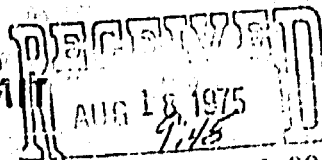


Water Right Number 2332-3

1. Considered NOV. 12, 19 75
2. Name of Applicant WAYNE BJUS
3. Post Office Address ELKTON, S.D.
4. Amount of water claimed 1.64
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 115
7. Water to be diverted and used in MOODY County
about 3S 1W Miles of ELKTON
8. Proof of Publication Received 10-27-75
Not received
9. Application Approved
Subject to
Not approved
Action deferred
10. Remarks:

1712-3
 SEE 501-3
 Map No. 501-3 Water Division No. 3 Big Sioux 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 Wayne Buus
 Postoffice address Filen, State South Dakota 57026
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
 3. Name of diversion work Wayne Buus Irrigation Project
 4. Amount of water claimed (cubic feet per second) 1.64
 5. Source of water supply Will used under permit H 658-3
 6. Location of point of diversion 1450' S 60° E of NW corner Sec 9-108-47

- County Brookings
 7. Annual period or periods during which water is to be used April through 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 115

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.
NW 1/4 of NE 1/4 Sec 9-108-47	18		
NE 1/4 of NE 1/4 Sec 9	18		
SW 1/4 of NE 1/4 Sec 9	40		
SE 1/4 of NE 1/4 Sec 9	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register
 12. Principal Features of the Proposed Water Supply System.

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

Will used under present permit H 658-3.
Both tracts of land to be irrigated from same well

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

closed conduit

C. Works proposed to apply water to beneficial use.

Center pivot irrigation machine

Estimated Total Cost \$ 24,000

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 Brookings

I, Wayne Buus 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 Wayne BuusSubscribed and sworn to before me this 13 day of August 1975

John S. Williams
 Notary Public (or other qualified officer)

P.E. H 1916

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2332-3WAYNE BUOS

(Applicant)

ELKTON

(Post Office Address)

SOUTH DAKOTA 57026

(State)

With the following modifications:

The irrigation well approved under this Permit is 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 AUGUST 18, 19 75Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application SEPTEMBER 3, 19 75Approved NOVEMBER 13, 19 75, Recorded in Book 14 Page 69WATER RIGHT PERMIT NO. 2332-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2332-3 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 18, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 80
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

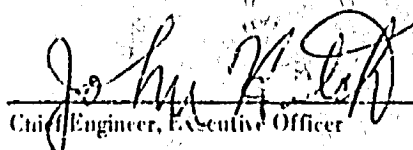
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.64 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 17TH day of NOVEMBER, 19 75

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 120 rds. On property owned by others 90 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.

This information is on file with the
Commission under permit # 65843

Wayne Beus ✓
Signature of Applicant

August 22, 1975

Mr. Wayne Buus
Blkton, SD 57026

Dear Mr. Buus:

Enclosed please find the original copy of the report of analysis of the water sample submitted here recently. Also enclosed you will find a copy of extension circular 654 with the approximate quality of this water for irrigation denoted by a red cross in the diagram on the outside back cover. Please retain this report and the circular.

There should be no difficulty in the use of this water on your soils.

A copy of this letter and of the water analysis, and the WI-1 form, are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Jerry Mach, County Extension Agent



Conservation
Commission
Form WL 21

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Wayne Buus
ADDRESS: E/Kton 5 Oak
COUNTY: Moody County

LEGAL DESCRIPTION

1. WELL LOCATION: NW⁴ of NW⁴ of Sec 4 - 108 - 47 - Moody County
2. AREA TO BE IRRIGATED: NW⁴ of Sec 4 - 108 - 47

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Alfalfa & Corn

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Nearly Level
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Sandy Silt

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: Old well analyzed in 1960 75-748 medium
8. SALINITY: EC = 568 μ mhos (medium) (568 μ mhos/cm)
9. SODIUM: SAR = approx. 0.15 (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

Soil Conservation Service

and:

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

Wayne Burns

Subscribed and sworn before me this

13 day of Aug 1975.

John Lawrence

P. F. # 1916

(Title)



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

Submitted by: Wayne Ebus Date Rec'd: AUGUST 19, 1975
 Address: Elkton, SD 57026 Sample No.: 75-748
 Identification: Cell-60'
NE 1/4, Sec. 4, T 108N, R 47E

WATER ANALYSIS

Calcium (Ca)	71	ppm*	3.55	me/l**
Magnesium (Mg)	39	ppm	3.20	me/l
Sodium (Na)	6	ppm	0.27	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	25	ppm	0.52	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.04	me/l
Bicarbonate (HCO ₃)	312	ppm	5.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	256	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	568	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.15			
Sodium	3.82	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.50			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 7.05 me/l
 Total anions 5.68 me/l

By: Shirley Pittman

Service Performed	Amount Due
Irrigation analysis	\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-748

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 2332-3

Publish first publication, on or before October 30, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1975

Notice is hereby given that Wayno Buus

whose post office address is Elkton, 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

1.64 cubic feet of water per second of time from the ground water (existing well)

Wayne Buus Irrigation Project #1, the point of diversion of which is to be located in the

NE 1/4 NW 1/4

of Section 4, Twp. 108N, Range 47W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Section 4, T108N, R47W

This application No. 2332-3 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/lw

cc: Wayne Buus, Elkton, S.D. 57026

No. 2332-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Dennis D. Koenders hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Brookings Daily Register

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

City _____ of Brookings

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

October 16, 1975

October 23, 1975

Dennis D. Koenders
(Signature)

Water Master
(Title)

23 OCT 75
(Date Signed)

No. 568—Oct. 16 & 23

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
September 17, 1975

Notice is hereby given that Wayne Buus whose post office address is Elkton, 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 1.64 cubic feet of water per second of time from ground water (existing well) through the Wayne Buus Irrigation Project No. 1, the point of diversion of which is to be located in the NW¼ NW¼ of Section 4, Twp. 108N, Range 47W. Said water to be used for the purpose of providing irrigation on the following described land: NE¼, Section 4, T108N, R47W.

This application No. 2332-3 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 p.m. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights Specialist

OCT 24 1975



NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

Post Office Pickton, S.D.Date 1-31-77

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the ¹maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2332-3

Water Right Permit No. 2332-3 states that the diversion system is to be constructed by November 13, 1980 and that the water is to be put to beneficial use by November 13, 1983.

The diversion system was completed on May 20, 1976. Applying the water to beneficial use was completed on May 25, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Wayne Bruce
(Signature)



Department of Water & Natural Resources

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

December 7, 1989

658-3

2332-3

Wayne Buus
Box 128
Elkton, SD 57026

Dear Mr. Buus:

Enclosed are your 1989 irrigation questionnaires. In order for us to calculate the amount of water used, we need more specific information included on the forms.

Please include the following information on the questionnaires:

1. Number of days pumped;
2. Average number of hours pumped per day; and
3. Average pump rate in gallons per minute.

Upon completion of the forms, return them to our office in the enclosed postage paid envelope. The forms must be returned to our office before December 30, 1989.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMATH".

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

2332-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1994

658-3

2332-3

Dave Gullickson
Farmers Implement & Irrigation
Box 29
Brookings, SD 57006

Dear Mr. Gullickson:

Enclosed are copies of Water Right No. 658-3, Water Permit No. 2332-3 and maps for each. They are currently listed in the name of Wayne Buus. I believe both pertain to the area you inquired about.

In comparing the water right and permit with their respective maps, it would appear that the whole N 1/2 of Section 4, T108N, R47W was authorized for irrigation. Even though the entire acreage is permitted, if irrigation was not developed by the end of the construction period described in Water Permit No. 2332-3 (November 13, 1980), the permit would not be valid.

As you requested, I am enclosing water permit application forms and an instruction sheet. We had discussed the possibility of partially completing the forms here and forwarding them on to you for signature. I do not believe this would be in the best interest of your client. If I were to complete the forms with the wrong legal descriptions, it would slow down the permitting process and possibly cost your client time and money.

Please review the enclosed permit and water right copies to determine which acreage will need a new water permit. Complete the water permit application accordingly. I have highlighted areas on the instruction sheet needed for a complete application.

Also enclosed are two partially completed "Notice of Transfer of Ownership" forms. Your client will need to complete the forms with his/her name and mailing address and then sign them in the presence of a notary public. Please remit a total of \$5.00 with the completed transfer forms.

If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Gerry McMath
Environmental Scientist
Water Rights Division

2332-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2332-3Date: 2-15-94I request that Water Permit No. 2332-3formerly owned by: Wayne Buusbe transferred to: (name & address) Gary W PloegerBox 745 Pipestone Mn. 56164(Telephone No) 507-825-4259

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

115 acres in the NE 1/4 Section 4, T108N, R47W

I/We understand that the validity of Water Permit No. 2332-3 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 at the Division of Water Rights, 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 S.D.A. 46-2-13.

STATE OF SOUTH DAKOTA)

County of _____)

I/We _____ 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.

(Signed)

Subscribed and sworn to before me this 15th day of February, 19 94.

(Notary Public)

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

Division of Water Rights

414048

South Dakota Department of Environment and Natural Resources

Pierre, February 18, 19 94

RECEIVED OF Farmers Implement & Irr, Inc, PO Box 29, 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 _____		
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 Permit No. 2332-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



2332-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 1994

No. 658-3
2332-3

Gary W. Ploeger
Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 658-3 and Water Permit No. 2332-3.

Our records now show you as the owner of Water Right No. 658-3 and Water Permit No. 2332-3.

Sincerely,

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

enclosure

2332-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: GARY W PLOEGER, PO BOX 745, PIPESTONE, MN 56164 0745
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 658-3, 2332-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 658-3, 2332-3, 3047-3 & 4213-3 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) 5804-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 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 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



January 28, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Heartland Colony
RR 2 Box 157
Lake Benton, MN 56149

Attention: John

Dear John:

I am contacting you in follow-up to our January 20th telephone conversation concerning ownership of land under Water Permit/Right Nos. 658-3, 2332-3, 3047-3, 4213-3 and 5804-3, currently in the name of Gary Ploeger. There are three separate issues to address as far as updating the water permits and rights.

First of all, the existing water rights will need to be transferred to the Colony. Enclosed are partially completed "Notice of Transfer of Ownership" forms for each water right. Please review the forms and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)...*", on each of the forms. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

Secondly, information for the 1997 irrigation season must be submitted. Enclosed are 1997 irrigation questionnaires pertaining to each of the water permits and rights. To assist you, I have included the legal description on the forms of the acreage authorized by each water right. Please complete the forms and return them to our office by February 20th.

The last item concerns the licensing requirement for Water Permit No. 5804-3. On June 11, 1996, a field investigation was conducted to determine the extent of development under Water Permit No. 5804-3. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the water license. The \$50.00 fee is still required prior to licensing No. 5804-3.

Thank you for contacting our office concerning the ownership change. I did not realize that Mr. Ploeger no longer owned the land. If you have any questions concerning the enclosed materials, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2332-3



Date: Feb 6, 98

I/We request that Water Permit No. 2332-3

formerly owned by: Gary W Ploeger

be transferred to: (name & address) Heartland HBI RR 2, Box 157,
Lake Benton Minn 56149 Telephone No. 507-368-9587

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

3.4 acres - W 1/2 NE 1/4 Section 4-T108N-R47W

I/We understand that the validity of Water Permit No. 2332-3 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.

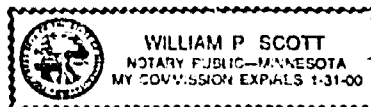
STATE OF ~~SOUTH DAKOTA~~ ^{MINNESOTA})

County of ~~DAKOTA~~ ^{XXXXXXXXXX} PIPESTONE

I/We HEARTLAND HBI
by John Wipf 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.

John Wipf Feb 6, 98
(Signed)

Subscribed and sworn to before me this 6th day of February, 19 98



[Signature]
(Notary Public)

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415653

Pierre, February 19, 19 98

RECEIVED OF Heartland HBL, RR 2, Box 157, Lake Benton, MN 56149
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 Permit No. 2332-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John A. [Signature] (4)

2332-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 23 1998

John Wipf
Heartland HBI
RR 2 Box 157
Lake Benton, MN 56149

RE: Water Right/Permit Nos. 658-3, 2332-3, 3047-3, 4213-3 & 5804-3

Dear Mr. Wipf:

Enclosed is your Water License No. 5804-3. The water license was issued based upon a June 11, 1996 investigation of the water use system. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

Enclosed are Receipt Nos. 415652, 415653, 415654-3, 415655, 415656 which you paid for filing ownership changes on Water Right/Permit Nos. 658-3, 2332-3, 3047-3, 4213-3 & 5804-3. They were originally listed in the name of Gary Ploeger and are now listed under Heartland HBI. Also enclosed is Receipt No. 415657 in the amount of \$50.00 which you paid for issuance of the water license.

If you have any questions concerning the enclosed water license, please contact Genny McMath with our program at (605) 773-3352.

Yours truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

Note: The applicable portions of Water Right No. 658-3 and Water Permit No. 2332-3 have been incorporated into Water License No. 5804-3.

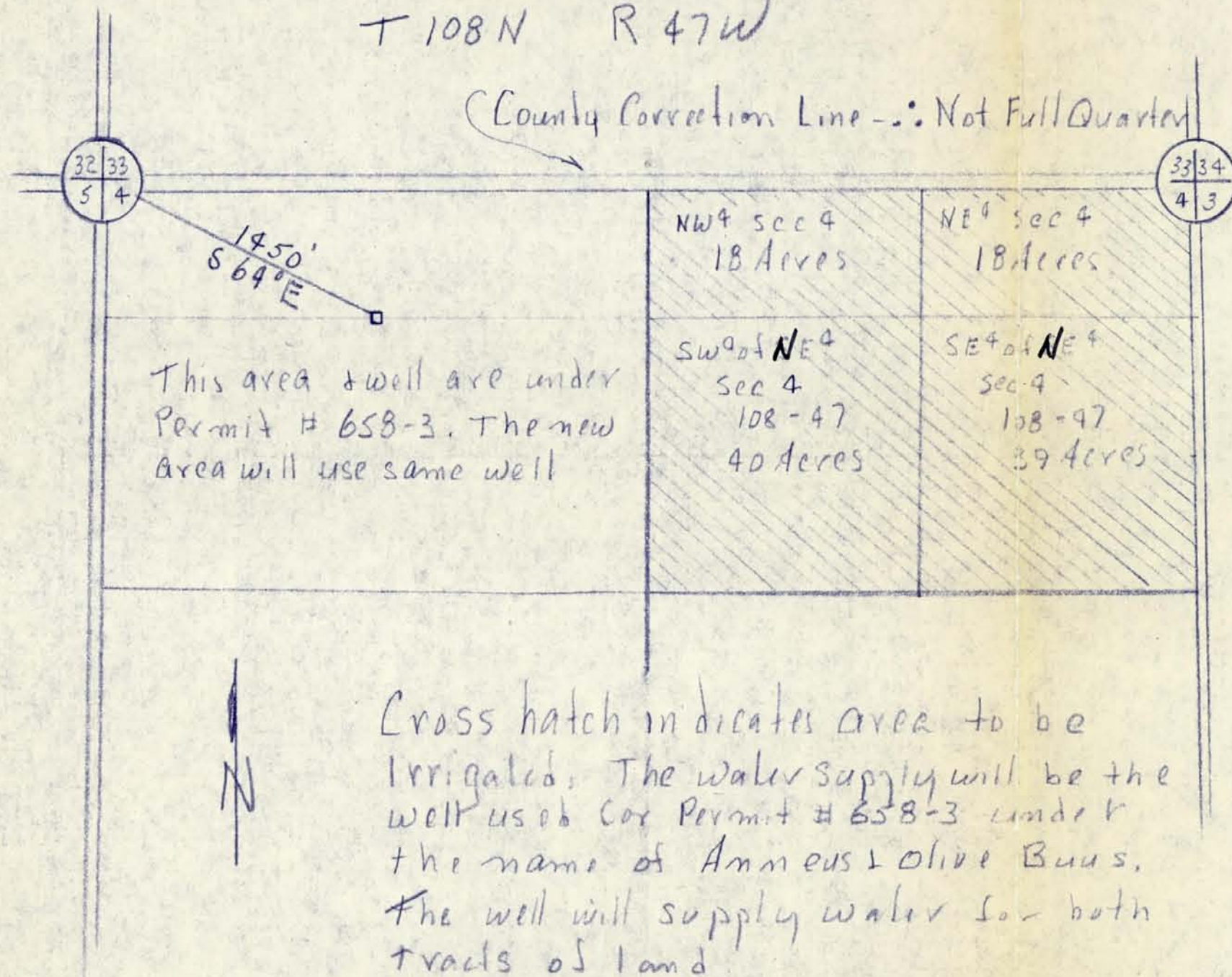
Encl

Gm

2332-3

T 108 N R 47 W

(County Correction Line - ∴ Not Full Quarter)



N

Cross hatch indicates area to be irrigated. The water supply will be the well used for Permit # 658-3 under the name of Amneus & Olive Buus. The well will supply water for both tracts of land.

Scale 8" = 1 Mile

WAYNE BUUS

IRRIGATION PROJECT # 1

Elkton South Dakota
Moody County

Acres to be irrigated - 115
Water claimed - 1.64 cfs

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map represents a reasonably accurate record of the land of:

Wayne Buus

Elkton 57026

South Dakota

Moody County

Aug 13, 1975

Drawn by J.L.W.

P.E. #1916

John L. Wiersma

Brookings S.D.

MAP NO. 1712-3 APRIL NO. 2332-3

NOT TO SCALE

2332-3

