

1. Considered 3-17, 1976 2539-3
2. Name of Applicant ROBERT L. JEVERSTAD
3. Post Office Address YANKTON
4. Amount of water claimed 4.5
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 310
7. Water to be diverted and used in YANKTON county
about 7E miles of YANKTON
8. Proof of Publication Received 3-8-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 2539-3Map No. 1910-3 Water Division No. 3 JAMES RIVER District 1
(Forms 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 Robert L. Weberstad
Post-office address R.R. 2, Yankton, State S. D.
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 Weberstad
4. Amount of water claimed (cubic feet per second) 5.5 (2475 g.p.s.) 4.6 m.p.s. minimum
5. Source of water supply Missouri River
6. Location of point of diversion Points are located on aerial photos No 3 station located in section 19-93-54 No 4 Station located in section 20-93-54, and No 5 station located in section 20-93-54 County Yankton
7. Annual period or periods during which water is to be used March to Nov 30
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 310 acres

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>Sec. 18-19 93-54</u>	<u>150</u>		
<u>Sec. 20-21 93-54</u>	<u>160</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Yankton Press & Dakotan
12. Principal Features of the Proposed Water Supply System.

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

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

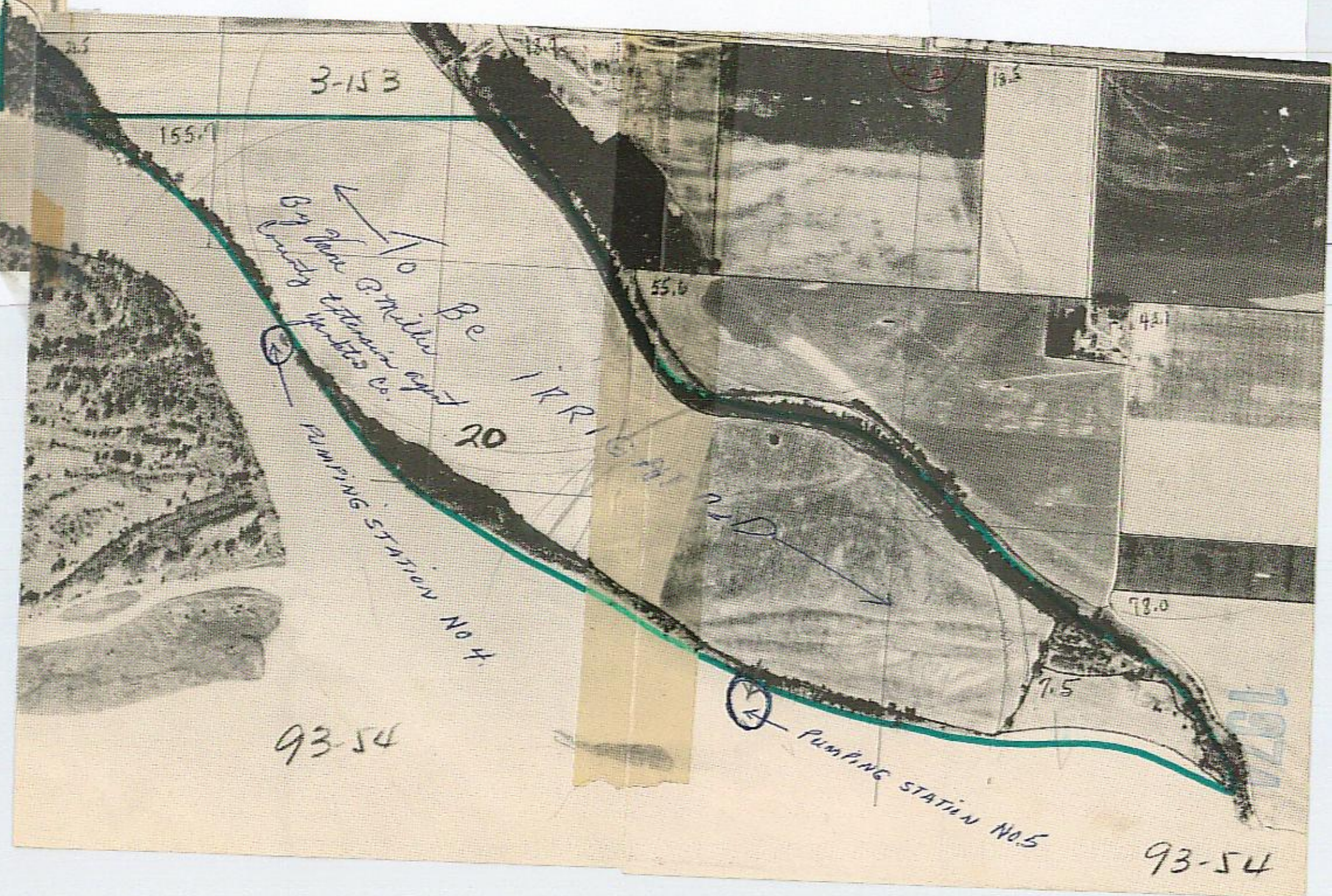
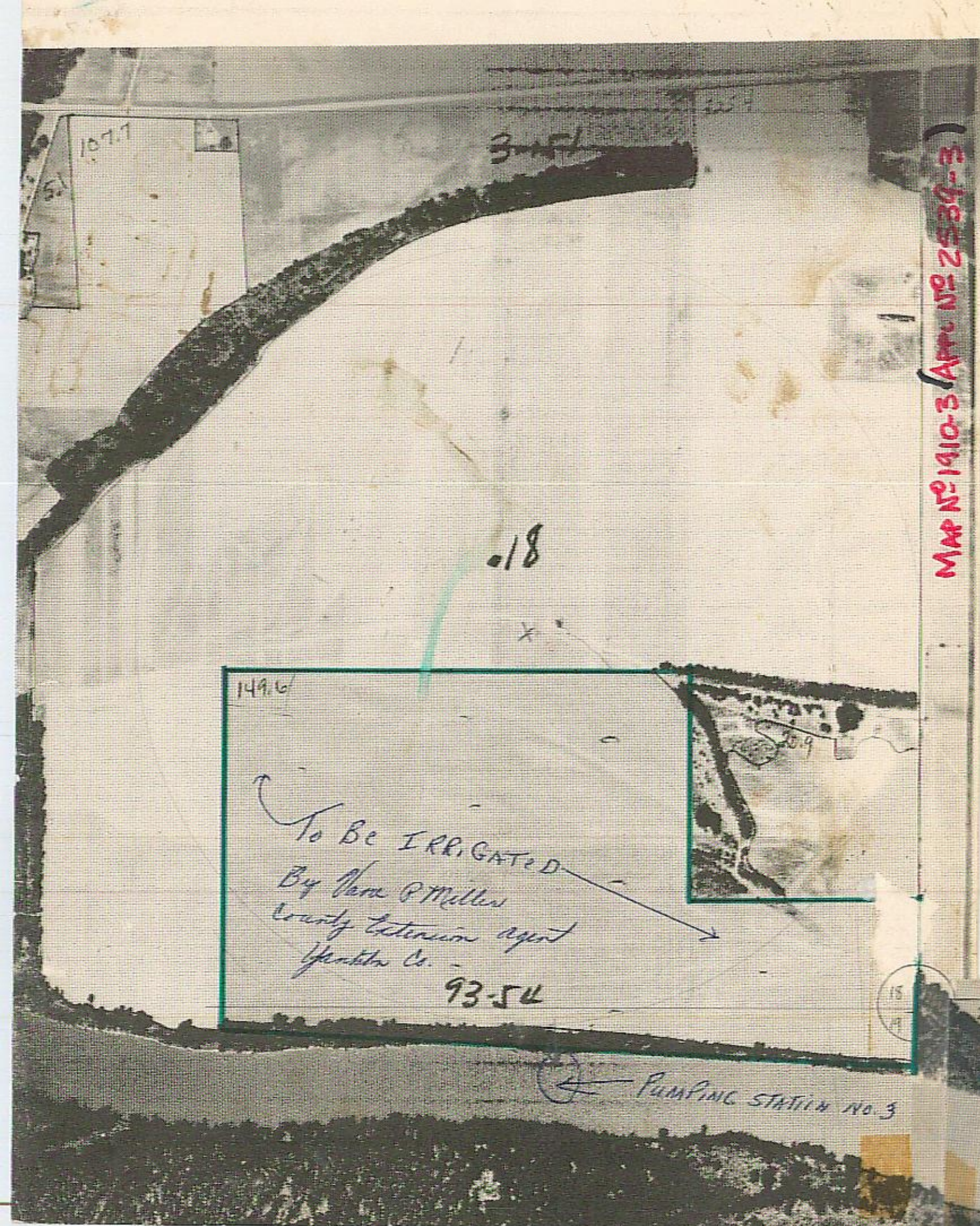
C. Works proposed to apply water to beneficial use.

For Irrigation useEstimated Total Cost \$ 40,000⁰⁰Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of YanktonI, Robert L. Weberstad, 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 constructionSubscribed and sworn to before me this 6th day of February, 1936

Notary Public (or other qualified officer)



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2539.3
ROBERT L. WEVERSTAD R.R. #2, YANKTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57078 With the following modifications:
 (State)

Date of first receipt of application FEBRUARY 11 19 76
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MARCH 17 19 76 Recorded in Book 14 Page 321

WATER RIGHT PERMIT NO. 2539.3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2539.3 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 FEBRUARY 11 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 17 19 78
3. The whole of said work is to be completed on or before MARCH 17 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17 19 81
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 5.5 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 MARCH 17 19 81; said water to be used during the following described annual period: MARCH TO NOVEMBER 30

Witness my hand this 22ND day of MARCH 19 76

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

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

a printed copy of which is hereinto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each Week for Two successive Weeks, the first publication being made on the 25th day of February, 19 76, and the last publication being made on the 3rd day of March, 19 76.
The first publication being made on the 25th day of February
The second publication being made on the 3rd day of March
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
The fifth publication being made on the _____ day of _____
The sixth publication being made on the _____ day of _____
The seventh publication being made on the _____ day of _____
The eighth publication being made on the _____ day of _____
The ninth publication being made on the _____ day of _____
The tenth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$3.02, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this _____ day

of MARCH, 19 76

Notary Public, South Dakota

2+2583+3 NOTICE INTENT TO APPROPRIATE WATER

Notice is hereby given that Robert L. Weverstad whose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.5 cubic feet of water per second of time from the Missouri River through the Weverstad Irrigation Project, the point of diversion of which is to be located between points in the NW 1/4, NE 1/4, Section 19, and in the NW 1/4, SE 1/4 of Section 20, Twp. 33N, Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/2, Section 18, NW 1/4 & SE 1/4, Section 20, SW 1/4, Section 21, all in T93N, R54W.

This application No. 2539-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested persons may appear and be heard.

BURTON F. JONES
Water Rights Specialist
Water Resources Commission



Publication Fees \$ _____

Received Payment, _____

Publish first publication, on or before March 4, 19 76NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 17, 19 76Notice is hereby given that Robert L. Weverstadwhose post office address is Yankton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4.5Missouri Rivercubic feet of water per second of time from the Missouri River through the Weverstad Irrigation Projectthe point of diversion of which is to be located in the XXXXXXbetween points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Twp. 93N, Range 54W. Said water to be used for the purposeof providing irrigation on ^{portions of} the following described land:S $\frac{1}{2}$, Section 18, NW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 20, SW $\frac{1}{4}$, Section 21, all in T93N, R54W

This application No. 2539-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 19 76, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:

Robert L. Weverstad, R.R. #2, Yankton, S.D. 57078



2539-3

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

MROOP-N

15 April 1977

SD 2SB OXT 1 001119

Robert L. Weverstad

Irrigation Intake Structure

Missouri River Miles 798.60L (site 1), 798.30L (site 2), 797.70L (site 3)
and 797.40L (site 4) (1960 Mileage)

NOTICE OF PERMIT PENDING

The application of Robert L. Weverstad, Route 2, Box 337, Yankton, South Dakota 57078 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 utilize a portable irrigation intake facility at four different sites in the Missouri River at mile 798.60 (site 1), mile 798.30 (site 2), mile 797.70 (site 3), and mile 797.40 (site 4), left bank, in Sections 19 and 20, Township 93 North, Range 54 West, Yankton County, South Dakota.

The activity will consist of excavating approximately 420 cubic yards of material at each pump site to install a trailer mounted pump and fuel tank. The excavation will include excavating a 770 gallon fuel containment pit and lining it with field stone as shown on sheet 3 of 3 sheets. All excavation will be above ordinary high water, moved landward, graded to drain, and seeded to brome grass. The 600 gallon per minute pump powered by a 180 horsepower diesel engine and the 500 gallon fuel tank will be trailer mounted to accommodate each of the four sites. The purpose of the proposed project is to irrigate 150 acres of cropland.

A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, an Environmental Impact Statement will not be required. An environmental assessment is currently being prepared which will consider in its preparation comments received in response to this public notice.

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 person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

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 16 May 1977. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons.

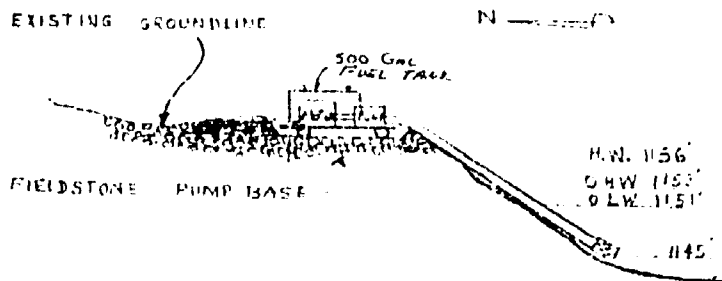
A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 USC 403).

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

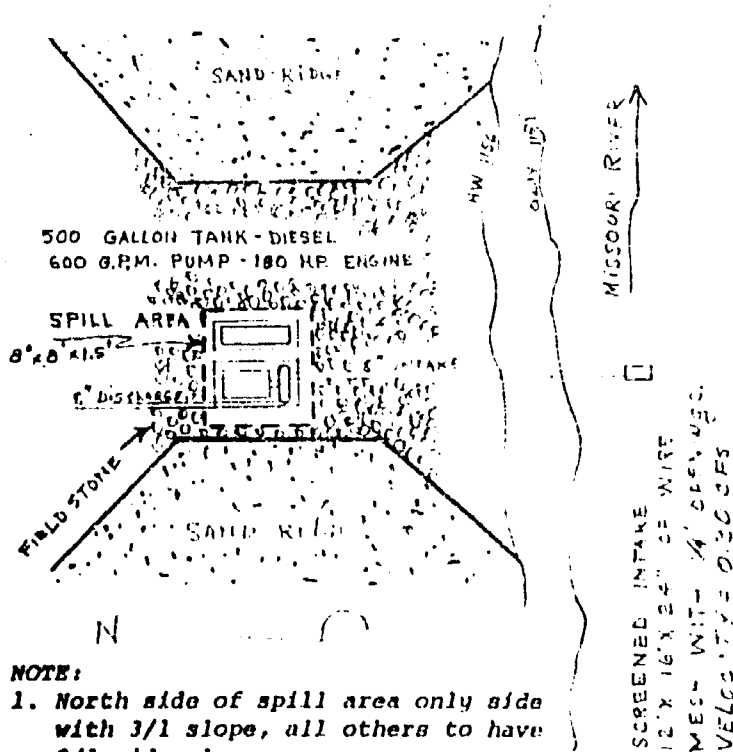
FOR THE DISTRICT ENGINEER:

Attachments
As stated


KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works



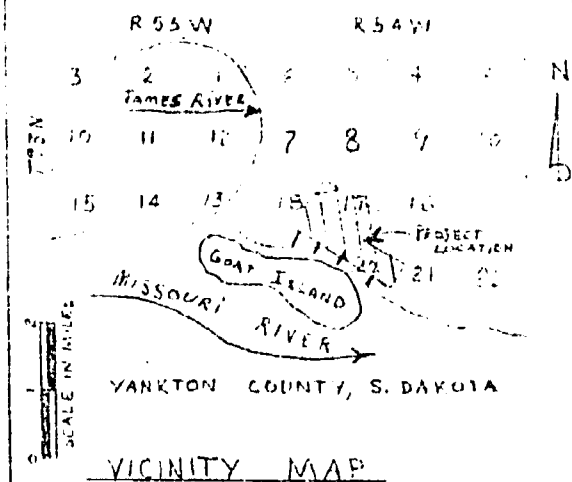
ELEVATION VIEW



NOTE:

1. North side of spill area only side with 3/1 slope, all others to have 2/1 side slopes.
2. Volume of the pit is 770 gallons.
3. Approximately 420 cu.yds. of sandy material will be moved inland and spread along the north sides of the sand ridge it was taken from.

PLAN VIEW

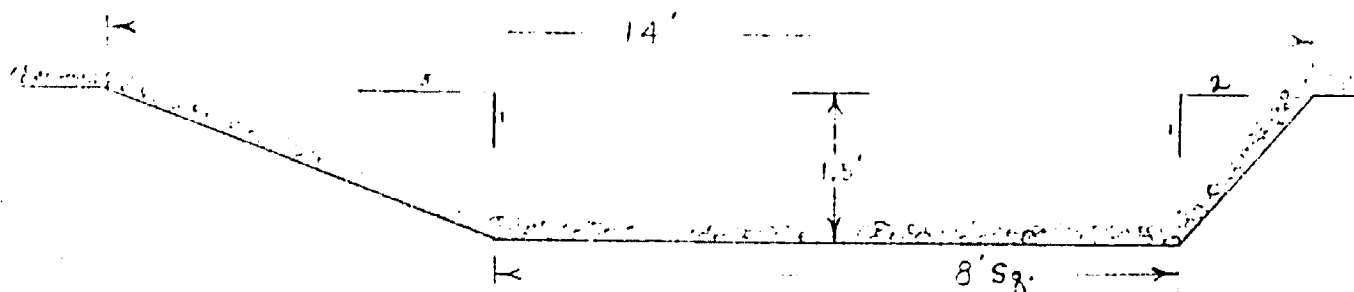


NOTES:

1. ALL ELEVATIONS REFER TO SEA LEVEL DATUM.
2. WATER WILL BE USED TO IRRIGATE 150 ACRES.
3. FOUR PUMPING SITES WILL BE UTILIZED.
4. LOCATION COORDINATES
LATITUDE 42° 52' 30" NORTH
LONGITUDE 97° 15' WEST
5. ADJACENT PROPERTY OWNERS
U/S GARY HEINE, ST. HELENA, NEBRASKA.
D/S TOM WHITE, 310-A CEDAR ST., YANKTON
S. DAKOTA.

ROBERT WIEVERSTAL
IRRIGATION PROPOSAL
MISSOURI RIVER PALE
798.5
YANKTON COUNTY, S. DAK.
SHEET 1 OF 8
FEB. 21, 1977

N



1. SPILL CONTAINMENT AREA AS WELL AS MOTOR - PUMP & TANK USE AREA.
2. NORTH SIDE OF SPILL AREA ONLY SIDE WITH 3/1 SLOPE, ALL OTHERS TO HAVE 2/1 SIDE SLOPES.
3. VOLUME OF THE PIT IS 770 GALLONS.
4. APPROXIMATELY 400 CU. YDS. OF SANDY MATERIAL WILL BE MOVED INLAND AND SPREAD ALONG THE NORTH SIDES OF THE SAND RIDGE IT WAS TAKEN FROM.
5. ALL ABOVE INFORMATION PERTAINS TO EACH SITE OF THIS PROJECT.

BOB WENERTH
IRRIGATION INTAKE
STRUCTURE PROPOSAL,
MISSOURI RIVER.
YANKTON COUNTY, S.D.A.K.
FEB 21, 1977
SHEET 3 OF 3

[illegible]

RECEIVED

SECRET

Site No.:

4. 5

2016

798

0792

13

1. ONE IRRIGATION PUMP WILL BE USED TO PUMP WATER FROM EACH SITE DURING THE IRRIGATION SEASON.
2. PRIOR CONSTRUCTION ON SITES 3 & 4 WAS LIMITED TO MAKING AN OPENING IN THE SAND RIDGE ABOVE THE HIGH WATER MARK.

BOB WIEVERSTAD
IRRIGATION INTAKE
STRUCTURE, MISSOURI
RIVER.
YANKTON COUNTY, S.DAK.
FEB. 21, 1977.
SHEET 3 OF 3

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS

6014 U. S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

POSTAGE AND FEES PAID
DEPARTMENT OF THE ARMY
DDO-314



FIRST CLASS

PUBLIC NOTICE

JOHN HATCH, CHIEF ENGINEER
DIVISION OF WATER RIGHTS
DEPT. OF NATURAL RESOURCE DEV;
FOSS BUILDING
PIERRE SD 57501

HRD FORM
1 JUN 73 0156b



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

January 29, 1988

ROBERT L. WEVERSTAD
RR 2 BOX 196
YANKTON, SD 57078

NOTICE

Re: Violation of Water Permit No(s). 1026-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1026-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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). 1026-3 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) 3594-3, 2539-3, 373-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

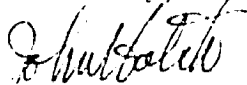
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 1026-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 3594-3, 2539-3, 373-3 also held by ROBERT L. WEVERSTAD 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.

Sincerely,

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

John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 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.



Department of Water & Natural Resources

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

February 4, 1988

373-3
1026-3
2539-3
3594-3

Robert L. Weverstad
RR #2 Box 196
Yankton, SD 57078

Dear Mr. Weverstad:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 373-3, 1026-3, 2539-3 and 3594-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 1991

2539-3

Ron Rucker
Farm Credit Services
PO Box 196
Yankton, SD 57078-0196

Dear Mr. Rucker:

Enclosed, as you requested, is a copy of Water Permit No. 2539-3 listed in the name of Robert L Weverstad. If you have any questions concerning the enclosed information, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

Permit No. 2539-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, September 15, 1998, made a thorough examination of the water use system constructed by Robert L. Weverstad of 4604 Broadway, Yankton SD 57078 holder of Permit No. 2539-3, bearing the priority of February 11, 1976 authorizing the diversion of 5.50 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Diversion point No. 1	Diversion point No. 2	Diversion point No. 3	Diversion point No. 4
Pump: Make <u>Berkeley</u> ?	Pump: Make <u>unknown</u>	Pump: Make <u>Berkeley</u>	Pump: Make <u>Berkeley</u>
Motor: Make <u>Lincoln</u> Horsepower <u>150</u> hp	Motor: Make <u>unknown</u> Horsepower <u>50</u> hp	Motor: Make <u>Baldor</u> Horsepower <u>40</u> hp	Motor: Make <u>Century</u> Horsepower <u>30</u> hp

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

- | | | |
|-------------------------|--------------------------|-----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>8</u> inches | 3) Length <u>60</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>2,380</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>400</u> feet |

C. Works used to apply water to beneficial use:

Pivot in sec 18 and 19	North pivot in sec 20	South pivot in sec 20	Traveling Gun
1) Make <u>Lockwood</u>	1) Make <u>Lockwood</u>	1) Make <u>Zinmatic</u>	1) Make <u>Lindsey</u>
2) Number of towers <u>17</u>	2) Number of towers <u>9</u>	2) Number of towers <u>8</u>	2) Capacity <u>450</u> GPM
3) End gun <u>Y</u>	3) End gun <u>Y</u>	3) End gun <u>Y</u>	3) Hose size <u>4</u> inches
4) <u>High</u> pressure	4) <u>Low</u> pressure	4) <u>Low</u> pressure	
5) Capacity <u>1,800</u> GPM	5) Capacity <u>900</u> GPM	5) Capacity <u>800</u> GPM	

The system is in the following condition good. The points of diversion are located all in T93N-R54W: 1: 2300 ft W and 300 ft S from NE corner sec 19 (NW1/4NE1/4); 2: 450 ft S from NE corner sec 19 (NE1/4NE1/4); 3: 1750 ft S and 1650 ft E from NW corner sec 20 (SE1/4NW1/4); 4: 850 ft W and 3550 feet S from NE corner sec 20 (NE1/4SE1/4). The works are capable of diverting and conveying to the place of use 8.79 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: (continued on next page)

Report of Examination of Works (continued)

Permit No. 2539-3

All in sec 18-93N-54W

NW¼SE¼ 19 ac
SW¼SE¼ 40 ac
SE¼SE¼ 16 ac
NE¼SW¼ 19 ac
NW¼SW¼ 2 ac

All in sec 18-93N-54W

SW¼SW¼ 2 ac
SE¼SW¼ 38 ac
All in sec 19-93N-54W
NE¼NW¼ 3 ac
NW¼NE¼ 8 ac
NE¼NE¼ 10 ac

All in sec 20-93N-54W

NW¼NW¼ 2 ac
NE¼NW¼ 24 ac
SE¼NW¼ 15 ac
NW¼NE¼ 10 ac
SW¼NE¼ 34 ac
SE¼NE¼ 14 ac

All in sec 20-93N-54W

NW¼SE¼ 4 ac
NE¼SE¼ 24 ac

All in sec 21-93N-54W

SW¼NW¼ 1 ac
NW¼SW¼ 12 ac

comprising a total of 297 acres of land and the license should be issued for 4.24 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: January 21, 1999



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

All of the acreage is described on the permit application but not in the notice of hearing. Acreage not included in the notice is described on the attached "Licensing of Acreage Outside of Permitted Area" document dated January 21, 1999. An additional diversion point and expansion of the diversion area is outlined in the "Change in Location and Additional diversion points" document dated January 21, 1999.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2539-3

DATE OF INVESTIGATION	September 15, 1998
NAME & ADDRESS OF PERMIT HOLDER	Robert L Weverstad 4604 Broadway Yankton SD 57078
DIVERSION POINT LEGAL LOCATION	Diversion points all in T93N-R54W: Missouri R. 1: 2300 ft W and 300 ft S from NE corner sec 19 (NW1/4NE1/4) 2: 450 ft S from NE corner sec 19 (NE1/4NE1/4) 3: 1750 ft S and 1650 ft E from NW corner sec 20 (SE1/4NW1/4) 4: 850 ft W and 3550 feet S from NE corner sec 20 (NE1/4SE1/4)

Other permit(s) associated with the project: none

Diversion point No. 1	Diversion point No. 2	Diversion point No. 3	Diversion point No. 4
Pump: Make <u>Berkeley</u> ?	Pump: Make <u>unknown</u>	Pump: Make <u>Berkeley</u>	Pump: Make <u>Berkeley</u>
Motor: Make <u>Lincoln</u> Horsepower <u>150</u> hp	Motor: Make <u>unknown</u> Horsepower <u>50</u> hp	Motor: Make <u>Baldor</u> Horsepower <u>40</u> hp	Motor: Make <u>Century</u> Horsepower <u>30</u> hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum 2) Size 8 inches 3) Length 60 feet
1) Type PVC 2) Size 10 inches 3) Length 2,380 feet
1) Type PVC 2) Size 8 inches 3) Length 400 feet

(continued)

SYSTEM TYPE:

Center pivots:

Pivot in sec 18 and 19	North pivot in sec 20	South pivot in sec 20
1) Make <u>Lockwood</u>	1) Make <u>Lockwood</u>	1) Make <u>Zimmatic</u>
2) Number of towers <u>17</u>	2) Number of towers <u>9</u>	2) Number of towers <u>8</u>
3) End gun <u>Y</u>	3) End gun <u>Y</u>	3) End gun <u>Y</u>
4) <u>High</u> pressure	4) <u>Low</u> pressure	4) <u>Low</u> pressure
5) Capacity <u>1,800</u> GPM	5) Capacity <u>900</u> GPM	5) Capacity <u>800</u> GPM

Traveling Gun: Used on areas in sec 18 and 19 not covered by large pivot

- 1) Make Lindsey
- 2) Capacity 450 GPM
- 3) Hose size 4 inches

CHEMIGATION: no chemigation is done

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Robert L Weverstad

ADDRESS: 4604 Broadway, Yankton SD 57078

DATE: January 21, 1999 **COUNTY:** Yankton **TELEPHONE:** (605) 665-5256

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The developed water source is the Missouri River as described on the permit.

- **If irrigation, no new land is irrigated**

The total acreage is being reduced from 310 acres to 297 acres and the acreage being irrigated has not changed since development of the project.

- **Review of Existing Diversions**

The four diversion points are all located on the Missouri River and interference with other Missouri River diversions will not be a concern due to the large amount of water available.

BACKGROUND

Four diversion points are located on the Missouri River. The eastern most diversion point is outside of the area described on the notice of hearing and there is one more diversion point than described on the permit application. All four of the diversion points fall between and including the NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 19 to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 20; all in T93N-R54W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and additional diversion point does not increase the potential for adverse effects to existing diversions.

 2-3-99

John Hatch, Chief Engineer
Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: Robert L Weverstad**ADDRESS:** 4604 Broadway, Yankton SD 57078**DATE:** January 21, 1999 **COUNTY:** Yankton **TELEPHONE:** (605) 665-5256**AUTHORITY**

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 297 acres as compared to 310 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:**• Contiguous to Permitted Acreage**

Acreage located in the N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ section 19 (21 acres); W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 20 (58 acres); and SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 21 (1 acre) are all contiguous to permitted acreage described in the published notice of hearing.

• Owned by Same Property Owner

All of the property is owned by Robert L Weverstad.

• Developed Prior to Expiration of Construction Period

All of the acreage was developed within the authorized construction period.

RECOMMENDED ACTION

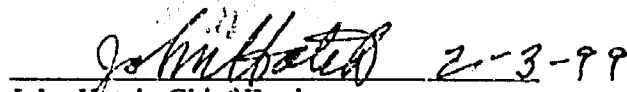
Based on the above criteria, it is recommended that the 80 acre area be included in the water license.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 2-3-99

John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 27, 1999

2539-3

Robert L. Weverstad
4604 Broadway
Yankton SD 57078

Dear Mr. Weverstad:

The investigation of your water use system was conducted on September 15, 1998, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2539-3. Your final water right document, the Water License, can now be issued.

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

Please remit fee to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416036

Pierre,

February 8, 1999

RECEIVED OF Prairie Creek Ranch, Rt 2, Box 196, Yankton, SD 57078
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use. _____
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 Inspecti. & Constructed Works, confirming beneficial use and issuing Water
License No. 2539-3
Fee for Filing Transfer Form _____
Fee for Filing Extension Request _____
Fee for _____

(Any Other Work Provided by Law) _____

50 00

Total

50 00

By

Chief Engineer

John N. H. [Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 1999

2539-3

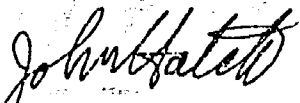
Robert L. Weverstad
4604 Broadway
Yankton, SD 57078

Dear Mr. Weverstad:

Enclosed is Water License No. 2539-3 and Receipt No. 416036 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2539-3 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

ks
enclosures

WATER LICENSE NO. 2539-3

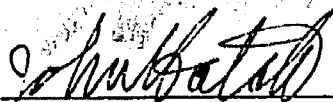
(continued)

Water Right No. 2539-3

Robert L Weverstad

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert L Weverstad, 4604 Broadway, Yankton SD 57078 the holder and/or owner of Water Right No. 2539-3 is issued a license to appropriate water, the right to use 4.24 cubic feet of water per second from the Missouri River with a priority date of February 11, 1976 from the locations specified in (2) of this license. The water 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 Right No. 2539-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 22 1999

date





2539-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: ROBERT L WEVERSTAD, 4604 BROADWAY, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 373-3, 2539-3 & 3594-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed the owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 373-3, 2539-3 & 3594-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



2539-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/dnr

February 3, 2000

373-3

2539-3

3594-3

Robert L Weverstad
4604 Broadway
Yankton, SD 57078

Dear Mr. Weverstad:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 373-3, 2539-3 and 3594-3.

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

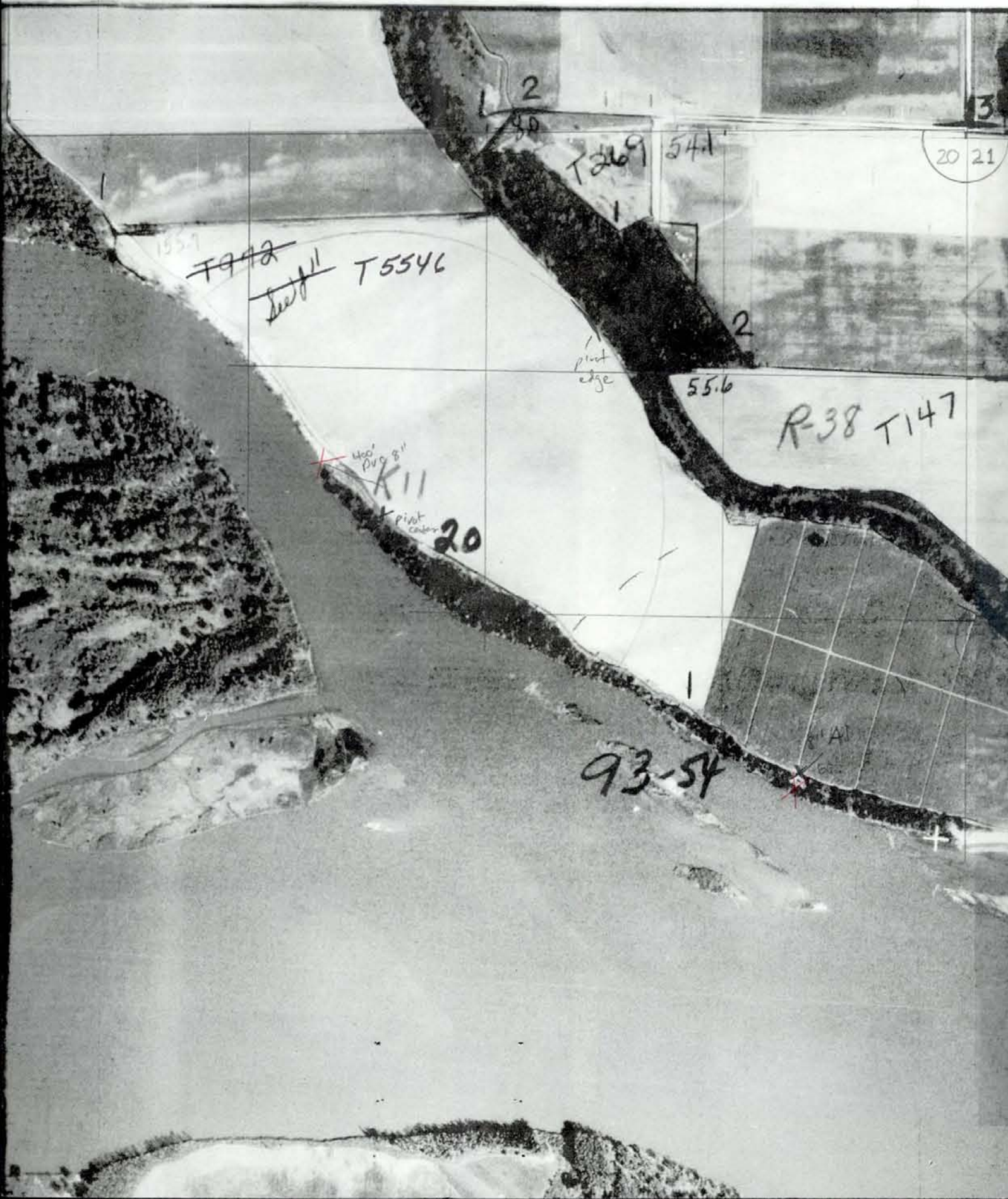
If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

1995



1000 0 1000 Feet



Howard Sch

Diversion points all in T93N-R54W:

- 1: 2300 ft W and 300 ft S from NE corner sec 19 (NW1/4NE1/4)
- 2: 450 ft S from NE corner sec 19 (NE1/4NE1/4)
- 3: 1750 ft S and 1650 ft E from NW corner sec 20 (SE1/4NW1/4)
- 4: 850 ft W and 3550 feet S from NE corner sec 20 (NE1/4SE1/4)

Diversion points

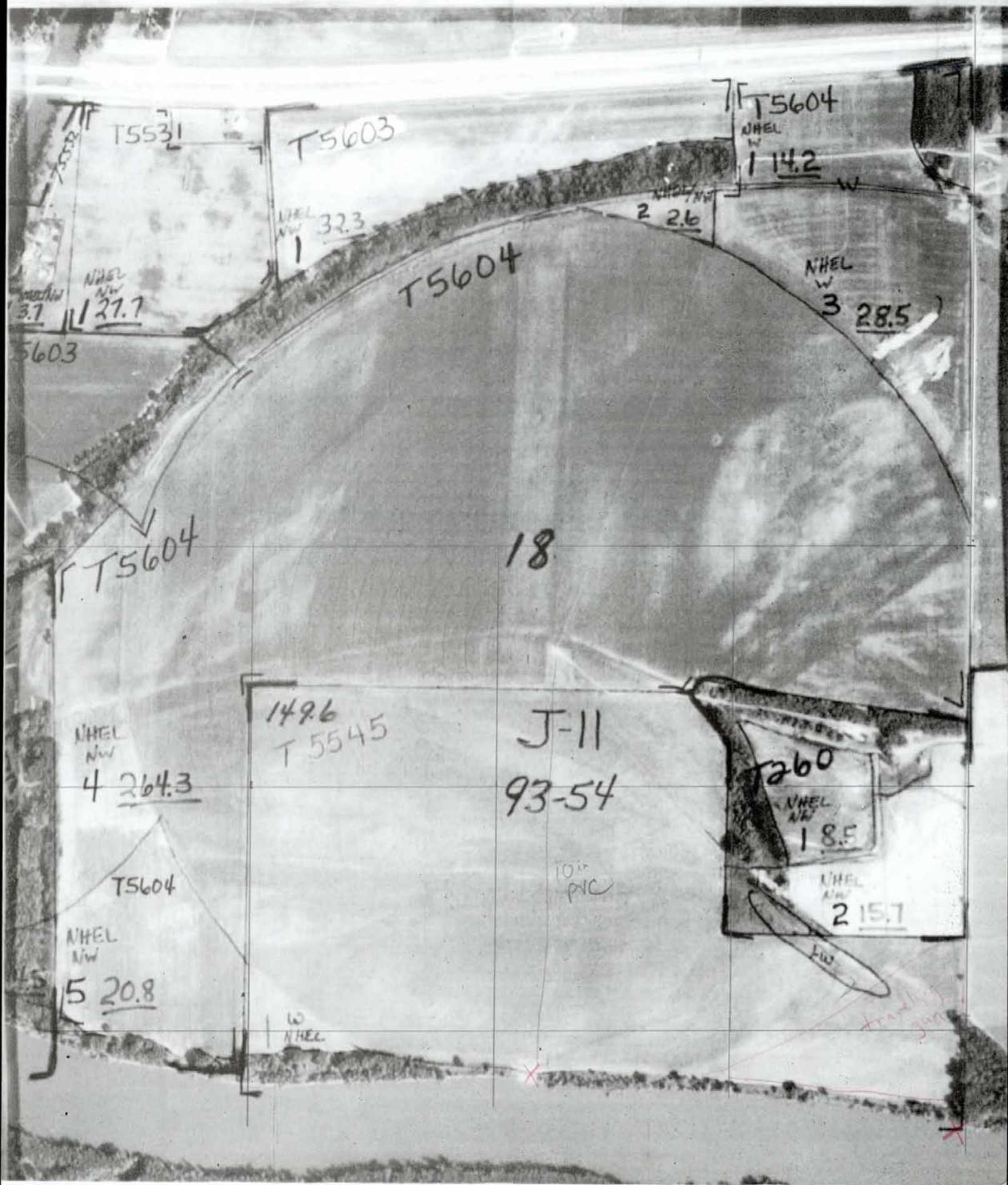

Ron Duvall, Nat Res Engineer

1/13/99
Date

Water Right No. 2539-3

NOT TO SCALE

2539-5
1995





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2008

2539-3

Ron Heine
R H & S H Farms
617 Applewood Dr
Yankton SD 57078

Dear Mr. Heine:

I am writing in follow up to our phone conversation concerning Water Right No. 2539-3 listed in the name of Robert Weverstad. The water right authorizes diversion of water from the Missouri River to irrigate 297 acres in portions of Sections 18, 19, 20 and 21 of T93N, R54W.

Mr. Weverstad notified us that he had sold the land in Sections 18 and 19. The water right will need to be divided and reissued to reflect separate ownership between you and Mr. Weverstad. Enclosed is a Notice of Transfer of Ownership form for filing an ownership change. You will need to complete and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right and the map which outlines the areas authorized for irrigation. If you would, please highlight the acres and diversion points on the map that you now own and return that along with the "Notice of Transfer of Ownership" form and filing fee. This will help ensure that when the water right is divided and reissued that it is done accurately.

As soon as we receive the ownership change from you, an updated license will be issued showing only the land you own. Mr. Weverstad will also get a new license reflecting his share of the water right. I appreciate your help in updating the water right. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'. The signature is written in a cursive, flowing style.

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

enclosures

2007 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 3, 2007**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

Permit No. 2539-3

ROBERT L WEVERSTAD
4604 BROADWAY
YANKTON SD 57078

Any address/ownership corrections?

Telephone No. _____

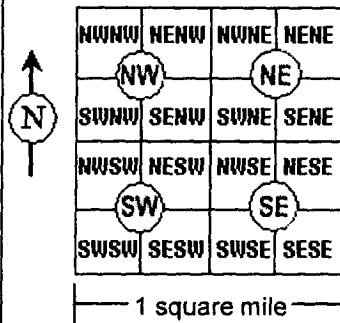
1. Did you irrigate in 2007? *yes ☒ **no ☐
*If yes, 155 acres were irrigated out of
the 297.00 acres covered by Permit No. 2539-3

**If no, check reason(s) for not irrigating:
sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

Comment Box

*Sold
see 18 & 19*

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.
3. Did you apply chemicals or fertilizer through the
system in 2007? yes ☐ no ☒
4. If more than one water source is listed below, circle
each source used. **A. MISSOURI RIVER**
5. Provide your water use on the back of this form.



Office use only

RECEIVED
DEC 10 2007
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 2539-3 (see above section map for help reading legal descriptions)

sec 18-T093N-R54W, NW1/4SE1/4 - 19.00 acres
sec 18-T093N-R54W, SW1/4SE1/4 - 40.00 acres
sec 18-T093N-R54W, SE1/4SE1/4 - 16.00 acres
sec 18-T093N-R54W, NE1/4SW1/4 - 19.00 acres
sec 18-T093N-R54W, NW1/4SW1/4 - 2.00 acres
sec 18-T093N-R54W, SW1/4SW1/4 - 2.00 acres
sec 18-T093N-R54W, SE1/4SW1/4 - 38.00 acres
sec 19-T093N-R54W, NE1/4NW1/4 - 3.00 acres
sec 19-T093N-R54W, NW1/4NE1/4 - 8.00 acres
sec 19-T093N-R54W, NE1/4NE1/4 - 10.00 acres
sec 21-T093N-R54W, SW1/4NW1/4 - 1.00 acres
sec 21-T093N-R54W, NW1/4SW1/4 - 12.00 acres
sec 20-T093N-R54W, NW1/4NW1/4 - 2.00 acres
sec 20-T093N-R54W, NE1/4NW1/4 - 24.00 acres
sec 20-T093N-R54W, SE1/4NW1/4 - 15.00 acres
sec 20-T093N-R54W, NW1/4NE1/4 - 10.00 acres
sec 20-T093N-R54W, SW1/4NE1/4 - 34.00 acres
sec 20-T093N-R54W, SE1/4NE1/4 - 14.00 acres
sec 20-T093N-R54W, NW1/4SE1/4 - 4.00 acres
sec 20-T093N-R54W, NE1/4SE1/4 - 24.00 acres

sold

Please provide your 2007 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

ATTACHMENT TO WATER RIGHT NO. 2539-3

Water Right No. 2539-3 authorizes diversion of 4.24 cfs from the Missouri River to irrigate 297 acres located in portions of Sections 18, 19, 20 and 21, T93N, R54W.

On October 17, 2008, an ownership change was filed with the water right transferring ownership of a portion of the land described in Water Right No. 2539-3.

Based on the ownership change, Water License No. 2539-3 has been divided and reissued as follows:

- **No. 2539A-3 – Robert L Weverstad, 4604 Broadway, Yankton SD 57078**, authorizing diversion of 2.00 cfs from the Missouri River to irrigate 140 acres in portions of Sections 20 and 21, T93N, R54W;
- **No. 2539B-3 – R H & S H Farms, 617 Applewood Dr., Yankton SD 57078**, authorizing diversion of 2.24 cfs from the Missouri River to irrigate 157 acres in portions of Sections 18 and 19, T93N, R54W.



2539A-3
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 16, 2015

NOTICE

TO: ROBERT L WEVERSTAD, 4604 BROADWAY, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 2539A-3 & 3594-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2539A-3 & 3594-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 21, 2015

Tom Arens
Prairie Creek Ranch
4408 Broadway
Yankton SD 57078

RE: Irrigation questionnaires for Water Permit or Right Nos. 127-3, 2539A-3, 3594-3 and 7187-3

Dear Mr. Arens:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for Prairie Creek Ranch, Arthur Giggee and Robert Weverstad.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed permits. The information was received in our office prior to the Water Management Board meeting and no hearing will be scheduled concerning these permits.

Thank you for calling to confirm the information and for working to get the forms submitted on-line. Next year's irrigation questionnaires will be mailed directly to your address. Please keep us updated on any new address or renter changes.

Sincerely,

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

c: Robert Weverstad, 4604 Broadway, Yankton SD 57078
Arthur P Giggee, 3405 Alumax Rd, Yankton SD 57078