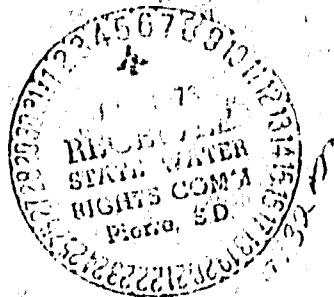


Water Right Number 3047-3

1. Considered 10-26, 19 76
2. Name of Applicant D. L. Buehler
3. Post Office Address Drunkings
4. Amount of water claimed 2.20
5. Source of water supply 80' deep well
6. Water to be used for irrigation
- Acres to be irrigated 151
7. Water to be diverted and used in Drunkings County
about 2N Miles 2 of Colbert
8. Proof of Publication Received SEP 10-22-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 3047-3
 Map No. 2371-3 Water Division No. 3 BIG SIOUX RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant D. R. Buehler
 Postoffice address Banker Brookings State S. Dak - 57006
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contracted with a contractor
 3. Name of diversion work D. R. Buehler Irrigation Project #1
 4. Amount of water claimed (cubic feet per second) 2.2
 5. Source of water supply well
 6. Location of point of diversion 1860' N 45° W of SE corner of Section 4-109-47

- County Brookings
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, (Total number of acres to be irrigated) 151

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 of SE 1/4 Sec 4-109-47	40		
NE 1/4 " " " "	34		
SW 1/4 " " " "			
SE 1/4 " " " "			

Attachments needed

10. Time required to complete construction of water supply 100 years. Additional time required to complete application of water to the proposed beneficial use none years.

11. Choice of newspaper for Notice of Intent to Appropriate Brookings Register

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. well with electrically driven pump

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 \$ 42,000

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

STATE OF SOUTH DAKOTA

County of Brookings

I, D. R. Buehler 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 D. R. BuehlerSubscribed and sworn to before me this 18 day of Sept 1926

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3047-3
D.R. BUEHLER Box 681, Brookings
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57006 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 OCTOBER 5, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application OCTOBER 6, 19 76
 Approved OCTOBER 21, 19 76, Recorded in Book 16 Page 150

WATER RIGHT PERMIT NO. 3047-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3047-3 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 OCTOBER 5, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 21, 19 79
3. The whole of said work is to be completed on or before OCTOBER 21, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 21, 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 2.2 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 purpose 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 OCTOBER 21, 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 1ST day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John H. Smith
 Chief Engineer, Executive Officer

Certificate of Construction Issued July 14, 19 81

Water License Issued July 14, 19 81

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 80'
(2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 14", Thickness 1/4"
(3) Perforated Screen.
Type Cont. Slot, Diameter 14", Length 20'
(4) Gravel Pack, Thickness 2", 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 Not well known

Depth to top of water bearing material 50'

Depth to bottom of water bearing material 80'

Thickness of water bearing material 80'

Depth to water (ground surface to water level) 45'

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

On same owner's property 80 rds. On property owned by others 100 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.

St. R. Smith
Signature of Applicant

ON
2
H1

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 D. R. BLEHLER
ADDRESS BROOKINGS S.D.A.K. (Box 641)
COUNTY BROOKINGS

LEGAL DESCRIPTION

1. WELL LOCATION SE 1/4 Sec 4 T. 129 N. R. 103 W.
2. LOCATION OF AREA TO BE IRRIGATED SE 1/4 OF SECTION 4 T. 129 N. R. 103 W.

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED _____

WATER QUALITY

5. SAMPLE NUMBER 76-1344
6. SALINITY (EC X 10⁶) 750 (medium)
7. SODIUM (SAR) 0.24 (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 _____ 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
11 DAY OF Nov 19 76.

(TITLE OR SEAL)

APPLICANT'S SIGNATURE

Approval does not imply that this project can be carried out successfully in all circumstances. Individual management will, to a large degree, determine the relative success of this venture.

APPROVED/RECEIVED

(SOILS INFORMATION ON REVERSE SIDE)

October 1, 1976

Mr. D. R. Buehler
Box 681
Brookings, SD 57006

Dear Mr. Buehler:

Your water sample (Lab. No. 76-1344) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

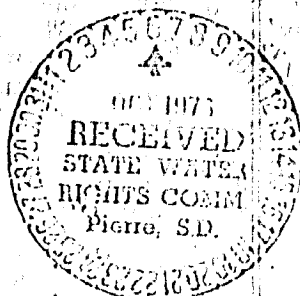
Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission



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

Submitted by: D. R. Euenler
Address: Box 681
Brookings, SD 57006

Date Rec'd. September 14, 1976
Sample No. 76-1344
Identification Well-
SE1, Sec. 4, T 109N, R 47W

WATER ANALYSIS

Calcium (Ca)	99	ppm*	4.95	me/l**
Magnesium (Mg)	26	ppm	2.95	me/l
Sodium (Na)	11	ppm	0.48	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	55	ppm	1.14	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	13	ppm	0.36	me/l
Bicarbonate (HCO ₃)	342	ppm	5.60	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)		ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	750	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.24			
Sodium	5.70	% of cations		
Residual sodium carbonate	0.60	me/l		
pH	7.02			

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

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

COMMENTS: Total cations 5.42 me/l
Total anions 7.10 me/l

By: Shirley Kitten

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. 76-1344

Amount Enclosed

Signed

Permit No. 3047-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That D. R. Buehler

the holder _____ of
Permit No. 3047-3, issued upon Application No. 3047-3, bearing date of priority of October 5, 1976
authorizing the diversion of 2.2 cu. ft. per second of the waters of _____
groundwater (one well) County of Brookings, State of South Dakota at _____
a point 90 feet NE of center of the SE 1/4, Section 11, T109N, R47W (DA)

for irrigation

purposes, has _____ 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 1.88 cu. ft. per second of water.

Date July 14, 1981


JOHN HATCH, Chief Engineer
Water Rights Division.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3047-3

(1) WHEREAS, On the 5th day of October A. D. 19 76

D. R. Quohlan

made Water Right Application No. 3047-3 for a permit to use 2.2 cubic feet per second of the waters of groundwater (one well)

County of Beckings, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 21st day of October A. D. 19 76

Permit No. 3047-3, with a date of priority of October 5, 1963

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 21st day of October A. D. 19 81 as for the application to beneficial use of said water on or before the 21st day of October A. D. 1984

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 1.08 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 a 132 acre circle in the SE 1/4, Section 4, T16N, R17W

(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 D. R. Buehler

_____ of Brookings SD
the holder _____ and owner _____ of said permit No. 3047-3 a water right, dating from October 5, 1976
to use of 1.82 cubic feet per second of the waters
of groundwater (one well)

in the County of Brookings and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned: to be diverted at a point 80 feet NE of center of the SE1/4, Section 4,
T109N, R47W (DA)

and conducted to and upon a 132 acre circle in SE1/4, Section 4, T109N, R47W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3047-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of July A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 3047-3

Publish first publication, on or before October 12, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 6, 19 76

Notice is hereby given that D. R. Buechler
whose post office address is Brookings, 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

2.2 cubic feet of water per second of time from the ground water through the
Buechler # 1, the point of diversion of which is to be located in the

Center of the SE 1/4

of Section 4, Twp. 109N, Range 47W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE 1/4, Section 4, T109N, R47W

This application No. 3047-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 21st day of October, 19 76, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/dw

cc: D. R. Buechler, Box 681, Brookings, S. D. 57006

STATE OF SOUTH DAKOTA)
) ss.
County Brookings)

10-20-76 _____
(Date Signed)

**WATER RIGHTS
COMMISSION**
By: **Burton F. Jones**
Water Rights specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8385

July 14, 1991

PIERRE,

D.R. Buehler, Box 681, Brookings, SD 57006

RECEIVED OF

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)	3047-3	50.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	3047-5	
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw. No.		
Fee for filing		
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 [Signature]
Chief Engineer, Executive Officer
JUL 14 1991

Permit No. 3047-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by D.R.
BUEHLER of BROOKINGS holder
of Permit No. 3047-3, bearing date of priority of OCTOBER 5, 1976
authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in BROOKINGS 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:

80' DEEP WELL WITH 14" STEEL CASING - 15' SS SCREEN
NATIONAL PUMP Co - 8" PUMP. MODEL N260-8 SER # 1177-646
POWERED BY 100HP GE ELECTRIC MOTOR

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

90' OF 10" ALUMINUM PIPE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

2 TOWER ELECTROGATOR, MODEL 680 - SERIAL # 478C 5076
17.80' LONG WITH NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 90' NE OF CENTER OF THE SE⁴
SECTION 4, T109N, R47W

The works are capable of diverting and conveying to the place of use 1.88 (850 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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE
SE⁴, SECTION 4, T109N, R47W

comprising a total of 132 acres of land.Date: JUNE 9, 1981

Benton Jones
(Signature)

South Dakota
Department of
Water & Natural Resources

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

November 2, 1987

4213-3

3047-3

Marty Heintz
Circle "S" Feed Mill
PO Box 68
Pipestone, MN 56164

Dear Mr. Heintz:

D R Buehler, Brookings, SD has notified our office that S & S Farms now own the land covered under Water Right Nos. 3047-3 and 4213-3. I have enclosed a copy of these water rights for your records.

In order for the water rights to be changed over to your name, it will be necessary for you to file a "Notice of Transfer" with our office for each. Enclosed are partially completed transfer forms. Please check over the forms, sign and have them notarized. Upon completion of these 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.

Also enclosed are the 1987 Irrigation Water Use Questionnaires and a postage paid return envelope. These forms are for use in reporting any irrigation done on the lands during 1987. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire to be submitted each year. Please complete the enclosed questionnaires as accurately as possible and return them by November 30, 1987.

If you have any questions, or need assistance in completing the transfer forms or irrigation questionnaires, please contact us.

Sincerely,

Genny McMATH
GENNY MCMATH
Natural Resources Analyst
605 772-3352

encl



NO. 3047-3

NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Foss Building
Pierre, SD 57501

Date: 11-10-87

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

132 acres - SE $\frac{1}{4}$ Section 4, T109N, R47W

formerly owned by D. R. Buehler, Brookings SD

has been transferred to Srs. Tractments Bull's Pipeline ME 5049
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3047-3 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.

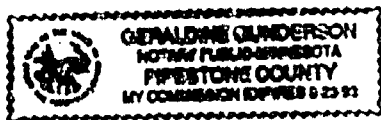
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~) MINNESOTA
County of Pipestone) ss.

I, Martin Heintz being first duly sworn on my oath despose 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.

Martin Heintz
(Signed)

Subscribed and sworn to before me this 10th Day of November, 1987.



Geraldine Qunderson
(Notary Public)

RECEIPT

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

611105

Pierre, December 17, 1987

RECEIVED OF M & S Investments, Box 62, Pinestone, WY 83450

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>2047-3</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

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

December 22, 1987

S & S Investments
Box 68
Pipestone, Minnesota 56164

Dear Sir:

Enclosed are receipt Nos. 411105 and 411106 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3047-3 and 4213-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

October 26, 1990

3047-3
4213-3

New Dale Colony
RR #2 Box 18
Elkton, SD 57026

Dear Sirs:

I am contacting you in regard to ownership of Water Right Nos. 3047-3 and 4213-3, currently listed in the name of S & S Investments, Pipestone, MN. The Brookings County Assessor's Office has you listed as owner of the land described in these water rights.

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3047-3 and 4213-3. The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 (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.

Also enclosed are the 1990 irrigation questionnaires pertaining to any irrigation done during this crop season. These forms are sent out each year to all irrigators in the State, with the exception of those with waterspreading systems. I have included a copy of the cover letter sent to the irrigators along with their questionnaires. Please complete the forms and return them to us by December 14, 1990.

Copies of Water Right Nos. 3047-3 and 4213-3 are enclosed for your review. You may keep these for your records. If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 304/-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 11-7-90



I/We request that Water Permit/Right No. 3047-3

formerly owned by: S & S Investments, Pipestone, MN

be transferred to: (name & address) Naudale Colony, R 2

Box 78, E 1/4 10N, SD 57022 (telephone No.) 592-4031

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

SE 1/4 Section 4, T109N, R47W

I/We understand that the validity of Water Permit/Right No. 3047-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Blochberg)

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.

Naudale Colony
Donald Waldner Pres.
(Signed)

Subscribed and sworn to before me this 11th day of Nov., 1990.

[Signature]
Notary Public
[Signature]

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 water right. A water right may be lost for three reasons:

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 16, 1917

RECEIVED OF Midvale Hutterian Brethren Inc, RR #2 Box 45, Elkton SD 57026

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 Water Right No. 3047-3

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

2 50

By

Chief Engineer

 **Department of
Water & Natural Resources**

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

November 20, 1990

Nos. 3047-3
4213-3

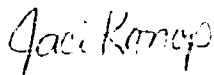
Newdale Colony
RR 2 Box 48
Elkton, SD 57026

To Whom It May Concern:

Enclosed are two receipts in the amount of \$2.50 each which you paid for the transfer of Water Right 3047-3 and 4213-3.

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

Sincerely,



JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1992

3047-3
4213-3

Kirk Manker
Farm Credit Services
PO Box 84110
Sioux Falls, SD 57118

Dear Mr. Manker:

Enclosed, as you requested, are copies of Water Right Nos. 3047-3 and 4213-3. The water rights are currently listed in the name of Newdale Colony.

We do not have well logs for the wells, however, the "Report of Examination of Works" gives a brief description of the well construction.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

3047-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: D WALDNER- NEWDALE COLONY
RR 2 BOX 48
ELKTON SD 57026

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3047-3 & 4213-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3047-3 & 4213-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.



3047-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1993

3047-
4213-3

D Waldner
Newdale Colony
RR #2 Box 48
Elkton, SD 57026

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 3047-3 and 4213-3. You may disregard the January 29, 1993 Notice concerning violation of the requirement to submit the 1992 irrigation questionnaires.

The questionnaires were received prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



3047-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 24, 1995

No. 3047-3
4213-3

Gary Ploeger
P.O. Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3047-3 and 4213-3. The water rights are currently listed in the name of Newdale Colony.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a 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 me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 3047-3

Date: 5/24/95

I/We request that Water Right No. 3047-3

formerly owned by: Neydale Colony

be transferred to: (name & address) _____

GARY W. PLOEGER

PO Box 745, Pipestone, MN 56164

(Telephone No)

(507) 825-4259

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

SE 1/4 Section 4, T109N, R47W - 132 acres

I/We understand that the validity of Water Right No. 3047-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

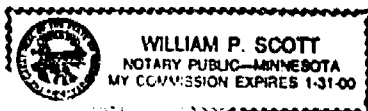
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

MINNESOTA
STATE OF MINNESOTA)
County of PIPESTONE)

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

(Signed) _____

Subscribed and sworn to before me this 24th day of May, 19 95



(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

414512

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

Jun 8 2, 19 95

RECEIVED OF Gary Ploeger, PO Box 745, Pipestone, MN 56164

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 3047-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chie. Engineer



3047-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 21, 1995

No. 3047-3
4213-3

Gary Ploeger
P.O. Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 3047-3 and 4213-3.

Our records now show you as the owner of Water Right Nos. 3047-3 and 4213-3.

Sincerely,

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

enclosure



January 9, 1998

3047-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: GARY W. PLOEGER, PO BOX 745, PIPESTONE, MN 56164 0745

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 658-3, 2332-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5804-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1998

Heartland Colony
RR 2 Box 157
Lake Benton, MN 56149

Attention: John

Dear John:

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

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

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

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

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

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3047-3



Date: Feb 6, 98

I/We request that Water Right No. 3047-3

formerly owned by: Gary W Ploeger

be transferred to: (name & address) Hartland ABI RR. 2 Box 157
Lake Benton Minn 56149 Telephone No. 507-368-9584

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

132 acres - SE 1/4 Section 4-T108N-R47W

I/We understand that the validity of Water Right No. 3047-3 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.

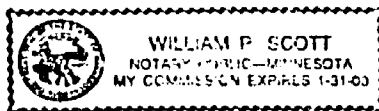
MINNESOTA
STATE OF ~~SOUTH DAKOTA~~)

County of ~~SOUTH DAKOTA~~)

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

John Wipf Feb 6, 1998
(Signed)

Subscribed and sworn to before me this 6th day of February 1998



[Signature]
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415654

Pierre,

February 19, 1998

RECEIVED OF Heartland HBI, RR 2, Box 157, Lake Benton, MN 56149
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____, after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water

License No. _____

Fee for Filing Transfer Form Water Right No. 3047-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hater (9)

3047-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

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

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

Dear Mr. Wipf:

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

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

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

Yours truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

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

Encl

Gm



3047-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2002

John Wipf
Heartland HBI
2171 100th Ave
Lake Benton MN 56149

Dear Mr. Wipf:

Enclosed are your 2002 irrigation questionnaires for Water Right Nos. 3047-3, 4213-3 & 5804-3. The forms will need to be completed and returned to us prior to December 2nd.

This past year South Dakota was in a drought. The precipitation amounts and over all climatic conditions were very different from 2001 to 2002. Generally, we are seeing that irrigators operated their systems more frequently in 2002. In this respect, it is highly unlikely that a duplication would occur in the amount of water applied from 2001 to 2002.

Submission of completed irrigation questionnaires is a requirement of your water rights. Each of the forms contains the legal description of the land covered in each water right. This will aide you in determining which land was irrigated.

The information supplied each year is one of the tools used to help manage the water resources of the state and develops a history of water use in South Dakota. The data supplies us information on how much water is used from a particular source and whether or not new permits can be approved from those sources.

I am enclosing postage paid envelope for your use in returning the completed forms to us. If you have any questions, please contact me.

Sincerely,

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

enclosures



January 14, 2004

3047-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: HEARTLAND HBI, JOHN WIPF, 2171 100TH AVE, LAKE BENTON, MN 56149

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3047-3 & 4213-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5804-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3047-3 & 4213-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



3047-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2004

3047-3
4213-3
5804-3

John Wipf
Heartland HBI
2171 100th Ave
Lake Benton MN 56149

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3047-3, 4213-3 and 5804-3.

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

If you have any questions, please contact me.

Sincerely,

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

23.0

3-250

77.6

8.6

R. Buehler
Box 681 Brookings SD

SE⁴ Sec 4-109-47
Acres Irrigated - 151
Water claimed - 2.2 cfs

16.6

8.0

43.5

24.3

5.2

55.0

3.3

28.0

109-47

well
N 1860'
W 450'

Certified Correct
John L. Lema

10.1

3-250

41.1

9-18-76

32.3

64.7

Map No. 3047-3

23.0

3-250

77.6

8.6

D. B. Buehler
Box 681 Brookings S.D.

SE⁴ Sec 4-109-47
Acres Irrigated - 151
Water claimed - 2.2 cfs

16.6

8.0

43.5

24.3

5.20

55.0

33.3

28.0

109-47

90' well

1860'
N 45° E

CERTIFICATE OF SURVEY
John L. Swenson

10.1

41.1

3-250

9-18-76

32.3

64.7

44-10-23-1-3 44-10-23-1-3 3047-3

NOT TO SCALE

3047-3

map 2371-3

