

Water Right Number 2970.3

1. Considered 9.29, 19 76
2. Name of Applicant LARKIN POTATO Co.
3. Post Office Address CLARK
4. Amount of water claimed 5.70
5. Source of water supply 62' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 384.3
7. Water to be diverted and used in CLARK County
about 1E 11S Miles of CLARK
8. Proof of Publication
Received 9-22-76
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Map No. 2300-3 Water Division No. 3 JAMES RIVER District
(Blanks 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)

- Name of Applicant Larkin Potato Co., Inc.
Postoffice address Box 218 Clark, State S. Dak.
If a corporation show date and place of incorporation Nov. 1, 1946
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract
- Name of diversion work Larkin Project Number 3
- Amount of water claimed (cubic feet per second) 5.7 c.f.s.
- Source of water supply One well
- Location of point of diversion N 3° E 0', 674 feet from SW corner Section 32 T115N, R57W

County Clark

- Annual period or periods during which water is to be used May - September
- Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Total number of acres to be irrigated 384.3

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.
32-115-57 NW 1/4	32.0	32-115-57 NE 1/4	36.0
NE 1/4	37.0	NE 1/4	39.0
SW 1/4	16.0	SW 1/4	38.0
SE 1/4	28.0	SE 1/4	22.0

Attach sheet if more space is needed See attached

- Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown: Public Opinion
- Principal Features of the Proposed Water Supply System.

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

B. ~~Works proposed to divert water to place of use.~~

C. Works proposed to apply water to beneficial use.

Center Pivot Irrigation

Estimated Total Cost: \$ 50,000.00

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

STATE OF SOUTH DAKOTA)

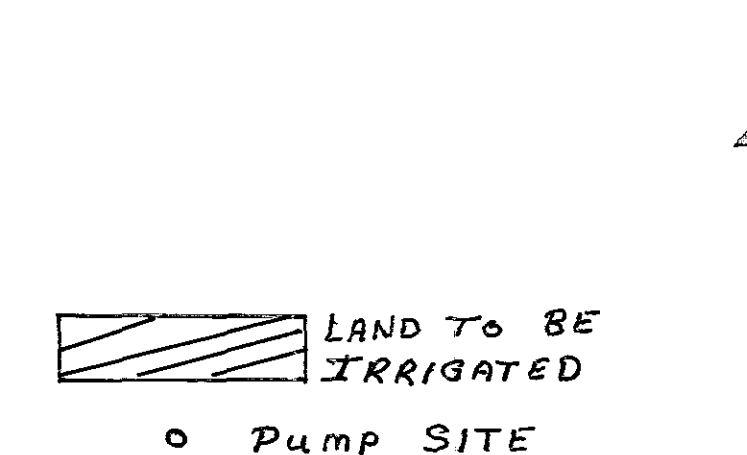
County of Clark) ss.

I, Shirley D. Lusk the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Shirley D. Lusk

Subscribed and sworn to before me this 19th day of August 1976

Shirley D. Lusk
Notary Public (or other qualified officer)



LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 NW 1/4	32	11S	57	32.0
NE 1/4 NW 1/4	32	11S	57	37.0
SW 1/4 NW 1/4	32	11S	57	16.0
SE 1/4 NW 1/4	32	11S	57	28.0
NW 1/4 NE 1/4	32	11S	57	36.0
NE 1/4 NE 1/4	32	11S	57	39.0
SW 1/4 NE 1/4	32	11S	57	38.0
SE 1/4 NE 1/4	32	11S	57	22.0
NW 1/4 SE 1/4	32	11S	57	37.0
NE 1/4 SE 1/4	32	11S	57	38.0
SW 1/4 SE 1/4	32	11S	57	34.0
SE 1/4 SE 1/4	32	11S	57	27.3
TOTAL				384.3

ALL LANDS DESCRIBED ARE OWNED BY LARKIN POTATO CO., INC.

SURVEYOR'S CERTIFICATE

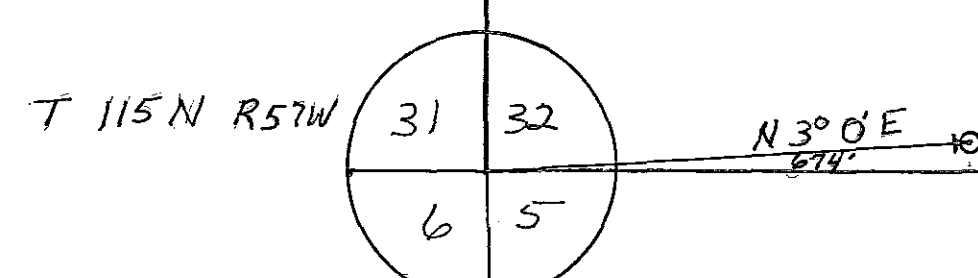
I, Franklin L. Fite, do HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE LARKIN POTATO CO., INC. IRRIGATION PROJECT NUMBER 3 AND HAS BEEN PREPARED BY THE SOIL AND WATER CONSERVATION SERVICE FOR THE CLARK SOIL CONSERVATION DISTRICT.

SIGNATURE: *Franklin L. Fite*
TITLE: District Conservationist

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15TH DAY OF August, 1976 A.D.

Jack G. Wynn
NOTARY PUBLIC

MY COMMISSION EXPIRES January 23, 1981



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2970-3
LARKIN POTATO Co., INC. CLARK
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57225 With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application AUGUST 23, 19 76
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application SEPTEMBER 7, 19 76
 Approved SEPTEMBER 29, 19 76, Recorded in Book 16 Page 79

WATER RIGHT PERMIT NO. 2970-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2970-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 23, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 30, 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 19 79
5. The water appropriated shall be used for the purpose of AGRICULTURAL 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 5.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 30, 19 79 said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 29TH day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

**BEST IMAGE POSSIBLE
FROM POOR ORIGINAL**

**Sunshiao
SM Mutual Insurance Company**

London Test hole #112

0-1 Top Soil
1-10 Sand & Gravel
10-25 Yellow Clay
26-34 Blue Clay
34-62 Sand & Gravel
62- Rocks.

TD 62' *J. Dickson*
FIRE, AUTO, HOMEOWNERS, AIRGLASS, ROBBERY, INLAND MARINE,
PLATE GLASS, WORKMEN'S COMPENSATION, GENERAL LIABILITY,
GARAGE - STOREKEEPER'S - PERSONAL AND FARM LIABILITY

Continuation of #9 on form 2

32-115-57	NW-SE	37.0
	NE-SE	38.0
	SW-SE	34.0
	SE-SE	22.3

Project # 3

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

D Well Information or Estimates

(1) Drill Hole, Diameter 30 in., Depth 62 ft.

(2) Casing Type Steel Diameter 16 in. Thickness 1/2 in. wall
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Stainless Steel, Diameter 16 in., Length 28 ft.

(4) Gravel Pack, Thickness 14 in., Length of gravel pack 52 ft.

~~E Dugout or Ditch or Reservoir~~

(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 Sand and Gravel

Depth to top of water bearing material 34 ft.

Depth to bottom of water bearing material 62 ft.

Thickness of water bearing material 28 ft.

Depth to water (ground surface to water level) 35 ft.

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

On same owner's property N/A rds. On property owned by others 80 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.

Larkin Potato Co., Inc.

By:

Larkin Potato Co., Inc.
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Larkin Potato Co., Inc.
ADDRESS Box 218 Clark, S. DAK. 57225
COUNTY Clark

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 of Sec. 32 T115N R57W
2. LOCATION OF AREA TO BE IRRIGATED See attached

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Potatoes, Wheat, Corn, Alfalfa, Soybeans, Sunflowers

WATER QUALITY

5. SAMPLE NUMBER 76-1093
6. SALINITY (EC X 10⁶) 735
7. SODIUM (SAR) 0.35
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

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 Clark 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.

Larkin Potato Co., Inc.

By: *Charles A. Larkin*

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
29 DAY OF August 19 76.

James A. [Signature]
(TITLE OR SEAL) Notary Public

A. C. [Signature]
APPROVED/DISAPPROVED

Continuation Form W-1

2. Land Description

Acres

32-115-57	NW-NW	32.0
	NE-NW	37.0
	SW-NW	16.0
	SE-NW	28.0
32-115-57	NW-NE	36.0
	NE-NE	39.0
	SW-NE	38.0
	SE-NE	22.0
32-115-57	NW-SE	37.0
	NE-SE	38.0
	SW-SE	34.0
	SE-SE	22.3

247.3 total acres.

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

Submitted by: Larkin Potato Co., Inc.
 Address: Clark, SD 57225

Date Rec'd: August 20, 1976
 Sample No.: 76-1093
 Identification: Well
SW 1, Sec. 32, T 115N, R 57W

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	37	ppm	3.03	me/l
Sodium (Na)	16	ppm	0.70	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	160	ppm	3.33	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	30	ppm	0.84	me/l
Bicarbonate (HCO ₃)	378	ppm	6.20	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)	310	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	733	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.35			
Sodium	7.90	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.40			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

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

COMMENTS: Total cations 8.86 me/l
 Total anions 10.37 me/l

By: Shirley Witten

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1093

Amount Enclosed \$

Signed

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2970-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John H. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

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

city of Watertown

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

Sept. 14, 1976

Sept. 21, 1976

[Signature]
(Signature)

General Manager

(Title)

Sept. 21, 1976

(Date Signed)

PUBLIC NOTICE

NO. 2970-3

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 10, 1976

Notice is hereby given that Larkin
Potato Company, Inc. whose post
office address is Clark, 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 5.7 cubic feet of water per second
of time from ground water through
the Larkin No. 3, the point of
diversion of which is to be located in
the SW 1/4 SW 1/4 of Section 32, Twp.
115N, Range 57W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: N 1/2 and
SE 1/4, Section 32, T115N, R57W.

This application No. 2970-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 29th day of September,
1976, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS
COMMISSION

By BURTON F. JONES
Water Rights Specialist
(September 14, 21, 1976)



Publish first publication, on or before September 18, 19 76**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 10, 19 76Notice is hereby given that Larkin Potato Company, Inc.whose post office address is Clark, 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 use5.7cubic feet of water per second of time from the ground water through theLarkin #3

, the point of diversion of which is to be located in the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32 Twp. 115N, Range 57W. Said water to be used for the purposeof providing irrigation on ^{portions of} the following described land:N $\frac{1}{2}$ and SE $\frac{1}{4}$, Section 32, T115N, R57W

2970-3

This application No. _____ will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 19 76 at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

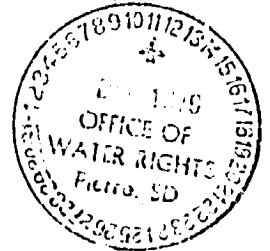
BURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:

Larkin Potato Co., Inc., Clark. S.D. 57225

Form 10.

No. 2976-3

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



Post Office C/Clark

Date 12-7-79

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

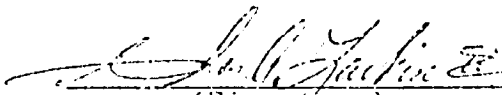
Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2976-3.

Water Right Permit No. 2976-3 states that the diversion system is to be constructed by 9-30, 1978 and that the water is to be put to beneficial use by 9-30, 1979.

The diversion system was completed on 4-15, 1978.
Applying the water to beneficial use was completed on 4-15,
1979.

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


(Signature)

Permit No. 2970-3
 Water Division 3 JAMES RIVER Water District
Big Horn County

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by LARKIN
Potato Co, Inc of CLARK holder
 of Permit No. 2970-3, bearing date of priority of AUGUST 23, 1976
 authorizing the diversion of 5.7 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in CLARK County.

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

The Water Use System consists of,

A. Works used to divert the water:

62' DEEP WELL WITH 16" STEEL & 20' OF JOHNSON SCREEN
 NATIONAL PUMP CO 8" PUMP N200-B, POWERED BY
 75 HP NEWMAN ELECTRIC MOTOR @ 1780 RPM

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

3850' 8" BURIED PUC TO PIVOT PAD IN SE⁴ SEC 32
 2950' 8" BURIED PUC BETWEEN PIVOT PADS

C. Works used to apply water to beneficial use.

ELECTRO GATOR 7 TOWER CENTER PIVOT SYSTEM - 1120'
 LONG WITH NELSON #100 END GUN - TOWED BETWEEN
 TWO PIVOT POINTS

The system is in the following condition: GOOD

The point of diversion is located: 670' E & 40' N OF THE SW⁴ SECTION 32,
T115N, R57W

The works are capable of diverting and conveying to the place of use 178 (800 GPM)

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: SECTION 32, T115N, R57W

NW ⁴ SE ⁴	34 ACRES	NE ⁴ NW ⁴	32 ACRES	NW ⁴ NE ⁴	25 ACRES
NE ⁴ SE ⁴	34 "	NW ⁴ NW ⁴	4 "	SW ⁴ NE ⁴	25 "
SW ⁴ SE ⁴	34 "	SW ⁴ NW ⁴	27 3 "		
SE ⁴ SE ⁴	18 "	SE ⁴ NW ⁴	27 1 "		

comprising a total of 238 acres of land.

PIVOT COVERS 122 ACRES - LESS AREA
 OUT FOR SLOUGH & TREES IN NW⁴ SEC 32.

SEE PERMIT NO 2222-3
 FOR AERIAL PHOTO

Date SEPTEMBER 22, 1982

(Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2970-3

(1) WHEREAS, On the 23rd day of August A. D. 19 76
Larkin Potato Co., Inc.

made Water Right Application No. 2970-3 for a permit to use 5.70 cubic feet per second of the waters of groundwater (one well)

County of Clark, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 30th day of September A. D. 19 76

Permit No. 2970-3, with a date of priority of August 23, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 30th day of September A. D. 19 78 and for the application to beneficial use of said water on or before the 30th day of September A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land in Section 32, T115N, R57W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 18 acres (DD)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres (BA)

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres (BB)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 27 acres (BD)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres (AB)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25 acres (AC)

TOTAL 238 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Larkin Potato Co., Inc.

_____ of Clark, South Dakota

the holder _____ and owner _____ of said permit No. 2970-3 a water right, dating from August 23, 1926

_____ to use of 1.76 cubic feet per second of the waters of groundwater (one well)

in the County of Clark and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 670'E and 40'N of the SW $\frac{1}{4}$, Section 32, T115N, R57W (CC)

and conducted to and upon portions of Section 32, T115N, R57W more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2970-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of October A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2970-3

Water Diversion No. 3 Big Sioux River Water District
10170201

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Larkin Potato Co., Inc.

_____ the holder _____ of
Permit No. 2970-3, issued upon Application No. 2970-3, bearing date of priority of August 23,
1976 authorizing the diversion of 5.70 cu. ft. per second of the waters of _____
groundwater (one well) County of Clark, State of South Dakota at _____
a point 670'E and 40'N of the SW 1/4 Section 32, T115N, R57W (CC)

_____, for Irrigation

purposes, has s complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date October 19, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8984

PIERRE, October 16, 1982

RECEIVED OF Larkin Potato Co., Inc., Box 218, Clark, SD 57225

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 2970-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By J. L. P. A.
Chief Engineer, Executive Officer
JOHN H. BACH

SOUTH DAKOTA Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

2970-3
2533-3
2322-3

March 13, 1987

Claire B. Konold
Acquired Property Specialist
Farm Credit Services
1323 Ninth Avenue, SW, Hwy 212
Box 786
Watertown, South Dakota 57207

Dear Mr. Konold:

Please find enclosed copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, the permits will be transferred to the proper name. 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.

Please advise if you have any questions

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-11-57

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

238 acres, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; Section 32, T115N, R57W

formerly owned by Larkin Potato Company Inc.

has been transferred to Federal Land Bank of Omaha
PO Box 286, Westtown SD 57254 (please include complete mailing address)
 together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2970-3 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 SDCI 46-2-13.

STATE OF SOUTH DAKOTA)
County of Codington) ss.

I, Charles B. Knecht 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 infor-
mation herein stated is true.

Federal Land Bank of America
Chas. D. Kaseel
James H. (Signed) Spencer

Subscribed and sworn to before me this 11th Day of May, 1987.

Michael F. R. R. R.
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 29, 1987

RECEIVED OF Federal Land Bank of Omaha, PO Box 786, Matamoras, SD 57201

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>2970-3</u>		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

(S)

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

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

WATER RIGHTS DIVISION
(605) 773-3352

2322-3
2970-3

June 2, 1987

Federal Land Bank of Omaha
PO Box 786
Watertown, South Dakota 57201

Dear Sir:

Enclosed are receipt Nos. 410899 and 410900 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2970-3 and 2322-3.

Our records now show the Federal Land Bank of Omaha as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



Department of Water & Natural Resources

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

February 25, 1988

2322-3
2970-3

Jerry Lohr
18755 Montewood Drive
Saratoga, CA 95070

Dear Mr. Lohr:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2322-3 and 2970-3, currently listed in the name of Federal Land Bank of Omaha. Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The water rights will then be transferred to your name.

South Dakota Water Law 46-54-30.3 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

encl

NO. 2970-3

NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-25-83

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

SE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32, T115N, R57W

formerly owned by Federal Land Bank of Omaha

has been transferred to Jerome J. Lohr, 18755 Montewood Dr., Saratoga, CA 95070
(please include complete mailing address)

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

Water Right Permit No. 2970-3 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.

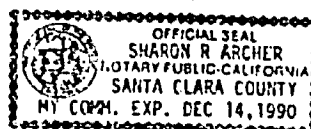
STATE OF SOUTH DAKOTA)
County of CLARK) ss.

I, Jerome J. Lohr 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 25th Day of April, 19 83.

[Signature]
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

111236

Pierre, May 2, 1922

RECEIVED OF Jerome J. Lohr, 16755 Montwood Dr., Saratoga, CA 95070

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 2270-3		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

Chief Engineer

JOHN HATCH

(S)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 2, 1988

Jerome J. Lohr
18755 Montewood Drive
Saratoga, California 95070

Dear Mr. Lohr:

Enclosed are receipt Nos. 411230 and 411231 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 2970-3 and 2322-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



Department of Water & Natural Resources

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

February 8, 1989

JEROME J LOHR
18755 MONTEWOOD
SARATOGA, CA 35070

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2322-3, (2970-3). The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing 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, the Water Management Board can:

1. Amend Permit No(s). 2322-3, 2970-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

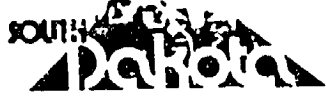
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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





Department of Water & Natural Resources

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

March 6, 1989

2322-3
2970-3

Jerome J Lohr
18755 Montewood Drive
Saratoga, CA 95070

Dear Mr. Lohr:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 2322-3 and 2970-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH DAKOTA Department of
Water & Natural Resources

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

2970-3

SEP 14 1989

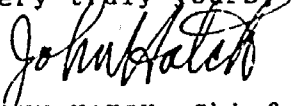
Jerome J. Lohr
18755 Montewood Drive
Saratoga, CA 95070

Dear Mr. Lohr:

Enclosed is your reissued Water License No. 2970-3. The license was reissued to correct an error in the legal description of the land irrigated.

If you have questions concerning the Water License, please contact us.

Very truly yours,



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



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE No. 2970-3

(1) Larkin Potato Company, Inc. of Clark, South Dakota 57225 was issued Water License No. 2970-3, October 19, 1982 for a water right to appropriate 1.78 cubic feet of water per second from groundwater (one well), Clark County, South Dakota for irrigation purposes. Water License No. 2970-3 with a priority date of August 23, 1976 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 2970-3 was transferred May 29, 1987 to Federal Land Bank of Omaha. On May 2, 1988 the water right was transferred to Jerome J. Lehr.

A May 15, 1989 review of the water right found an error in the legal description of the land irrigated. The land described as the NE1/4 SW1/4 (32 acres) Section 32, T115N, R57W should be described as the NE1/4 NW1/4. Water License No. 2970-3 is being reissued to correct this error. All other information contained in the license will remain the same.

(2) It is certified that the applicant 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: a point 670 feet east and 40 feet north of the SW1/4 Section 32, T115N, R57W (SW1/4 SW1/4).

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

T115N-R57W, Section 32	NW1/4 SE1/4	36 acres
	NE1/4 SE1/4	34 acres
	SW1/4 SE1/4	34 acres
	SE1/4 SE1/4	18 acres
	NE1/4 NW1/4	32 acres
	NW1/4 NW1/4	4 acres
	SW1/4 NW1/4	3 acres
	SE1/4 NW1/4	27 acres
	NW1/4 NE1/4	25 acres
	SW1/4 NE1/4	25 acres
	Total	238 acres

(4) Pursuant to Section 46-5-30.1 Jerome J. Lohr of 18755 Montewood Drive, Saratoga, CA 95070 the holder(s) and/or owner(s) of Water Right No. 2970-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of August 23, 1976 from the location specified in (2) of this license. The water is 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. 2970-3 and subject to South Dakota State Law.



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

SEP 14 1989

2970-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1995

2322-3

2970-3

Paul Reisch
Farm Credit Services
PO Box 787
Watertown, SD 57201-0787

Dear Mr. Reisch:

Enclosed, as you requested, are copies of Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of Jerome J Lohr.

If you have any questions, or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

2970-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1997

2322-3
2970-3

Todd DeVille
1318 Clarkson Clayton
Balwin MO 63011

Dear Mr. DeVille:

Enclosed, as you requested, are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of Jerome J Lohr.

Please review the forms and complete the portion titled "*he transferred to (name & address).....*" Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

Thank you for calling about the ownership changes. If you have any questions concerning the water rights or completion of the transfer forms, please let me know.

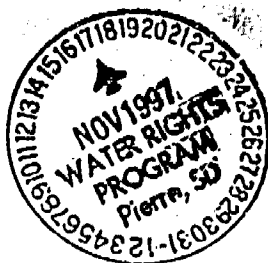
Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2970-3

Date: 11/13/97

I/We request that Water Right No. 2970-3

formerly owned by: Jerome J Lohr

be transferred to: (name & address) GARY TODD DEVILLE

412 SUNNY SLOPE, BATHURST MD. 20801

Telephone No. 304-391-1122

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

238 acres - SE¼, NW¼ and W¼ NE¼ Section 32, T115N, R57W

I/We understand that the validity of Water Right No. 2970-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

MISSOURI)

County of ST. LOUIS)

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

Gary Todd Deville
(Signed)

Subscribed and sworn to before me this 13th day of November, 19 97.

ROBIN L. JAMES
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County

My Commission Expires: Dec. 5, 1997

Robin L. James
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

415535

Division of Water Rights South Dakota Department of Environment and Natural Resources

Pierre, _____ November 17, 19 97

RECEIVED OF Gary Todd Deville, 412 Sunny Slope, Ballwin, MD 68011
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. _____		2 50
Fee for Filing Transfer Form _____ Water Right No. 2970-3		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)

Total

2 50

By [Signature]
Chief Engineer

2970-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 11, 1997

No 2322-3

2970-3

Gary Todd Deville
412 Sunny Slope
Ballwin, MO 63011

Dear Mr. Deville:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2322-3 and 2970-3.

Our records now show you as the owner of Water right Nos. 2322-3 and 2970-3.

Sincerely,

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

enclosure



**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 22, 2008

2322-3
2970-3

C T Wildlife Partnership
1624 Quale Ridge Circle
Woodbury MN 55125

Dear Sir:

I am writing in regard to Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of G Todd Deville and authorize irrigation of land in portions of Section 31 and 32, T115N, R57W (copies enclosed).

I obtained your name from the Clark County Register of Deeds office as being the owner of the property described in these water rights. The purpose of my letter is to find out from you what your intent is towards the water rights.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. This three year period is waived if legal excuse exists for the years of non-use. I have included a summary of the water laws and Water Management Board dealing with these issues.

Please get in touch with me as to whether or not you feel you will be irrigating the land. If the land is to be irrigated, the water rights will need to be transferred to reflect current ownership. If irrigation has been discontinued on the land, the water rights will be scheduled for cancellation consideration.

Thank you in advance for your help in updating the water rights. If you have any questions, please contact me.

Sincerely,

Genny McMath
Genny McMath

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

enclosures



**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

2322-3
2970-3

C T Wildlife Partnership
1624 Quale Ridge Circle
Woodbury MN 55125

Dear Sir:

Thank you for calling concerning the ownership changes for Water Right Nos. 2322-3 & 2970-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (\$5.00 total). The check or money order for the fee can be made payable to the Water Rights Program.

As I discussed with you on the phone, you will not lose the water rights if the reason for not irrigating is because the land is enrolled in the Conservation Reserve Program. You indicated that a portion of the land will be eligible for irrigation in 2010. I will hold off mailing an irrigation questionnaire to you for either water right until that time. For informational purposes, I am enclosing a sample copy of a completed questionnaire so you have an idea of what type of information to keep track of during the irrigation season. We typically mail the questionnaires to irrigators in South Dakota in mid-October each year.

If you have any questions, please give me a call.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

AUG 11 2008

WATER RIGHTS
PROGRAM

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

No. 2970-3

Date:

8/8/08

I/We request that Water Right No. 2970-3

formerly owned by: G Todd DeVille

be transferred to: (name & address)

Ct Wildlife Management

1624 Quail Ridge Circle

Woodbury, MN 55125

Telephone No. 651-261-2488

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

238 acres - SE ¼, NW ¼ and W ½ NE ¼ Section 32, T115N, R57W

I/We understand that the validity of Water Right No. 2970-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ct Wildlife, the new owner, certify that the above information is true and correct.

Gus Michael for Ct Wildlife Management
(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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/11, 20 08

RECEIVED OF C. T. Wildlife Mngmt 1624 Quail Ridge Cr Woodbury MN 55125

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2970-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03713

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 2008

2322-3
2970-3

Cyrus Mahmoodi
C T Wildlife Partnership
1624 Quail Ridge Circle
Woodbury MN 55125

Dear Sir:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 2322-3 & 2970-3. The transfers have been completed. The water rights formerly held by G Todd Deville are now listed under C T Wildlife Partnership.

Enclosed are Receipt Nos. 03712 and 03713 in the amounts of \$2.50 each. These are for the filing fees you paid for filing the ownership changes.

If you have any questions, please give me a call.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 18, 2015

2322-3
2970-3

Cyrus Mahmoodi
CT Wildlife Management
1624 Quail Ridge Circle
Woodbury MN 55125

Dear Mr. Mahmoodi:

I am writing follow-up to our phone conversation concerning your Water Right Nos. 2322-3 and 2970-3. The water rights collectively authorize irrigation of portions of land in Sections 31 and 32, T115N, R57W in Clark County SD.

During our phone conversation you confirmed the land under both water rights has been enrolled in the Conservation Reserve Program through 2024. South Dakota water law allows this practice while retaining water rights if the following criteria as discussed in SDCL 46-5-37.2 are met:

- Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:
 1. the water source is not fully appropriated;
 2. if the withdrawal from use does not prevent approval of new permits from the same source, and;
 3. if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Beginning next year, we will hold up on mailing annual irrigation questionnaires to you until the land comes out of CRP and is again eligible for irrigation. If any changes occur prior to 2024 such as address or ownership changes, please notify our office. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 31, 2025

CT Wildlife Management
c/o Cyrus Mahmoodi
1624 Quail Ridge Cir
Woodbury, MN 55125

Nos. 2322-3 & 2970-3

Dear Mr. Mahmoodi:

I am contacting you in regard to Water Right Nos. 2322-3 & 2970-3.

Water Right No. 2322-3, authorizing the diversion of 1.78 cubic feet of water per second from groundwater, two wells (Vermillion East Fork: Willow Lake), for the irrigation of 132 acres located in the SE $\frac{1}{4}$ Section 31 and 122 acres in the SW $\frac{1}{4}$ Section 32; all in T115N, R57W.

Water Right No. 2970-3, authorizing the diversion of 1.78 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake), for the irrigation of 238 acres located in portions of Section 32, T115N, R57W.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right Nos. 2322-3 and 2970-3 have been in the Conservation Reserve Program (CRP) through 2024.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to resume irrigation, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosures

RECEIVED

MAY 02 2025

OFFICE OF
WATER

Water Right No. 2970-3
CT Wildlife Management, c/o Cyrus Mahmoodi

Water Right No. 2322-2 authorizes the irrigation of 238 acres located in:

Section 32, T115N, R57W	
NW ¼ SE ¼ - 36 acres	NW ¼ NW ¼ - 4 acres
NE ¼ SE ¼ - 34 acres	SW ¼ NW ¼ - 3 acres
SW ¼ SE ¼ 34 acres	SE ¼ NW ¼ - 27 acres
SE ¼ SE ¼ - 18 acres	NW ¼ NE ¼ - 25 acres
NE ¼ SW ¼ - 32 acres	SW ¼ NE ¼ - 25 acres

Do you still own the land described above?

Yes X

No (If no, please list the name, mailing address, and phone number of the new owner)

Has the land been re-enrolled in CRP:

Yes A through calendar year 2034

No

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.