

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4034A-3
(DIVISION OF NO. 4034-3 INTO 4034A-3 AND 4034B-3)

(1) E M Sweetman was issued Water License No. 4034-3 November 14, 1994 for a water right to divert 4.67 cubic feet of water per second (cfs) from ground water (four wells, Big Sioux:Sioux Falls Aquifer), Minnehaha County, South Dakota for irrigation purposes. Water License No. 4034-3, with a priority dates of February 23, 1966 and May 13, 1977 was issued to the permit holder for diversion of water with construction of the described water supply system and application of water to beneficial use completed.

The water right authorizes irrigation of 327 acres in portions of the S $\frac{1}{2}$ Section 4 and N $\frac{1}{2}$ Section 9, T102N, R49W. On February 22, 2010, two ownership changes were filed with the water right. Based on the ownership changes, the water right is being divided and reissued as follows:

- **No. 4034A-3, Mom's Farm Partnership LLP, PO Box 2320, Sioux Falls SD 57101**, authorizing diversion of 2.43 cfs from three wells in the S $\frac{1}{2}$ Section 4 to irrigate 170 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 4, T102N, R49W.
- **No. 4034B-3, Kathleen A and Mary Pat Sweetman, PO Box 2320, Sioux Falls SD 57101**, authorizing diversion of 2.24 cfs from one well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9 to irrigate 157 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ Section 9, T102N, R49W.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Mom's Farm Partnership LLP, PO Box 2320, Sioux Falls SD 57101 the holder and/or owner of Water Right No. 4034A-3 is issued a license, bearing a priority date of February 23, 1966 (established under Water Permit No. 1271-3) to appropriate 2.43 cubic feet of water per second from ground water (three wells) to irrigate 170 acres.

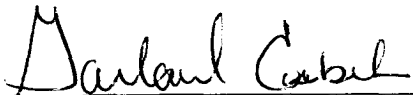
The diversion points are located as follows: Well #1 – 749 feet south and 2,845 feet west of the E $\frac{1}{4}$ corner (NE $\frac{1}{4}$ SW $\frac{1}{4}$); Well #2 – 1,913 feet south and 2,578 feet west of the E $\frac{1}{4}$ corner (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and Well #3 520 feet south and 956 feet west of the E $\frac{1}{4}$ corner (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 4, T102N, R49W.

The acres authorized for irrigation are as follows:

Section 4, T102N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$	27 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	25 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	35 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	9 acres		
		Total - 170 acres	

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4034-3 (and No. 1271-3 which was incorporated into the original water license).



Garland Erbele, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

SEP 29 2010

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 29 2010

4034A-3
4034B-3

Richard C Sweetman
PO Box 2320
Sioux Falls SD 57101

Dear Mr. Sweetman:

Enclosed are Reissued Water License Nos. 4034A-3 and 4034B-3 and the receipts for fees you paid for filing ownership changes. The original water license has been divided and reissued based on the ownership changes filed in February, 2010. The licenses were issued as follows:

- **No. 4034A-3, Mom's Farm Partnership LLP, PO Box 2320, Sioux Falls SD 57101**
- **No. 4034B-3, Kathleen A and Mary Pat Sweetman, PO Box 2320, Sioux Falls SD 57101**

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 4034A-3 and 4034B-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.

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.

Information you provided to our office indicates that the land described in the above water rights was not irrigated in 2010 either due to the land being in CRP or having enough moisture not to warrant irrigation. Irrigation questionnaires for this season will be filled out for you and next years' forms will be forwarded to you in October, 2011. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures: Water Licenses and Receipt Nos. 04483 & 04484

RECEIVED

FEB 22 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4034-3 (4034A-3)

Date: _____

I/We request that Water Right No. 4034-3

formerly owned by: E M Sweetman

be transferred to: (name & address) Moms Farm Partnership

1809 North Terin Circle, Sioux Falls SD 57107

(use PO Box 2320, Sioux Falls 57101) Telephone No. _____

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

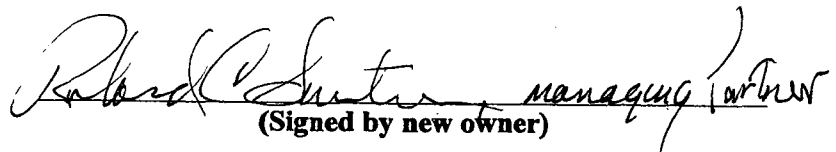
170 acres - E 1/2 SW 1/4 and SE 1/4 Section 4

I/We understand that the validity of Water Right No. 4034-3 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 Mom's Farm Partnership, LLP, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/22, 2010

RECEIVED OF Richard C Sweetman 105 Spyglass Dr Sioux Falls SD 57108

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>4034-3</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	

No.

04464

By

[Signature]
Chief Engineer

FARM LEASE-CASH RENT

THIS AGREEMENT, Made this 1st day of March 2010, by and between Moms Farm Partnership, hereinafter referred to as **Lessor**, of 1809 North Terin Circle, Sioux Falls, South Dakota 57107, and Dale Machmiller, of 48554 252nd Street, Garretson SD 57030, hereinafter referred to as **Lessee**.

WITNESSETH, That the Lessor, in consideration of the rents and covenants hereinafter mentioned does hereby Demise, Lease and Let, unto the Lessee, and the said Lessee does hereby take from the Lessor, the following described real property, situated in the County of Minnehaha, State of South Dakota:

48.4 acres lying in the NE1/4 SE1/4, and 6.7 acres lying in the SE1/4 SE1/4 SE1/4, Section 4, Twn. 102 North, Range 49 West of the 5th PM, exhibit attached hereto, further described as parcel 2 & parcel 3 in farm #3602 of FSA map.

Parcel 2 is irrigated

76 acres lying in the S1/2 SW1/4 Section 3, Twn. 102 North, Range 49, West of the 5th PM, exhibit attached hereto, further described as parcel 4 in farm #3602 of FSA map.

Section 3 not irrigated

All of those pasture lands in the SE 1/4 of Section 4, Twn. 102 North, Range 49, West of the 5th PM, exhibit attached hereto, further described as land lying between parcel 5, parcel 6, parcel 2 and parcel 3 in FSA map farm #3602

Containing 131.5 acres of cropland in 2, 3, and 4, be the same more or less, of which described premises the Lessee hereby agrees put in crops each year during the term of this lease, and pasture the lands lying between parcels 5,6,2, &3, of which described premises the Lessee agrees to graze livestock excepting horses and sheep.

TO HAVE AND TO HOLD, the above rented premises unto the Lessee and his heirs, subject to the conditions and limitations hereinafter mentioned, for and during the full term of 2 years, from and after the 1st day of March, 2010 and ending the 31st day of December 2011. The Lessee agrees to pay rent for the above mentioned premises, during the term of this lease, the following amounts:

Permit No. 4034-3Big Sioux River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by FH Sweetman of Box 309 Sioux Falls, SD 57105 holder of Permit No. 4034-3 (1271-3), bearing the priority of May 13, 1977 (February 23, 1966) authorizing the diversion of no additional (5.64) cu. ft. per second of the waters of the Big Sioux - Sioux Falls Management Unit for irrigation purposes, in Minnichaha County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

4 wells - 40 to 50 feet deep with 18" casing, Western Land Poller Pumps - all 4 stages, 6", Model No. for wells nos. 1, 2 and 4 are 6 030 4 10H, and well no. 3 is 6M 7 10C, No. 1 and 2 have 20 HP Lincoln AC motors, Model No. T-2557, No. 3 has a 50 HP GE Motor, Model No. 5K6248XH4A and No. 4 has a 60 HP US Electric, Model No. 03-75N-5001937, Total capacity is 2400 GPM

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

1600' of 10", 1200' of 8' and 1200' of 6" aluminum pipe

C. Works used to apply water to beneficial use:

Big Gun and EZ Rain Traveling Guns, both 1.5" nozzles, 1100 GPM each, 660' of 6" hose length each

The system is in the following condition fair. The point of diversion is located Well No. 1 is 749'S and 2845'W, Well No. 2 is 1913'S and 2578'W, Well No. 3 is 520'S and 956'W all from the East 1/4 corner of Section 4-T102N-R49W; Well No. 4 is 918'S and 2219'W of the SE corner of Section 4-T102N-R49W. The works are capable of diverting and conveying to the place of use 4.9 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:

No. 1271-3

All in Section 4-T102N-R49W: All in Section 9-T102N-R49W:

NE1/4 SW1/4 = 40 acres NE1/4 NW1/4 = 32 acres (Total No. 1271-3 is 295 acres)

SE1/4 SW1/4 = 35 acres SE1/4 NW1/4 = 32 acres

NW1/4 SE1/4 = 27 acres NW1/4 NE1/4 = 31 acres

SW1/4 SE1/4 = 25 acres NE1/4 NE1/4 = 30 acres

NE1/4 SE1/4 = 34 acres

SE1/4 SE1/4 = 9 acres

No. 4034-3

All in Section 9-T102N-R49W: (Total No. 4034-3 is 32 acres)

NW1/4 NW1/4 = 16 acres

SW1/4 NW1/4 = 16 acres

comprising a total of 327 acres of land and the license should be issued for 4.21 cfs. ^{4.67}

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None Date 8/4/92


Gregory C. Johnston
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 4034-3

DATE 8/4/92

Other permit(s) associated with the project Incorporate License No. 1270-3

DIVERSION POINT LEGAL LOCATION: 4 wells - Well No. 1 is 749'S and 2845'W; Well No. 2 is 1913'S and 2578'W; Well No. 3 is 520'S and 956'W all from the East 1/4 corner of Section 4-T102N-R49W

Well No. 4 is 918'S and 2219' W of the SE corner of Section 4-T102N-R49W

WELL INFORMATION: Well Drilling Firm unknown

No. of Wells 4 Depth(s) 40-50 feet

a) Casing: 1) diameter 18 inches

2) length feet

3) type

c) Pump

d) Static Water Level unknown feet

b) Screen: 1) type

2) length feet

1) make all Western Land Roller

2) model Well Nos. 1, 2 and 4 - 6 030 4 10 H.

No. 3 - 6M 7 10C M

3) size all 6 inches

e) Motor:

1) make No. 1 and 2 - Lincoln AC, No. 3 is GE and No. 4 is US Electric

4) capacity 2400 GPM total

2) model No. 1 and 2 are T-2557, 3 is 5K6248XH4A and 4 is 03-75 N-5001937

5) turbine pump - No. of stages all 4

3) horsepower rating 20/20/50/60 hp

6) operating pressure unknown PSI

DISTRIBUTION LINES OR CANALS:

a) type all aluminum b) size 10/8/6 inches c) length 1600/2200/1200 feet

System Type:

a) Gun:

1) make Big Gun/ EZ Rain

2) nozzle size 1.5 each

3) capacity 1100 each GPM

4) hose size 6/6 inches

5) hose length 660/660 feet

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

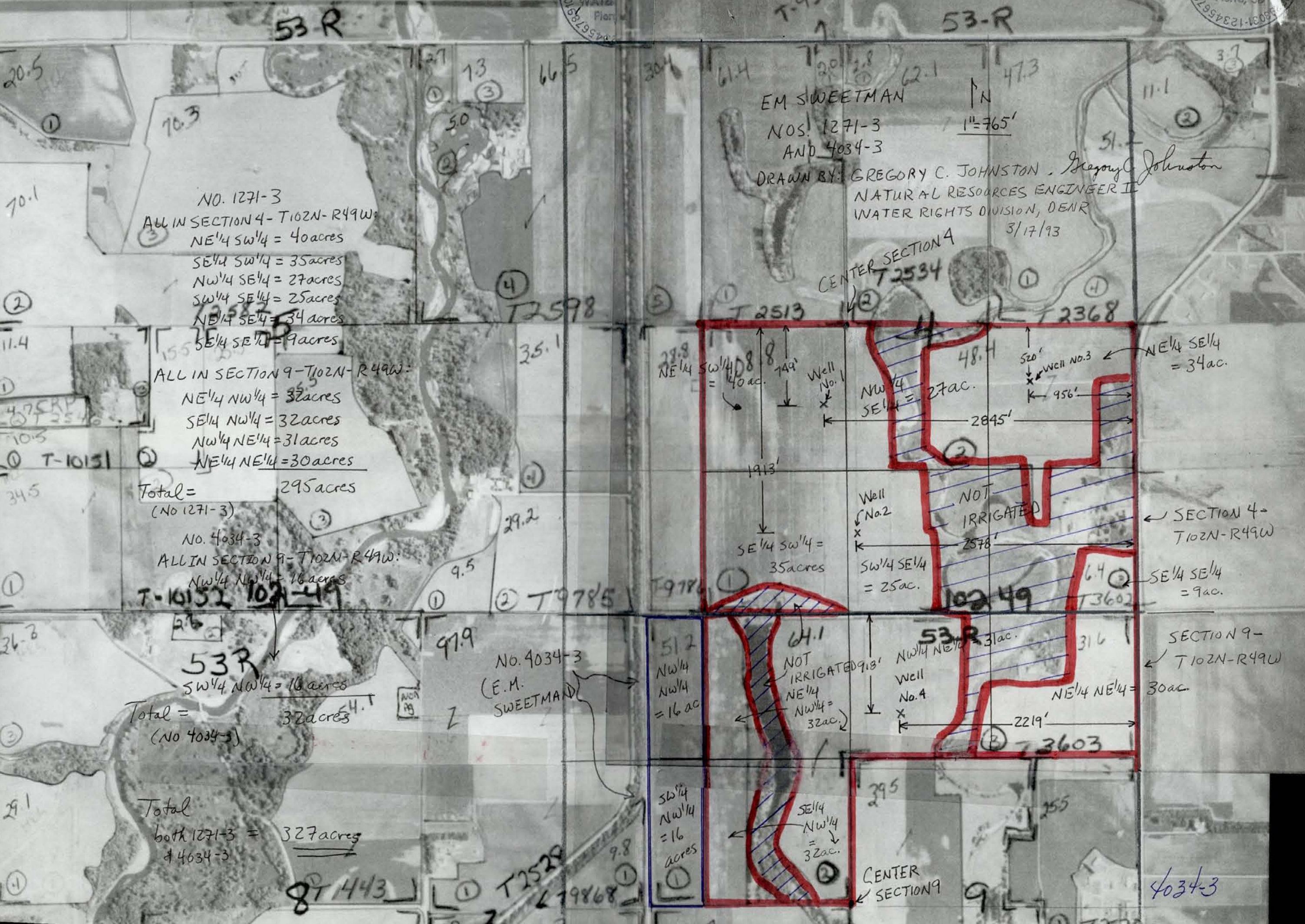
a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

This license reissues Water License No. 1271-3 and Incorporates No. 1271-3 into Water License No. 4034-3. Water License No. 4034-3 permits 32 acres of additional land (no additional water) to be irrigated from the wells and the system under License No. 1271-3.



NO. 1271-3
ALL IN SECTION 4 - T102N-R49W:
NE 1/4 SW 1/4 = 40 acres
SE 1/4 SW 1/4 = 35 acres
NW 1/4 SE 1/4 = 27 acres
SW 1/4 SE 1/4 = 25 acres
NE 1/4 SE 1/4 = 34 acres
SE 1/4 SE 1/4 = 9 acres

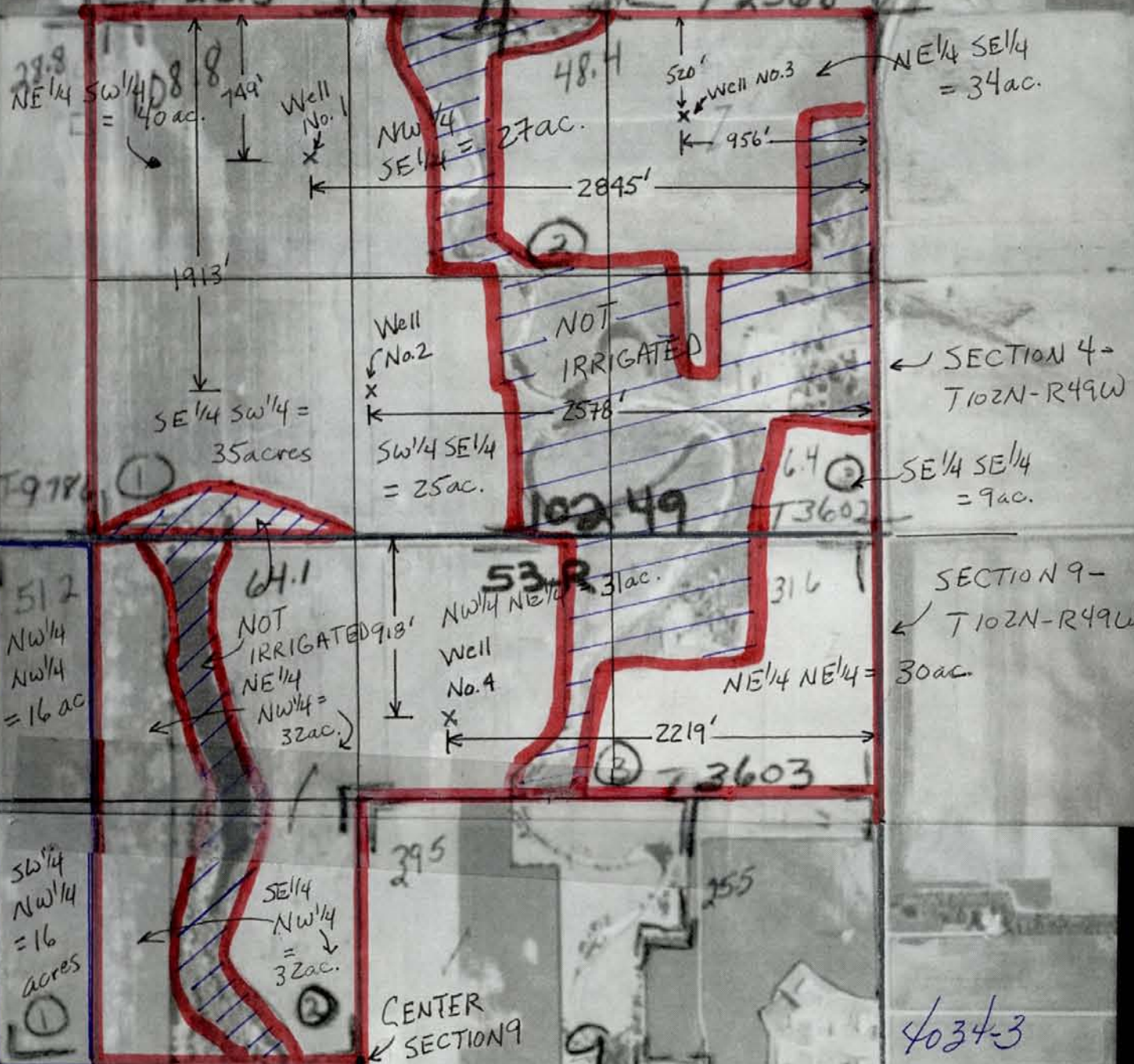
ALL IN SECTION 9 - T102N-R49W:
NE 1/4 NW 1/4 = 32 acres
SE 1/4 NW 1/4 = 32 acres
NW 1/4 NE 1/4 = 31 acres
NE 1/4 NE 1/4 = 30 acres
Total = 295 acres
(No 1271-3)

NO. 4034-3
ALL IN SECTION 9 - T102N-R49W:
NW 1/4 NW 1/4 = 16 acres
SW 1/4 NW 1/4 = 16 acres
Total = 32 acres
(No 4034-3)

Total both 1271-3 & 4034-3 = 327 acres

EM SWEETMAN
NOS. 1271-3
AND 4034-3
DRAWN BY: GREGORY C. JOHNSTON, Gregory C. Johnston
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION, DENR
3/17/93

CENTER SECTION 4
T 2534



RECEIVED

DEC 10 2012

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 4034-3 (4034A-3)

Date: 12-5-12

I/We request that Water Right/Permit No. 4034-3 formerly owned by:

Mom's Farm Partnership, LLP

be transferred to:

New Owner Name: KB Investments, LLC

Address: PO Box 121

City, State, Zip Garretson SD 57030 Telephone No. 605-594-2121

ext. #2

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

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4-102-49
Minnehaha County

☒ I understand that the validity of Water Right/Permit No. 4034-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, KB Investments, LLC, 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 12/10, 20 12

RECEIVED OF Getty Abstract - Midwest Title 5800 S Remington Pl Sioux Falls SD 57108

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>4034-3</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. **05745**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2012

4034A-3

Kevin Baum
KB Investments LLC
PO Box 121
Garretson SD 57030

Dear Sir:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 4034A-3. The water right, formerly held by "Mom's Farm Partnership LLP, is now listed in the name of "KB Investments LLC".

Our records show the land described in the water right is in the Conservation Reserve Program through 2017. For informational purposes, SDCL 46-5-37.2, Exceptions to forfeiture for nonuse, the provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

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

We will hold up on mailing the annual irrigation questionnaire to you for this property until the land comes out of CRP. If our records are in error and the land is not in CRP, please let me know.

In the event you do not have one, I am enclosing a copy of the water right for your records. The receipt for the filing fee for the ownership change is being forwarded to Getty Abstract in Sioux Falls.

Sincerely,

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

enclosure

c: Getty Abstract – Midwest Title w/Receipt No. 05694



4034A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 9, 2018

4034A-3

Kevin Baum
KB Investments LLC
PO Box 121
Garretson SD 57030

Dear Mr. Baum:

I am contacting you in regard to your Water Right No. 4034A-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 4034A-3 has been in the Conservation Reserve Program through 2017.

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

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

Water Right No. 4034A-3
KB Investments LLC

RECEIVED
JUL 20 2018
WATER RIGHTS
PROGRAM

Water Right No. 4034A-3 authorizes diversion of ground water from three wells to irrigate 170 acres located in the SE ¼ and E ½ SW ¼ Section 4, T102N, R49W.

Do you still own the land described above?

Yes ☒

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

Has the land been re-enrolled in CRP:

Yes ☒ through calendar year 2028

No ☐

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

For informational purposes:

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

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