

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAY 29 2026

Ck# 16138

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2687-3 (portion)

Rec't# _____

Date: 5-17-2026

RECEIVED

MAY 29 2026

OFFICE OF
WATER

I/We request that Water Right/Permit No. 2687-3 (portion) formerly owned by:
Ben & Kip Foster

be transferred to:

New Owner Name:

Justin Vande Weerd

Address:

46659 205 st

mobile:

1-605-690-4556

City, State, Zip

Bruce SD 57020

email:

jvandeWeerd@hotmail

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

Section 13-T111N-R50W
NW 1/4 NW 1/4 - 34 acres
NE 1/4 NW 1/4 - 34 acres
SW 1/4 NW 1/4 - 34 acres
SE 1/4 NW 1/4 - 34 acres
Total - 136 acres



I understand that the validity of Water Right/Permit No. 2687-3(portion) has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Justin Vande Weerd, the new owner, certify that the above information is true and correct.

Justin Vande Weerd
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2687-3A
(DIVISION OF WATER RIGHT NO. 2687-3 into 2687-3A & 2687-3B)

(1) Water Right No. 2687-3, held by Ben and Kip Foster, authorizes the diversion of 1.88 cubic feet of water per second (cfs) from groundwater, one well, (Big Sioux: Unnamed Creek Aquifer), Brookings County, South Dakota for irrigation purposes. Water Right No. 2687-3, with a priority date of April 14, 1976, authorizes the irrigation of 264 acres located within the W ½, Section 13; all in T111N-R50W.

On May 29, 2026, Justin Vande Weerd, filed a "Notice of Transfer of Ownership" form for a separate portion of the land described in Water Right No. 2687-3. Based on the ownership changes, Water Right No. 2687-3 is being divided and reissued to reflect separate ownership as follows:

- **Water Right No. 2687-3A, Ben and Kip Foster, 47346 207th St, Brookings, SD 57006**, authorizing the diversion of 0.91 cfs from one well to irrigate 128 acres located in the SW1/4 Section 13-T111N-R50W.
- **Water Right No. 2687-3B, Justin Vande Weerd, 46659 205th St, Bruce, SD 57220**, authorizing the diversion of 0.97 cfs from one well to irrigate 136 acres located in the NW1/4 Section 13-T111N-R50W.

(2) It is certified that the holders of Water Right No. 2687-3A have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.91 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well: 615 ft S & 560 ft W of NE Corner of Section 24-T111N-R50W (NE 1/4 NE 1/4)
- (Latitude 44.41080 Longitude -96.76938)

(3) The water is to be used during the following described annual period: April 1 – October 31.

(4) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 13-T111N-R50W
Priority Date – April 14, 1976

NW ¼ SW ¼ - 26 acres
NE ¼ SW ¼ - 34 acres
SW ¼ SW ¼ - 34 acres
SE ¼ SW ¼ - 34 acres
Total: 128 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Ben and Kip Foster, the holder and/or owner of Water Right No. 2687-3A, are issued a license to appropriate water, the right to use 0.91 cubic feet of water per second from groundwater, one well, (Big Sioux: Unnamed Creek Aquifer), with a priority date of April 14, 1976, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2687-3A and subject to the following qualification.

1. The irrigation well approved under this permit is located near domestic wells and other 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 adequate domestic wells.



Adam Mathiowetz, PE
Acting Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources

JUN 11 2026

date





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 11 2026

2687-3A

Ben & Kip Foster
47346 207th St
Brookings, SD 57006

Dear Fosters:

Enclosed is Water License No. 2687-3A for your records. Based on the ownership change filed by Justin Vande Weerd, Water Right No. 2687-3 was divided and reissued to reflect separate ownership as follows:

- Water Right No. 2687-3A, Ben & Kip Foster, 47346 207th St, Brookings, SD 57006, authorizing the irrigation of 128 acres within the SW1/4 of Section 13-T111N-R50W.
- Water Right No. 2687-3B, Justin Vande Weerd, 46659 205th St, Bruce, SD 57220, authorizing the irrigation of 136 acres within the NW1/4 of Section 13-T111N-R50W.

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

So 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. If you have any questions, please contact our office. (605) 773-3352

Sincerely,

Adam Mathiowetz,
Acting Chief Engineer, Water Rights Program

Note: While this Water Right includes the diversion of water from this well, access to this well on private property is not afforded under the license. Access arrangements would need to be made with the proper landowner.

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 17, 2026

2687-3A

Ben Foster
47346 207th St
Brookings, SD 57006

Dear Mr. Foster:

After a phone call with you today, we understand that you would like to remove Kips name off of Water Right No. 2687-3A. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

PAID

JUN 29 2026

Ck# 1524

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2687-3A

Date: 6-23-26

RECEIVED

JUN 29 2026

OFFICE OF
WATER

I/We request that Water Right/Permit No. 2687-3A formerly owned by:
Ben and Kip Foster

be transferred to:

New Owner Name:

Ben Foster

Address:

47346 207th Street

mobile:

605-695-4746

City, State, Zip

Brookings, SD 57006

email:

foster farms growth division@gmail.com

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

Section 13-T111N-R50W
NW 1/4 SW 1/4 - 26 acres NE 1/4 SW 1/4 - 34 acres
SW 1/4 SW 1/4 - 34 acres SE 1/4 SW 1/4 - 34 acres
TOTAL: 128 acres



I understand that the validity of Water Right/Permit No. 2687-3A has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Ben Foster, the new owner, certify that the above information is true and correct.

Ben Foster

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date June 29, 2026

RECEIVED OF Ben Foster 47346 207th St 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 #2687-3A	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By

Adam Mathiowetz
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 29, 2026

2687-3A

Ben Foster
47346 207th Street
Brookings, SD 57006

Dear Mr. Foster:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 2687-3A. Enclosed is a receipt of payment for your records.

Water Right No. 2687-3A previously held by Ben & Kip Foster, is now listed under just your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the License (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Right No. 2687-3A has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures