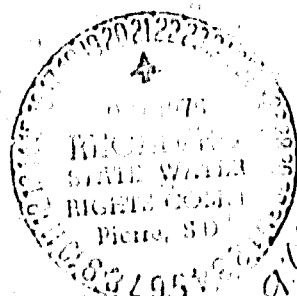


Water Right Number 3175-3

1. Considered 11-17, 1970
2. Name of Applicant DAN & GENE WILSON
3. Post Office Address FRANKFORT
4. Amount of water claimed 2.28
5. Source of water supply 70' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 100
7. Water to be diverted and used in SPINK County
about SE, 25 Miles 1 of FRANKFORT
8. Proof of Publication
Received ISI
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 2516-3 Water Division No. 3 JAMES RIVER District 1029
 (Blanks to be filled in 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 Dan R. and Gene A. Wilson
 Postoffice address RR. Frankfort State S. Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor3. Name of diversion work Well4. Amount of water claimed (cubic feet per second) 1200 GPM - 2.255. Source of water supply aquifer6. Location of point of diversion center of E side of SW 1/4 of S 18 R 11 W T 116 NCounty DeSmet7. Annual period or periods during which water is to be used April - Nov8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use. Total number of acres to be irrigated 160A.

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NE 1/4 of SW 1/4 of S 18</u>	<u>40</u>		
<u>SE 1/4 of SW 1/4 of S 18</u>	<u>40</u>		
<u>SW 1/4 of SW 1/4 of S 18</u>	<u>40</u>		
<u>SW 1/4 of SW 1/4 of S 18</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Reedfield Press

12. Principal Features of the Proposed Water Supply System.

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

well

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

pipe

C. Works proposed to apply water to beneficial use.

center pivotEstimated Total Cost \$ 50,000

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 DeSmet

I, Gene A. Wilson, 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 Gene A. WilsonSubscribed and sworn to before me this 20 day of October, 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3175-3

DAN R. & GENE A. WILSON
(Applicant)

R.R. FRANKFORT
(Post Office Address)

SOUTH DAKOTA 57440 With the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation with awals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application OCTOBER 21, 1976
Date of return to applicant for correction, amendments or changes required --- 19 ---
Date of receipt of corrected application OCTOBER 24, 1976
Approved NOVEMBER 18, 1976, Recorded in Book 16 Page 244

WATER RIGHT PERMIT NO. 3175-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3175-3 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 21, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 18, 1977
3. The balance of said work is to be completed on or before NOVEMBER 18, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 18, 1978
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 2.28 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 NOVEMBER 18, 1978; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 23RD day of DECEMBER 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 27, 1979

Water License Issued NOVEMBER 9, 1979

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 _____, Depth 70'

(2) Casing, Type (wood, concrete, steel, etc) Diameter _____ Thickness _____

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

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 coarse sand

Depth to top of water bearing material _____

Depth to bottom of water bearing material 70'

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property 1/2 mi. On property owned by others 1 mi.

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.

x Gene A. Wilson
Signature of Applicant

Permit No. 3175-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dan R. & Gene A. Wilson

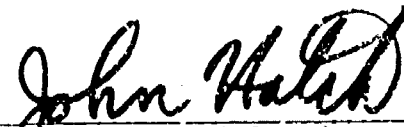
the holder of

Permit No. 3175-3, issued upon Application No. 3175-3 bearing date of priority of October 21, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of groundwater (one well) County of Spink, State of South Dakota at a point 1150'N and 10'W of the S $\frac{1}{4}$ Corner of Section 18, T110N, R61W

for irrigation

purposes, has ye 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 1.55 cu. ft. per second of water

Date November 9, 1979


JOHN HATCH, Chief Engineer
Water Rights, WND

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3175-3

(1) WHEREAS, On the 21st day of October A. D. 1976
Dan R. & Gene A. Wilson

made Water Right Application No. 3175-3 for a permit to use 2.28 cubic feet per second of the waters
of groundwater (one well)
County of Spink, State of South Dakota, for irrigation

_____ purposes; and
(2) WHEREAS, On the 18th day of November A. D. 1976
Permit No. 3175-3, with a date of priority of October 21, 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 18th day of November A. D. 1977 and for the
application to beneficial use of said water on or before the 18th day of November A. D. 1978

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 1.35 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 all in Section 18, T116N, R61W

acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 33

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 33

Total 132 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 Dan R. & Gene A. Wilson

_____ of Frankfort, SD
the holder _____ and owner _____ of said permit No. 3175-3 a water right, dating from October 21, 1976
_____ to use of 1.35 cubic feet per second of the waters

of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purpose herebelow mentioned, to be diverted at a point 1150'N and 10'W of the S1 Corner
of Section 18, T116N R61W

and conduct to and upon _____ portions of land in Section 18, T116N, R61W more
fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3175-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

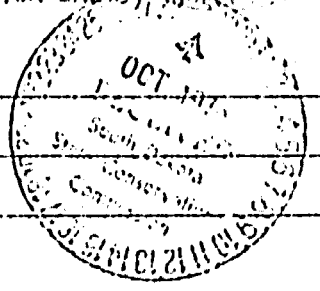
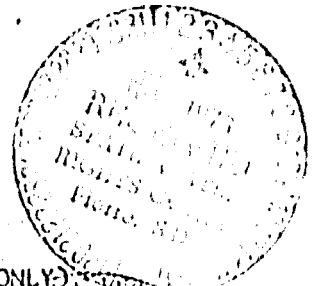
By:

John Hatch
Chief Engineer

JOHN HATCH

CONSERVATION
COMMISSION
FORM WI #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 Don R & Gene A Wilson

ADDRESS Frankfort S Dak

COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION center of E side of SW 1/4 of Sec 18 R61W T16N
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 of Sec 18 R61W T16N

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1682
6. SALINITY (EC x 10⁶) 1976 (high)
7. SODIUM (SAR) 4.39 (Low-Medium)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 10

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
30 DAY OF October 1976.

Shirley L. Reed
(TITLE OR SEAL)

Don R & Gene A Wilson
APPLICANT'S SIGNATURE

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

Shirley L. Reed
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Gene A. Wilson
 Address: Frankfort, SD 57440

Date Rec'd: October 25, 1976
 Sample No.: 76-1662
 Identification: 111
Oct. 13, 1976, R-62

WATER ANALYSIS

Calcium (Ca)	205	ppm*	10.25	me/l**
Magnesium (Mg)	41	ppm	3.33	me/l
Sodium (Na)	263	ppm	11.71	me/l
Potassium (K)	13	ppm	0.47	me/l
Sulfate (SO ₄)	650	ppm	13.22	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	30	ppm	0.31	me/l
Bicarbonate (HCO ₃)	544	ppm	8.22	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)	446	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1976	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	4.39			
Sodium	44.32	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.46			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 25.52 me/l
 Total anions 23.28 me/l

By: Shirley Vitten

Service Performed	Amount Due
Irrigation analysis	\$3.00 PAID

Make checks payable to: Water Quality Laboratory

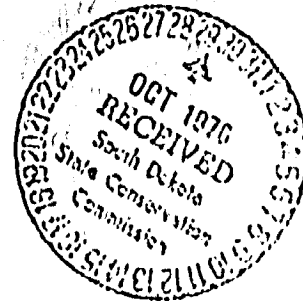
Cut along dotted line and return the lower portion with payment

Sample No. 76-1662

Amount Enclosed \$

Signed

October 28, 1976



Mr. Gene A. Wilson
Frankfort, SD 57440

Dear Mr. Wilson:

Your water sample (Lab. No. 76-1682) 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.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

- (1) It will be used no more than 3 times (preferably less) in any growing season.
- (2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.
- (3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.
- (4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L O Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

Form 6. - Notice Intent to Appropriate Water

No. 3175-3

Publish first publication, on or before

November 9, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 1, 1976

Notice is hereby given that Don R & Gene A. Wilson

whose post office address is Frankfort, 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 2.28 cubic feet of water per

second of time from ~~the~~ ground water through the

Wilson Well # 1, the point of diversion of which is to

be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 18, T116N, Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Section 18, T116N, R61W

This application No. 3175-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Don R. & Gene A. Wilson, Frankfort, SD 57446

No. 3175-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Dorothy Murphy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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 Huron of Huron

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

November 5, 1976

November 12, 1976

Dorothy Murphy
(Signature)

Bookkeeper
(Title)

November 12, 1976

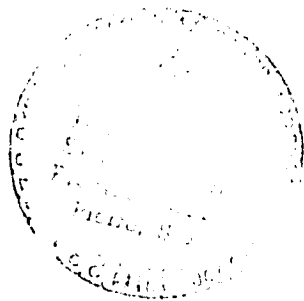
(Date Signed)

F.P. 11-576 L.P. 11-1276
NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
November 1, 1976

Notice is hereby given that Don R. & Gene A. Wilson whose post office address is Frankfort, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.23 cubic feet of water per second of time from ground water through the Wilson Well No. 1, the point of diversion of which is to be located in the NE 1/4 SW 1/4 of Section 18, Twp. 116N, Range 61W. Said water to be used for the purpose of providing irrigation on the following described land: SW 1/4, Section 2, T116N, R61W.

This application No. 3175-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
No. 654 (adv.)



Form 10.

No. 3175-3



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

Post Office Frankfort S.D.

Date July 11 1977

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. 3175-3

Water Right Permit No. 3175-3 states that the diversion system is to be constructed by May 1, 1977 and that the water is to be put to beneficial use by May 20, 1977.

The diversion system was completed on May 1, 1977.
Applying the water to beneficial use was completed on May 20, 1977.

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.

W. W. Williams
(Signature)

Permit No. 3175-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Dan R. Gene A. Wilson of R.R. Frankfort, South Dakota 57440 holder of Permit No. 3175-3, hearing date of priority of October 21, 1976 authorizing the diversion of 2.28 cu. ft. per second of the waters of one well for Irrigation purposes, in Spink 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:

Motor 915 Elec, Hollshatt, Ser # 1775240, 60 HP, 1800 RPM
 Pump. Western Land Roller Ser # 16327, Head 8A1-3-12B-H.
Pumping 600 gpm

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

3000 ft 8" P.V.C. Pipe underground

C. Works used to apply water to beneficial use.

Lockwood Center Pivot Model 2100.
same CP as used in permit 2208-3

The system is in the following condition: Good

The point of diversion is located 11.50' N and 10' W of the S $\frac{1}{4}$ Corner of
Section 18, T116N R61W

The works are capable of diverting and conveying to the place of use 1.35cu. 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:

All in Section 18, T116N R61W.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33 Ac.

comprising a total of 132 acres of land.

Well depth - 68 ft
Pumping 600 gpm
capacity 1000 gpm.

600 gpm 1000 ft 1.35 cfs
License Co 1.35 cfs

Date January 27, 1979
Leroy J. Mernaugh
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7115

PIERRE, _____, 1972

RECEIVED OF Dan R. Wilson, Frankfort, SD 57440

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. <u>2175-2</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>2175-2</u>		
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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (BY)

3175-3



January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DAN R WILSON
RR #1 BOX 49
FRANKFORT SD 57440

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

RE: Violation of Water Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3 and 1992 Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3175-3, 3490-3, 3490-3A & 5280-3. The request for the Questionnaires 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 3175-3 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) 3490-3, 3490-3A & 5280-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, at 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. 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) 3490-3, 3490-3A & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3175-3 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. 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 questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse 1, 2a?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

3175-3

4a. Article Number

P906 560 089

DAN R WILSON
RR #1 BOX 49
FRANKFORT SD 57440

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

DEC 1 - 30 - 93

5. Signature (Addressee)

Dan Wilson

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

J. P. Robinson

PS Form 3811, December 1991 • U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service



3175-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 1993

Dan & Duane Wilson
RR #1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, 4772-3 (Duane Wilson)
Water Permit Nos. 3175-3, 3490-3, 3490-3A & 5280-3
(Dan Wilson)

I am writing to acknowledge receipt of the 1992 irrigation questionnaires for the above listed water permits. You may disregard the January 29, 1993 Notices for Violation of Water Permits and 1992 Irrigation Questionnaire Requirements.

The questionnaires were received prior to the Water Management Board Meeting and your names have been deleted from the agenda.

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

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division



3175-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1994

Mrs. Gene Wilson
RR #1 Box 48
Frankfort, SD 57440

Dear Mrs. Wilson:

Enclosed, as we discussed, are copies of the following water rights or permits and the names they are listed in:

Water Right No. 1700-3	Duane A Wilson
Water Right No. 2208-3	Duane A Wilson
Water Right No. 3175-3	Dan R & Gene A Wilson

Water Permit No. 3490-3	Dan R Wilson
Water Permit No. 3490-3A	Dan R Wilson
Water Permit No. 4772-3	Duane A Wilson
Water Permit No. 5280-3	Dan R Wilson

In reviewing the files, I found that Water Permit Nos. 3490-3, 4772-3 and 5280-3 are ready for licensing. The permits were to be incorporated into one water license since they pertain to the same irrigation system. The license fee has already been paid, however the license was not issued due to a discrepancy in the names they were listed under.

In our telephone conversation, you indicated Duane was retired. If this is the case and Dan now owns or manages the land under Water Permit No. 4772-3, the permit could be transferred to Dan. This would allow the water license to be issued.

Please review the enclosed copies and let me know if any name changes should occur. If changes need to be made, whoever now owns the land will need to file a "Notice of Transfer of Ownership". I am enclosing a few forms in the event they are needed.

I appreciate you taking time to review the permits and licenses. If I can answer any questions for you, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

3175-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DAN/GENE WILSON
RR #1 BOX 49
FRANKFORT SD 57449

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 3175-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 3175-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DAN/GENE WILSON
RR #1 BOX 49
FRANKFORT, SD 57440

3175-B

4a. Article Number

P757 546 277

4b. Service Type

- | | |
|---------------------------------------|---|
| ☐ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-8-95

5. Signature (Addressee)

Dan Wilson

6. Signature (Agent)

D. L. Wilson

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



3175-3

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

February 10, 1995

3175-3

Dan & Gene Wilson
RR #1 Box 49
Frankfort, SD 57440

Dear Sirs:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire for Water Permit No. 3175-3. After our telephone conversation of February 8th, I reviewed the irrigation questionnaires you submitted for your other water permits and found that the data for No. 3175-3 was included with the other forms. I apologize for not catching this earlier.

You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire**. The questionnaire 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 Division
(605) 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DAN WILSON
RR 1 BOX 49
FRANKFORT SD 57440

3175-3

4a. Article Number

P378 081 317

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-6-97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Dan Wilson

PS Form 3811, December 1994

S. S. Robinson

Domestic Return Receipt

Thank you for using Return Receipt Service.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Violation of Water Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 28, 1997, 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.



3175-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, (3175-3) 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

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

3175-3



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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.



3175-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

Dan Wilson
RR 1 Box 49
Frankfort, SD 57440

RE: Water Permit Nos. 1700-3, 2208-3, (3175-3), 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



January 22, 1999

3175-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

NOTICE

TO: DAN WILSON, RR 1 BOX 49, FRANKFORT, SD 57440

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 3490-3, 3490A-3, 4772-3 & 5280-3, 1700-3, 2208-3 & 3175-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 1700-3, 2208-3 & 3175-3 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) 3490-3, 3490A-3, 4772-3 & 5280-3 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, March 3, 1999 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) 3490-3, 3490A-3, 4772-3 & 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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 March 1, 1999, 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 3, 1999

Dan Wilson
17463 SD Hwy 37
Frankfort, SD 57440-6806

RE: Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3

Dear Mr. Wilson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1700-3, 2208-3, 3175-3, 3490-3, 3490A-3, 4772-3 & 5280-3.

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



January 14, 2004

3175-3
**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: DAN WILSON, 17463 SD HWY 37, FRANKFORT, SD 57440 6806
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. 5280-3, 1700-3, 2208-3 & 3175-3. 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) 1700-3, 2208-3 & 3175-3 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) 5280-3 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) 5280-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1700-3, 2208-3 & 3175-3 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.



3175-3

**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

1700-3
2208-3
3175-3
5280-3

Dan Wilson
17463 SD Hwy 37
Frankfort SD 57440-6806

Dear Mr. Wilson:

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. 1700-3, 2208-3, 3175-3 and 5280-3.

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

ELLE PLAINE T116N R61W S18

MAP NO 2516-3 (APP NO 3175-3)

17

1

57

57

57

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33Ac

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33Ac

Note: CP. Moved from NW $\frac{1}{4}$ -19
to SW $\frac{1}{4}$ -18-

CP Pad.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33Ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 33Ac

Well

Well - 1150' + N + 10' + W of
the S $\frac{1}{4}$ Corner of Section
18, T116N R61W-

3000'
8" PVC
Pipes

David Stout
Co. Agt.

Dan R. and Gene A. Wilson

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
JAN - 8 2007
WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 3175-3Date: 1/7/2007I/We request that Water Right/Permit No. 3175-3 formerly owned by:Dan R. & Gene A. Wilson

be transferred to:

New Owner Name: United Feeders, LLPAddress: 26410 470th AveCity, State, Zip Morris MN 56267 Telephone No. (320) 392-5609

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

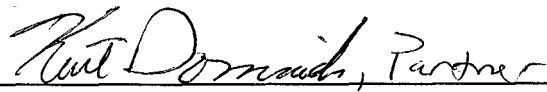
South 1/2 of the Southwest Quarter of Section 18, Township One Hundred Sixteen North, Range Sixty-one West of the Fifth P.M.
Lot 3 and the North 1/2 of the Southwest Quarter of Section 18, Township One Hundred Sixteen North, Range Sixty-one West of the Fifth P.M.
All in Spink County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 3175-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Kurt Domnick, Partner of United Feeders, LLP, the new owner, certify that the above information is true and correct.


(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 January 8, 20 07

RECEIVED OF United Feeders LLP, 26410 470th Ave, Morris MN 56267

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 _____	2	50
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>3175-3</u>		
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.

02772

By

J. Darland Ebel
Chief Engineer
gm



**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 9, 2007

3175-3

Kurt Domnick
United Feeders LLP
26410 470th Ave
Morris MN 56267

Dear Mr. Domnick:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for Water Right No. 3175-3. The transfer has been completed. The water right formerly held by Dan R and Gene A Wilson is now listed in the name of United Feeders LLP.

Enclosed is your Receipt No. 02772 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure

McMath, Genny

From: Joe Basel [joe.basel@riverviewfarms.com]
Sent: Thursday, June 12, 2008 2:00 PM
To: McMath, Genny
Subject: RE: United Feeders LLP

Genny,

Thank you for cleaning this up. We can use the new one, both Tom and Kurt are in the new office with me. You can send those to my attention, they just put them on my desk anyway.

Thank You,

Joseph Basel
Director of Sustainability
United Feeders

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, June 11, 2008 8:25 AM
To: joe.basel@riverviewgroup.net
Subject: United Feeders LLP

I am contacting you in regard to the recent water permit approved for United Feeders LLC. In reviewing the files, we have several permits for United Feeders LLP and have three different addresses. Could you send me a quick note to let me know which address the company would prefer correspondence sent to?

We have the following for addresses:

No. 6724-3: United Feeders

705 100th St SE, DeGraff, MN (in care of Tom Walsh)

Nos. 1458-3, 3035-3, 3175-3, 4714-3: United Feeders LLP

26410 470th Ave, Morris MN (in care of Kurt Domnick, Ptr)

No. 6998-3: United Feeders LLP

(this is the new one)

26406 470th Ave, Morris MN (in care of Joe Basel)

If you prefer that correspondence be sent to the addresses that are on each one – that's fine too. I just want to make sure we have our records correct.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2010

NOTICE OF CANCELLATION

TO: Brady Janzen, United Feeders LLP, 26406 470th Ave, Morris MN 56267

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

SUBJECT: Cancellation of Water Right No. 3175-3

Water Right No. 3175-3 authorizes diversion of ground water in the Tulare East James Aquifer to irrigate 132 acres in the SW ¼ Section 18, T116N, R61W. The land is now used for a feedlot and no longer practical for irrigation. Water Permit No. 3175A-3 transferred the irrigated acres and diversion point to other land. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 3175-3 due to abandonment.

The Water Management Board will consider cancellation of Water Right No. 3175-3 at 10:00 a.m., March 10, 2010 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 3175-3 based upon facts presented at the public hearing. Our records show United Feeders to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by March 1, 2010. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

January 25, 2010

Brady Janzen – United Feeders LLP

Page 2

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by March 1, 2010.

Prior to March 1, 2010, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 1, 2010.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 3175-3

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 3175-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment. The land is no longer irrigated and has been transferred under Water Permit No. 3175A-3 approximately two miles north.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
January 25, 2010

Note:

Cancellation of Water Right No. 3175-3 does not pertain to the project now authorized under Water Permit No. 3175A-3 in the SE ¼ Section 33, T117N, R61W.



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

March 11, 2010

3175-3

NOTICE

Brady Janzen
United Feeders LLP
26406 470th Ave
Morris MN 56267

Dear Mr. Janzen:

This will notify you that the Water Management Board cancelled Water Right No. 3175-3 on March 10, 2010. The water right had authorized irrigation of land now used for a feedlot in the SW ¼ Section 18, T116N, R61W. The action to cancel was taken under the conditions outlined in our notice to you dated January 25, 2010.

SDCL 46-6-27 states that if the owner of an existing well, such as the well authorized by cancelled Water Right No. 3175-3, has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

304-1 1820-1	Dan Hotchkiss, 13839 Beaver Creek Place, Reva SD 57651
1807-1 1875-1	Mark Howard, 28 Bomb Wing, 2103 Scott Dr, Ellsworth Air Force Base, SD 57706
2440-2	W David Scott, Tetrad Corporation, PO Box 159, Elk Mountain WY 82324-0159
	Justin Printz, Ranch Manager, PO Box 753, Edgemont SD 57735-0753
2844-3	Lawrence & Dale Vander Wal, 20740 464 th Ave, Bruce SD 57220-5708
3175-3	Brady Janzen, United Feeders LLP, 26406 470 th Ave, Morris MN 56267
4087-3	Lloyd & Malynda Metzger, 46541 201 st St, Bruce SD 57220
	Duane Pankratz, 44130 279 th St, Freeman SD 57029
4963-3	Kent Westerman, 27840 460 th Ave, Chancellor SD 57015
	Darrel Westerman, 46065 278 th St, Chancellor SD 57015
6678-3	Terry Graumann, Mgr, Environmental Services, Otter Tail Power Company, PO Box 496, Fergus Falls MN 56538-0496
	David Leuthe, Regional Hydrologist, Minnesota DNR, 261 Hwy 15 S, New Ulm MN 56073
2997-3	Jack Alexander, PO Box 113, Onida SD 57567-0113
	Rocky Alexander, 18441 278 th Ave, Pierre SD 57501
1880-3	Shirley Chamley, Finance Officer, Town of Trent, PO Box 754, Trent SD 57065-0754

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, May 07, 2018 3:58 PM
To: 'Anthony Ekren'
Subject: RE: [EXT] water right permitting

Anthony –

State law requires the owner of an abandoned well to plug the well. Any well that is being used or is not considered abandoned shall be sealed or capped at the surface. If this well is to be used for some type of domestic use, DENR can not require plugging. However there are limitations (maximum pump rate of 25 gpm and daily use not to exceed 25,920 gallons) for uses defined in state law as a domestic use. The example you provide was the farm manager filling the sprayer. Based on my understanding that would be admissible under domestic use to fill a farm sprayer for the use on the farm's field. However the diversion rate is limited to the domestic use criteria above (pump rate 25 gpm / volume 25,920 gpd). It does not allow pumping at a rate of 800 gpm as that would require a water right permit. As you know the aquifer in question is the Tulare:East James which is considered fully appropriated and DENR is not currently issuing new permits from this source.

There also is an administrative rule in SD (74:02:04:70.01) that includes that "a well removed from service and not permanently abandoned may be temporarily abandoned by sealing the top with a watertight cap.

Eric

From: Anthony Ekren [mailto:anthony.ekren@riverviewllp.com]
Sent: Friday, May 04, 2018 6:42 PM
To: Gronlund, Eric
Subject: Re: [EXT] water right permitting

Eric,

I talked with a past farm manager on the status of the wells in question.

The south well is plugged and abandoned.

The East well is not plugged and abandoned. He mentioned that at the time of the transfer in '09 and '10 the farm manager at the time decided to keep the well because he would use it to fill his farm sprayer because it gave him a faster fill option. Please advise on this well if it should be plugged and abandoned.

Thank you,

Anthony

On Mon, Apr 30, 2018 at 1:22 PM, Anthony Ekren <anthony.ekren@riverviewllp.com> wrote:
 Eric,

I will have to check into it with the people that were working on this at the time the transfer occurred. I will get back to you.

Anthony

On Mon, Apr 30, 2018 at 1:17 PM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

So what is the status of the wells originally authorized by Nos. 3175-3 and 2208-3 which were transferred to different location? Are they abandoned and plugged? The irrigation distribution map from 2009 that I previously emailed shows a pipeline going from where the well for No. 3175-3 to the well location for No. 2208-3 and then splitting and going south to the pivot in the NW ¼ Section 19 and east to the other pivots. I understand there can be gates/valves to control the distribution of water. However, I am curious of the status of these wells and if they are in anyway connected into the distribution system portrayed on Riverview's consultants map. Eric

From: Anthony Ekren [<mailto:anthony.ekren@riverviewllp.com>]

Sent: Monday, April 30, 2018 9:18 AM

To: Gronlund, Eric

Subject: Re: [EXT] water right permitting

The SE 1/4 of Section 18 and the NW 1/4 of Section 19 are both wastewater only pivots. The water rights for each of these pivots was transferred to other fields in 2009 and 2010.

All five pivots shown on the map are connected to the wastewater distribution line and are approved by the DENR for wastewater distribution.

On Fri, Apr 27, 2018 at 10:36 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Anthony –

DENR will get that authorization for the change of one of the diversion points under Water Right No. 1073-3 out in the mail.

During our review of the request, questions on the irrigation distribution system at the site arose and we are seeking clarification from Riverview. Please see attached map prepared by Settje Agri-Services in 2009 to reflect the irrigation distribution line. As a prefix, the following water rights are held by Riverview for irrigation at the site.

- Water Right No. 3175-3 was for irrigation of the SW ¼ Section 18 (now where the facility is located) with a well located about 1100 feet north of the S1/4 center line of Section 18. Water Permit No. 3175A-3 transferred the well location and well to SE ¼ Section 33-T117N-61W. So the original No. 3175-3 where the facility is located is no longer an active irrigation water right at the original location.
- Water Right No. 2208-3 authorizes a well in the north part of the NE ¼ Section 19 for irrigation of this quarter section.
- Water Right No. 1073-3 authorizes two wells with one in the NE ¼ (one Riverview has the request to replace) and the other the SE ¼ Section 19 to irrigate the E ½ Section 19.
- Water Right No. 1072-3 authorizes a well and irrigation of the NW ¼ Section 20.

These water rights tie the use of each well to specific lands. However, the map shows there may be interconnection. I presume the distribution lines were put in place by Riverview in order to dispose of effluent from the facility's wastewater ponds through the pivots. So the question is whether in doing so whether Riverview connected the wells in a manner that water can be conveyed throughout the distribution system. If that were to occur, that presents permitting issue.

Specifically:

- 1) The distribution map shows the original well location under WR No. 3175-3 connected into the distribution system. There is not authorization for this well that I am aware of to be being used for irrigation.
- 2) The FSA aerial map shows a center pivot in the SE ¼ Section 18. I presume that this pivot is for land application of wastewater (which would not require a permit). It is not permissible to have clean water from any of the wells be conveyed to this pivot in this quarter section.

Please provide clarification on the how the irrigation distribution system as represented on the map functions.

Eric

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Anthony Ekren

Riverview, LLP

320-392-6742 (direct)

320-392-5609 (office)

320-287-0978 (mobile)

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 22 2019

Anthony Ekren
Riverview LLP
26406 470th Ave
Morris MN 56267

RE: Water Permit/Right Nos. 2208-3, 2208A-3, 3175-3 and 3175A-3

Dear Mr. Ekren:

Enclosed is Water License No. 2208A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right Nos. 2208-3, 3175-3 and Water Permit No. 3175A-3 were incorporated into Water License No. 2208A-3.