

1. Considered 3-25 19 81 472 1369
2. Name of Applicant Albert Allen Wipf
3. Post Office Address Frankfort, 57440
4. Amount of Water Claimed no add'l
5. Source of Water Supply Well
6. Water to be used for Irri.
7. Acres to be irrigated 160 (No Add'l) maximum acre feet
8. Water to be diverted and used in Spink County
about 6E 10 miles South of FRANKFORT
9. PROOF OF PUBLICATION Received 12/1 4-9-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

Priority Date
4-12-81 Received 1-12-81 Application Complete yes no FEE 150.00
Remarks Add'l diversion under 3390-3

WATER
QUALITY

Date information and/or
fee or corrected Application received
Period of Annual use April - November

Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks _____

Disapproved _____

Returned _____

				X	

Diversion Point _____

SE 1/4 SW 1/4 33-115-61

Lands to be irrigated _____

SW 1/4 33-115-61WELL
LOG

Remarks _____

Driller Empire Irr. Drilling Co. Licensed yes X no _____Depth 120'

MAP Map No. 2674-3 Map located in Water Right X Map file _____
Type of Map Soils Prepared by ASCS

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3-25-81

[Signature]
(Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 3390-3A
 Map No. 2674-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion ☒ _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Albert Allen Wipf Phone No. 472-0369
 Post Office Address Frankfort State SD 57440
 (Street, R.R. or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Wipf Helper Well4. Amount of water claimed (cubic feet per second) no additional5. Source of water supply ground water

6. Location of point of diversion approximately 700'E of the center of the SW $\frac{1}{4}$, Section 33,
T115N, R61W

County Spink7. Annual period or periods during which water is to be used April - November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 160

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.
SW $\frac{1}{4}$ Section 33, T115N, R61W	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of county newspaper for publication of Notice or Intent to Appropriate Water Redfield Press

12. Principal Features of the Proposed Water Supply System.

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

well pump and motor

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

mainline to pivot pad

C. Works proposed to apply water to beneficial use.

center pivot sprinkler system

This is a request for an additional well to irrigate lands covered under Permit No. 3390-3. There will be no more water used than approved under Permit No. 3390-3

Estimated Total Cost \$ 12000.00

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 Spink) ss.

I, Albert Allen Wipf, 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 Albert Allen Wipf
Notary Public (or other qualified officer)
 Subscribed and sworn to before me this 1 day of January, 1981

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 3390-3A

ALBERT ALLEN WIFE
(Applicant)

FRANKFORT

(Post Office Address)

SOUTH DAKOTA 57440
(State)

With the following qualifications:

PRIORITY DATE & COMPLETION DATES ARE ESTABLISHED BY
PERMIT NO 3390-3.

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.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application JANUARY 12, 1981
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved MARCH 26, 1981, Recorded in Book 22 Page 63

WATER RIGHT PERMIT NO. 3390-3A

The Board of Water Management hereby grants and issues this Water Right Permit No. 3390-3A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 FEBRUARY 24, 1982
3. The whole of said work is to be completed on or before FEBRUARY 24, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 24, 1984
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 NO ADDITIONAL 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 irrigation purposes said appropriation must be limited to not more than 2 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 FEBRUARY 24, 1984; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 17TH day of APRIL, 1981

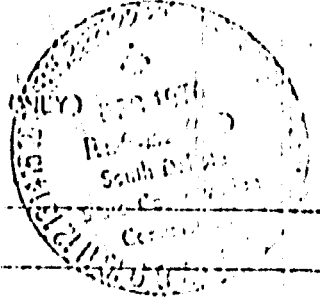
THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

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 Albert Allen Wipf
ADDRESS 1501 West So Dak
COUNTY Spartan

LEGAL DESCRIPTION

1. WELL LOCATION Center of Sect 33-115-61
2. LOCATION OF AREA TO BE IRRIGATED all of above quarter

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1976
6. SALINITY (EC X 10⁶) 1128 (high)
7. SODIUM (SAR) 0.51 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from _____ Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Albert Allen Wipf
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
30 DAY OF November 19 76.

Albert Allen Wipf
(TITLE OR SEAL)

Albert Allen Wipf
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Allen Wier
 Address: Redfield, SD 57460

Date Rec'd: November 20, 1980
 Sample No.: 80-1073
 Identification: 1011-921
WQ, Dec. 33, T 115E, R 41W

WATER ANALYSIS

Calcium (Ca)	72	ppm*	3.60	me/l**
Magnesium (Mg)	29	ppm	2.36	me/l
Sodium (Na)	152	ppm	6.61	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	415	ppm	8.63	me/l
Nitrate (NO ₃)		ppm		me/l
Chloride (Cl)	29	ppm	0.82	me/l
Bicarbonate (HCO ₃)	203	ppm	3.32	me/l
Carbonate (CO ₃)	5	ppm	0.16	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	166	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	8	ppm (as CaCO ₃)		
Electrical Conductivity	1209	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.80	Adjusted SAR	8.05	
Sodium	51.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	8.12			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 12.93 me/l
 Total anions 12.93 me/l

By: Shirley Witten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

(Note: Examples from Table 1 on page 4 are shown in blue)

(Note: Examples from Table 1 on page 4 are shown in blue)



a	b	c
120	2200	1257
a	b	c
20	220	110

*Adapted From Agricultural Handbook 60, USDA

No. 3390-3A

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Albert Allen Wlpf whose post office

address is Frankfort, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from ground water

(additional well) through the Wlpf Helper Well, the point ~~(x)~~ of diversion of which is ~~(xxx)~~ to be located in the SE 1/4 SW 1/4

of Section 33, Twp. 115N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 33, T115N, R61W

This Application No. 3390-3A will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room Watertown, SD

upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Albert Allen Wlpf, Frankfort, SD 57440 BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 3390-3A

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

No. 33

No. 3390-3A
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 6, 1981

I, Roger Matz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Redfield Press

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

Redfield Press of Redfield, SD

County of Spink and State of South Dakota;
that the said notice was published in said newspaper on the following

March 11, 1981

March 18, 1981

Roger Matz
(Signature)

Publisher and Editor
(Title)

April 8, 1981

(Date Signed)



Notice is hereby given that
Albert Allen Wipf whose post
office address is Frankfort, South
Dakota, has made an application
in accordance with the provisions
of SDCL 56-1-1 thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-11, 46-2-13; 46-5-1
thru 46-5-8; 46-5-10 thru 46-5-22, 46-
5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-
6.1, 46-6-10, 46-6-14 and Board
Rules ARSD 52:01:01:01 thru
52:01:01:13, for a permit to ap-
propriate for beneficial use no
add'l cubic feet of water per
second of time from ground
water (additional well) through
the Wipf Helper Well, the point of
diversion of which is to be located
in the SE 1/4 S 1/4 of Section 33, Twp.
115N, Range 61 W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
SW 1/4, Section 33, T115N, R61W.
This Application No. 3390-3A
will be considered by the Water
Management Board at the
Holiday Inn, Sandy Shore Room,
Watertown, S. D. upon the 25th
day of March, 1981 at 1:00 P. M.
The Board is authorized to make
a determination on this applica-
tion at the hearing. All interested
persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses ac-
cording to SDCL 1-26 may notify
the Board in writing prior to the
hearing or orally at the hearing.
This hearing is an adversary
proceeding. Any person has the
right to be present or to be repre-
sented by a lawyer. These and
other due process rights will be
forfeited if they are not exercised
at the hearing. Decisions of the
Board may be appealed to the
Courts as provided by law.

Any handicapped person
wishing to attend this hearing can
contact the Water Rights
Division, DWNR, Joe Foss
Building, Pierre, S. D., prior to
the hearing date for assistance to
assure access to the hearing.

WATER MANAGEMENT
BOARD

BETTY WESTLUND
Water Rights Specialist
cc: Albert Allen Wipf, Frank-
fort, S. D. 57440.
(March 11, 1981)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7903

PIERRE, January 12, 1911

RECEIVED OF Albert Allen Wipf, 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. 3390-3A (examination, processing, recording and filing)	150.	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw. No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150.	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH

October 21, 1980

Albert Wlpf
Frankfort, SD 57440

Dear Mr. Wlpf:

On January 23, 1980 this office sent you forms for a helper well on your Water Permit No. 3390-3.

Please inform this office if you plan to go ahead with the well.

If you have any questions concerning this matter, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist I

DW/bt

11-3-80
Call from Mrs. Wiff -
Water Quality has
been sent to Brookings

January 23, 1980

Allen

Allen Wipf
Frankfort, SD 57440

Dear Allen:

Enclosed are application forms for applying for the additional well on your Permit No. 3390-3. You should sign these before a notary public and return them to this office with the required fee of \$150.00. Please attach a log of the proposed well.

As I indicated you will need to submit a water sample for soil-water compatibility approval.

If you have any questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/gy

encl

No. 3390-3A

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

September 2, 1982

Albert Allen Wipf
Frankfort,
South Dakota 57440

Dear Mr. Wipf:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 2390-3A has been completed. Your final water right document, the Water License, can now be issued.

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

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79
Notification of Water License Ready for Issuing (\$50.00)

SECOND NOTICE
PERMIT NO. 3390-3A

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

December 16, 1982

Albert Allen Wipf
Frankfort, South Dakota 57440

Dear Mr. Wipf:

September 2, 1982 you were notified the required final inspection fee of \$50.00 is due before Water License No. 3390-3A can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-15(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Right.

A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used. Failure to pay the fee means that the legal requirements to establish a water right have not been completed and a property right has not been established.

Please submit the required fee immediately to avoid jeopardizing your water permit or advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

CD0802ks.wr

PS Form 3811, Jan 1979

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

☒ Show to whom and date delivered.....¢

☐ Show to whom, date and address of delivery.....¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Albert Alan Wapb
Frankfort SD 57440

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>200 480192</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Ronda Wapb

4. DATE OF DELIVERY
12/17/82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMASTER
DEPT
17
PM
1982
57440
INITIALS
BFC

Permit No. 3390-3AWater Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by ALBERT ALLEN
WIPE of FRANKFORT holder
 of Permit No. 3390-3A, bearing date of priority of DECEMBER 7, 1976
 authorizing the diversion of 2.2 * cu. ft. per second of the waters of GROUNDWATER
 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:

2 WELLS - BOTH 120' DEEP WITH 16" FIBREGLAS CASING - 20' FIBREGLAS SCREEN
 MAIN WELL - WESTERN LAND ROLLER 8" PUMP - AMARILLO GEAR HEAD
 @ 1760 RPM - POWERED BY JOHN DEERE 6404A DIESEL MOTOR - 90 HP
 EAST WELL - WESTERN LAND ROLLER 8" PUMP WITH US ELECTRIC 40 HP
 MOTOR

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

900' OF 8" BURIED PVC FROM WELLS TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

T & L 10 TOWER CENTER PLOT SYSTEM WITH NELSON #100
 END GUN

The system is in the following condition: GOOD

The point of diversion is located WELL #1 - 200' N OF THE CENTER OF THE SW¹/₄
WELL #2 - 700' E OF WELL #1, SECTION 33, T15N, R61W

The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE SW¹/₄,
SECTION 33, T15N, R61W

comprising a total of 132 acres of land.

* THE APPLICABLE PORTIONS OF PERMIT NO 3390-3 HAVE
 BEEN INCORPORATED INTO THIS LICENSE.

Date AUGUST 17, 1982
Purton Stone
 (Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3390-3A

(1) WHEREAS, On the 12th day of January A. D. 19 81

Albert Allen Wipf

made Water Right Application No. 3390-3A for a permit to use no additional* cubic feet per second of the waters of groundwater (one - all) (additional on existing permit)*

County of Spink, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 26th day of March A. D. 19 81

Permit No. 3390-3A, 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 24th day of February A. D. 19 82 and for the application to beneficial use of said water on or before the 24th day of February A. D. 19 84

***WHEREAS, upon inspection August 17, 1982, the applicable portions of Water Permit No. 3390-3 were incorporated into this Water License No. 3390-3A**

and:

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

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

to irrigate a 132 acre circle in the SW1, Section 33, T115N, R61W

(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 Albert Allen Wiff

_____ of RR #1, Box 77, Frankfort, South Dakota
the holder _____ and owner _____ of said permit No. 3390-3A a water right, dating from December 7, 1976
_____ to use of 1.78 _____ cubic feet per second of the water
of groundwater (two wells)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Well #1 - 200 feet north of Center of SW 1/4 and
Well #2 - 700 feet east of Well No. 1, both in Section 33, T115N, R61W (CA)

and conducted to and upon a 132 acre circle located in SW 1/4 Section 33, T115N, R61W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3390-3A 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 January _____ A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 3390-3A

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Albert Allen Wlpf

_____ the holder _____ of
Permit No. 3390-3A, issued upon Application No. 3390-3A, bearing date of priority of December 7,
1976 authorizing the diversion of 2.2* cu. ft. per second of the waters of _____
groundwater (two wells)* County of Spink, State of South Dakota at _____
Well #1 - 200 ft North of Center of SW $\frac{1}{4}$ and Well #2 - 700 ft east of
Well #1, both in Section 33, T115N, R61W
_____, for Irrigation

_____ purposes, he S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 (800 gpm) cu. ft. per second of water.

Date January 4, 1983

* Applicable portions of
Permit No. 3390-3 have been
Incorporated into this Water
License No. 3390-3A

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

No. 3390-3A

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

January 7, 1983

Albert Allen Wipf
RR #1, Box 77
Frankfort SD 57440

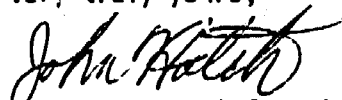
Dear Mr. Wipf:

Enclosed herewith are, Water License No. 3390-3A and Certificate of Construction.

Water License No. 3390-3A is the final water right document completing your process of obtaining a 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 Division

JH: ks

enclosures

NOTE: The applicable portions of Permit No. 3390-3 have been incorporated into this Water License No. 3390-3A.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9078

PIERRE, December 23, 1982

RECEIVED OF Albert Allen Wipf, RR#1, Box 77, 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. 3390-3A	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3390-3A		
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/MS

 **Department of
Water & Natural Resources**

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

3390-34
#1722-3
#1723-3

February 17, 1989

Albert Allen Wipf
RR 1, Box 77
Frankfort, SD 57440

Dear Mr. Wipf:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

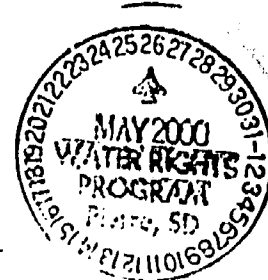
The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP



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

No. _____

Date: 5-24-00

I/We request that Water Permit/Right No. 3390-3A

formerly owned by: Albert T Allen wipf

be transferred to: (name & address) Lonnie wipf

18212 SD Hwy 37, Frankfort SD 57440 Telephone No. 605-472-0369

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

SW 1/4 33-115-61

I/We understand that the validity of Water Permit/Right No. 3390-3A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Spink)

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

Lonnie Wipf
(Signed)

Subscribed and sworn to before me this 25th day of May, 2000.

My Comm Exp
8-8-2001

Linda Simpson
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction 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

N2 416530

Pierre, May 26, 2000

RECEIVED OF Lonnie Wipf, 18212 SD Hwy. 37, Frankfort, SD 57440873122
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. 3390-3A</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Ma. Cand. Echele
Chief Engineer

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr



May 24, 2000

Gillette, Battey & Gillette Law Firm
ATTN: Robin
PO Box 60
Redfield SD 57469

Dear Robin:

As you requested in our phone conversation, enclosed are copies of Water Right Nos. 1033A-3, Larry Wipf and 3390-3A, Albert Allen Wipf.

Also, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change if necessary.

If you have any further questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



May 30, 2000

Lonnie Wipf
18212 SD Hwy 37
Frankfort, SD 57440-7312

Dear Mr. Wipf:

Thank you for following up on the ownership changes for Water Right Nos. 1358-3, 1722-3 and 3390-3A. The transfers have been completed and the water rights are now listed in your name.

I found two other water rights on file in the name of Albert Allen Wipf. The water rights are as follows:

- Water Right No. 1723-3 authorizing irrigation of the NE ¼ Section 28, T115N, R61W,
- Water Right No. 2618-3 authorizing irrigation of the W ½ Section 29, T115N, R61W.

If the above water rights should be transferred too, please get in touch with me and I will forward you the necessary forms for changing ownership.

Enclosed are your Receipt Nos. 416528, 416529 and 416530, which you paid for filing the transfers. If you have any questions, please contact me.

Sincerely,

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

enclosures

3390-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

1358-3

1722-3

3390-3A



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 28, 2014

1358-3
3390-3A

Lonnie Wipf
24679 SD Hwy 37
Mitchell SD 57301 5231

Dear Mr. Wipf:

Enclosed is a "Notice" dated October 17, 2014 concerning the 2014 irrigation questionnaire.

The notice was originally mailed to 40168 182nd St., Frankfort SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 21, 2014

No. 1358-3
3390-3A

Larry Wipf
40472 184th St
Doland SD 57436

Dear Mr. Wipf:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1358-3 and 3390-3A. The water rights are currently listed in the name of Lonnie Wipf. Enclosed are copies of the water rights for your files.

The transfer forms should be checked over for accuracy and **signed by the new owner**. Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$100.00 total).

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV 21 2014

WATER RIGHTS
PROGRAM

No. 3390-3A

Date: _____

I/We request that Water Right No. 3390-3A

formerly owned by: Lonnie Wipf

be transferred to: (name & address) Larry Wipf, 40472 184th St, Doland SD 57436

Telephone No.

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

132 acres – SW 1/4 Section 33-T115N-R61W

I/We understand that the validity of Water Right No. 3390-3A 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 Larry Wipf, 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 11/21, 20 14

RECEIVED OF Larry Wipf 40472 184th St Doland SD 57436

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	50	00
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>3390-3A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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	50 00

No. **06990**

By *Jeanne L. Looman*
Chief Engineer

3390-3A



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



December 1, 2014

1358-3
3390-3A

Larry Wipf
40472 184th St
Doland SD 57436

Dear Mr. Wipf:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1358-3 and 3390-3A.

The ownership changes have been completed. Both water rights formerly held by Lonnie Wipf are now listed in your name.

Enclosed for your records are Receipt Nos. 06989 and 06990 in the amount of \$50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

PAID

MAR 18 2019

Ck# 3360

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAR 07 2019

WATER RIGHTS
PROGRAM

3390-3A

No. 3390A-3

Date: 3-1-19

I/We request that Water Right/Permit No. 3390A3A

formerly owned by: harry wipf

be transferred to: (name & address) REN LLC

4535 Mormon Coulee Rd

haCrosse, Wi 54601

Telephone No. 608-788-7962

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

SW 1/4 - Section 33 - T115-N @ R-61-W

I/We understand that the validity of Water Right/Permit No. 3390-3A 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 Reuben Nicolai, the new owner, certify that the above information is true and correct.

Reuben Nicolai
(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 March 18, 20 19

RECEIVED OF Reuben Nicolai 4800 S 33rd St La Crosse, WI 54601

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	50	00
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>3390A-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	50 00

No. **09096**

By

Jeanne Goodman
Chief Engineer
Jm

3390-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 21, 2019

1504B-3
1723-3
3390-3A

RHN LLC
Reuben Nicolai
4535 Mormon Coulee Rd
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for transferring Water Right Nos. 1504B-3, 1723-3 and 3390-3A.

The ownership changes have been completed. The above listed water rights, formerly held by Larry or Allen Wipf are now listed under RHN LLC.

Enclosed for your records are Receipt Nos. 09093, 09094 and 09096 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

3390-3A



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: RHN LLC, REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 1723-3 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) 1504B-3 & 3390-3A qualification:

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

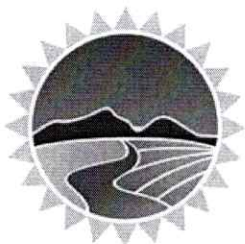
The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1504B-3 & 3390-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: EITZVP**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

Reuben Nicolai
RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

RE: Water Right or Permit Nos. 1504B-3, 1723-3, 2211A-3, 3386-3, 3390-3A, 4295-3A, 4648-3, 8189-3
& 8190-3

Dear Mr. Nicolai:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. They were submitted January 26th by Troy Rasmussen.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. 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,

A handwritten signature in cursive script, reading "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: RHN LLC, REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 1723-3 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) 1504B-3 & 3390-3A qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 1504B-3 & 3390-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZNAMSS**

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.

3390-3A



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2022

RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

Dear Audra:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Reuben Nicolai and RHN LLC. The forms were returned by Troy Rasmussen on January 27th and the last one on February 9th.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the following water permits & water rights:

- Reuben Nicolai: 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3 and
- RHN LLC: 1504B03, 1723-3 and 3390-3A

The information was received in our office prior to the Water Management Board meeting and is no longer on the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Troy Rasmussen (email)

McMath, Genny

From: audra@nicolaiapartments.com
Sent: Tuesday, February 21, 2023 1:34 PM
To: McMath, Genny
Subject: RE: [EXT] Deed
Attachments: Trustee's Deed - Turner County-Steven-recorded.pdf; Trustee's Deed - Clark County-Steven-recorded.pdf; Trustee's Deed - Hutchinson County-Steven-recorded.pdf

Genny-

The following deeds are attached:

- Permit 4648-3 (Turner County)
 - This paperwork should now be completed by and sent to the farmer.
 - L & L Feeders
28681 459th Avenue
Davis, SD 57021
605-238-5652
- Permit 8189-3 & 8190-3 (Clark County)
 - This paperwork should now be completed by and sent to the farmer.
 - Chris Lamb
43116 182nd St.
Vienna, SD 57271-5421
605-625-5082
- Permit 5392A-3 (Hutchinson County)
 - This paperwork should now be completed by and sent to the farmer.
 - Daniel Ulmer
159 Crestview Drive
Yankton, SD 57078
605-660-0485 & 605-760-3948 (Linda)
- Permits 1723-3, 1504B-3, & 3390-3A (Spink County)
 - This deed was not received with the others, so I've requested it be sent.
 - Will forward as soon as we receive it.
 - This paperwork should now be completed by and sent to the farmer.
 - Matt VanBuskirk
Box 98
Hitchcock, SD 57348
605-690-0100

Let me know if you need anything else from me.

And again, thank you for all of your help with this.

Audra B.

McMath, Genny

Subject: FW: [EXT] Steven Nicolai - Spink County Properties

Subject: RE: [EXT] Steven Nicolai - Spink County Properties

Genny-

To keep it consistent, we should probably just keep the Spink County land in the RHN LLC. VanBuskirk can still complete the annual irrigation questionnaires.

Also, we received your letter confirming the ownership changes and updates- thank you! Water Permit # 5392A-3 in Hutchinson County was not noted for Dan Ulmer to complete. Did you need something else from us to make that update?

Thank you again for your help with everything. We really appreciate it.

Audra B.



4535 Mormon Coulee Road
La Crosse, WI 54601
608.788.7962 ~ Phone
608.788.4430 ~ Fax
www.NicolaiApartments.com

*~ **Be sure to LIKE us on Facebook** <https://www.facebook.com/NicolaiApartments> ~*

-----Original Message-----

From: "McMath, Genny" <Genny.McMath@state.sd.us>
Sent: Monday, March 6, 2023 7:00am
To: "audra@nicolaiapartments.com" <audra@nicolaiapartments.com>
Subject: RE: Steven Nicolai - Spink County Properties

Audra,
 So does this mean you do not want to transfer those in Spink County?

From: audra@nicolaiapartments.com <audra@nicolaiapartments.com>
Sent: Friday, March 3, 2023 9:44 AM
To: McMath, Genny <Genny.McMath@state.sd.us>
Subject: [EXT] Steven Nicolai - Spink County Properties

Genny-

The water transfer forms we completed for Spink County, transferring the property to Steven may not have been necessary. The property is listed under RHN LLC and that LLC was transferred to Steven. The assignment of the LLC is attached for your records.

Thanks!

Audra B.



4535 Mormon Coulee Road

La Crosse, WI 54601

608.788.7962 ~ Phone

608.788.4430 ~ Fax

www.NicolaiApartments.com

~ Be sure to LIKE us on Facebook <https://www.facebook.com/NicolaiApartments> ~

ASSIGNMENT OF LIMITED LIABILITY COMPANY INTEREST

We, Steven M. Nicolai and Ronald Helstad, as co-trustees of the Reuben Nicolai Revocable Trust do hereby assign, transfer and convey all of the Reuben Nicolai Revocable Trust's interest in RHN, LLC, a South Dakota Limited Liability Company, **effective on November 30, 2022**, to Steven M. Nicolai.

Dated this 20th day of October, 2022.

Reuben Nicolai Revocable Trust

BY: Steven M. Nicolai
Steven M. Nicolai

BY: Ronald Helstad
Ronald Helstad

STATE OF WISCONSIN)
) ss
COUNTY OF LA CROSSE)

Personally came before me this 20th day of October, 2022, the above-named Steven M. Nicolai and Ronald Helstad, as trustees of the Reuben Nicolai Revocable Trust, to me known to be the persons who executed the foregoing instrument and acknowledged the same.




Darla A. Krzoska
Notary Public, State of Wisconsin
My Commission is permanent.

3390-3A



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2023

1504B-3
1723-3
3390-3A

Steven M Nicolai
RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing concerning the ownership changes submitted for Water Right Nos. 1504B-3, 1723-3 and 3390-3A. It is my understanding a decision has been made not to transfer those records but to leave them in the name of RHN LLC.

The filing fees of \$150 submitted for the ownership changes will be refunded to you and sent under separate cover. It may take up to two weeks for the refund to be processed.

The annual irrigation questionnaires for these water rights will be forwarded to Matt VanBuskirk, PO Box 98, Hitchcock SD 57348. If the operator changes for any reason, please let us know.

If I can answer any questions, give me a call.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: VAN BUSKIRK FARMS LLP, MATT VAN BUSKIRK, PO BOX 98, HITCHCOCK, SD 57348
0098

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1723-3 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) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** 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) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 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 before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LZTUNL**

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.



1723-3 3390-3A
1504B-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: VAN BUSKIRK FARMS LLP, MATT VAN BUSKIRK, PO BOX 98, HITCHCOCK, SD 57348 0098

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1723-3 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) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** 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) 1504B-3, 3390-3A, 3191-3, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1723-3 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 before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LZTUNL**

cc: STEVEN NICOLAI, 4535 MORMAN COULEE RD, LACROSS WI 54601

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 2, 2024

1504B-3, 3390-3A, 3191-3
5601-3, 7264-3, 7315A-3
1723-3, 7316-3 & 8261-3

Van Buskirk Farms LLC
c/o Matt Van Buskirk, Mgr
PO Box 98
Hitchcock SD 57348

Dear Mr. Van Buskirk:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1504B-3, 1723-3, 3390-3A, 5601-3, 7264-3, 7315A-3, 7316-3 & 8261-3. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The irrigation questionnaire for Scott Mueller's Permit No. 3191-3 has not been received. Permit No. 3191-3 is still scheduled to be reviewed by the Water Management Board on Wednesday, March 6, 2024. If the irrigation questionnaire is returned prior to the March 6th meeting, it will be removed from the agenda.

cc: STEVEN NICOLAI, 4535 MORMAN COULEE RD, LACROSS WI
SCOTT A MUELLER, 19221 397TH AVE, HITCHCOCK SD 57348