

RECEIVED
SEP 29 2016
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3871B-3

Date: 9-26-16

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

formerly owned by: Robert L Peterson

be transferred to: (name & address) _____

Telephone No. _____

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

123 acres in portions of the S ½ NE ¼, N ½ SE ¼, NE ¼ SW ¼ and SE ¼ NW ¼ all in

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 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 Liter Landholding LLC, the new owner, certify that the above information is true and correct.

Rodney Liter Manger
(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 9/29, 20 16

RECEIVED OF Lieber Landholding LLC 310 N Derby Lane #380 N Sioux City 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	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>3871B-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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07927**

By Jeanne Goodman
Chief Engineer

FILE DOCUMENTATION (3871-3, 3871A-3 & 3871B-3)

Water Right No. 3871-3 authorizes diversion of 3.55 cfs from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T89N, R49W to irrigate 281 acres located in portions of Section 4, T89N, R49W.

On April 7, 2016, Dan and David Trudeau filed an ownership change for portions of the water right. The remaining land is owned by Rodney Lieber.

A map was submitted along with the transfer form from "Trudeau's" indicating the acreage they now own with a note stating they have the irrigated portion and the non-irrigated portion belongs to Rodney Lieber. Using a combination of the licensing map and the 2014 aerial imagery (done by Eric Gronlund), the acreage now owned by Dan and David Trudeau is:

Section 4, T89N, R49W	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	36 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	23 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1 acre
Total		159 acres

Based on a total of 3.55 cfs, the prorated diversion authority for 159 acres is 2.01 cfs

On September 20, 2016, I spoke with Rodney Lieber concerning the land he owns and his intent towards the water right. He stated that up until the 2011 flood, the land had been irrigated. He has since placed the land in the Conservation Reserve Program. He also indicated when the land comes out of CRP, he has a well in the SE $\frac{1}{4}$ Section 4 under Water Right No. 5989-3 (also in CRP) that he will utilize to irrigate the acreage he owns under No. 3871-3.

I discussed with him the need to file an ownership change for his portion of 3871-3. The water right will be divided and reissued to reflect separate ownership. Irrigation questionnaires will not be mailed to him until the land comes out of CRP. At that time, he will need to file an application for a change in diversion point to allow use of the well under No. 5989-3 to irrigate the acreage described in under No. 3871B-3. No. 3871B-3 will list the following acreage:

Section 4, T89N, R49W	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1 acre
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
Total		122 acres

Based on a total of 3.55 cfs, the prorated diversion authority for 122 acres is 1.54 cfs



Genny McMath
Water Rights Program
September 20, 2016



**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,



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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 11 2016

3871-3
3871B-3

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

Dear Mr. Lieber:

Enclosed is Water License No. 3871B-3. Due to the ownership changes filed, Water Right No. 3871-3 was divided and reissued to reflect separate ownership as follows:

- **No. 3871A-3 – Dan & David Trudeau, 33060 480th Ave, Jefferson SD 57038** authorizing diversion of 2.01 cfs from one well located SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 to irrigate 159 acres in portions of the NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4, all in T89N, R49W;
- **No. 3871B-3 – Lieber Land Holdings LLC, 310 N Derby Lane #380, N Sioux City SD 57049** authorizing diversion of 1.54 cfs from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 to irrigate 122 acres in portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, all in T89N, R49W.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3871B-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

Your receipt in the amount of \$50 which you paid for filing the ownership change is enclosed. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeanne Goodman".

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 3871B-3
DIVISION OF NO. 3871-3 INTO 3871A-3 & 3871B-3

(1) Clarence Kneebone, Jefferson SD was issued Water License No. 3871-3, May 19, 1980 for a water right to divert 3.55 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Water License No. 3871-3, with a priority date of March 23, 1977 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 3871-3, transferred in 1995 to Robert L Peterson, authorizes diversion of 3.55 cfs from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 to irrigate 281 acres in Section 4, T89N, R49W.

On April 7, 2016 and September 29, 2016, ownership changes were filed with Water Right No. 3871-3. The water license is being divided and reissued to reflect separate ownership as follows:

- **No. 3871A-3 – Dan & David Trudeau, 33060 480th Ave, Jefferson SD 57038** authorizing diversion of 2.01 cfs from one well located SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 to irrigate 159 acres in portions of the NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 4, all in T89N, R49W;
- **No. 3871B-3 – Lieber Land Holdings LLC, 310 N Derby Lane #380, N Sioux City SD 57049** authorizing diversion of 1.54 cfs from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 to irrigate 122 acres in portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, all in T89N, R49W.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.54 cubic feet of water per second for beneficial use. The location of the diversion point is S 45°W 2,550 feet from the NE corner of Section 4, T89N, R49W (SW $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

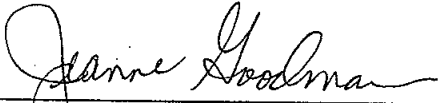
Section 4, T89N, R49W	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	1 acre
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
	Total	122 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lieber Land Holdings LLC, 310 N Derby Lane, Box 380, N Sioux City SD 57049 the holder and/or owner of Water Right No. 3871B-3 is issued a license to appropriate water, the right to use 1.54 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of March 23, 1977 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3871-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year. *(The Water Management Board amended Water Right No. 3871-3 on March 7, 2012 to include this qualification.)*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 1 1 2016

date

