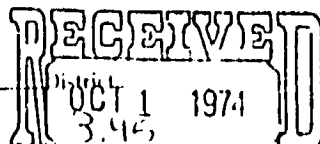


Water Right Number 2120-3

1. Considered NOVEMBER 13, 1974
2. Name of Applicant R. E. KAHNKE
3. Post Office Address WATERTOWN
4. Amount of water claimed 3.30
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 240
7. Water to be diverted and used in CODINGTON County
about 5 Miles N of WATERTOWN
8. Proof of Publication
Received 11-1-74
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 404-3Water Division No. 3

(Blocks to be Filed by the Engineer for the W. H. C.)

No. 2120-3Big Sioux River

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

R. E. Kahnke

1. Name of Applicant R. E. Kahnke
 Postoffice address Watertown, State South Dakota

If a corporation show date and place of incorporation _____ combination _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____ combination _____

3. Name of diversion work Kahnke, Section 16, T118N, R52W, Irrigation Project

4. Amount of water claimed (cubic feet per second) 3.3

5. Source of water supply Ground Water, two or more wells

6. Location of point of diversion Well No. 1, North 18° 29' West, 2080 feet - Well #2, North 33° 45' West, 2380 feet, both from the SE Corner of Section 16, T118N, R52W

County Codington

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 240

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.
SE $\frac{1}{4}$, Sec. 16, T118N, R52W	160		
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T118N, R52W	80		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown Public Opinion, Watertown, SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Two or more wells
Turbine pumps
Industrial engines or electric motors

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

C. Works proposed to apply water to beneficial use.
Sprinkler or gravity or combination

Estimated Total Cost \$ 30,000

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 Codington

I, R. E. Kahnke, the applicant, 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 R. E. Kahnke

Subscribed and sworn to before me this 30 day of September, 19 74

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2120-3
R.E. KAHNKE 405 5TH AVE. NW, WATERTOWN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57201 With the following modifications:
 (State)

The irrigation well approved under this Permit ~~is~~^{are} located near domestic 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.

Date of first receipt of application OCTOBER 1, 19 74
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved NOVEMBER 13, 19 74, Recorded in Book 13 Page 104

WATER RIGHT PERMIT NO. 2120-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2120-3 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 OCTOBER 1, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 19 83
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 3.3 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 uses 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 NOVEMBER 13, 19 83; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of NOVEMBER, 19 74

WATER RIGHTS COMMISSION

By: Donald H. Zureck
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability; _____

Approved: 5/11/29

Disapproved: _____

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SECL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

NAME: R. E. Kahnke

ADDRESS: 405 Fifth Ave. N.W., Watertown, S.D. 57201

COUNTY: Codington

LEGAL DESCRIPTION

1. WELL LOCATION: SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 16-118-52 Res.
2. AREA TO BE IRRIGATED: S $\frac{1}{2}$ NE $\frac{1}{4}$ + SE $\frac{1}{4}$ - 16-118-52 Res.

TYPE OF IRRIGATION

3. GRAVITY (SPRINKLER) (Indicate Type): Electric Center Pivot
4. CROPS TO BE IRRIGATED: corn + small grain

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 to 3%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: FDA-Terrellville-Hammond-Lain
w/ gravel available for irrigation if water is available. FFA-T. S. L. - Hammond - shallow
to gravel but diff. for irrigation if water is available. Will take more water
because of shallow to gravel.
- WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-72-8
8. SALINITY: $F = 0 = 493$ (Lo-Mol)
9. SODIUM: $5AR = 0.28$ (Low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Reuben Wickes, District Conservationist, S. C. S.

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

135° K. L. L.

Subscribed and sworn before me this

7th day of Sept 1974.

[Signature]

Notary Public

(Title)

September 13, 1974



Mr. R. E. Kahnke
405 5th Avenue NW
Watertown, SD 57201

Dear Mr. Kahnke:

Enclosed please find analyses reports for both of the water samples submitted here about ten days ago. Both of these samples are very good water and should cause no problem whatever with any soil that is present in eastern South Dakota, as far as salt accumulation is concerned or sodium-caused dispersion of the soil.

However, be very careful not to unduly raise the water table in the area in which you intend to irrigate because water logging can be a serious hazard to efficient crop production; particularly, if it is over a sustained period of time.

Copies of the analyses and a copy of this letter are being sent to the State Conservation along with WI-1 forms pertaining to your water.

Sincerely yours,

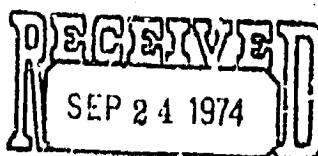
L. O. Fine

L. O. Fine
Water Quality Lab

LOF:lil

CC: State Conservation Commission
Fred Morris, Codington County Agent

Enclosures



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: R. E. Kohnke
 Address: 405 5th Ave, N.W.
Watertown, SD 57201

Date Rec'd: Dec. 5, 1974
 Sample No. 74-723
 Identification 611
WPA, Box 16, T 118N, R 52E

WATER ANALYSIS

Calcium (Ca)	35	ppm*	3.25	me/l**
Magnesium (Mg)	29	ppm	2.38	me/l
Sodium (Na)	11	ppm	0.47	me/l
Potassium (K)	4	ppm	0.12	me/l
Sulfate (SO ₄)	44	ppm	0.92	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	11	ppm	0.31	me/l
Bicarbonate (HCO ₃)	311	ppm	5.10	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	255	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	493	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.28	% of cations		
Sodium	7.55	me/l		
Residual sodium carbonate	0.00			
pH	7.58			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 6.22 me/l
 Total anions 6.33 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-723

Amount Enclosed \$

Signed

XXXXXX

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

Wells 1 & 2

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 60'
- (2) Casing, Type steel Diameter 18" Thickness 12 gauge
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type commercial, Diameter 18", Length 33
- (4) Gravel Pack. Thickness 6", Length of gravel pack 33

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ ds. On property owned by others 320 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

RECK
 Signature of Applicant

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

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

town of Watertown

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

October 23, 1974

October 30, 1974

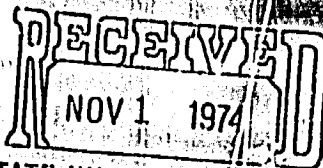
General Manager

(Title)

October 30, 1974

(Date Signed)

PUBLIC NOTICE
No. 2120-3
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 3, 1974
Notice is hereby given that R. E.
Kahnke (whose post office address is
Watertown, South Dakota) has made
an application in accordance with
the provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 3.3 cubic
feet of water per second of time from
ground water through the Kahnke
Irrigation Project, the points of
diversion of which are to be located
in the NE 1/4 SE 1/4 of Section 16, Twp.
118N, Range 57W. Said water to be
used for the purpose of providing
irrigation on the following described
land: SE 1/4 and SW 1/4 NE 1/4 Section 16,
T118N, R57W, S46E, SD.
This application No. 2120-3 will be
considered by the Water Rights
Commission at the Embassy Room
No. 1 at the Downtown Holiday Inn
at Sioux Falls, S.D. upon the 13th
day of November, 1974, at 2:30 P.M.
All interested persons may appear
and be heard.
WATER RIGHTS
COMMISSION
BY: BURTON F. JONES
Water Rights Specialist
October 23, 30, 1974
3/4 0.25 X 2 - 14.62



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Form G - Notice of Intent to Appropriate Water

No. 2120-3

Publish first publication, on or before October 31, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 3, 1974

Notice is hereby given that R. E. Kahnke

whose post office address is Watertown, 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

3.3 cubic feet of water per second of time from the ground water through the Kahnke Irrigation Project, the point^B of diversion of which ^{are} is to be located in the _____

NE 1/4 SE 1/4

of Section 16, Twp. 118N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 and SW 1/4 NE 1/4, Section 16, T118N, R52W

This application No. 2120-3 will be considered by the Water Rights Commission at its office at the Embassy Room #1 at the Downtown Holiday Inn at Sioux Falls, S.D. ~~XXXXXX~~
upon the 13th day of November, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFS/lw

cc: R.E. Kahnke, 405 5th Ave. N.W., Watertown, S.D. 57201

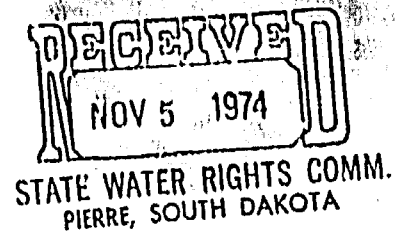
MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201

November 4, 1974

Mr. Burton Jones
Water Rights Specialist
State Natural Resources
Development Department
Office Building No. 2
Pierre, South Dakota 57501



Dear Mr. Jones:

The Municipal Utility Board is developing a ground water supply for the City of Watertown in the south portion of the southwest quarter of Section 11, and the north portion of Section 14, T116N, R53W. This will become the principal source of water supply for the City of Watertown in the near future.

We are extremely concerned with the application for ground water diversion by Mr. R. E. Kahnke, Watertown, S.D., under his Application No. 2120-3 for irrigation of the southeast quarter and the south half of the northeast quarter of Section 16, T118N, R52W, which is three miles upstream from the City source of supply. We understand that this permit, if granted, will be subject to the City's prior right. There will undoubtedly be additional applications by others for diversion of water from this aquifer for irrigation purposes.

The primary concern of the Utility Board and the City of Watertown is the potential contamination of the formation by use of chemical fertilizers in conjunction with irrigation above the City's source of supply. The Utility Board has abandoned two city wells because of high nitrate content and the potential of contamination. Three additional city wells are scheduled for abandonment after completion of the development of the water supply referenced above.

We respectfully request that the Water Resources Commission carefully evaluate all applications for the diversion of water for irrigation purposes and other uses from the aquifer above the source of supply for the City of Watertown in order to safeguard against potential contamination of the aquifer.

Sincerely yours,

Merle Whitwam

Merle Whitwam
President
Municipal Utility Board
City of Watertown, South Dakota

Dr. Jones
618-9111



2120-3

Department of
Natural Resource
Development
WATER RIGHTS
COMMISSION
Office Building 2
Pierre, SD. 57501
Ph. 224-3151

November 21, 1974

Mr. Merle Whitnam, President
Municipal Utility Board
901 Fourth Avenue Southwest
Watertown, South Dakota 57201

Dear Mr. Whitnam:

Reference is made to your letter of November 4, 1974 in which you expressed the concern of the Utility Board regarding Application No. 2120-3 of Mr. R.E. Kahnke to irrigate 240 acres of land in the E $\frac{1}{2}$ of Section 16, T118N, R52W. Your letter indicated the primary concern was that the use of chemical fertilizers used in conjunction with the proposed irrigation could contaminate the aquifer in the future use area of Watertown about three miles downstream.

Your letter was read to the Water Rights Commission at the November 13th hearing and was discussed in detail. Some of the items considered by the Water Rights Commission were:

1. The right of the Commission to disapprove a water right application because chemical fertilizers would be used;
2. The fact that fields are chemically fertilized even if they are not irrigated;
3. The distance between Watertown's future wells and the proposed irrigation;
4. The location of the proposed irrigation and the probable depth of the heavier soils at such location;
5. The loss of nitrate content in movement of underground water.

After consideration the Water Rights Commission approved Water Right Application No. 2120-3 of R. E. Kahnke.

Sincerely,

DONALD DRISCOLL, Chief Engineer
WATER RIGHTS COMMISSION

DD/bw

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 29, 1983

2120-3
2363-3
4182-3

R.E. Kahnke
405 5th Ave NW
Watertown SD 57201

Dear Mr. Kahnke:

In regard to our telephone conversation of November 28, 1983, enclosed are copies of your Water Permit Nos. 2827-3 and 2120-3. Also enclosed are partially completed transfer forms for change of ownership on Water Permit Nos. 2120-3, 2363-3 and 4182-3.

The transfer forms should be dated, signed before a notary by the new owner(s) and returned to this office with a \$2.50 filing fee for each. The permits will then be transferred to the proper owners.

South Dakota Water Law 46-5-30.3 require 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.

During our phone conversation, you indicated some of your permits are still owned by you but are operated by someone else. If it is satisfactory to you, the yearly irrigation questionnaire could be mailed directly to the operator with your name still remaining on the permit as owner.

If you have any questions, please contact this office.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GH:ks

enclosures

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:
240 acres - SE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, T118N, R52W

formerly owned by R.E. Kahnke

has been transferred to Richard R. Spevick 214 NW 2nd St Watertown
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2120-3 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 Codington) ss.

I, Richard R. Spevick 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.

Richard R. Spevick
(Signed)

Subscribed and sworn to before me this 22nd Day of February, 1984.

Carol Brandstad
(Notary Public)



WATER RIGHTS DIVISION
(605) 773-3352

February 28, 1984

Richard R. Spevak
214 NW 3rd Street
Watertown, South Dakota 57201

Dear Mr. Spevak:

Enclosed is your check #1067 in the amount of \$5.00 which you paid for the transfer of Water Permit No. 2120-3 to your name. A \$2.50 filing fee is the correct fee for filing a transfer.

Upon receipt of the \$2.50 filing fee, Permit No. 2120-3 will be transferred to your name.

If you have any questions, feel free to contact us.

Sincerely,

Genny McMath
Water Resources Analyst

GJM:ms
Enc.

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

March 1, 1984

Richard R. Spevak
214 NW 3rd Street
Watertown, South Dakota 57201

Dear Mr. Spevak:

Enclosed is receipt No. 4 9565 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2120-3

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

RECEIPT

Division of Water Rights

No 4 9565

South Dakota Department of Water and Natural Resources

Pierre, March 1, 1934

RECEIVED OF Richard R. Spevak, 214 NW 3rd St., Watertown, SD 57201
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 2120-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

**Department of
Water & Natural Resources**

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

February 17, 1989

Richard Spevak
214 NW 3rd
Watertown, SD 57201

Dear Mr. Spevak:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

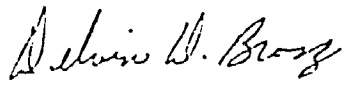


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 2120-3

owned by Richard Spivak

Big Sioux River Water District**Report Of Examination Of Works And/ Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by R.E. Kahnke
405 - 5th Ave N.W. of Watertown SD 57201 holder of
 Permit No. 2120-3, bearing the priority of October 1 19 74 authorizing
 the diversion of 3.3 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Codington County.

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

A. Works used to divert the water:

all wells 1 - 50 HP Peerless 12" pump model # 2826278 - 500 gpm
 are inter- 1 - 20 HP " " " " " " - 350 gpm
 connected 1 - submersible 3" pump Grundfos Model # SP4
 capable of 150 gpm

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

8" Aluminum pipe 50' long to system
 8" PVC piping 1250' long to system
 2" PVC to system

C. Works used to apply water to beneficial use:

1 - Clifford Hall, 10 tower with endgun capacity 600 gpm
 1 - Lockwood, 8 tower with endgun capacity 400 gpm

The system is in the following condition goodThe point of diversion is located Well #1 - 1320' North + 1254' West of SE cornerWell #2 - 2937' North + 514.8' West of SE cornerWell #3 - 3247.2' North + 99' West of SE corner, at Section 16 - T118N-R52W (R)The works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Section 16 - T118N-R52W (R)SW 1/4 NE 1/4 - 29 acres SW 1/4 SE 1/4 - 30 acresSE 1/4 NE 1/4 - 29 acres SE 1/4 SE 1/4 - 30 acresNW 1/4 SE 1/4 - 36 acresNE 1/4 SE 1/4 - 36 acrescomprising a total of 190 acres of land and the license should be issued for 2.22 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 4/17/99

Norma C. Job
 (signature)

4/17/1991

LICENSE FOR PERMIT NUMBER 2120-3

1. Legal location of wells: Well #1 in SE 1/4 SE 1/4 Well #2 + 3 in
SE 1/4 NE 1/4 Section 16-T118N-R52W (R)
 dams & structures: _____

2. Well Information: Well Drilling Firm Possible Kahnke
no well logs available.

Completion Report Yes	No. ^X	No. of wells	3	Depth		
Casing	a) diameter	Well #1 16"	#2 16"	#3 36"	Screen	a) type
	b) length					b) length
	c) type	Steel	Steel	Steel	Static Water Level	
Pump	a) make	Pearless	Pearless	Grundfos	Motor	a) make
	b) model	2826278	2826278	SP4		b) model No.
	c) size	12	12	3		c) horsepower rating
	d) capacity	500	350	150		
	e) turbine pump - no					
	f) operating PSI	55		30		

3. Distribution lines or canals

a) size	8"	8"	2"
b) type	Alum	PVC	PVC from plastic
c) length	50'	1250'	

4. Dam Information:

a) height to crest _____	m) Outlet tubes:
b) height to primary spillway _____	1) diameter _____
c) height to secondary spillway _____	2) type _____
d) crest width _____	3) valved (Y/N) _____
e) crest length _____	4) valve type _____
f) spillway length _____	5) location on structure _____
g) spillway width _____	
h) approx. storage _____	n) Category of Dam _____
i) approx. storage to crest _____	
j) date constructed _____	
k) inspection sheet completed (Y/N) _____	
l) Name of Contractor _____	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

South

North

- 1) make Gifford Hill Lockwood
- 2) number of towers 10 8
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) Y Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____

- 8) capacity (GPM) 600 400
130 acres 80 acres

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
<u>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>X</u>	___	5. Is chemigation used?
<u>X</u>	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 1992

2120-3

Randy Spevak
RR 3, Box 138B
Watertown SD 57201

Dear Mr. Spevak:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2120-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 28, 1992

RECEIVED OF Casco Corporation, RR 3, Box 138B, Watertown, SD 57201

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

Fee for Application for Permit N _____ 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. 2120-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By John H. Hoyer
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2120-3

(1) R. E. Kahnke of Watertown, SD 57201 made Application No. 2120-3, October 1, 1974 for a water permit to appropriate 3.3 cubic feet of water per second from groundwater, Codington County, South Dakota for irrigation purposes. Permit No. 2120-3 with a priority date of October 1, 1974 was approved November 13, 1974 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before November 13, 1979 and for the application to beneficial use of said water on or before November 13, 1983.

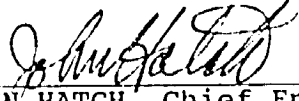
On February 23, 1984, Water Permit No. 2120-3 was transferred to Richard R. Spevak.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1320'N and 1254'W of the SE corner; Well #2 - 2937'N and 514.8'W of the SE corner; Well #3 - 3247.2'N and 99'W of the SE corner: all in Section 16, T118N, R52W (R).

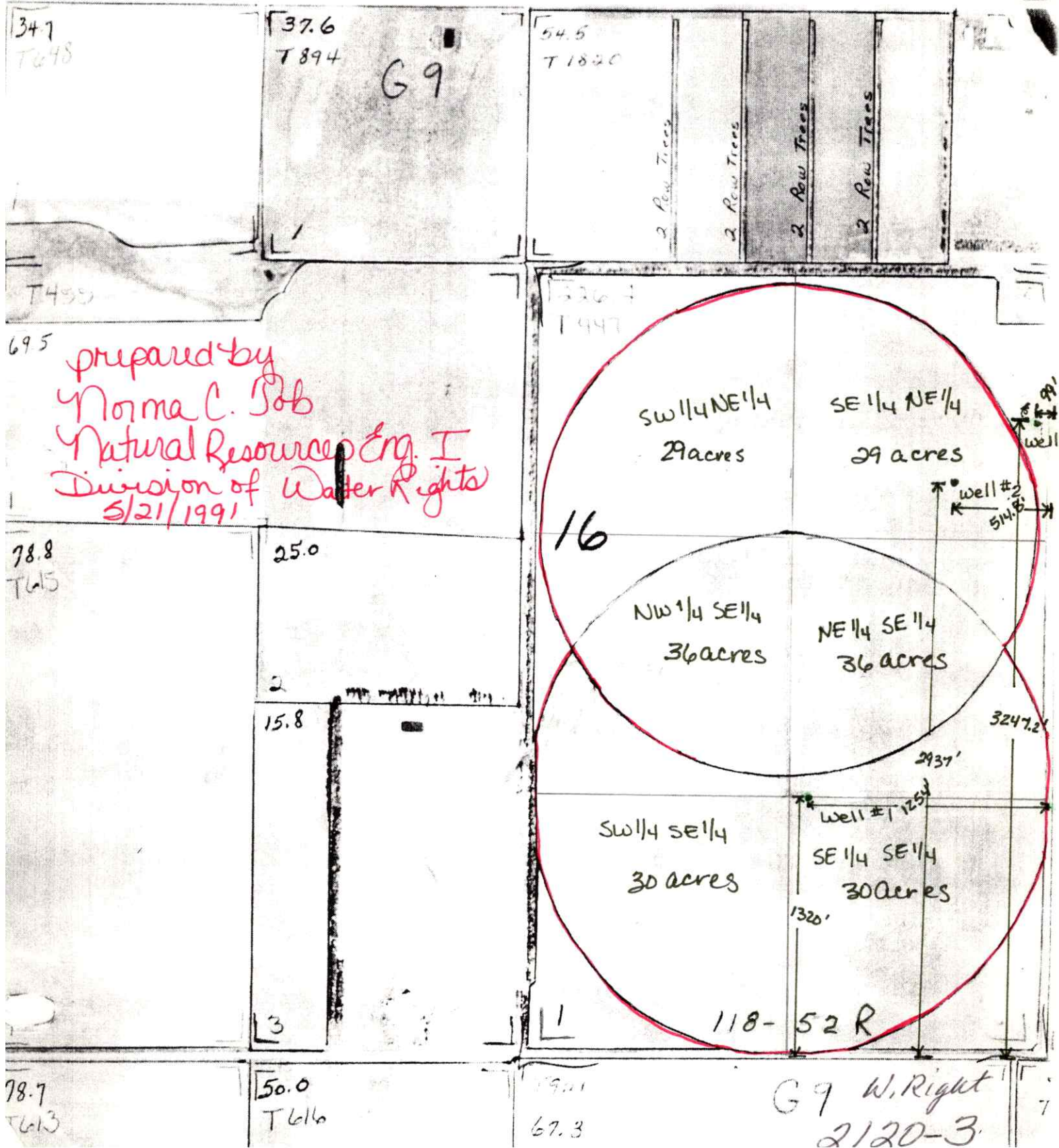
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T118N, R52W Section 16 (R)	SW 1/4 NE 1/4	29 Acres
	SE 1/4 NE 1/4	29 Acres
	NW 1/4 SE 1/4	36 Acres
	NE 1/4 SE 1/4	36 Acres
	SW 1/4 SE 1/4	30 Acres
	SE 1/4 SE 1/4	30 Acres
	Total-----	190 Acres

(4) Pursuant to Section 46-5-30.1 Richard R. Spevak of RR 3, Box 138B, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 2120-3 is issued a license to appropriate water, the right to use 2.22 cubic feet of water per second from groundwater (3 wells) with a priority date of October 1, 1974 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2120-3 and subject to South Dakota State Law.


AUG 12 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

NOT TO SCALE





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 12 1992

2120-3

Randy Spevak
RR 3, Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

Enclosed is Water License No. 2120-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413038 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2120-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

2120-3

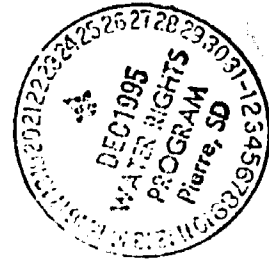
CSS FARMS, INC.

"Committed To Quality And Service"

RR 3 - Box 138B
Watortcwr., South Dakota 57201-9348
Office (605) 886-2577

FAX (605) 886-2586
Potato Storage (605) 886-9749

Genny McMath



Dear Ms. Mc Math:

We operate all of the enclosed systems, and it would probably be easier to send these forms to above address.

Frank
Mill

1995 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 15, 1995



2120-3
 RICHARD SPEVAK
 RR 3 BOX 138B
 WATERTOWN, SD 57201

CHANGES TO ADDRESS LABEL _____

Telephone No. _____

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (606) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☐

DID YOU IRRIGATE IN 1995? YES ☒ NO ☐ IF YES, NUMBER OF ACRES IRRIGATED 120

SOURCE OF WATER Well

DID YOU CHEMIGATE IN 1995? YES ☒ NO ☐ *from returned*

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS ☒ TOWNLINES ☐ BIG GUN ☐

FLOOD ☐ SPRINKLERS ☐ OTHER ☐

COMMENT SECTION:

*This permit should
 be transferred to
 CSS Company.
 Please send
 whatever forms
 are necessary to
 sign. Mike*

**THE PORTION OF THE FORM FOR REPORTING ACRES IF
 PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO**

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING CORN & 60 ACRES OF BEANS). THE PUMP RATE OF 1 AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY					
	BEANS	60	300 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED.
 FOR KILOWATT HOURS, INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION.

2120-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996

2120-3

Milt Carter
CSS Farms, Inc
RR 3 Box 138B
Watertown, SD 57201

Dear Mr. Carter:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 2120-3. The water right is currently listed in the name of Randy Spevak.

Please review the form and complete the area marked "be transferred to: (name & address)" Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

In December, 1995, you wrote to me indicating the water right should be transferred from Mr. Spevak to CSS Farms, Inc. When going through some papers on my desk, I realized I had not replied to your letter. Thank you for your patience and 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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2120-3

Date: 3/14/96



I/We request that Water Right No. 2120-3

formerly owned by: Richard R Spevak

be transferred to: (name & address) CSS Company, 3334 9th Ave SW,

Watertown, SD 57201

Telephone No. 605-886-2577

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

190 acres in the S½ NE¼ and SE¼ Section 16, T118N, R52W (R)

I/We understand that the validity of Water Right No. 2120-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Codington)

I/We Richard R. Spevak 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.

Richard R. Spevak
(Signed)

Subscribed and sworn to before me this 14th day of March, 1996.

[Signature]
(Notary Public)

My Comm. Expires 4/30/98

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

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

RECEIPT

414851

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

Pierre, _____

March ~~15~~ 19 96

RECEIVED OF CSS Farms, Inc. (CSS Company), 3334 9th Ave. SW, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

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

Fee for Filing Transfer Form Water Right No, 2120-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Hatch (Signature)

2120-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

No. 2120-3

CSS Farms, Inc.
Richard R. Spevak
3334 9th Ave. SW
Watertown, SD 57201

Dear Mr. Spevak:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2120-3.

Our records now show CSS Company as the owner of Water Right No. 2120-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

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

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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 28, 1997, 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.



February 4, 1997

2120-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3;
4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-
3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

2/20-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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 and 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

2120-3



December 12, 2006

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2120-3
4588-3A
5379-3

Don Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 2120-3, 4588-3A and 5379-3. Terry Endres has notified us that you now own the land described in these water rights. I have included a copy of each water right for your review.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies of the water rights. If I can answer any questions for you regarding the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures



January 30, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Don Endres
919 Christine Ave
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

On December 12th, I forwarded transfer forms to you for filing an ownership change with Water Right Nos. 2120-3, 4588-3A and 5379-3. To date, we have not yet received them from you. Recently, James Carter notified us that Water Right Nos. 5968-3 and 6004-3 should also be listed in your name.

I am sending along additional copies of the transfer forms for Nos. 2120-3, 4588-3A & 5379-3 in the event you no longer have the original set. Also enclosed are partially completed transfer forms for the remaining two water rights along with copies of the respective water rights.

Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies of the water rights. If I can answer any questions for you regarding the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

CSS FARMS, Inc.					
Farm Land with Water Permit #'s					
In CSS Farms, Milt Carter or Other Name					
Please Transfer all Water Permits to Land Owners					
Updated: 1-16-07					
CSS FARMS, Inc.		Permitted	Irrig.		
		Irrig.	Permit		
Field Name	Irrigated Land Legals	Acres	#	Owner	Current Operator
Codington County:					
Drake	Sec 10 T119N R51W	132	3672-3	Coast Properties Investors LLC	Greg Endres
McElhaney-East	Sec 16 T118N R52W	220	5166-3	John Norgaard etl	Terry Endres
Regnier	Sec 21 T118N R52W	165	5379-3	Don Endres	Terry Endres
Toft-North & South	Sec 16 T118N R52W	190	2120-3	Don Endres	Terry Endres
Grant County:					
Allison	Sec 20 T120N R51W	130	5338A-3	Milton Allison	Greg Endres
Berger- South	Sec 16 T121N R52W	132	6099-3	Endres Family Trust	Greg Endres
Ollman	Sec 17 T121N R52W	132	6030-3	Endres Family Trust	Greg Endres
Kneeland	Sec 9 T121N R52W	132	5968-3	Don Endres	Greg Endres
Loken-East	Sec 10 T120N 52W	70	5378-3	Endres Family Trust	Terry Endres
Loken-West	Sec 9 T120N 52W	174	5377-3	Endres Family Trust	Terry Endres
Meyer-East & South	Sec 28 & 33 T120N R51W	400	3782-3	Robert L. Carr	Greg Endres
Meyer-Middle	Sec 28 T120N R51W	168	5586-3	Robert L. Carr	Greg Endres
Meyer-North & West	Sec 21 & 28 T120N R51W	302	5173-3	Robert L. Carr	Greg Endres
Roberts County:					
Jake 1	Sec 34 T123N R52W	156	4604-3	Endres Family Trust	Greg Endres
Jake 2, 5 & 6	Sec 3 & 4 T122N R52W	393	4041-3	Endres Family Trust	Greg Endres
Jake 3	Sec 3 T122N R52W	132	5724-3	Endres Family Trust	Greg Endres
Jake 4	Sec 10 T122N R52W	132	5723-3	Endres Family Trust	Greg Endres
Richardson	Sec 3 T122N R52W	136	6029-3	Endres Family Trust	Greg Endres
Utne	Sec 33 T121N R52W	136	6004-3	Don Endres	Greg Endres
Total Permitted Acres:		3432.0			
Note: Endres Family Trust—Jim Endres is the contact person					
Coast Properties Investors LLC—Dr. L.A. Sigdestad is the contact person					
Milton Allison	1434 Linden Dr.	Ames, IA 50010-5532			515-232-3389
Robert Carr	506 Washington Ave	Marshall, MN 56258-7661			507-532-2291
Don Endres	108 Half Moon Rd	Brookings, SD 57006-3906			605-690-1385
Jim Endres	17212 460th Ave	Watertown, SD 57201			605-881-0424
Terry Endres	17214 460th Ave	Watertown, SD 57201			605-881-0423
Greg Endres	2011 South Serenity Dr.	Watertown, SD 57201			605-880-1711
John Nordgaard	542 Terrace Dr.	Grand Forks, ND 58201-7661			701-739-3819
Dr. L. A. Sigdestad	2605 S Waterman Ave	San Bernardino, CA 92408			909-709-6200

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 05 2007

WATER RIGHTS
PROGRAM

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

No. 2120-3

Date: 2-1-07

I/We request that Water Right No. 2120-3

formerly owned by: CSS Company

be transferred to: (name & address) Don Endres, 919 Christine Ave, Brookings SD 57006

Telephone No. _____

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

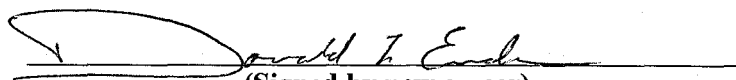
190 acres - SE ¼ and S ½ NE ¼ Section 16, T118N, R52W (reservation)

I/We understand that the validity of Water Right No. 2120-3 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 DONALD L. ENDRES, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 5, 20 07

RECEIVED OF Don Endres, 919 Christine Ave, Brookings SD 57006

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>Water Right No. 2120-3</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	2.50

No.

02926

By Garland Erbele
Chief Engineer

(KS)



2120-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2007

Don Endres
919 Christine Ave
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees for changing ownership on Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3. The ownership changes have been completed. The water rights listed above are now all listed in your name.

Enclosed are your Receipt Nos. 02924, 02925, 02926, 02927 and 02928. The receipts are for the filing fees you paid for each transfer. You may keep these for your records.

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

January 22, 2010

NOTICE

TO: TERRY J ENDRES, OPERATOR, 17214 460TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2120-3 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) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-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) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3 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 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>

cc: DON ENDRES, 919 CHRISTINE AVE, BROOKINGS SD 57006
JOHN NORDGAARD, 542 TERRACE DR, GRAND FORKS ND 58201
NORTHERN CON-AGG, 3231 FERNBROOK LN N, PLYMOUTH MN 55447

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.



2120-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9761

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

Your item was delivered at 1:18 PM on January 25, 2010 in BROOKINGS, SD 57006. The item was signed for by K NELSON.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 1:18 pm, BROOKINGS, SD 57006
- Notice Left, January 23, 2010, 11:10 am, BROOKINGS, SD 57006
- Out for Delivery or Available at PO Box, January 23, 2010, 9:49 am, BROOKINGS, SD 57006
- Sorting Complete, January 23, 2010, 9:19 am, BROOKINGS, SD 57006
- Arrival at Post Office, January 23, 2010, 7:15 am, BROOKINGS, SD 57006

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9761	
DON ENDRES 919 CHRISTINE AVE BROOKINGS SD 57006	
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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 29, 2010

Terry J Endres
17214 460th Ave
Watertown SD 57201

RE: 2009 Irrigation Questionnaires for Water Right or Water Permit Nos. 2120-3, 4588-3A,
5174-3, 5376-3, 5379-3, 5166A-3 and 5166B-3

Dear Endres:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for the above listed water permits or rights.

The information was received in our office prior to the Water Management Board meeting and the issue has been removed from the agenda.

As requested by you and Greg Endres, next year's irrigation questionnaires will be sent out differently. The questionnaire for Water Right No. 4588-3A will be directed to your attention and the remaining forms will be directed to Greg.

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

c: Greg Endres
Don Endres
John Nordgaard
Northern Con-Agg