

Water Right Number 2326-3

1. Considered SEPTEMBER 10, 1975
2. Name of Applicant DE HAAN LIVESTOCK & GRAIN FARMS, INC.
3. Post Office Address PLATTE
4. Amount of Water claimed 13.7
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 960
7. Water to be diverted and used in CHARLES MIX County
about 9 MI miles 1ST of GEDDES
8. Proof of Publication
Received 1ST
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application
10. Remarks:

No. 2326-3Map No. 1707-3 Water Division No. 3 MISSOURI RIVER District _____
(Blanks 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 De Haan Livestock and Grain Farms, Inc.
 Postoffice address Platte, 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) All three
3. Name of diversion work DeHaan # 3
4. Amount of water claimed (cubic feet per second) 13.7
5. Source of water supply Missouri River
6. Location of point of diversion N¹-3-97-68 NEAR THE CENTER OF SECTION 3

County Charles Mix

7. Annual period or periods during which water is to be used July - 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 800 960

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.
<u>E¹-2-97-68</u>	<u>320</u>		
<u>NE¹-34-98-68</u>	<u>160</u>		
<u>NW¹-35-98-68</u>	<u>160</u>		
<u>SE¹-35-98-68</u>	<u>160</u>		
	<u>800 960</u>		

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 year DAILY REPUBLIC, MITCHELL, SD.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Platte-Enterprise, Platte, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Pivot SystemEstimated Total Cost \$ 270,000Attachments: 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)

Hughes)

County of)

De Haan Livestock and Grain Farms, Inc. by Andy De Haan

I, 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

Andy De HaanSubscribed and sworn to before me this 27th day of June, 19 75

Notary Public (or other qualified officer)

Betty Westlund
BETTY WESTLUND, Land/Water Clerk 11



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2326-3
DE HAAN LIVESTOCK & GRAIN FARMS, INC. PLATTE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57369 With the following modifications:
 (State)

Date of first receipt of application AUGUST 12 19 75
 Date of return to applicant for correction, amendments or changes required AUGUST 13 19 75
 Date of receipt of corrected application AUGUST 29 19 75
 Approved SEPTEMBER 10 19 75 Recorded in Book 14 Page 48

WATER RIGHT PERMIT NO. 2326-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2326-3 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 AUGUST 12 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 10 19 78
3. The whole of said work is to be completed on or before SEPTEMBER 10 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 10 19 84
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 13.7 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 SEPTEMBER 10 19 84; said water to be used during the following described annual period: JULY - OCTOBER

Witness my hand this 24TH day of SEPTEMBER 19 75

WATER RIGHTS COMMISSION

By:

John H. Helt
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

GE 300 HP 1775 RPM

Model 3K6257X H16B

Rev EMT 326117

Reciprocating Vertical

Rev H-37771125

2326-3

~~2326-3~~

9-11-79

DeHaven Landmark Enterprise Inc.

Valley Corn system 152/100

Booster pump Motor - Gould Century - 60 HP 3540 RPM
Part # 6-373061-01 3540 RPM

Pump Berkeley Ser # 7578279 Model B4EPB1 8" Impeller
3600 RPM 60 HP

C.P. in SE $\frac{1}{4}$ - 35 - 1100 2 - Valley Model 5071 Ser # 19172

Booster pump at Gould Century 60 HP 3540 RPM

Part # 6-33835-11

Pump Berkeley Ser # 7578281 Model B4EPB1, 8" Impeller
3600 RPM 60 HP

C.P. in SE $\frac{1}{4}$ - 35 - Cover 135 Ac. Valley Model 4071

Ser # 19111

Booster Motor - Gould Century 60 HP

Part # 6-323061-01 3540 RPM

Pump Berkeley Ser # 7578277 Model B4EPB1, 8" Impeller
3600 RPM 60 HP

C.P. in N $\frac{1}{2}$ of - 2 - North N $\frac{1}{2}$ Valley Cover 140 Ac.

Model 4071 Ser # 19145

Booster pump Motor Gould Century 60 HP 3540 RPM

Part # 6-323061-01

Pump Berkeley Ser # 7578278 Model B4EPB1 Impeller 8" $\frac{1}{2}$ "
3600 RPM 60 HP

C.P. 2 Valley model 4171 Ser. # 19716
Covers acres

Bosch Gould Century 60 HP 3570 RPM
Part # 6-33061-01

Pump Berkeley Ser. # 7578280 Mtd. B4EPBL
Impeller 8 1/4", 3600 RPM 60 HP

C.P. NE of 11 = Valley Covers 110 acres

No Tag - Bosch Pump Gould Century 40 HP 3570 RPM
Part # 6-33053-01

Pump Berkeley - Tag underneath - Cont. # 7578280

No. 2325-3

Publish first publication, on or before

September 2, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 29, 1975

Notice is hereby given that DeHaan Livestock & Grain Farms, Inc.

whose post office address is Platte, 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 13.7 cubic feet of water per second of time from the Missouri River through the DeHaan #3, the point of diversion of which is to be located in the near the center

of Section 2, Twp. 67N, Range 66W. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ Section 2, T97N, R68W; NE $\frac{1}{4}$ Section 34; NW $\frac{1}{4}$, S $\frac{1}{2}$, Section 35,
T98N, R68W

This application No. 2326-3 will be considered by the Water Rights Commission at the Burgundy Room at the Skyline Motel, Yankton, SD upon the 10th day of September, 1975 at 2:30 P. .M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw
cc:

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Davison }

Gerald H. Puttenter of said county being first duly sworn, on oath says that he is the General Manager of The Daily Republic a daily newspaper printed and published in Mitchell, said County of Davison and has full and personal knowledge of all the facts herein stated: that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies daily, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the **NOTICE OF INTENT**

TO APPROPROATE WATER

....., a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

SEPT. 2	19 75;	19
SEPT 9	19 75;	19
	19	19
	19	19
	19	19

that the full amount of the fees for the publication of the annexed notice is \$ 15.94

Gerald H. Puttenter

Subscribed and sworn to before me this day of 19

Raymond H. Anderson
Notary Public,
County of Davison, South Dakota

My commission expires: 4-3-83

NOTICE OF INTENT TO APPROPRIATE WATER
Notice is hereby given that DeHaan Livestock & Grain Farm, Inc. whose post office address is Pierre, 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 13.7 cubic feet of water per second of time from the Missouri River through the DeHaan No. 3, the point of diversion of which is to be near the center of Section 3, Twp. 97N, Range 68W. Said water to be used for the purpose of providing irrigation on the following described land:
E1/4, Section 2; T97N, R 68W;
NE1/4, Section 34; NW1/4, S1/4, Section 35, T98N, R68W
This application No. 2324-3 will be considered by the Water Rights Commission at the Burghard Room at the Skyline Motel, Yankton, S.D., upon the 10th day of September, 1975, at 2:30 P.M. All interested persons may appear and be heard.
Water Rights Commission
By: Burton F. Jones,
Water Rights Specialist

RECEIVED
SEP 23 1975

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



23.36-3 806

DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

REC-11
28 October 1975

MROOP-N
SD 2SB OXT 1 000280
DeHaan Livestock and Grain, Inc.
Intake Structure
Missouri River Mile 904.06L (1960 Mileage)

NOTICE OF PERMIT FINDING

The application of DeHaan Livestock & Grain, Inc., Platte, South Dakota 57369 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to construct a permanent water intake structure to provide irrigation water to approximately 700 acres. The work will consist of excavating approximately 13,000 cubic yards for the pipe trench utilizing a dragline and a backhoe, laying approximately 410 linear feet of 48" steel pipe and constructing 3 vertical 18" standpipes to the pumphouse. The pumphouse will contain three 100-horsepower electrical pumps operating at a combined rate of approximately 4500 gallons per minute.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Federal Water Pollution Control Act and Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.

An environmental assessment of the proposed activity has been made and is on file in this office. The assessment indicates that no significant adverse impacts on the human environment will occur. Based on this finding, a preliminary determination has been made that an environmental impact statement will not be required.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. The decision will reflect the national concern for both protection



and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and in general the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 26 November 1975. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (33 USC 403).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:

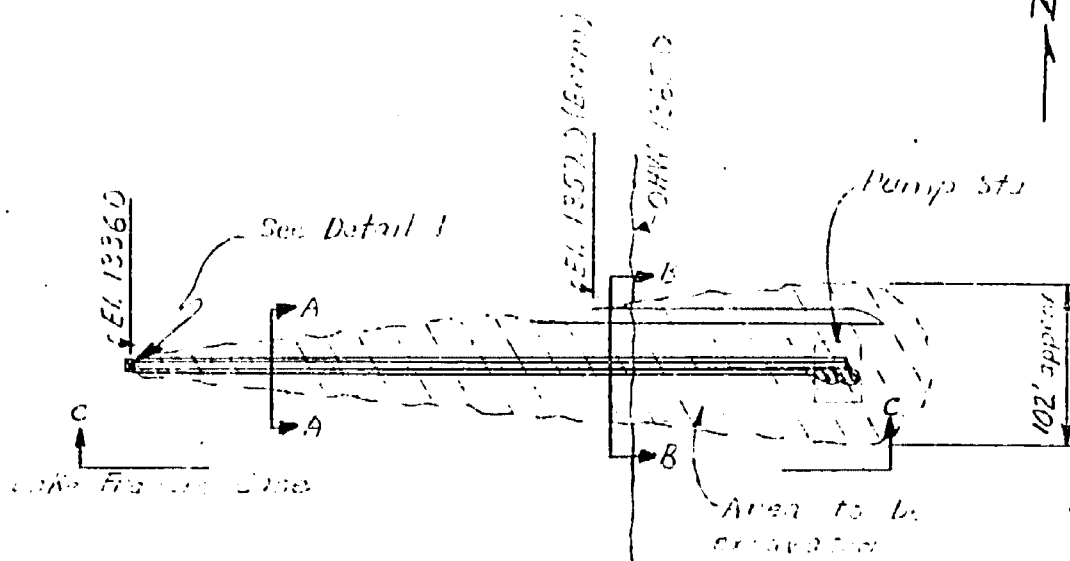
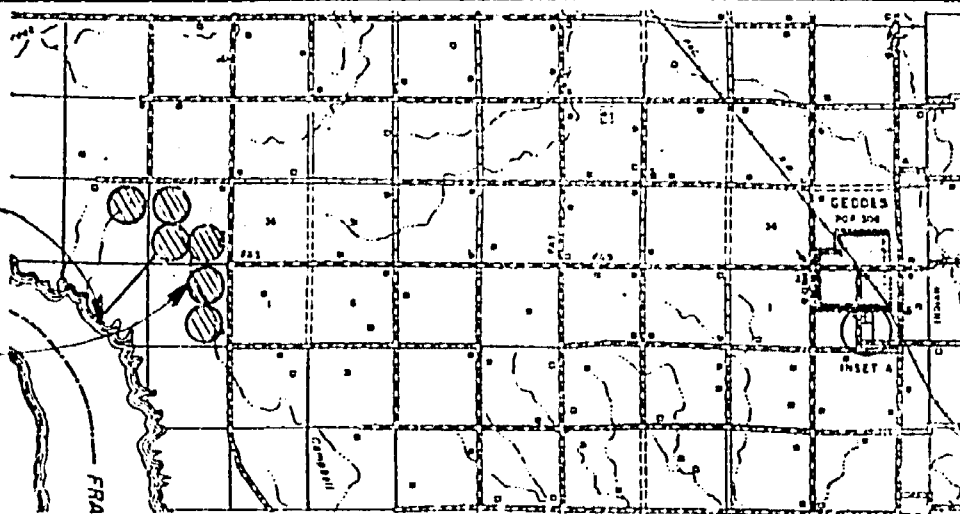
A handwritten signature in dark ink, appearing to read 'LEE W. TUCKER', enclosed within a large, hand-drawn oval loop.

LEE W. TUCKER
JEC, Corps of Engineers
Deputy District Engineer

Attachment
As stated

Project location

Irrigation Area



PLAN VIEW

PURPOSE: Pumping station for irrigation

DATUM

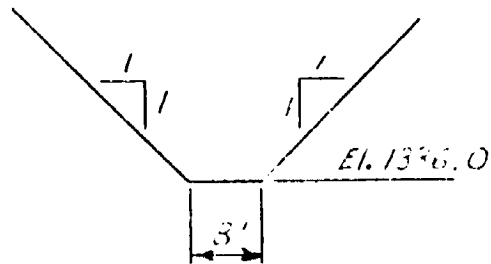
ADJACENT PROPERTY OWNERS:

- ① George Chamberlain
- George Hugg
- ② Chet Baltman
- R. Bakker

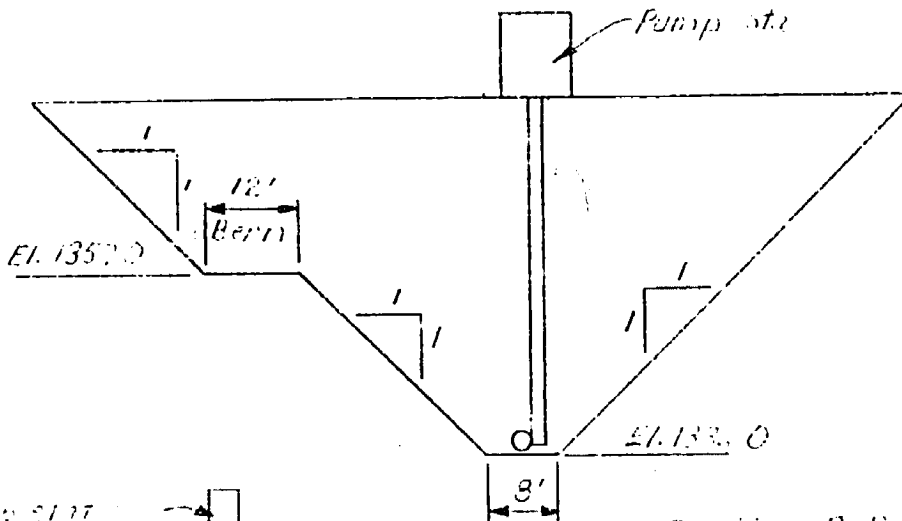
IN Missouri River
AT 904.06 L

COUNTY OF Charles Mix STATE S. Dak
APPLICATION BY Andrew Dehaan

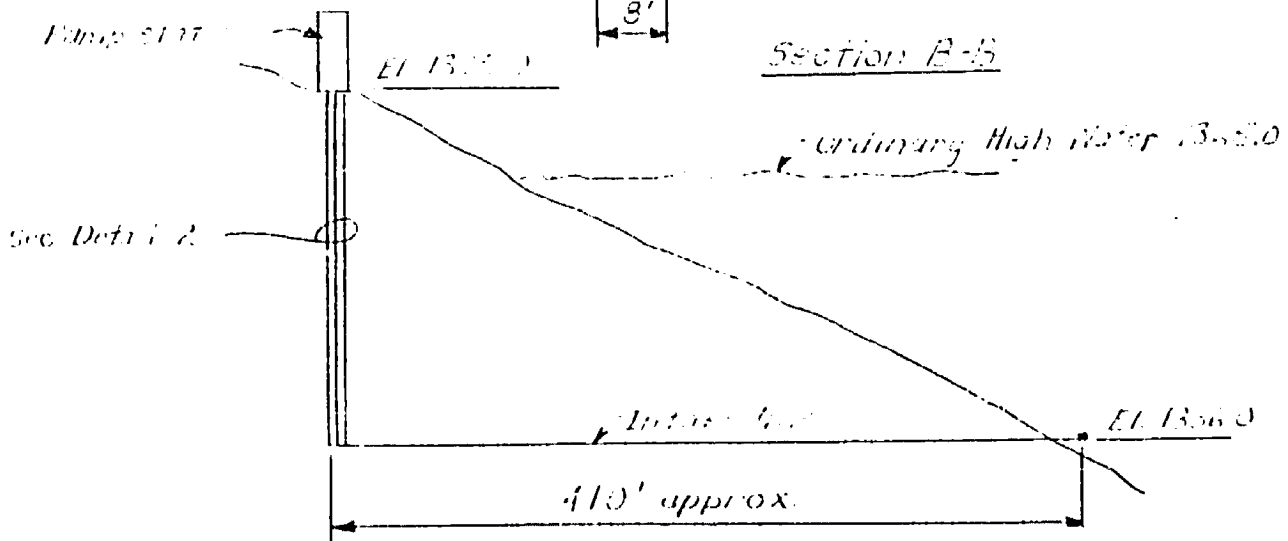
SHEET 1 OF 3 DATE 22 Aug 75



Section A-A



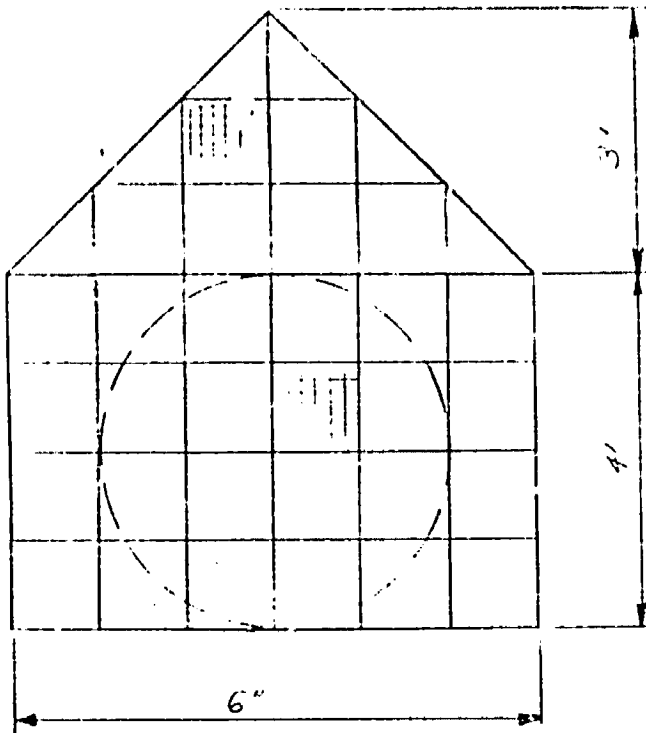
Section B-B



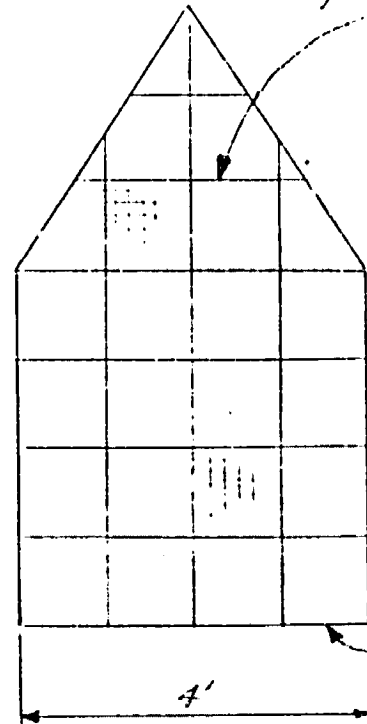
Section C-C

IN Missouri River
AT 704.06 L
COUNTY OF Charles Mix STATE S. Dak
APPLICATION BY Andrew Dehaan
SHEET 2 OF 3 DATE 27 Aug 75

1' Base 10" O C Both ways

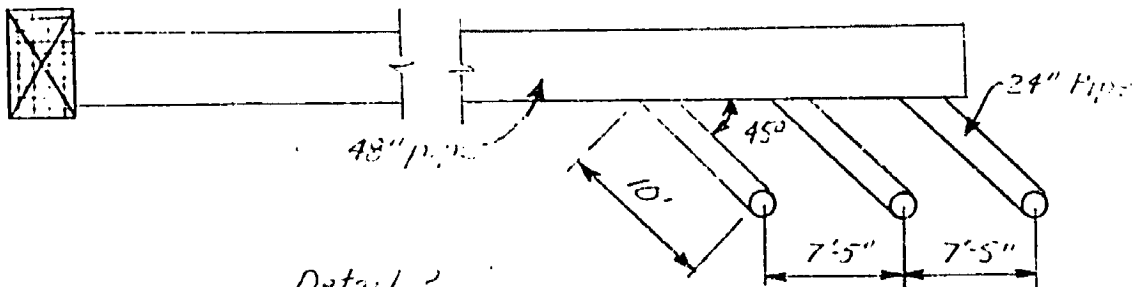


Net area of opening = 51.36 sq ft
Based on 40% Net Opening
Velocity thru screen on 2000 gpm = 0.43 ft/sec.



Cover back and bottom with 1/2" plate

Detail 1



Detail 2



Department of Water & Natural Resources

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

March 23, 1987

DEHAAN LIVESTOCK & GRAIN CO, Andy Dehaan
RR 2 BOX 59
PLATTE, SD 57369

NOTICE

Re: Violation of Water Permit(s). 4630-3, 307-3B and 1986
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4630-3, 307-3B. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4630-3, 307-3B qualification:

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

The hearing will also be to determine if Permit No(s). 2999-3, 2326-3, 307-3, and 307-3A should be amended with the qualification to require the Questionnaire to be submitted each year.

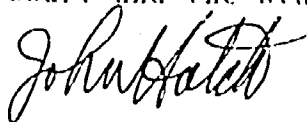
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4630-3, 307-3B until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2999-3, ~~2326-3~~, 307-3, and 307-3A to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) 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.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

307-3
307-3A
307-3B
2326-3
2999-3
4630-3

Dehaan Livestock & Grain Co
RR #2 Box 59
Platte, SD 57369

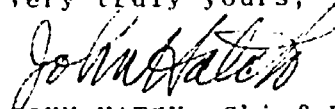
Dear Sir:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 307-3, 307-3A, 307-3B, 2326-3, 2999-3 and 4630-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



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

DEHAAN LIVESTOCK & GRAIN FARM
RR 2 BOX 59
PLATTE SD 57369

NOTICE

RE: Violation of Water Permit Nos 307-3, 307-3A, 2326-3 & 2999-3, 307-3B & 4630-3 and
1991 Irrigation Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 307-3, 307-3A, 2326-3 & 2999-3, 307-3B & 4630-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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) 307-3, 307-3A, 2326-3 & 2999-3 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) 307-3B & 4630-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 307-3B & 4630-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 307-3, 307-3A, 2326-3 & 2999-3 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 before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



2 3 6 5
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 10, 1992

Dennis DeHaan
DeHaan Livestock & Grain Farm
RR #2 Box 59
Platte, SD 57369

RE: Irrigation Questionnaires for Water Permit Nos. 307-3,
307-3A, 307-3B, 2326-3, 2999-3 and 4630-3

Dear Mr. DeHaan:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 307-3, 307-3A, 307-3B, 2326-3, 2999-3 and 4630-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed after your telephone conversation with Ron Duvall of this office. You indicated you irrigated the "same as last year". Since they were received prior to the Water Management Board meeting, your name was deleted from the agenda.

The 1992 irrigation questionnaires will be mailed out in October, 1992. It will not be acceptable to call in and request them to be filled out "the same as last's years".

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5795-3

DeHaan Livestock and Grain Farms, Inc.
%Dennis DeHaan
RR 2, Box 60
Platte, SD 57369-9343

Dear Mr. DeHaan:

Enclosed is Water License No. 5795-3 and Receipt No. 414454 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5795-3 is the final document which completes the process of obtaining a water right.

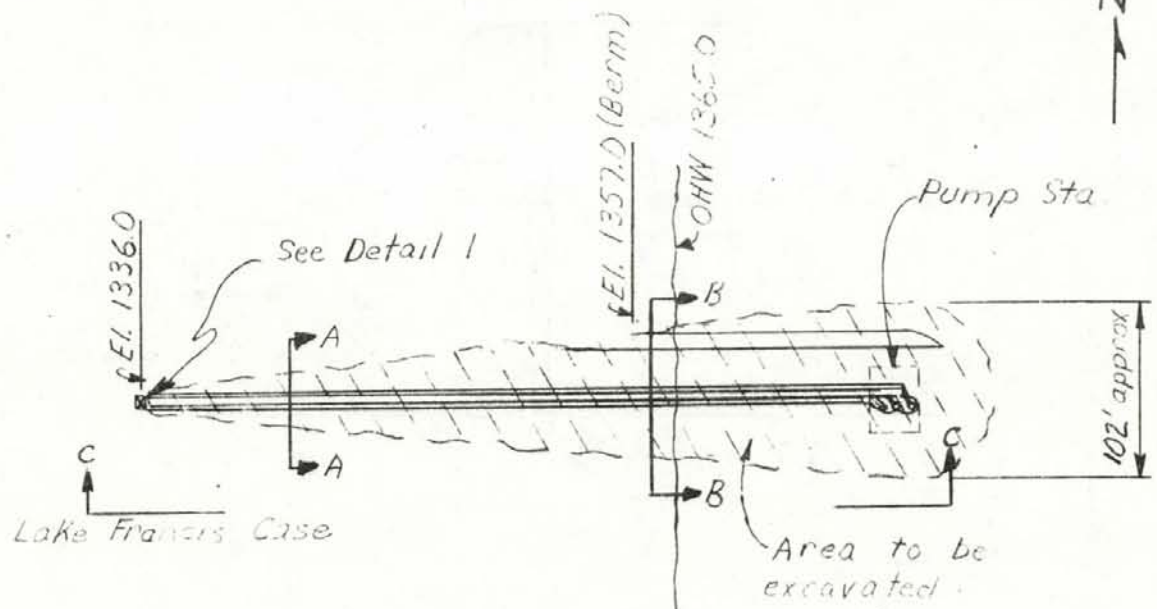
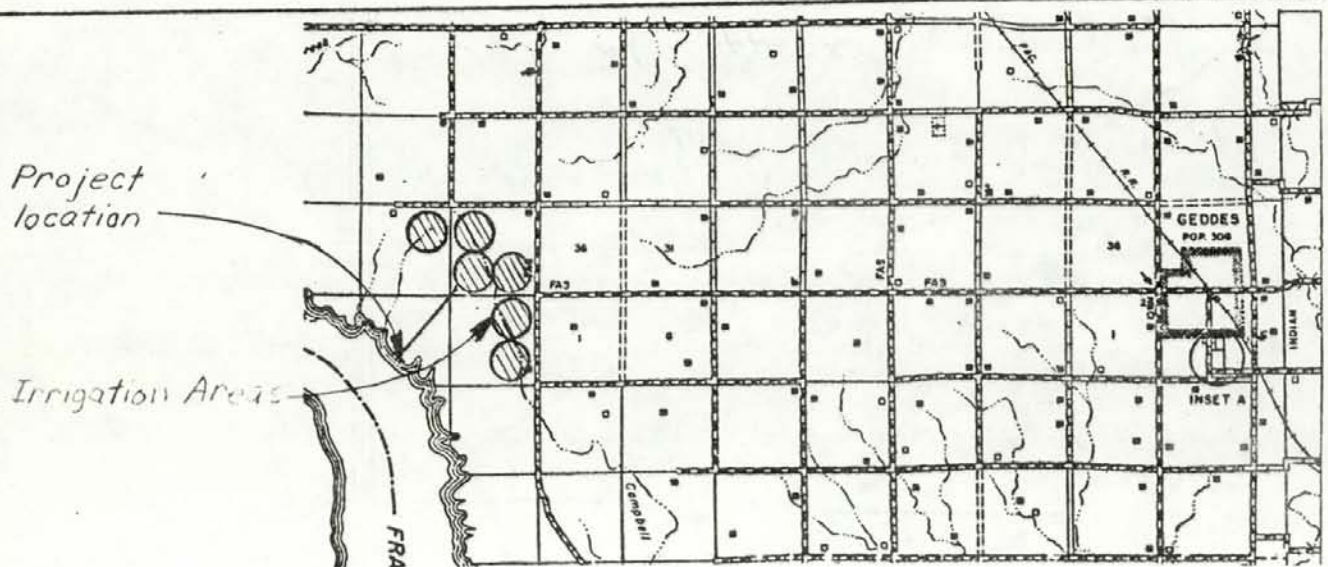
As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Right Nos. 307-3, 307-3A and Water Permit Nos. 307-3B, 2326-3, 2999-3 and 4630-3 have been incorporated into this Water License No. 5795-3.



PLAN VIEW

PURPOSE: Pumping station for irrigation

DATUM

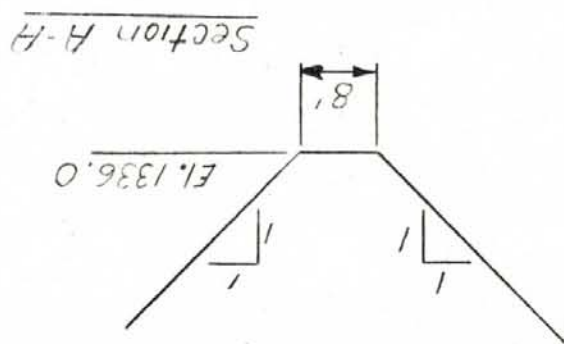
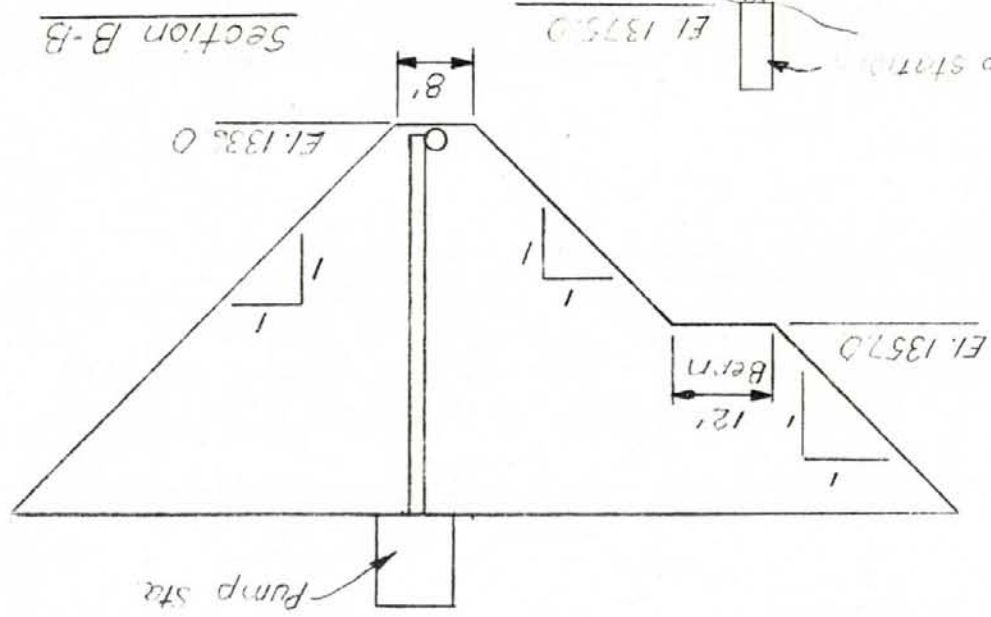
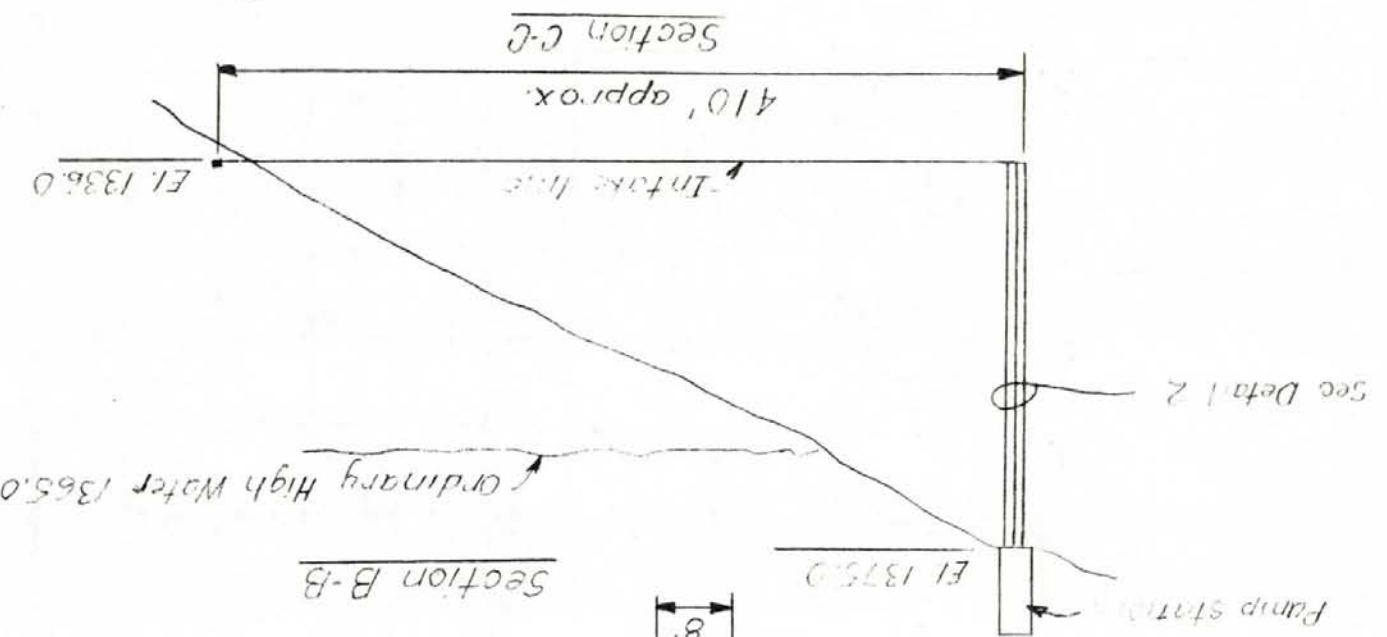
ADJACENT PROPERTY OWNERS:

- ① George Chamberlain
George Hugg
- ② Chet Baltzma
R. Bakker

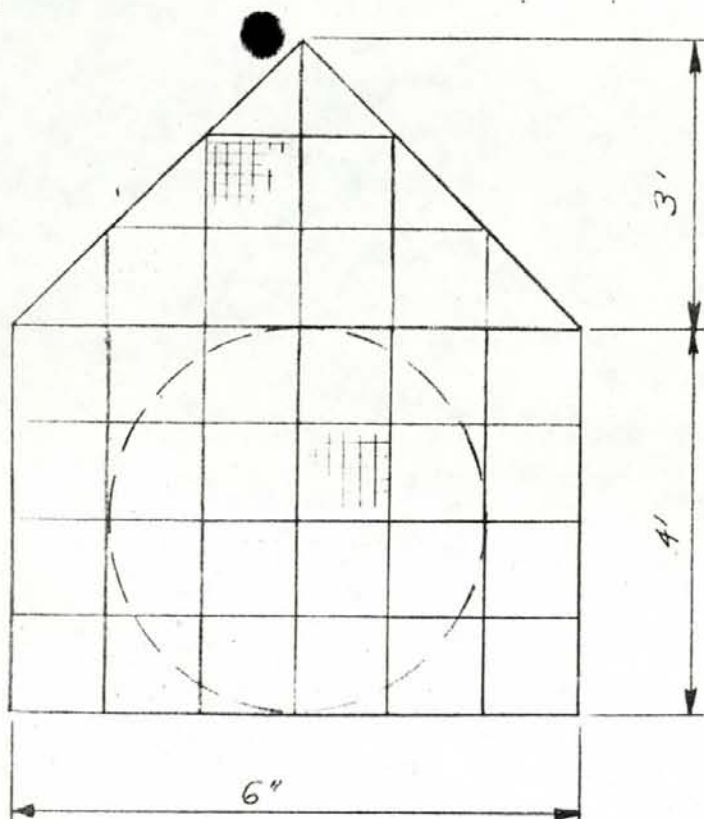
IN Missouri River
AT 904.06 L

COUNTY OF Charles Mix STATE S. Dak.
APPLICATION BY Andrew Dehaan

SHEET 1 OF 3 DATE 29 Aug 75

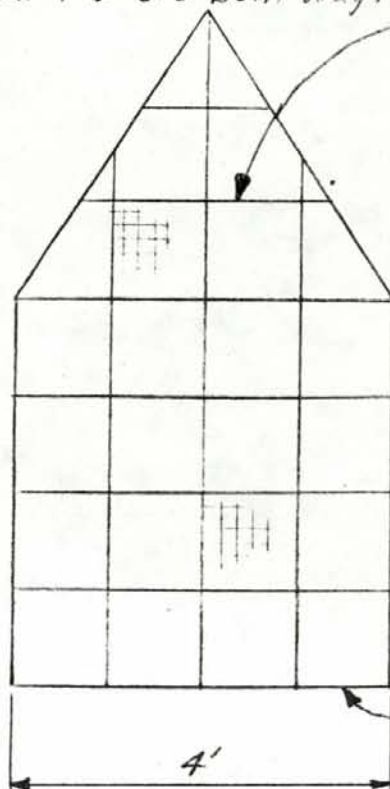


2326-3



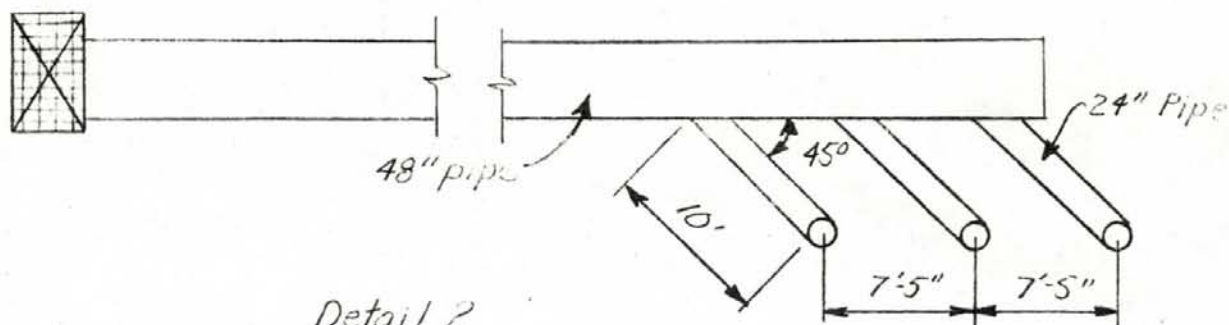
Net area of opening = 31.36 sq ft.
Based on 40% Net Opening
Velocity thru screen on 6000 gpm = 0.43 f/sec.

1" Bar 1'-0" O.C Both ways



Cover back and bottom with $\frac{1}{2}$ " plate

Detail 1



Detail 2

(2-79)

Shaded Relief

HOAC
CP"

CP

97-68

(2-79)