complete, they will need to be filled out. Please complete the back side of the forms with the crop(s), acres irrigated, pump rate, hours per day and days in each month that water was applied.

As outlined in our January 18, 2008 notice to you, the forms must be completed and returned to us no later than March 3, 2008. On March 11th the Water Management Board may take action to suspend the irrigation permits if the forms are not completed and returned. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2008

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 277-3 and 1919-3.

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



1919-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 277-3 & 1919-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 277-3 & 1919-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 277-3 & 1919-3 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 **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9211

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:26 AM on January 26, 2010 in YANKTON, SD 57078. The item was signed for by B GUENTHER.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 26, 2010, 10:26 am, YANKTON, SD 57078
- Notice Left, January 23, 2010, 10:10 am, YANKTON, SD 57078
- Arrival at Post Office, January 23, 2010, 7:30 am, YANKTON, SD 57078

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9211

RALPH & LUCILLE MARQUARDT
PO BOX 1040
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 2010

277-3
1919-3

Ralph & Lucille Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. & Mrs. Marquardt:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 277-3 and 1919-3.

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,

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



1919-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: RALPH & LUCILLE MARQUARDT, PO BOX 1040, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 277-3 & 1919-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 277-3 & 1919-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 277-3 & 1919-3 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 **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

McMath, Genny

1919-3

From: Carie [cariel@marquardttrans.com]
Sent: Wednesday, January 26, 2011 11:33 AM
To: McMath, Genny
Subject: RE: Reporting Requirement for 2010 Irrigation Questionnaire
Send them all to 1040, please.

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, January 26, 2011 11:29 AM
To: cariel@marquardttrans.com
Subject: RE: Reporting Requirement for 2010 Irrigation Questionnaire

Yep, they most likely crossed in the mail. The secretary handed the forms to me this morning. The matter is all taken care of and I am in the process of writing a follow-up letter indicating we have now received all the forms.

I do have a question though - for future mailings should all the forms go to PO Box 1040? Two of them I have listed in the name of Ralph and Lucille with a PO Box of 1040. The remaining three (6978-3, 6979-3 and 6980-3 we have listed in the name of Marquardt Farms with a PO Box of 1098.

We can definitely put them all to one box if you wish. This doesn't change ownership, just where things are mailed.

-----Original Message-----

From: Carie [mailto:cariel@marquardttrans.com]
Sent: Wednesday, January 26, 2011 11:20 AM
To: McMath, Genny
Subject: Reporting Requirement for 2010 Irrigation Questionnaire

Genny,

We received notice dated 1/21/11 that you had not received the 2010 Irrigation Questionnaire(s) for Permit No.s 6978-3, 6979-3, 6980-3, 277-3 and 1919-3.

We mailed those last week. Can you verify whether you have received the questionnaires? I am thinking they crossed in the mail.

Carie LaBrie
MARQUARDT FARMS
PO Box 1040
Yankton, SD 57078
Phone: 605-665-1053
Fax: 605-665-5697
cariel@marquardttrans.com

1919-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2011

Carie LaBrie
Marquardt Farms
PO Box 1040
Yankton SD 57078

RE: Water Permit or Right Nos. 277-3, 1919-3, 6978-3, 6979-3 & 6980 3

Dear Ms. LaBrie:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for Marquardt Farms.

Please disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 277-3, 1919-3, 6978-3, 6979-3 & 6980-3. 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,

A handwritten signature in black ink that reads "Genny McMath".

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

McMath, Genny

Subject: FW: 277-3, 1919-3 WATER PERMITS

From: Carie LaBrie [mailto:CarieL@marquardttrans.com]
Sent: Thursday, November 14, 2013 1:56 PM
To: McMath, Genny
Subject: RE: 277-3, 1919-3 WATER PERMITS

I believe Brian Randall is operating the system. But you will have to check. His cell phone is 605-360-2052 and his office is 605-296-3274.

Carie LaBrie
Executive Assistant
Marquardt Transportation
PO Box 1098
Yankton, SD 57078
Phone: 605-665-1053
Fax: 605-665-5697
cariel@marquardttrans.com

From: Carie LaBrie [mailto:CarieL@marquardttrans.com]
Sent: Thursday, November 14, 2013 1:53 PM
To: McMath, Genny
Subject: FW: 277-3, 1919-3 WATER PERMITS

Hope this helps....

THIS SHORT FORM CONTRACT FOR DEED, is made and entered into as of this 26th day of February, 2013, by and between MARQUART FAMILY LIMITED PARTNERSHIP, a South Dakota limited partnership, of 1317 Golf View Lane, Yankton, South Dakota, 57078 ("Seller"), and ANNSCHELL FAMILY LIMITED PARTNERSHIP, L.L.P., an Arizona limited liability partnership authorized to do business in South Dakota, of 26912 Baker Park Place, Sioux Falls, South Dakota 57108 ("Buyer").

Carie LaBrie
Executive Assistant
Marquardt Transportation
PO Box 1098
Yankton, SD 57078
Phone: 605-665-1053
Fax: 605-665-5697
cariel@marquardttrans.com

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Thursday, November 14, 2013 1:45 PM
To: Carie LaBrie
Subject: 277-3, 1919-3

Carie,
I have received all of the irrigation questionnaires for Marquardt Farms – on two of them you marked that the land had been sold. Do you know who the land was sold to? I will need to get ahold of them for an ownership change.
Land is in Section 8, T93N, R55W

Genny McMath
Water Rights Program
605.773.5455

1919-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2013

277-3
1919-3

Brian Randall
Dakota Acres
PO Box 90710
Sioux Falls SD 57109

Dear Mr. Randall:

Thank you for visiting with me about water rights held by Ralph and Lucille Marquardt. I have included copies of both Vested Water Right No. 277-3 and Partial Vested Water Right No. 1919-3 for your review.

Enclosed as we discussed are the 2013 irrigation questionnaires (yellow forms) for reporting water use for this year. Please complete and return these by December 15th. I have included a copy of the 2012 forms to give you an idea of what type of information is needed.

The water rights will also need to be transferred to reflect current ownership. Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give us a call.

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
DEC 17 2013
WATER RIGHTS
PROGRAM

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

No. 1919-3
Date: 12/09/13

I/We request that Partial Vested Water Right No. 1919-3

formerly owned by: Ralph & Lucille Marquardt

be transferred to: (name & address) Dakota Acres, Po Box 90710
Sioux Falls, SD 57109

Telephone No. (605) 360-2052

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

156.7 acres – NW ¼ and NE ¼ SW ¼ Section 8, SE ¼ SW ¼ Section 5, all in T93N, R55W

I/We understand that the validity of Partial Vested Water Right No. 1919-3 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 Brian Randall, Dakota Acres, the new owner, certify that the above information is true and correct.

Brian Randall

(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 12/17, 20 13

RECEIVED OF Dakota Acres PO Box 90710

Sioux Falls SD 57109

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>1919-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06539

By J. Anne Goodman 29
Chief Engineer

1919-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 2013

277-3
1919-3

Brian Randall
Dakota Acres
PO Box 90710
Sioux Falls SD 57109

Dear Mr. Randall:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 277-3 and 1919-3. Also received were the 2013 irrigation questionnaires pertaining to these water rights.

The ownership changes have been completed. Water Right Nos. 277-3 and 1919-3, formerly held by Ralph and Lucille Marquardt are now listed in the name of "Dakota Acres".

Enclosed for your records are Receipt Nos. 06538 and 06539 in the amounts of \$50 each. If I can answer any questions for you, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

1919-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2015

277-3
1919-3

Brian Randall
Dakota Acres
PO Box 298
Canistota SD 57012-0298

Dear Mr. Randall:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to PO Box 90710, Sioux Falls SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures



1919-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2017

1919-3

Brian Randall
Dakota Acres
PO Box 298
Canistota SD 57012-0298

Dear Mr. Randall:

Thank you for sending in the 2017 irrigation questionnaire for Water Right No. 1919-3. Water Right No. 1919-3 authorizes diversion of water from one well to irrigate 156.7 acres located in the NW 1/4, E 1/2 SW 1/4 Section 8-T93N-R55W.

On the form, you checked the box "use abandoned". Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. A review of the records shows a portion of the land was last irrigated in 2015.

If the use has been abandoned and you do not intend to irrigate in the future, the water right could be scheduled for cancellation consideration. Prior to doing that, I wanted to touch base with you to verify your intentions regarding the water right.

Please take a few minutes and give me a call concerning the water right. Thank you in advance for your help.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Brian Randall, Dakota Acres, PO Box 298, Canistota SD 57012-0298

DATE: December 28, 2017

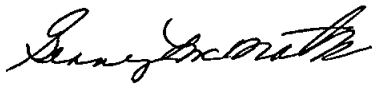
RE: Water Right No. 1919-3

COMMENTS:

The 2017 irrigation questionnaire submitted by Mr. Randall indicated the water use system had been abandoned. In follow-up to the questionnaire, a letter was written to him concerning his intent and to ensure he really had made the decision to abandon the water right.

Mr. Randall called and indicated they did not abandon the water right. They are currently working with the owner to update the irrigation system. He said the owner did not want to put money into the system and they may be entering a legal battle trying to get things worked out.

I explained legal excuse to him and needing to irrigate when conditions warranted irrigation. A portion of the land was last irrigated in 2015. Mr. Randall said he would let us know on the annual irrigation questionnaire as to when or if they could get things worked out with the owner and begin irrigating.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 12, 2024

277-3
1919-3

Dakota Acres
c/o Brian Randall
PO Box 298
Canistota SD 57012

Dear Mr. Randall:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaires you submitted for Water Right Nos. 277-3 & 1919-3.

Water Right No. 277-3 authorizes the diversion of 0.57 cfs (255 gpm) from one well for the irrigation of 40 acres located in L3, L14, and L15; all in Section 8, T93N-R55W.

Water Right No. 1919-3 authorizes the diversion of 2.23 cfs (1000 gpm) from one well for the irrigation of 156.7 acres located within the NW ¼ & E ½ SW ¼ Section 8; all in T93N-R55W.

On this year's questionnaires you reported that use of both irrigation systems had been abandoned.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of Dakota Acres' Water Right Nos. 277-3 & 1919-3.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 14, 2025

1919-3

Justus Hirschman
1410 Whiting Dr
Yankton SD 57078

Dear Mr. Hirschman:

The South Dakota Water Rights Program was recently contacted by Briand Randall (Dakota Acres) who reported that a property he'd previously owned and irrigated had been sold to you.

The property would be located in the NW ¼ & E ½ SW ¼ Section 8-T93N-R55W, Yankton County. This property has a corresponding water right (Water Right No. 1919-3) authorizing its irrigation.

Whether you wish to continue irrigation of this property or abandon the practice, I would ask that you contact me via email or telephone (605) 910-5187 to discuss the status of this property.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352