

Water Right Number 5218-3

1. Considered 1-27, 19 77
2. Name of Applicant FISHBACK BROS
3. Post Office Address BROOKINGS
4. Amount of water claimed 2.1
5. Source of water supply 70' WELL
6. Water to be used for IRRIGATION
7. Acres to be irrigated 150
7. Water to be diverted and used in BROOKINGS County
about 4 N. 2 E Miles of BROOKINGS
8. Proof of Publication
Received 1-21-77
Not received
Approved
Subject to
Not approved
Action deferred
9. Application
1. Remarks:

Map No. 2585-3 Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Fishback Bros.
Postoffice address 1st Nat Bank Bldg, S.D. 57006
RR #2, Box 94
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Disposal
3. Name of diversion work Fishback Bros Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.1
5. Source of water supply well
6. Location of point of diversion 2656' N 83° E 1/4 Sec 32 - 11-49
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 156

List below each forty acre sub-division, 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>SW 1/4 Sec 32 - 11-49</u>	<u>156</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source, wellB. Works proposed to transport water to place of use, closed conduitC. Works proposed to apply water to beneficial use, center pivot irrigation machineEstimated 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 Brookings

I, John H. Hays, 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 John H. HaysSubscribed and sworn to before me this 3 day of July, 1922

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3298-3
FISHBACK BROS. 157 NATIONAL AVENUE, BRECKENRIDGE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57006 With the following modifications:
 (State) RR # 2, Box 94

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 withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 7, 1976
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JANUARY 27, 1977 Recorded in Book 17 Page 88
 WATER RIGHT PERMIT NO. 3298-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3298-3 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 DECEMBER 7, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 1979
3. The whole of said work is to be completed on or before JANUARY 27, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 1985
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 2.1 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 thereof, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 27, 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 7TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. Haskin
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 4, 1979

Water License Issued APRIL 4, 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 24', Depth 70'
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 14" Thickness 1/4"
- (3) Perforated Screen.
Type Open Slotted, Diameter 14", Length 20'
- (4) Gravel Pack, Thickness 4", Length of gravel pack 30'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0' to 4' Top Soil, 4' to 15' yellow clay, 15' to 70' water bearing sands and gravel.

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 70'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 15'

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

On same owner's property 150 rds. On property owned by others 160 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.

Signature of Applicant

WATER LICENSE NO. 3298-3

(1) WHEREAS, On the 7th day of December A. D. 19 76
Fishback Brothers
made Water Right Application No. 3298-3 for a permit to use 2.1 cubic feet per second of the waters
of ground water
County of Brookings State of South Dakota, for Irrigation
purposes; and
(2) WHEREAS, On the 7th day of April A. D. 19 77
Permit No. 3298-3, with a date of priority of December 7, 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 27th day of January A. D. 19 82 and for the
application to beneficial use of said water on or before the 27th day of January A. D. 19 85

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 1.54 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,

for irrigating the following land in Section 32, T11N, R49W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29 acres

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 25 "

TOTAL 108 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 Fishback Brothers

_____ of Brookings
the holder _____ and owner _____ of said permit No. 3298-3 a water right, dating from December 7, 1976
_____ to use of 1.54 cubic feet per second of the waters
of ground water

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 2580', N88°E of the SW corner, Section 32,
T111N, R49W

and conduct to and upon portions of Section 32, T111N, R49W, described on the face of this
License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3298-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of April A. D.
Nineteen Hundred and seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Executive Officer JOHN HATCH

Form 15.

Permit No. 3298-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Fishback Brothers

the holder of
Permit No. 3298-3, issued upon Application No. 3298-3, bearing date of priority of
December 7, 1976 authorizing the diversion of 2.1 cu. ft. per second of the waters of
ground water County of Brookings, State of South Dakota at
a point 2580', N 88° E of the SW corner, Section 32, T111N, R49W

for Irrigation

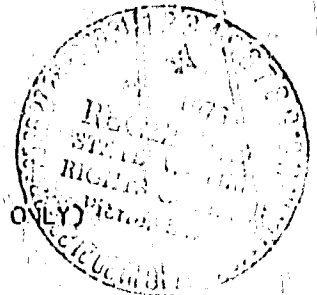
purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft.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

Date April 4, 1979

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Commission

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 FISHBACK RACS

ADDRESS FIRST NATIONAL BANK

COUNTY BURCKHARDT SD

LEGAL DESCRIPTION

1. WELL LOCATION 111-49 SW 32 SE CORNER
2. LOCATION OF AREA TO BE IRRIGATED 111-49 SW 32



TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1657
6. SALINITY (EC X 10⁶) 6.30 (medium)
7. SODIUM (SAR) 0.18 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.16

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: SD EXPERIMENT STATION BULLETIN # 465 that the legal description for the location of the well and land to be irrigated is true and correct.

Robert C. Fishback, Trustee

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 the project.

Robert C. Fishback, Trustee

APPROVED/DISEAPPROVED

SUBSCRIBED AND SWORN BEFORE ME THIS
18th DAY OF October 19 76.

Paul C. Smith
(TITLE OR SEAL)

(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: Jerry Hayden

Date Rec'd October 20, 1976

Address Rt. 2, Box 78
Brookings, SD 57006

Sample No. 76-1657

Identification Well

co: Fishback Bros.
1st Nat'l Bank, Brookings,

SE 1/4, Sec. 32, T 111N, R 49W

WATER ANALYSIS

Calcium (Ca)	58	ppm*	2.90	me/l**
Magnesium (Mg)	31	ppm	2.54	me/l
Sodium (Na)	7	ppm	0.30	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	26	ppm	0.54	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.17	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)	230	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	630	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18			
Sodium	5.19	% of cations		
Residual sodium carbonate	0.16	me/l		
pH	7.33			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 5.77 me/l
Total anions 6.31 me/l



By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1657

Amount Enclosed \$

Signed

October 28, 1976



Mr. Jerry Hayden
R.R. #2, Box 78
Brookings, SD 57006

Dear Mr. Hayden:

Your water sample (Lab. No. 76-1657) 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
Fishback Bros.

Form 6 - Notice of Intent to Appropriate Water

No. 3298-3

Publish first publication, on or before January 13, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 6, 1977

Notice is hereby given that Fishback Brothers
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
2.1 cubic feet of water per second of time from the ground water through the
Fishback Brothers #1, the point of diversion of which is to be located in the

SE 1/4 SW 1/4
of Section 32, Twp. 111N, Range 45W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, Section 32, T111N, R45W

This application No. 3298-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JON
Water Rights Specialist

BFJ/tw

cc:

Fishback Brothers, First National Bank, Brookings, SD 57006

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

No. 3298-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, James M. McLellan Jr., hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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

City of Brookings

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

Jan. 13, 1977

Jan. 20, 1977

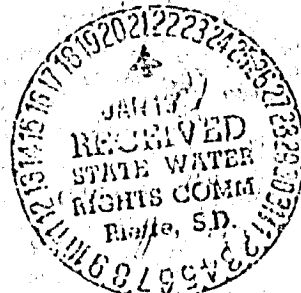
James M. McLellan Jr.
(Signature)

Editor - General Manager
(Title)

1-20-77

(Date Signed)

Legal No. 656-1-2-413 & 20-1-2-413
NOTICE IN INTENT TO
APPROPRIATE WATER
South Dakota 57501
January 6, 1977
Notice given to Fishback
Brothers, Post Office address in
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 2.1 cubic feet of water per
second of time from ground water
through the Fishback Brothers, North of the
point of diversion of which is to be
located in the SE 1/4 of Section 32,
Twp 111N, Range 49W. Said water to be
used for the purpose of providing
irrigation on portions of the following
described land: NW 1/4 of Section 32,
SW 1/4 of Section 32, T111N, R49W, S42E.
This application No. 3298-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 26th day of January, 1977, at
10:30 A.M. All interested persons may
appear and be heard.
WATER RIGHTS COMMISSION
BY: BURTON F. JOHNS
Water Rights Specialist



1. South Perry Hudson, N.Y. - 1910

3298-3 Bullied cow

5-4-78 C.P. 100 lbs. 200 lbs. 100 lbs.

Well kept 50 lbs. 100 lbs. 100 lbs.

Young 700 lbs.

Weight 2000

Wet 100 lbs. 600 lbs. 1000 lbs.

Wet 100 lbs. 1000 lbs. 1000 lbs.

Young 100 lbs. 1000 lbs.

Wet 100 lbs. 1000 lbs.

Wet 100 lbs. 1000 lbs.

Wet 100 lbs. 1000 lbs.
Wet 100 lbs. 1000 lbs.
Wet 100 lbs. 1000 lbs.
Wet 100 lbs. 1000 lbs.

Permit No. 3298-3Water Division 3 Big Sioux 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 Fishback Bros.
1st National Bank
of Brookings, South Dakota 57006 holderof Permit No. 3298-3, bearing date of priority of December 7, 1976authorizing the diversion of 2.1 cu. ft. per second of the waters of one wellfor 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:

Motor - US Elec. I.D# R6274-02-076 R2107274S.
60 HP. 1770 RPM.
Pump - Western Hand Roller, Ser # C 77609
Head # EM-6-10C-H. pumping 800 gpm

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

300 ft 10" dia. PVC pipe underground
1650 ft 8" dia. PVC pipe underground

C. Works used to apply water to beneficial use.

Electroqator Center PivotThe system is in the following condition: GoodThe point of diversion is located 2580 ft N 88° E of the SW corner of
Section 32, T111N R49W.The works are capable of diverting and conveying to the place of use 1.78cu. 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 32 T111N R49W NW 1/4 SW 1/4 - 29 Ac.
NE 1/4 SW 1/4 - 33 Ac., SW 1/4 SW 1/4 - 21 Ac., SE 1/4 SW 1/4 - 25 Accomprising a total of 108 acres of land.Well depth - 55 ft.
static - 17 ft
pumping 800 gpm
capacity 2000 gpm est.Date January 24, 1979Leroy J. Merriam
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6853

PIERRE, March 12, 1979

RECEIVED OF Fishback Bros., 1st National Bank, Brookings, SD 57006
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. 3298-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3298-3		
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 cy



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

April 18, 1979

Fishback Brothers
1st National Bank
Brookings, SD 57006

Dear Sirs:

Enclosed herewith are, Water License No. 3298-3 and Certificate of Construction.

Water License No. 3298-3 is the final water right document completing your process of obtaining water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH: gy

Enclosures

NOTE: Your pump capacity is 1.78 cfs (800 gpm) and based upon the acreage actually irrigated, you are entitled to only divert 1.54 cfs (692 gpm). Any diversion in excess of 1.54 cfs would be a violation of your Water Right.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

EC TELKAMP, RENTER
630 22ND AVENUE
BROOKINGS SD 57006

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3298-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 3298-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

cc: J. Hayden, Rt 2, Box 94, Brookings SD 57006

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Ed Telkamp 630 22nd Avenue Brookings SD 57006	4. Article Number P 694 057 535
5. Signature — Addressee X <i>Edward Telkamp</i>	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
6. Signature — Agent X	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1969

• U.S.G.P.O. 1969-238-815

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: J HAYDEN RR 2 BOX 94 BROOKINGS, SD 57006	4. Article Number P 430 906 211 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>J Hayden</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery <i>4/2</i>	

PS Form 3811, Apr. 1959

• U.S. G.P.O. 1959-218 F15

DOMESTIC RETURN RECEIPT

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 21, 1991

2149-3
3298-3

Edward Telkamp
620 22nd Ave
Brookings, SD 57006

Dear Mr. Telkamp:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2149-3 and 3298-3. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

February 5, 1999

3298-3

Robert Fishback
Box 5057
Brookings, SD 57006

Dear Mr. Fishback:

I appreciate the time you took to visit with me February 4th about Water Right No. 3298-3.

You indicated during our telephone conversation that the land covered under the water right will be in CRP through 2008. I have made a notation in the water right to delay sending you yearly irrigation questionnaires until the year 2009.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form. It is my understanding that the land has not changed ownership, but the name has changed.

Please review the transfer form and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a the \$2.50 filing fee. As soon as we receive the completed form and filing fee, all pertinent records will be changed to the name you specified.

Thank you in advance for your assistance. If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER

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

No. 3298-3

Date: 2-9-99



I/We request that Water Right No. 3298-3

formerly listed in the name of: Fishback Brothers

be transferred to: (name & address) HORACE FISHBACK TRUST

Telephone No. 605-692-6294

The following described land(s)/property has been transferred as described above:

SW 1/4 Section 32, T11N, R49W

I/We understand that the validity of Water Right No. 3298-3 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.

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

STATE OF SOUTH DAKOTA)

County of BROOKINGS)

I/We ROBERT E. FISHBACK 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.

Robert E. Fishback

(Signed)

Subscribed and sworn to before me this 9th day of February, 1999.

Deann Moulton

(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

No. 416046

Pierre, February 16, 1999

RECEIVED OF Hornace Fishback Trust, Flat National Bank, P.O. Box 5057, Brookings, SD 57006-5057
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. 3298-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John Hatch



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

www.state.sd.us/denr

February 16, 1999

3298-3

Robert Fishback
1ST National Bank
PO Box 5057
Brookings, SD 57006-5057

Dear Mr. Fishback:

Thank you for sending in the "Notice of Transfer" for Water Right No. 3298-3. The transfer has been completed and the water right is now listed under the name of "Horace Fishback Trust".

Enclosed is your Receipt No. 416046 in the amount of \$2.50 which you paid to cover the cost of the transfer.

If you have any questions, please contact me.

Sincerely,

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

enclosure

31.1

65.6

1-207

32.2

Fishback Bros.
Irrigation Project

74.0

First Station Bank
Brookings S. Dak

63.4

NW 1/4 SW 1/4
29 AC

67.0

NE 1/4 SW 1/4
33 AC

SW 1/4 SW 1/4
21 AC

SE 1/4 SW 1/4
25 AC

51.9 Point of Diversion:
2650' N 83° E of SW corner
DEC. 6, 1976

5.9

1.0
10.8

111-49

8.9

2550'

N 83° E

well
P75A

10" PVC
Thru Trees

Reviewed & Correct
John L. ...

Map No. 25853 Area 11-3298

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Robert Fishback (for Horace Fishback Trust)

DATE: June 29, 2009

TELEPHONE: 605 692-6294

RE: status of irrigation for 3298-3

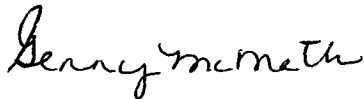
COMMENTS:

Land described in Water Right No. 3298-3 has been in CRP for the last 10 years. I called and spoke with Robert Fishback concerning the land and whether or not it would be irrigated.

Mr. Fishback indicated that the land was re-enrolled in another 10 year term for CRP. They still own the land and no other changes are needed at this time.

RECOMMENDED ACTION:

Continue to list water right in CRP and hold up mailing irrigation questionnaires thru 2019.



Genny McMath
Environmental Scientist



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 1, 2020

3298-3

Tom Fishback
PO Box 5057
Brookings SD 57006

Dear Mr. Fishback:

I am contacting you regarding Water Right No. 3298-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 3298-3 was in the Conservation Reserve Program through 2019.

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

If you intend to maintain the water right, it should be transferred to reflect current ownership if the "trust" name is incorrect. A partially completed transfer form is also enclosed should you need it. A \$50 fee is required for filing the ownership change. Thank you in advance for your help in updating the water right.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

Water Right No. 3298-3
Horace Fishback Trust

Water Right No. 3298-3 authorizes diversion of ground water from one well to irrigate 108 acres in the SW ¼ Section 32, T111N, R49W in Brookings County.

Is the land still owned by the Horace Fishback Trust?

Yes ____

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

~~Q&A~~ Fishback Family Farms, LLC
% Tom Fishback
P.O. Box 5057
Brookings, SD 57006

Has the land been re-enrolled in CRP:

Yes ____ through calendar year ____

No ☒

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

For informational purposes:

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

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

PAID

JUL 20 2020

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

Ck# 104923

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

JUL 20 2020

WATER RIGHTS
PROGRAM

No. 3298-3

Date: 7-16-2020

I/We request that Water Right No. 3298-3

formerly owned by: Horace Fishback Trust

be transferred to: (name & address) ~~Rickback Farms~~ Fishback Family Farms, LLC
P.O. Box 5057, Brookings, SD
Telephone No. (605) 696-2202

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

108 acres – SW ¼ Section 32, T111N, R49W

I/We understand that the validity of Water Right No. 3298-3 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.

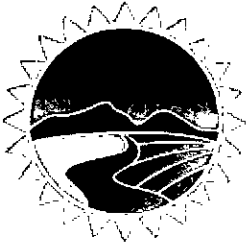
A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We FISHBACK FAMILY FARMS, LLC, the new owner, certify that the above information is true and correct.

Il M. Fuhl for Fishback Family Farms, LLC
(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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2020

3298-3

Tom Fishback
Fishback Family Farms LLC
PO Box 5057
Brookings SD 57006

Dear Mr. Fishback:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 3298-3.

The ownership change has been completed. The water right formerly held by Horace Fishback Trust is now listed under Fishback Family Farms LLC.

It is my understanding from the correspondence you returned the land was not re-enrolled in CRP. You will begin receiving irrigation questionnaires in October of this year for reporting annual water use.

Enclosed is a receipt for the filing fee that was paid. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

3298-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date July 20, 2020RECEIVED OF Wealth Management Services 520 6th Street Brookings SD 57006-5057

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>3298-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer

VM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

3298-3

Fishback Family Farms LLC
c/o Tom Fishback
PO Box 5057
Brookings SD 57006

Dear Mr. Fishback:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Right No. 3298-3, authorizing diversion of 1.54 cubic feet of water per second (approx. 690 gpm) from one well for irrigation of 108 acres located in the SW ¼ Section 32-T111N-R49W.

On this year's report, and all previous reports dating back to 2019 when the property came out of CRP, the selection of "System Not Constructed" has been made, with irrigation last reported in 1997. Pursuant to SDCL 46-5-37, water appropriated under a permit/right that is not placed to beneficial use for a period of three (3) or more years, is subject to cancellation for abandonment, or forfeiture, or both.

Please contact me to discuss cancellation of Water Right No. 3298-2.

Sincerely,

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

Dewell, Amanda

From: Devan Schaefer <Devan.Schaefer@bankeasy.com>
Sent: Thursday, December 4, 2025 9:35 AM
To: Dewell, Amanda
Cc: Mark Stevenson; Duvall, Ron
Subject: Re: [EXT] Fishback Family Farms, LLC

Hi Amanda,

Thank you for providing the detailed information and references regarding the water rights parameters. I appreciate the clarity on the applicable statutes and administrative rules.

I will reach back out should I have any further questions.

Thank you,

Devan Schaefer, M.S.
 Wealth Management Officer

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Wednesday, December 3, 2025 3:51 PM
To: Devan Schaefer <Devan.Schaefer@bankeasy.com>
Cc: Mark Stevenson <Mark.Stevenson@bankeasy.com>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: RE: Fishback Family Farms, LLC

Caution: The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin. When in doubt, contact IT at (605)696-2111.

Devan,

So sorry we've been playing phone-tag today! In this email I'll include a few links to state statute and administrative rule that dictate the parameters I have to work within.

SDCL 46-5-37 says that if water (appropriated under the permit) is not placed to beneficial use for a period of three or more years, the permit can be subject to cancellation due to forfeiture and/or abandonment.

ARSD 74:02:01:37.01 allows for certain excuses for the non-use, such as the unavailability of water, legal proceedings preventing use (or access), or excessive rains.

I will note that the continues reports of "System Not Constructed" do make it difficult to justify the non-use. I will also note that having a permit cancelled does not mean the landowner(s) couldn't apply for a new permit in the future, should they wish to resume irrigation practices.

Amanda Dewell
 DANR - Water Rights Program
 Permitting Administrator
 Main Phone: 605 773-3352
 Website: danr.sd.gov



From: Devan Schaefer <Devan.Schaefer@bankeasy.com>
Sent: Wednesday, December 3, 2025 1:55 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Mark Stevenson <Mark.Stevenson@bankeasy.com>
Subject: [EXT] Fishback Family Farms, LLC

Hi Amanda,

I'm following up on my voicemail regarding the letter sent to Fishback Family Farms, LLC on November 14, 2025, concerning the cancellation of water rights.

Although we have not exercised our right to use the water, we would still like to retain the ability to do so in the future if needed. If there are any steps we need to complete or actions required on our part, please let us know.

Thank you,

Devan Schaefer, M.S.
Wealth Management Officer

First Bank & Trust | Brookings Main
520 6th Street | PO Box 5057 | Brookings, SD 57006
605.696.2116 (x2116) Office | 605.696.1614 Fax | 800.843.1552 Toll-Free
Devan.Schaefer@bankeasy.com | www.bankeasy.com | [LinkedIn](#)

