

1. Considered MAY 20, 1976 2695-3
2. Name of Applicant RICHARD JUSTICE
3. Post Office Address VOLGA
4. Amount of water claimed 2.0
5. Source of water supply 3-44' WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 142
7. Water to be diverted and used in BROOKINGS county
about 45.1W miles of VOLGA
8. Proof of Publication Received 5-17-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 2057-3Water Division No. 3 BIG SIOUX RIVER
(blank to be filled by the Engineer for the W. H. 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 Richard Justice
 Postoffice address Volga 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) Contract & Direct Labor
3. Name of diversion work Richard Justice Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.0
5. Source of water supply Wells
6. Location of point of diversion #1 - 2550' N 90°W, #2 - 2375' N 50°W, #3 - 2080' N 42°W, #4 - 2300' N 35°W all on SE corner of Sec 3 - 109 - 51
 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 142

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 SE 1/4 3 - 109 - 51	40		
NE 1/4 " " " " " "	39		
SW 1/4 " " " " " "	39		
SE 1/4 " " " " " "	24		

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 Appropriately Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System
- A. Works proposed to divert water from its natural source.
Electrifying & run deep well turbine pump
2 wells will be hooked together
- 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 \$ 50,000

Attachments: Attach Form 2A if diversion from a well or dig-out, or if storage of water is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, Richard Justice 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 proposed construction.Subscribed and sworn to before me this 3 day of April 1976Signed Richard JusticeJohn A. Williams
 State Engineer or other qualified officer

P.E.H.1916

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2695-3

RICHARD JUSTICE VOLGA
(Applicant) (Post Office Address)

SOUTH DAKOTA 57071 With the following modifications:

The irrigation wells 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 APRIL 14 19 76
Date of return to applicant for correction, amendments or changes required _____ 19 ____
Date of receipt of corrected application APRIL 27 19 76
Approved MAY 20 19 76, Recorded in Book 15 Page 141

WATER RIGHT PERMIT NO. 2695-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2695-3 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 APRIL 14 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 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 2.0 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 MAY 20 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 8TH day of JUNE 19 76

WATER RESOURCES COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

All four wells are nearly identical

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 30", Depth 46'
(2) Casing Type Steel Diameter 14" Thickness 3/16"
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Continuous slot, Diameter 14", Length 10'
(4) Gravel Pack, Thickness 7", Length of gravel pack 30'

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 0' to 3' - top soil,
3' to 17' - silt mixed with sand, 17' to 27' - sandy
gravel, 27' to 44' - gravel, 44' to + - clay

Depth to top of water bearing material 17'
Depth to bottom of water bearing material 44'
Thickness of water bearing material 27'
Depth to water (ground surface to water level) 17'

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

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

	Same Owners Property	Other Property
* Wells #1 & 2	120 rds	70 rds
Wells #3 & 4	30	80

Richard Justice
Signature of Applicant

April 22, 1976

Mr. Richard Justice
Volga, SD 57071

Dear Mr. Justice:

The analysis of your water sample submitted here March 29 has been completed. I have also received the WI-1 form and it plus a copy of the analysis plus a copy of this letter will be sent to the State Conservation Commission for their action.

You will see by the water analysis report sheet and by the chart on the outside back cover of AES publication #11 that this is a high salt water. Fortunately, it is low in sodium so it does not present a double jeopardy to your soil. The jeopardy or hazard that it does present is the possibility of salt accumulation to the point of limiting plant growth and causing severe reduction in yields of some crops. The electrical conductivity of 1570, as you will see, is in the high range and if you use a water application technique which wets only the upper portion of the soil profile each time it dries out, and if you irrigate primarily during the major part of the growing season so that direct evaporation from the soil surface is a big portion of the total water dissipation, you will see a rapid build-up of salts with this kind of water. The soils which you propose to irrigate are not extremely well drained, particularly Athelwold soil in the north and the Waubay strip through the center, and these will be the first to show the salt problem.

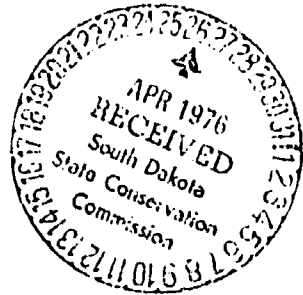
Thus, I recommend that you use an application technique which will put on at least 3 inches in every application and avoid irrigating exclusively during the warm part of the year, you might be successful for a long period of time. I think it would be very important to irrigate about every third year with substantial amounts of water in late October or early November, just before the soil freezes up to cause better soil distribution of the salts and encourage the possibility of leaching.

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

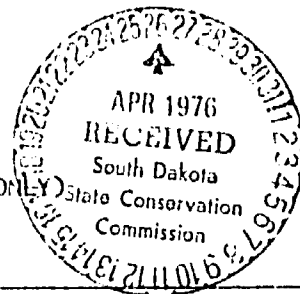
Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab
LOP:ckb
Enclosures

cc: State Conservation Commission
D. Pahl, and Don Doone, County Extension Agent



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 45-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Richard Justice
ADDRESS Volga, South Dakota
COUNTY Brookings

LEGAL DESCRIPTION

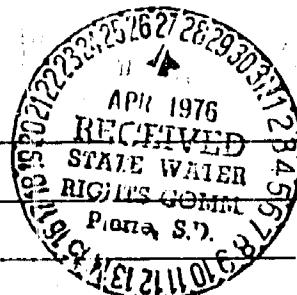
1. WELL LOCATION Near center of SE¹ sec. 3 - 109-51
2. LOCATION OF AREA TO BE IRRIGATED SE¹ sec. 3 - 109-51

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn + alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-265
6. SALINITY (EC X 10⁶) 1570 (high)
7. SODIUM (SAR) 0.39 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Brookings Conservation District, County Extension office or Soil Conservation Service.

and:

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

Richard Justice
APPLICANT'S SIGNATURE

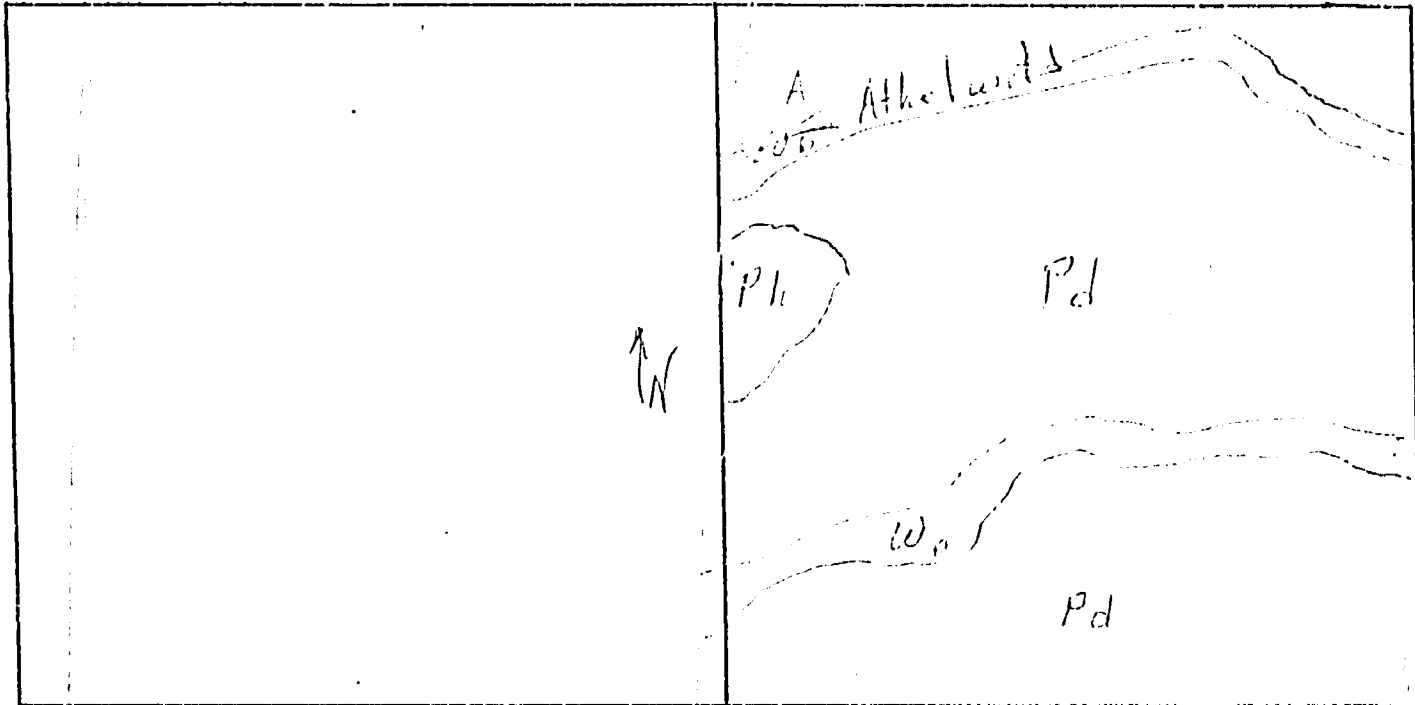
SUBSCRIBED AND SWORN BEFORE ME THIS
3 DAY OF April 1976.

John W. Adams
(TITLE OR SEAL)

Alvin J. Haffner
APPROVED/DISAPPROVED

MAP

SE 1/4 Sec. 3 - 109-51



NARRATIVE

Pd - Poinsett silt loam gently undulating
 Ph - Poinsett-Base-Piece - undulating
 wb - Waubesa silt. clay loam
 A - Athelands silt loam

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

Submitted by: Richard Justico

Date Rec'd April 29, 1976

Address ht. 1

Sample No. 76-255

Volga, SD 57071

Identification Well-41

Sec. 3, T 109N, R 51

WATER ANALYSIS

Calcium (Ca)	300 ppm*	15.00 me/l**
Magnesium (Mg)	94 ppm	7.71 me/l
Sodium (Na)	30 ppm	1.30 me/l
Potassium (K)	8 ppm	0.21 me/l
Sulfate (SO ₄)	364 ppm	11.73 me/l
Nitrate (as N)	ppm	me/l
Chloride (Cl)	4 ppm	0.10 me/l
Bicarbonate (HCO ₃)	515 ppm	8.44 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)	422 ppm (as CaCO ₃)	
Alkalinity (Phenolphthalein)	0 ppm (as CaCO ₃)	
Electrical Conductivity	1570 micromhos per cm at 25° C.	
Sodium Adsorption Ratio	0.39	
Sodium	5.36% of cations	
Residual sodium carbonate	0.00 me/l	
pH	8.11	

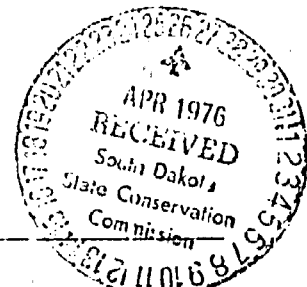
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 24.22 me/l
 Total anions 20.27 me/l



By: Shirley Mitter

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-265

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 2685-3

Publish first publication, on or before May 5, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 24, 19 76

Notice is hereby given that ~~REX~~ Richard Justice
whose post office address is Volga, 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
2.0 cubic feet of water per second of time from the ~~the~~ ground water through the
Justice #1, the point of diversion of which is to be located in the _____

SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 3, Twp. 109N, Range 51W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$, Section 3, T109N, R51W

This application No. 2685-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 19 76, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By.

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Richard Justice, Volga, S.D. 57071

STATE OF SOUTH DAKOTA)
) ss.
County / Brookings)

5-15-76 _____
(Date Signed)

WATER RIGHTS COMMISSION
By: **BURTON F. JONES**
Water Rights Specialist



2695-5

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890

TELECOPIER (605) 339-3357

MELVIN T. WOODS (605) 336-3890
HOWELL L. FULLER (605) 336-3890
JOHN B. SHULTZ (605) 339-3357

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGGSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
TARY P. THINSEN
BRADLEY C. GROSSENBUTZ
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. McDOUGALL III
ROGER W. DAMGAARD
BARBARA ANDERSON LL/IS
FREDERICK H. ENZWISTLE
VINCENT A. PURTELL
LEO T. FLANN

September 15, 1988



Ms. Genny McMath
Natural Resources Analyst
South Dakota Department
of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. McMath:

Our firm represents the Prudential Insurance Company of America with regard to the foreclosure of a mortgage on land formerly owned by Richard H. Justice. Prudential has become the owner of the land as evidenced by the Sheriff's Deed, a copy of which is enclosed.

It is my understanding that Richard H. Justice has two irrigation wells on the land in question. I believe that he has permits for each of these wells. Could you please provide me with the following documentation:

1. Copies of the Water Permits;
2. Notice of Transfer of Water Permit Forms.

I look forward to receiving the information. Please do not hesitate to contact me if you have any questions.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
James M. Wiederrich

JMW/Lal

Enclosure

cc: William Tarnow
Robert Lauf

mortgage was duly recorded in the office of the Register of Deeds of Brookings County, South Dakota, on November 6, 1978, at 4:40 o'clock p.m., in Book 154 of Mortgages, at pages 58-62;

AND WHEREAS the Sheriff of Brookings County, South Dakota, by virtue of the power of sale in said mortgage contained, and by virtue of the Default and Summary Judgment filed and docketed on July 7, 1986, with the Clerk of Courts, Brookings County, South Dakota, did on August 11, 1986, sell the real property hereinafter described, at public auction, at the front door of the Brookings County Courthouse in Brookings, South Dakota, between the hours of nine in the morning and five in the afternoon of that day, namely, at 11:00 o'clock a.m., after having first given notice of the time and place of such sale by advertising the same according to law, at which sale said real property hereinafter described was struck off and sold to The Prudential Insurance Company of America for the sum of Three Hundred Fifteen Thousand and No/100 Dollars (\$315,000.00), the said The Prudential Insurance Company of America being the highest bidder, and that being the highest sum bidden, and the whole price paid for the same;

AND WHEREAS, the said Sheriff, after receiving from said purchaser the said sum of money so bidden as aforesaid, gave to The Prudential Insurance Company of America, purchaser, a

Certificate of Sale as is by law directed to be given and a duplicate of the same was duly filed, and said certificate was duly filed and recorded in the office of the Register of Deeds of Brookings County, South Dakota, on August 13, 1986, at 10:00 o'clock a.m., in Book 110 of Miscellaneous, on pages 442-445;

AND WHEREAS, the time allowed by law for redemption after such sale has expired without any redemption of the real property hereinafter described having been made;

NOW THIS INDENTURE WITNESSETH, that Gordon Ribstein, Sheriff of Brookings County, South Dakota, by virtue of said mortgage, and in pursuance of the statutes and Default and Summary Judgment in such case made and provided, and for the purpose of completing the sale above mentioned, by these presents does hereby grant, bargain, sell, convey and confirm unto The Prudential Insurance Company of America, 1431 Opus Place, Suite 665, Downers Grove, Illinois 60515, its heirs, successors and assigns, all the estate, right, title and interest which the said mortgage debtors, Richard Justice, a/k/a Richard H. Justice, and Bonnie Justice, had on October 31, 1978, or at any time thereafter, in and to all the following described real property, situate, lying and being in the County of Brookings, State of South Dakota, to-wit:

The Northeast Quarter (NE 1/4) of Section Thirty (30), Township One Hundred Nine (109) North, Range Fifty-One (51) West of the 5th P.M.;

The Southeast Quarter (SE $\frac{1}{4}$) of Section Three (3),
Township One Hundred Nine (109) North, Range Fifty-One
(51) West of the 5th P.M.;

The Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-Nine (29),
Township One Hundred Nine (109) North, Range Fifty-One
(51) West of the 5th P.M.;

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-Two (32),
Township One Hundred Nine (109) North, Range Fifty-One
(51) West of the 5th P.M.;

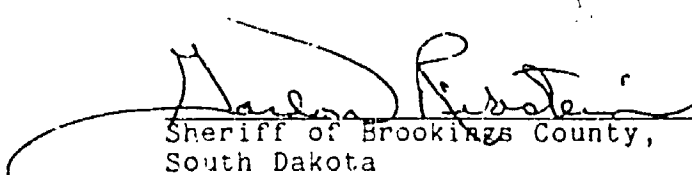
The Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-Two (32),
Township One Hundred Nine (109) North, Range Fifty-One
(51) West of the 5th P.M.;

The North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and
the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter
(NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast
Quarter (SE $\frac{1}{4}$) of Section Twenty-Nine (29), Township One
Hundred Nine (109) North, Range Fifty-One (51) West of
the 5th P.M.

Exempt from transfer fee - release security for a debt -
SDCL § 43-4-22(6)

together with all and singular, the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, to
have and to hold the same unto The Prudential Insurance Company
of America, its successors and assigns forever.

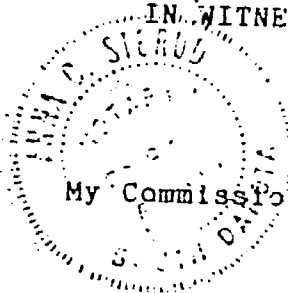
IN WITNESS WHEREOF, the said Sheriff has hereunto set his
hand and seal the day and year first above written.

 (SEAL)
Sheriff of Brookings County,
South Dakota

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF BROOKINGS)

On this 11th day of July, 1988, before me, the undersigned officer, personally appeared Gordon Ribstein, Sheriff of the County of Brookings, State of South Dakota, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Anna C. Steund
Notary Public, South Dakota

My Commission Expires: August 12, 1992

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

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

2695-3

September 19, 1988

James M Wiederrich
WOODS, FULLER, SHULTZ & SMITH P C
310 S 1st Avenue
Sioux Falls, SD 57102

Dear Mr. Wiederrich:

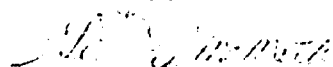
In response to your letter of September 15, 1988, I have reviewed our files and found one water permit in the name of Richard Justice. Enclosed is a copy of Water Permit No. 2695-3.

Also enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 2695-3. The form should be completed and signed in the presence of a notary public by a representative of Prudential Insurance Company. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to the proper name.

South Dakota Water Law 46-6-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures





Department of Water & Natural Resources

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

2695-3

September 21, 1988

James M Wiederrich
WOODS, FULLER, SHULTZ & SMITH P C
310 S 1st Avenue
Sioux Falls, SD 57102

RE: Water Permit No. 2695-3, Richard R Justice

Dear Mr. Wiederrich:

Thank you for your telephone call of September 21. Enclosed is the partially completed "Notice of Transfer" form omitted from our previous correspondence.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



The Prudential 

The Prudential Agricultural Group

1451 Oaks Place, Suite 605
Downers Grove, IL 60515
312 610 1700 Fax 312 610 0764



FEDERAL EXPRESS

October 19, 1988

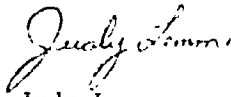
Ms. Genny McMath
South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Loan No. 7 099 994
Richard H. Justice
Brookings County, South Dakota

Dear Ms. McMath:

Enclosed herewith please find a Notice of Transfer of Water Permit executed by The Prudential Insurance Company of America. Also, enclosed please find a check in the amount of \$2.50 to cover the filing fees.

Sincerely,



Judy Lemm
Legal Reviewer

j1

cc: James M. Wiederrich/encl.

NO. 2695-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 18, 1988

This is to notify you that the title to the lands described as follows:

142 acres SE 1/4 Section 3, T109N, R51W

formerly owned by Richard Justice

The Prudential Insurance Company of America,
has been transferred to 1431 Opus Place, Suite 665, Downers Grove, Illinois 60515

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Rights Permit No. 2695-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

ILLINOIS

STATE OF ~~SOUTH DAKOTA~~)

) ss.

County of Du Page)

I, John Nitz being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

The Prudential Insurance
Company of America

By: John Nitz

(Signed)

John Nitz, Vice President

Subscribed and sworn to before me this 18th Day of October, 1988.

J. H. L.
(Notary Public)

"OFFICIAL SEAL"

Judith L. Lamm

Notary Public, State of Illinois
My Comm. Expires 4/16/90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

111458

Pierre, October 20, 1955, 19

RECEIVED OF Prudential Insurance Co. of America, 1431 Olive Place, Suite 600, St. Louis, Mo. the following amount in fees for services rendered as provided for by law: IL 60815

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 2695-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 00

By

Chief Engineer

JOHN HATCHUMS

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

November 8, 1988

The Prudential Insurance Company of America
1431 Opus Place-Suite 665
Downers Grove, Illinois 60515

Dear Sir:

Enclosed is receipt No. 411458 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 2695-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

November 18, 1988

2695-3

Rick Justice
Volga, SD 57071

Dear Mr. Justice:

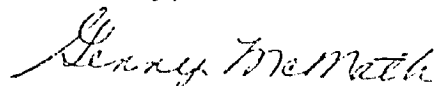
I am contacting you in response to your telephone call to our office concerning the 1988 irrigation questionnaire for Water Permit No. 2695-3. The reason you did not receive an irrigation questionnaire for this permit is because the permit is no longer listed in the name of Richard Justice.

On September 15, 1988, we received a letter from James Wiederrich with Woods, Fuller, Shultz & Smith in Sioux Falls indicating their firm represented Prudential Insurance Company. Mr. Wiederrich stated in his letter that Prudential Insurance Company now owned the land covered under Water Permit No. 2695-3. Since that time, Prudential Insurance Company filed a "Notice of Transfer" which effectively transferred the water permit to their name. I have enclosed copies of the correspondence for your review.

I am enclosing a 1988 irrigation questionnaire for Water Permit No. 2695-3. If you irrigated this land during the 1988 irrigation season, please complete the questionnaire and return it to our office by December 20, 1988. We would appreciate any information you could provide to us concerning the questionnaire. I have enclosed a postage-paid envelope for your reply.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890

TELECOPIER (605) 339-3357

MELVIN T. WOODS (1909-1983)
L. P. FULLER (1909-1981)
JOHN D. SHULTZ (1924-1975)

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THOMSEN
BRADLEY C. GROSSENBERG
JAMES M. WIEDERRICH
CARMEL H. MARLADSON
RICHARD J. CORCORAN
J.G. SHULTZ
MERCE H. McDOWELL III
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERICK M. EINHART
VINCENT A. FURTELL
LEO T. FLYNN
DAVID C. KROON
SARAL BURNETTE

October 27, 1988



Ms. Genny McMath
South Dakota Department of
Water and Natural Resources
Joe Foss Building
523 East Capitol Street
Pierre, South Dakota 57501

RE: Richard Justice

Dear Ms. McMath:

I have received a copy of Judy Lemm's letter to you dated October 19 and a copy of a completed Notice of Transfer of Water Permit, No. 2695-3. Would you please confirm to me that the transfer has been recorded on your books. I would appreciate it if you could also confirm that you have given Notice of Transfer to the Department of Agriculture. Thank you for your assistance.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
James M. Wiederrich

JMW/tal

*Called him 12/6/88 - transfer has been received by both Divisions -
also told him questionnaire was sent to Richard Justice for completion*

Jm

2695-3

WOODS, FULLER, SHULTZ & SMITH P.C.

FRANCIS M. SMITH
MERLE A. JOHNSON
ARL D. SCHIMMELVOLD
RICHARD D. GREGGERSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDL
GARY P. THIMSEN
BRIDLEY C. GROSSENBURG
JAMES M. WIEDERRICH
CONET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. MCDOWELL III
ROGER W. DAMGAARD
BARBARA ANDERSON LEAS
FREDERICK M. ENTWISTLE
VINCENT A. PURTELL
LEO T. FLYNN

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3890

TELECOPIER (605) 339-3357

MELVYN T. WOODS (605) 336-3891
HOWELL L. FULLER (605) 336-3891
JOHN B. SHULTZ (605) 339-3357

December 5, 1988



Mr. James Stukel
Department of Agriculture
Division of Conservation
Anderson Building
Pierre, South Dakota 57501

Ms. Genny McMath
South Dakota Department of
Water and Natural Resources
523 East Capitol Avenue
Pierre, South Dakota 57501

Re: Water Permit No. 2695-3
Richard Justice

Dear Genny and Jim:

I refer you to my letters of October 27, 1988, addressed separately to the two of you. Has the Notice of Transfer been sent to and received by the Department of Agriculture? Please respond as soon as possible.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich

James M. Wiederrich

Water Rights Division - DWR
Conversation or File Documentation

File No. 2695-3

NAME OF PERSON OR FILE: James Wiederich, Attorney

ADDRESS: SIOUX Falls, SD COUNTY

DATE: December 6, 1988 TELEPHONE 336-3890

RE: Permit No. 2695-3 - Prudential Ins Co (formerly Richard Justice)

COMMENTS:

In response to a letter received from Mr. Wiederrich dated December 5, 1988,

I called and told him we had received the "Notice of Transfer" and that the

permit was now listed in the name of Prudential Insurance Company. A copy of

the transfer form was sent over to the Department of Ag.

I also indicated to Mr. Wiederrich that the 1988 irrigation questionnaire

pertaining to Permit No. 2695-3 was ~~sent~~ resent to Richard Justice. Mr.

Justice had called the office and inquired as to why he had not received the

questionnaire and indicated he had farmed the land during 1988. Mr. Wiederrich

stated this was fine, however if we did not receive the questionnaire back before

the deadline to get in touch with Prudential.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McMath

4/82



Department of Water & Natural Resources

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

February 21, 1989

2695-3
4877-3

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

Dear Mr. Gullickson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 2695-3 and 4877-3. The forms should be completed and sign in the presence of a notary public by the new owners. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures





Department of Water & Natural Resources

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

March 15, 1989

2695-3

Jim Wiederrich, Attorney
310 S 1st Ave
Sioux Falls SD 57102

Dear Mr. Wiederrich:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 2695-3. The form should be completed and then signed in the presence of a notary public by the new owner. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2695-3

June 30, 1988

Richard Justice
RR 1
Volga, South Dakota 57071

Dear Mr. Justice:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 2695-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

411303

South Dakota Department of Water and Natural Resources

Pierre, _____ = July 7, 19 83

RECEIVED OF Richard/Bonnie Justice, RR 1, Box 45, Volga, SD 57071

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 2695-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH

MS

Permit No. 2695-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by RICHARD JUSTICE of VOLGA, SOUTH DAKOTA holder of Permit No. 2695-3, bearing the priority of APRIL 14, 1976 authorizing the diversion of 2.0 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water: 2 WELLS (SEE BACK FOR NO. 2 WELL)

#1 A 51' DEEP WELL WITH 12" STEEL CASING + 15' JOHNSON SS SCREEN WESTERN LAND ROLLER PUMP, 4 STAGE, 100-BOWLS HEAD NO. 5MWL-16, 600 GPM CAPACITY POWERED BY A 40 HP AMARILLO RIGHT ANGLE GEAR DRIVE MOTOR, 1760 VERT. RPM. Serial # 8307832

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

#1 1315' OF 8" ALUMINUM ABOVE GROUND PIPE TO CENTER PIVOT (POWERED BY PROPANE GAS TO A 6 CYLINDER CAR ENGINE) Serial # 540B 14129

#2 1765' OF 8" ALUMINUM ABOVE GROUND PIPE TO CENTER PIVOT

C. Works used to apply water to beneficial use:

A LOCKWOOD 10 TOWER CP WITH 2 END GUNS, LOW PRESSURE SYSTEM 800 GPM CAPACITY, AN ELECTRIC CP POWERED BY A BRUSHLESS (40 PSI) A.C. GENERATOR, 1800 RPM, TYPE MAC-R, SERIAL # A375044B (CONT. ON BACK)

The system is in the following condition FAIR

The points of diversion are located #1 580' N + 430' W AND #2 2320' N + 120' W OF THE SE CORNER OF SECTION 3, T109N, R51W.

The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 3, T109N, R51WNW 1/4 SE 1/4 - 35 ACRESNE 1/4 SE 1/4 - 35 ACRESSE 1/4 SE 1/4 - 17 ACRESSW 1/4 SE 1/4 - 34 ACREScomprising a total of 121 acres of land and the license should be issued for 1.73 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date 6-29-88

Thomas M. Bracken
(signature)

T

A. WORKS USED TO DIVERT THE WATER

WELL #2

A 39' DEEP WELL WITH 30' OF 14" STEEL CASING + A 10' JOHNSON SS
WESTERN LAND ROLLER PUMP, 4 STAGE, 200L-10C, HEAD NO. - 6M WL-16 ^{SCREEN}
350-400 GPM CAPACITY, SERIAL # 8307833

POWERED BY A 40 HP AMARILLO RIGHT ANGLE GEAR DRIVE,
1760 VERT. RPM, SERIAL # 540B 141289,

POWERED FROM LP GAS ON A 6 CYLINDER CAR ENGINE

C. WORKS USED TO APPLY WATER TO BENEFICIAL USE

(CONT.)

CP POWERED BY THE ELECTRIC GENERATOR HOOKED TO 4 CYLINDER
JOHN DEERE GASOLINE ENGINE, MODEL - A1456, SERIAL # 15800

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

LICENSE FOR PERMIT NUMBER 2.695-3 (Richard Justice)

1. Legal location of wells (2) NE $\frac{1}{4}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3,
T109N, R5/W. One well is now capped (was 3 wells) that had
been previously used.
dams & structures: _____

2. Well Information: Well Drilling Firm Lacey
No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____
b) type _____
c) length _____

All other information is
on the Examination Report sheet.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

- h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

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

- b) towline:

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

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

☒

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

☒

2. Special Qualifications to permit being abided by.

☒

3. All Structures, wells and lands on map.

REMARKS:

System is in fair shape, appears to be an older system

Mr. Justice stated that he may wish to irrigate some acreage SE of the farmstead with a Big Gun sometime in the future.

printing

10

Date well drilling completed 6-1-72 Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

[illegible]

Coating information: in the space below show kind, size, weight, lengths per diameter, etc., for production lining and surface coating, if used

Screen information in the space below show length of screen below bottom of casing, diameter and ~~kind~~ of screen or casing perforations.

if a flowing well, flow of completed well _____ G PM

Name of Drilling Contractor

Depth of pump placement _____ ft., Date of pump installation _____

On some wells on air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Name of Pump Installation: Eastwater

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NE 1/4 NE 1/4 SE 1/4 Section 3 Township 107 N Range 50

Location of work: 100 1/4 1st St
 Full name: Richard J. Tarte # 100122 Volunteer SR
 (date) (address)

Date and Drilling completed 6-19-74 Purpose of well Envirotec
(domestic, irrigation, stockwater, industrial, other)

WELL LOG

| Location, from top to bottom | Description of layer |
|------------------------------|----------------------|
| 0-4 | Topsoil |
| 4-8 | gravel |
| 8-12 | clay streak |
| 12-26 | fine sand |
| 26-39 | uniform clean sand |
| 39 | blue clay |

Depth to top of water producing equivar 131 ft.
127 ft.

Depth to static water level _____ 127 _____ ft.

Name of producing aquifer (if known) _____

Total depth of drill hole _____ 29 _____ ft.

Depth to bottom of casing _____ ft.

Casing information in the space below show kind, size, weight, lengths per diameter, etc. for production casing and surface casing, if used.

30' x 14" x 1/4" steel casing

Screen information: In the space below show length of screen bet. & bottom of casing, diameter and kind of screen or casing perforations.

Johnson
Irrigation
Screen

if a flowing well, flow of completed well _____ O.P.M.

Ed H. Berry + Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION _____ HP _____
 Company name and size of pump _____ Capacity of installed pump _____ G.P.M.

Company name and size of pump _____ Capacity of installed pump _____
Type of pump _____

Depth of pump placement _____ ft., Date of pump installation _____

(5) WATER SURFACE MEASURING TUBE

WATER SURFACE MEASURING TUBE
On some wells an air-tight water surface measuring tube is required: See Section 48.408 of Chapter 48.4, MINIMUM WELL CONSTRUCTION STANDARDS.
_____ ft., tube diameter _____.

Give exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Firm, Institution Contractor

NOTICE OF WELL CONSTRUCTION

11 WELL CONSTRUCTION

LOCATION OF WELL: NE 1/4 NE 1/4 SE 4, Section 3, Township 109-n, Range 51-W

With owner Richard Justice #2 (bro'to #1) Valley, South Dakota

Is the well drilling completed 6-22-76 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL 1.03

| Interval top to top or foot | Description of layer | Depth to top of water producing aquifer | ft. |
|-----------------------------|----------------------|--|---------|
| 0-2 | Topsoil | Depth to static water level | 13' ft. |
| 2-8 | sand | Name of producing aquifer (if known) | |
| 8-11 | clay | Total depth of drill hole | 37' ft. |
| 11-20 | sand | Depth to bottom of casing | ft. |
| 20-37 | very open sand | Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used. | |
| 37 | blue clay | | |
| | | 28' x 14" x 1/4" steel casing | |
| | | Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations. | |
| | | 10' x 14" x .080 Johnson Irrigation Screen | |
| | | If a flowing well, flow of completed well | 6.12 M |

Attach sheet if more space is needed

Ed H. Lacey & Son
Home of Drilling Water for

2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(B) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 45.408 of Chapter 48.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft, tube diameter _____, tube material _____.

Name of Pump Installation Contractor

State of South Dakota
Water License No. 2695-3

(1) Richard Justice
of RR 1, Volga, South Dakota 57071
made Application No. 2695-3, April 14, 1976 for a water permit to appropriate
2.0 cubic feet per second of water from groundwater (4 wells),
Brookings County, South Dakota for irrigation purposes.
Permit No. 2695-3, with a priority date of April 14, 1976
was approved May 20, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 20, 1981 and for the application to beneficial use of said
water on or before May 20, 1984.

and

the applicant

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.73 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are #1 - 580'N and 430'W of the SE
Corner Section 3(SE $\frac{1}{4}$ SE $\frac{1}{4}$); #2 - 2320'N and 120'W of the SE Corner Section 3
(NE $\frac{1}{4}$ SE $\frac{1}{4}$) both in T109N, R51W.

and

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

T109N, R51W Section 3

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 Acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres

TOTAL 121 ACRES

(4) Pursuant to §46-5-30.1 Richard Justice

of RR 1, Box 45, Volga, South Dakota 57071

the holder(s) and/or owner(s) of Water Permit No. 2695-3 is issued a license to appropriate water, the right to use 1.73 cubic feet per second of water from groundwater (two wells) with a priority date

of April 14, 1976 from the location 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 Permit No. 2695-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

FEB 14 1989

 **Department of
Water & Natural Resources**

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

2695-3

FEB 14 1989

Richard Justice
RR 1, Box 45
Volga, South Dakota 57071

Dear Mr. Justice:

Enclosed is Water License No. 2695-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2695-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,



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

enclosures





NOTICE OF TRANSFER OF WATER PERMIT

TO. Water Rights
Foss Building
Pierre, SD 57501

Date: March 17, 1989

This is to notify you that the title to the lands described as follows:

142 acres - SE $\frac{1}{4}$ Section 3, T109N, R51W

former'y owned by Prudential Insurance Company of America

has been transferred to Vander Wal Farms, Inc. RR #2, Volga, SD 57071
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2695-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

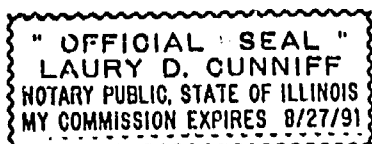
ILLINOIS
STATE OF ~~XXXXXX~~)
) ss.
County of DU PAGE)

I, John Nitz being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA

By: John Nitz
(2) John Nitz, (Signed) Vice President

Subscribed and sworn to before me this 23rd Day of March, 19 89.



Laury D. Cuniff
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 4, 1967

RECEIVED OF McCann, Robert & LeCann, (Vander Wall Farms) 717 6th Ave, Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

| | | |
|--|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ | | |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____ | | |
| Fee to retain Future Use Permit No. _____ after period of seven years. | | |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____ | | |
| Fee for Filing Transfer Form <u>Water Right Permit NO. 2695-3</u> | 2 | 50 |
| Fee for Filing Extension Request _____ | | |
| Fee for Certified Copy of _____ | | |
| Fee for Print Copy of Map _____ | | |
| Fee for Certifying _____ | | |
| Fee for _____ | | |
| (Any Other Work Provided by Law) | Total | 2 50 |

By John Hatch
Chief Engineer John Hatch/ma

MCCANN, MARTIN & MCCANN, P.C.

LAWYERS

317 SIXTH AVENUE
POST OFFICE BOX 78
BROOKINGS, SOUTH DAKOTA 57006-0078
(605) 692-6163

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TWYLA GAB. CLA
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*Master Degree in Tax Law
†Admitted in South Dakota and Iowa

April 3, 1989



Department of Water
& Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

ATTN: GENNY McMATH

RE: PERMIT #2695-3

Dear Genny:

We enclose herewith notice of transfer of water permit along with filing fee in the sum of \$2.50.

Would you please confirm that notice has been given to the Department of Agriculture.

To expedite matters when you write to me would you also send a copy of the letter directly to my clients, Ed and Ray Vander Wal at their address below. Thank you very much.

Very truly yours,

MCCANN, MARTIN & MCCANN, P.C.

T. F. MARTIN

TFM:lda

Enc.

cc: Edward Vander Wal
Raymond Vander Wal
R.R. 2
Volga, SD 57071

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

TELEPHONE (605) 336-3190

TELECOPIER (605) 339-3357

MELVIN T. WOODS (1891-1983)
HOWELL L. FULLER (1901-1981)
JOHN B. SHULTZ (1917-1975)

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARV P. THIMSEN
BRADLEY C. GROSSENBURG
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERICK I. ENTWISTLE
VINCENT A. PURTELL
LEO T. FLYNN
DAVID C. KROON
SARA L. BURNETTE

March 28, 1989



Mr. Thomas F. Martin
McCann, Martin & McCann, P.C.
Post Office Box #78
Brookings, South Dakota 57006

Re: Prudential/Vander Wal Farms, Inc.

Dear Tom:

Enclosed please find the signed Notice of Transfer of Water Permit. The notice and a filing fee of \$2.50 must be filed with the Department of Water and Natural Resources, Attention: Genny McMath, 523 East Capitol Avenue, Pierre, South Dakota 57501. The Department will then give notice to the Department of Agriculture that the water permit has been transferred. You should ask that Genny McMath confirm to you that notice was given to the Department of Agriculture. This will insure that all steps have been completed in accordance with South Dakota law.

Call me if you have any questions.

Very truly yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
James M. Wiederrich

Enclosure

 **Department of
Water & Natural Resources**

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

2695-3

April 20, 1989

T F Martin
McCANN, MARTIN & McCANN
PO Box 78
Brookings, SD 57006

Dear Mr. Martin:

Water Right No. 2695-3, formerly owned by Prudential Insurance Company of America has been transferred to Vander Wal Farms, Inc. of ~~Volga~~ SD. A copy of the "Notice of Transfer" you filed with our office has been forwarded to the Department of Agriculture.

Enclosed is Receipt No. 411724 in the amount of \$2.50 which you paid for filing of the transfer. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure

cc: Raymond & Edward Vander Wal, RR #2, Volga, SD 57071



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2695-3



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

AUG 5 1992

5333-3

VanderWal Farms, Inc.
511 E. 1st Street
Volga, SD 57071

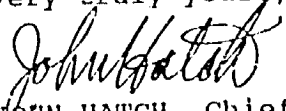
Dear Sirs:

Enclosed is Water License No. 5333-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413046 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5333-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

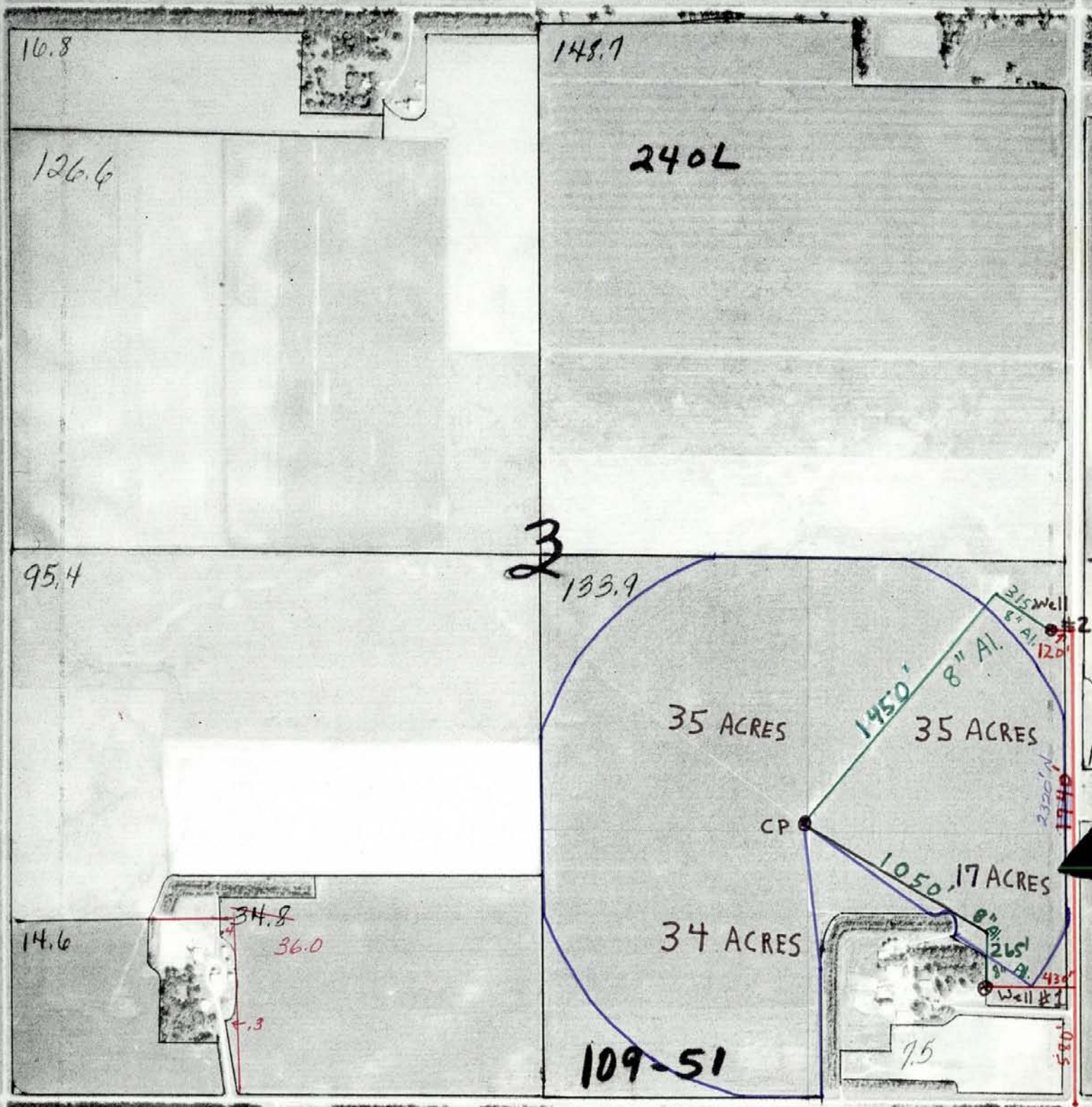

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Right No. 2695-3 are incorporated into this Water License No. 5333-3.

NOT TO SCALE

2695-3

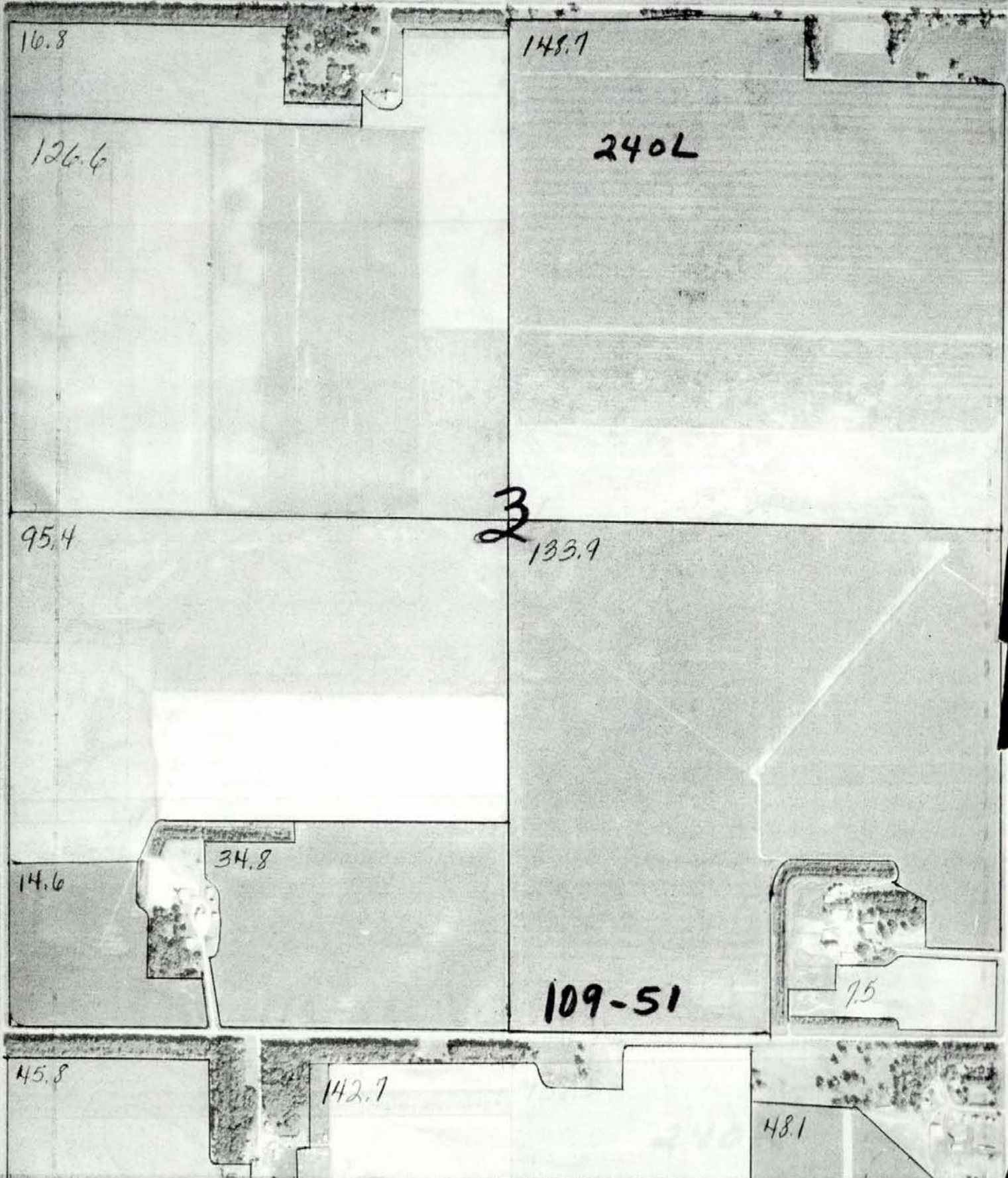


Thomas M. Bradner
6-29-88

Water Right
No. 2695-3

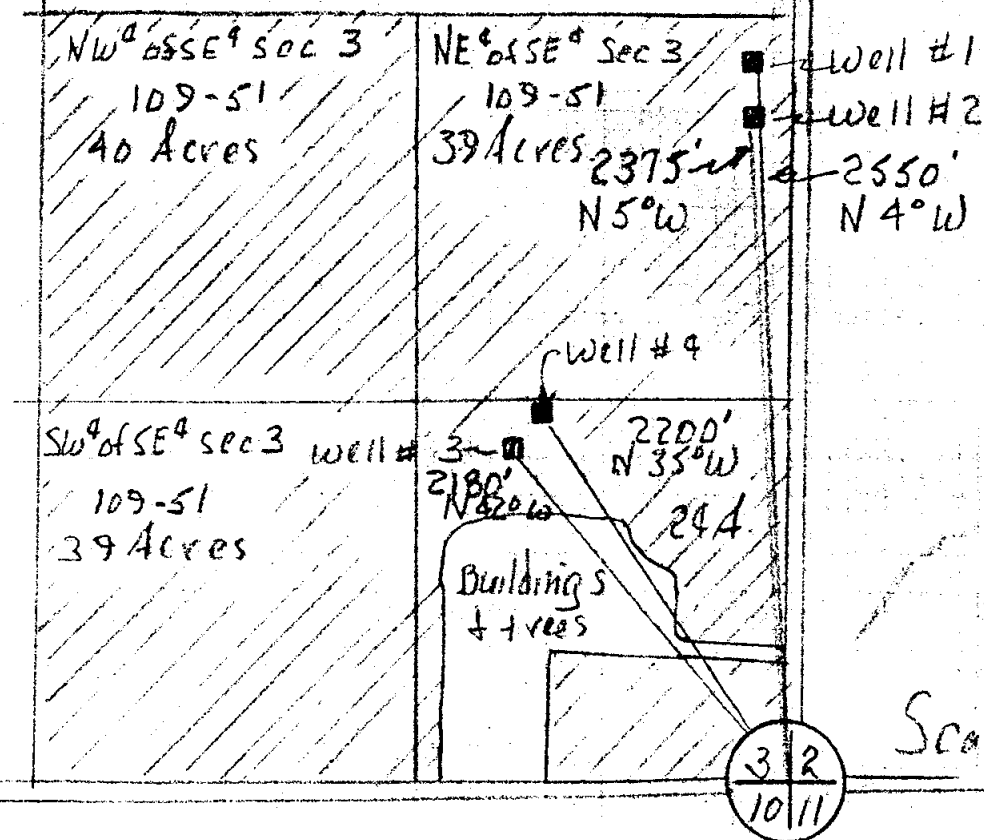
NOT TO SCALE

2695-3



4 Points of Diversion

- Well #1 - 2550' N 4° W of SE corner Sec 3- 109-51
- Well #2 - 2375' N 5° W of SE corner Sec 3- 109-51
- Well #3 - 2080' N 42° W of SE corner
- Well #4 - 2200' N 35° W of SE corner



RICHARD JUSTICE

IRRIGATION PROJECT #1

Volga

South Dakota

Brookings Co.

Acres Irrigated 142

Water claimed 2.0 cfs

Scale - 8" = 1 Mile

Surveyor's Certificate

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

Richard Justice

Volga

4-3-16

Drainage

John L. Wiersma

MAP 57-3 (APPL NO 2695-3)

South Dakota

Brookings Co.

RED 1916

Brookings Co.

5206