

Water Right Number 3871-3

1. Considered 5-25, 19 77
2. Name of Applicant CLARENCE KNEEBONE
3. Post Office Address JEFFERSON
4. Amount of Water claimed 4.95
5. Source of Water supply 110' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 370
7. Water to be diverted and used in UNION County
about 35, 34 miles of JEFFERSON
8. Proof of Publication Received 5-2-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 3130-3 Water Division No. 3 BIG SIOUX RIVER District 4
 (Books to be Filed by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Clarence Kneebone
 Postoffice address Jefferson, SD, State _____
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
Kneebone #4
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 4.95 cfs
5. Source of water supply well
6. Location of point of diversion 2550' at 45° SW of NE corner of sec 4-T89N-R49W
- County Union
7. Annual period or periods during which water is to be used May 1 thru Nov. 1
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 370

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.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 4-T89N-R49W	40	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 4-T89N-R49W	35
NW $\frac{1}{4}$ NE $\frac{1}{4}$ " " "	40	NW $\frac{1}{4}$ NW $\frac{1}{4}$ " " "	35
SW $\frac{1}{4}$ NE $\frac{1}{4}$ " " "	40	NE $\frac{1}{4}$ SE $\frac{1}{4}$ " " "	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$ " " "	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ " " "	40
NE $\frac{1}{4}$ NW $\frac{1}{4}$ " " "	40	NW $\frac{1}{4}$ SW $\frac{1}{4}$ " " "	20

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Elk Point Leader-Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pump

C. Works proposed to apply water to beneficial use.

Center pivotEstimated Total Cost \$ 80,000.00

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

STATE OF SOUTH DAKOTA)

County of MINNEAPOLIS) ss.

I, CLARENCE KNEEBONE 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 Clarence KneeboneSubscribed and sworn to before me this 1 day of MARCH, 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3871-3
CLARENCE KNEEBONE JEFFERSON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57033 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation 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 MARCH 23 19 77
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application APRIL 4 19 77
 Approved MAY 25 19 77, Recorded in Book 18 Page 271

WATER RIGHT PERMIT NO. 3871-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3871-3 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 MARCH 23 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25 19 79
3. The whole of said work is to be completed on or before MAY 25 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25 19 82
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 4.95 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 25 19 82; said water to be used during the following described annual period: MAY 1 THRU NOVEMBER 1

Witness my hand this 14TH day of JUNE 19 77

WATER RIGHTS COMMISSION

By:

John M. [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 19 80

Water License Issued MAY 19 80

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth ¹¹⁰~~100~~ ft
(2) Casing, Type transite Diameter 16" Thickness ¹~~1~~"
(wood, concrete, steel, etc)
(3) Perforated Screen
Type slotted, Diameter 16", Length 39 ft
(4) Gravel Pack, Thickness 17", Length of gravel pack 40 ft

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials coarse gravel and sand

Depth to top of water bearing material 55'

Depth to bottom of water bearing material 110'

Thickness of water bearing material ~~20~~ 55'

Depth to water (ground surface to water level) 20'

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

On same owner's property none rds. On property owned by others 320 rds.

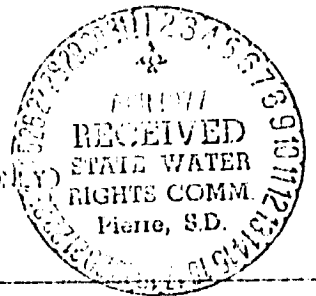
G. Water Storage Dams.

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.

Clarence R. Meekins
Signature of Applicant

OBSERVATION
(57-13510)
FORM W-1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-2 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Clarence Knechene #4
ADDRESS Jefferson, SD
COUNTY Union

LEGAL DESCRIPTION

1. WELL LOCATION 2550' at 45° SW of NE corner Sec. 4-T89N-R49W
2. LOCATION OF AREA TO BE IRRIGATED NE¹/₄; E¹/₄; SE¹/₄; NE¹/₄, SW¹/₄; NE¹/₄, SE¹/₄; NE¹/₄, NW¹/₄, SW¹/₄
Sec. 4-T89N-R49W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT XX GUN _____
4. CROPS TO BE IRRIGATED Corn and Soybeans

WATER QUALITY

5. SAMPLE NUMBER 72-387
6. SALINITY (EC X 10⁶) 1245
7. SODIUM (SAR) 1.26
8. RESIDUAL SODIUM CARBONATE (mmol/L) 1.09

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.

Clarence Knechene
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
1 DAY OF DECEMBER 19 27.

[Signature]
(TITLE OR SEAL)

[Signature]
APPROVED/ESCALATED

(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: Clarence Peterson Date Rec'd March 8, 1977
Address: Peterson, SD 57038 Sample No. 77-287
Identification #1 Coll.
Feb. 4, T. 22N, R. 49E

WATER ANALYSIS

Calcium (Ca)	133	ppm*	6.55	me/l**
Magnesium (Mg)	20	ppm	4.10	me/l
Sodium (Na)	67	ppm	2.92	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	150	ppm	3.12	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.21	me/l
Bicarbonate (HCO ₃)	722	ppm	11.34	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)	592	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1243	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.26			
Sodium	21.14	% of cations		
Residual sodium carbonate	1.09	me/l		
pH	7.21			
Others:				

*ppm==parts per million
**me/l==millequivalents per liter
***g.p.g.=grains per gallon

COMMENTS: Total cations 13.76 me/l
Total anions 15.17 me/l

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$15.00
	<u>8.00</u> paid
	\$ 7.00
Make checks payable to: Water Quality Laboratory	
Cut along dotted line and return the lower portion with payment	
Sample No. <u>77-287</u>	Amount Enclosed \$
	Signed

March 22, 1977

Mr. Clarence Macbong
Jefferson, ID 57032

Dear Mr. Macbong:

Your water sample (Lab. No. 77-357) 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
Inclosures
cc: State Conservation Commission
D. Fahl, Extension Service

Permit No. 3871-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Clarence Kneebone

_____ the holder _____ of
Permit No. 3871-3 issued upon Application No. 3871-3 bearing date of priority of _____
March 23, 1977 authorizing the diversion of 4.95 cu. ft. per second of the waters of _____
ground water (one well) County of Union State of South Dakota at _____
a point S 45° W, 2550' from the NE corner, Section 4, T89N, R49W

_____ for Irrigation

_____ purposes, has 5 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 3.55 cu. ft. per second of water.

Date May 11, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 3871-3

(1) WHEREAS, On the 23rd day of March A. D. 19 77

Clarence Kneebone

made Water Right Application No. 3871-3 for a permit to use 4.95 cubic feet per second of the waters of ground water (one well)

County of Union, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 77

Permit No. 3871-3, with a date of priority of March 23, 1977

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 25th day of May A. D. 19 82 and for the application to beneficial use of said water on or before the 25th day of May A. D. 19 82

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 3.55 cubic feet per second of water for beneficial use and,

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

to irrigate the following lands all in Section 4, T89N, R49W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 23 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 23 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 "

TOTAL 281 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 Clarence Kneebone

_____ of Jefferson, SD

the holder _____ and owner _____ of said permit No. 3871-3 a water right, dating from March 23, 1977

_____ to use of 3.55 cubic feet per second of the waters

of ground water (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point S 45° W, 2550' from the NE corner,

Section 4, T89N, R49W

and conducted to and upon portions of land in Section 4, T89N, R49W, more fully

described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3871-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 19th day of May, A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch

Chief Engineer, Executive Officer

JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 3871-3

Publish first publication, on or before MAY 12, 19 77

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 8, 19 77

Notice is hereby given that Clarence Kneebone
whose post office address is Jefferson, South Dakota, has made application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

4.95 cubic feet of water per second of time from the ground water through the

Kneebone F. A., the point of diversion of which is to be located in the

center of NE 1/4

of Section 4, Twp. 84N, Range 149W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, E 1/2 NW 1/4, NW 1/4 NE 1/4, NW 1/4 SW 1/4, Section 4, T89N, R49W

This application No. 3871-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERKON
Water Rights Specialist

BFJ/bw

cc: Clarence Kneebone, Jefferson, SD 57030

No. 3871-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Miner) ss.

I, Arthur E. Lancaster hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leadon Courier

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 Leadon County Miner

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

April 21, 1977

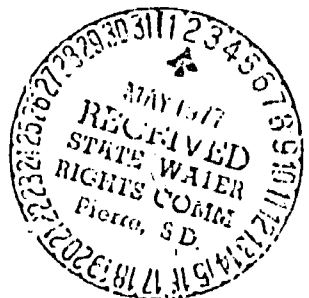
April 25, 1977

Arthur E. Lancaster
(Signature)

Leadon Courier
(Title)

April 28, 1977
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
April 8, 1977 4-28
Notice is hereby given that -
Clarence Kneebone whose post
office address is Jefferson, 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 4.95 cubic feet of
water per second of time from
ground water through the Kneebone #4, the point of diversion of
which is to be located in the center of NE $\frac{1}{4}$ of Section 4, Twp. 89N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 4,
T89N, R49W.
This application No. 871-3 will be considered by the Water Rights Commission at their office at Pierre upon the 25th, day of May, 1977, at 10:00 A.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
BY James Winterton
Water Rights Specialist
Pub. April 21, 28.



Permit No. 3871-3Water 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 CLARENCE KNEEBONE of JEFFERSON holder of Permit No. 3871-3, bearing date of priority of MARCH 23, 1977 authorizing the diversion of 4.95 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in UNION 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:

110' DEEP WELL W/ 16" CASING - TRANSITE
LAYNE BOWLER 8" PUMP #5186K W/ 450000 - 1/2 BOWLS
POWERED BY 150 HP CUMMINS DIESEL MOTOR

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

30' OF 10" LINE TO CENTER OF PLOT

C. Works used to apply water to beneficial use.

VALLEY ELECTRIC DRIVE - 1700' LONG PLOT W/ END GUN

The system is in the following condition: GOOD

The point of diversion is located S 45° W 2550' FROM THE NE CORNER,
SECTION 4, T89N, R49W

The works are capable of diverting and conveying to the place of use 3.55
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: ALL IN SECTION 4, T89N, R49W

NW ⁴ NE ⁴	40 AC.	NW ⁴ SE ⁴	34 AC.	SE ⁴ NW ⁴	34 AC.
NE ⁴ NE ⁴	36 AC.	NE ⁴ SE ⁴	23 AC.		
SW ⁴ NE ⁴	40 AC.	NE ⁴ SW ⁴	11 AC.		
SE ⁴ NE ⁴	40 AC.	NE ⁴ NW ⁴	23 AC.		

comprising a total of 261 acres of land.

Date JULY 24, 1979
Burtin S. Jones
(Signature)

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7471

PIERRE, April 22, 1930

RECEIVED OF Clarence Kneebone, RR 1 Box 39, Jefferson SD
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. 3871-3)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3871-3)		
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 Patch*
Chief Engineer, Executive Officer
JOHN PATCH

11-3869-3
3871-3

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

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

February 17, 1989

Clarence Kneebone
PO Box 366
Elk Point, SD 57025

Dear Mr. Kneebone:

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;

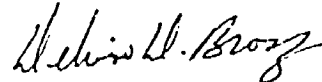


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Bower, Water Rights Engineer (605-773-3352).

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



3871-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1995

Wayne Groe
PO Box 367
Eik Point, SD 57025-0367

3871-3

Dear Mr. Groe:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 3871-3. The water right is currently listed in the name of Clarence Kneebone.

The transfer form should be checked over for accuracy and completed with the new owner's name and mailing address. The legal description included on the transfer form is the acreage authorized for irrigation under Water Right No. 3871-3. Upon completion, the form needs to be signed by the new owner in the presence of a notary public and returned to our office with a required filing fee of \$2.50.

South Dakota Water Law states that any sale, lease, conveyance or other transfer of a water right or permit, must be filed with this office within 90 days.

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

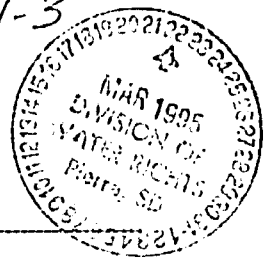
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division

enclosure

STICKNEY & GROE

Attorneys at Law



102 West Main, P.O. Box 367
Elliptical, South Dakota 57025-0367
Telephone: (605) 356-2651
Fax: (605) 356-2847

Attorneys
Frank G. Stickney
Wayne D. Groe

March 21, 1995

Department Of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

ATTN: Ms. Genny McMath

Re: Water Right No. 3871-3

Dear Ms. McMath:

Enclosed please find a completed "Notice of Transfer of Ownership" form in regards to Water Right No. 3871-3 and a check in the amount of \$2.50 representing the required filing fee.

If you should have any further questions or comments about this matter, please feel free to call upon me at any time.

Thank you and my best regards.

Very truly yours,

For The Firm

WDG/jj

Enc.

xc: Mr. Bob Peterson
Mr. Terry Kucera

RECEIPT

414444

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 23, 19 95

RECEIVED OF Petersons Operations Account, 850 Willow Dr., Dakota Dunes SD 57049
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. 3871-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH KS

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3871-3

Date: March 15, 1995



I/We request that Water Right No. 3871-3

formerly owned by: Clarence Kneebone

be transferred to: (name & address) Robert L. Peterson, 850 Willow Drive, Dakota

Dunes, South Dakota, 57049

(Telephone No) (605) 232-3287

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

281 acres - NE 1/4, N 1/2 SE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 4, T89N, R49W

I/We understand that the validity of Water Right No. 3871-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

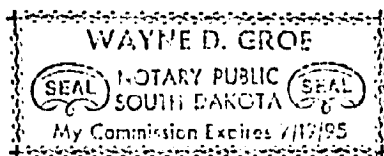
STATE OF SOUTH DAKOTA)

County of Union)

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

(Signed) Robert L. Peterson

Subscribed and sworn to before me this 15th day of March, 1995.


(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.

3871-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 1995

No. 3871-3

Robert L. Peterson
850 Willow Drive
Dakota Dunes, SD 57049

Dear Mr. Peterson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3871-3.

Our records now show you as the owner of Water Right No. 3871-3.

Sincerely,

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

enclosure

90-49

13
closed
1970

48.9

10.3

(1-166)

5-731

2550'
S 45° W

ELL.

Clarence kneebone
Irrigation Project #4
: Jackson S.D.
Union Co.

89-49

3-11-77

cert. fees correct

John Lee Clausma

APPL# 3871-3

5-77

NOT TO SCALE

90-49

13
census
1970

48.9

10.3

(1-166)

5-121

2550'
S 45° W

ell.

Clarence kneebone
Irrigation Project #4
: Johnson S.D.
Union Co.

89-49

3-11-77

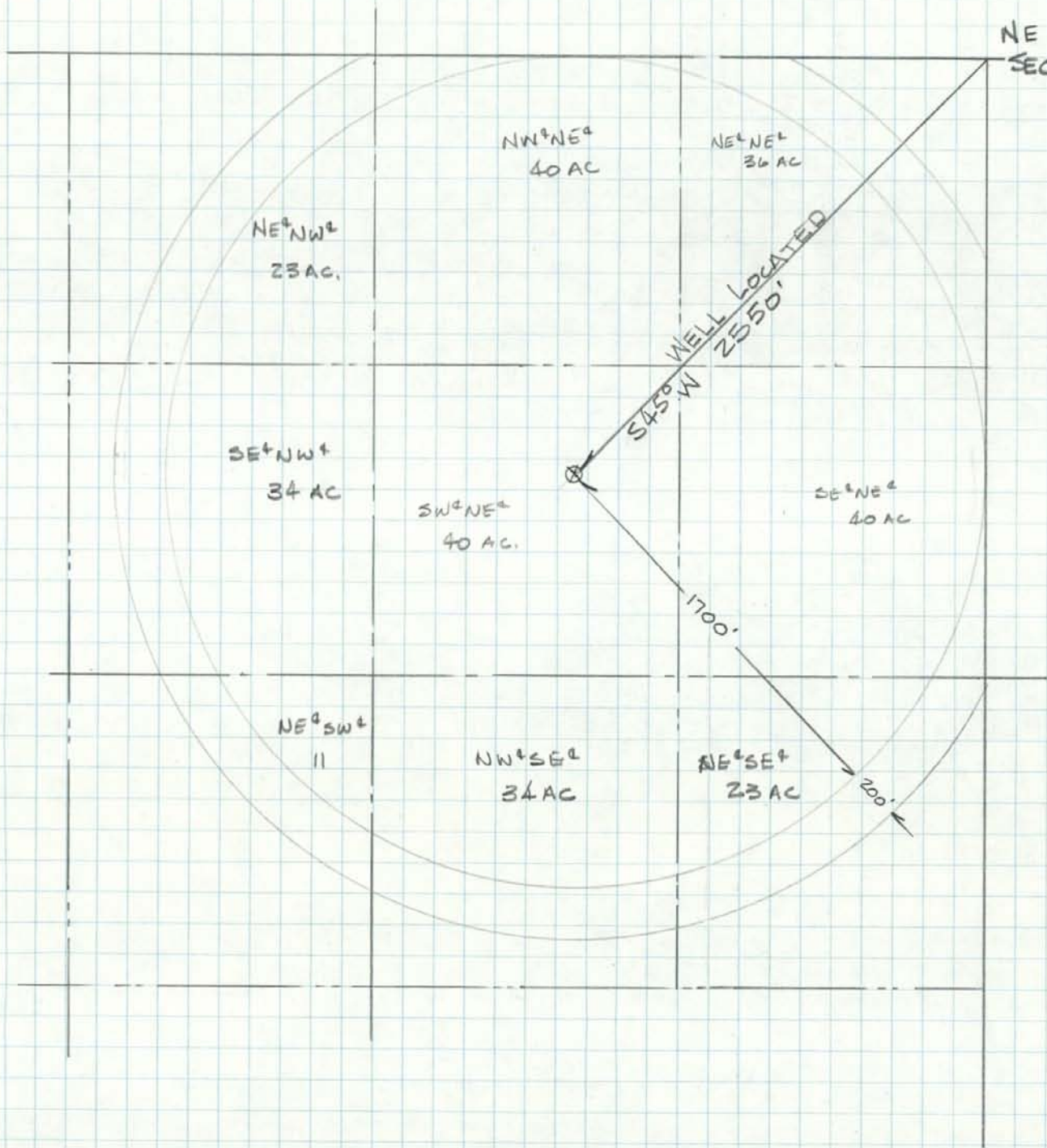
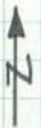
certified correct

John Lee [signature]

APPL NO 387113

CLARENCE KNEEBONE
JEFFERSON, S.D.
PERMIT 3871-3

NE CORNER
SEC 4-89-49



Done
7-24-79



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

3871-3
5989-3

Peterson Management
324 Dakota Dunes Blvd Ste 200
N Sioux City SD 57049 5459

Dear Sir:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 891 Two River Dr, Suite 100, Dakota Dunes, 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: PETERSON MANAGEMENT, 324 DAKOTA DUNES BLVD STE 200, N SIOUX CITY, SD 57049 5459

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 3871-3 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) 5989-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 5989-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3871-3 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 questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 7, 2012

NOTICE

TO: Peterson Management, 324 Dakota Dunes Blvd Ste 200, N Sioux City SD 57049 5459

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 5989-3 and Amendment of Water Right No. 3871-3

On March 7, 2012, the Water Management Board ordered:

Water Right No. 3871-3, authorizing irrigation of 281 acres in portions of the E ½ and E ½ NW ¼ and NE ¼ SW ¼ Section 4, T89N, R49W, be amended to add the following qualification: "This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right was effective March 7, 2012 and means failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Effective April 7, 2012, Water Right No. 5989-3, authorizing irrigation of 84 acres in the SE ¼ Section 4, T89N, R49W be suspended for the 2012 irrigation season for failure to submit the 2011 irrigation questionnaire. If the 2011 irrigation questionnaire is received prior to April 7, 2012 the suspension will not take effect.

Suspension of Water Right No. 5989-3 means water may not be pumped during the 2012 irrigation season. Consistent with the Board's order, you are not permitted to irrigate under No. 5989-3 in 2012 unless the irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2011 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May, 2012 in Pierre, SD. The letter should include your reasons for not completing the 2011 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

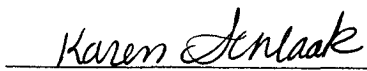
I hereby certify that on March 7, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 7 2012 regarding suspensions addressed as stated below:

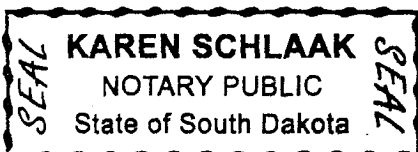
Peterson Management, 324 Dak Dunes Blvd, # 200 N Sioux City SD 57049	3871-3
Wayne F Childers, 11086 Burlington Dam Rd, Edgemont SD 57735	858-2
Erik Roth, 1001 S 3 rd St, Parkston SD 57366	607-3
Nathan Stencil, Stencil Const. PO Box 2786, Sioux Falls SD 57101	6739-3
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701	2106-2
Kenneth Braunschmidt, 2294 White Dr, Durham CA 95938	521-3
Danny L Adams, 2010 Avalon Pkwy # 400 McDonough GA 30253	1828-1
Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701	1769-1


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 12.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 13, 2012

Peterson Management
324 Dakota Dunes Blvd Ste 200
N Sioux City SD 57049 5459

RE: 2011 irrigation questionnaires for Water Right Nos. 3871-3 and 5989-3

Dear Sir:

Dan Trudeau with Trudeau Family Farms contacted our office today with the irrigation questionnaire information for Water Right Nos. 3871-3 and 5989-3. It is our understanding that the land was flooded during 2011 and could not be irrigated. Questionnaires were completed for you based on the information provided by Mr. Trudeau.

On March 7th, the Water Management Board ordered Water Right No. 5989-3 be suspended if the 2011 irrigation questionnaire was not received prior to April 7, 2012. Water Right No. 3871-3 was amended to require submission of the irrigation questionnaire but was not suspended. Since the irrigation questionnaire is on file, no violation has occurred under Water Right No. 5989-3 and no suspension will take place. You may irrigate during the 2012 irrigation season.

Mr. Trudeau was agreeable to having the annual irrigation questionnaires directed to Trudeau Family Farms as the operator. This does not change ownership of the property, it allows us to mail the questionnaires to the person who is doing the irrigation and would have the necessary information to complete the forms.

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

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive, flowing style.

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

c: Dan Trudeau, Trudeau Family Farms, 33297 478th Ave, Jefferson SD 57038



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2016

3871-3
3871B-3
5989-3

Rodney Lieber
Lieber Land Holdings LLC
310 N Derby Ln, Box 380
N Sioux City SD 57049

Dear Mr. Lieber:

Thank you for returning my call concerning the ownership change needed for Water Right No. 3871-3.

Dan Trudeau filed an ownership change for part of the land described in the water right and it is my understanding you own the remainder of the land. The water right will need to be divided and reissued to reflect separate ownership. Once the water right is divided into 3871A-3 (Trudeau) and 3871B-3 (Lieber Land Holdings LLC), a reissued water right will be directed to each of you outlining what is authorized for irrigation.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

During our conversation you indicated the land you own under Water Right No. 3871-3 and also the land described in your Water Right No. 5989-3 have been enrolled in CRP for a term of 10 years. Under SDCL 46-5-37.2, no water right or permit may be forfeited for nonuse if land authorized for irrigation 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.

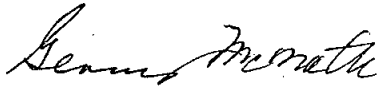
September 20, 2016
Rodney Lieber
Page 2

The annual irrigation questionnaire for Water Right Nos. 3871B-3 and 5989-3 will not be mailed to you until the land comes out of CRP in 2027. If the land is sold or other changes occur prior to the land coming out of the program, please notify us so that appropriate changes can be made to the water rights.

During our phone conversation you indicated once the land comes out of CRP, you would be using the well authorized under Water Right No. 5989-3 located in the SE ¼ SE ¼ Section 4, T89N, R49W to irrigate the land to be described under Water Right No. 3871B-3. At that time, you will need to file a water permit application for a change in diversion point location which will effectively allow use of your existing well to irrigate the entire acreage. There is no need to go through that process before the land comes out of CRP.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure