

Water Right Number 4041-3

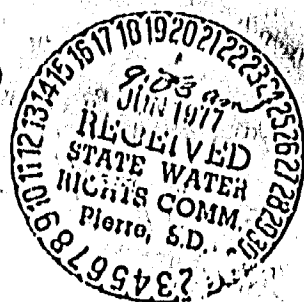
1. Considered 7.27, 77
2. Name of Applicant GARRY W. JACOBSEN
3. Post Office Address SIoux FALLS
4. Amount of water claimed 5.6
5. Source of water supply 2.58' & 1-63' WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 393
7. Water to be diverted and used in ROBERTS County
about 3E, 5N Miles of ORTLEY
8. Proof of Publication Received ~~15~~ 7-22-77
- Not received _____
9. Application Approved [Signature]
- Subject to _____
- Not approved _____

10. Remarks:

Permit 4041-3 sheet T122NR52
Garry Jacobsen lives in Roberts County
is there during week end at the farm
on weekends.
Can be reached at
Business 936 3693
Residence 932 0538
Sioux Falls S.D.
Is ready for final inspection

C. Wright (Inventor)
2-13-80

Map No. 3284-3 Water Division No. 3 No. 4041-3 WHETSTONE CREEK District
(Blanks to be Filled 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 Garry W. Jacobson
Postoffice address 1300 Cedar Lane 57101, State Sioux Falls South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Garry W. Jacobson Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 5.6
5. Source of water supply 3 wells
6. Location of point of diversion Well #1 - 3850' N 154° W of NE corner Sec 3 - 122-52
Well #2 - 1450' N 120° W of NE corner Sec 3 - 122-52
Well #3 - 3380' N 120° W of NE corner Sec 4 - 122-52 County Roberts
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 393

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.
NW 1/4 NE 1/4 Sec 3 - 122-52	39	NE 1/4 SE 1/4 Sec 3 - 122-52	39
NE 1/4 " " " "	38	NW 1/4 SE 1/4 Sec 3 - " " "	39
SW 1/4 " " " "	40	NE 1/4 " " " "	40
SE 1/4 " " " "	39	NW 1/4 SE 1/4 Sec 4 - 122-52	40
NW 1/4 Sec 4 Sec 3 - 122-52	40	NE 1/4 SE 1/4 Sec 4 - 122-52	39

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

A. Works proposed to divert water from its natural source. 3 wells with 3 electrically driven deep well turbines

B. Works proposed to transport water to place of use. open & covered ditches

C. Works proposed to apply water to beneficial use. center pivot irrigation machines

Estimated Total Cost \$ 175,000

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

STATE OF SOUTH DAKOTA

County of MINNEKAHA

I, GARRY JACOBSON, 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

Garry Jacobson

Subscribed and sworn to before me this

2

day of

July1922

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4041-3
GARRY W. JACOBSON 1300 CEDAR LANE, SIOUX FALLS
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57101 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 JUNE 20, 1977
 Date of return to applicant for correction, amendments or changes required JUNE 20, 1977
 Date of receipt of corrected application JUNE 28, 1977
 Approved JULY 27, 1977 Recorded in Book 19 Page 53

WATER RIGHT PERMIT NO. 4041-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4041-3 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 JUNE 20, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 27, 1980
3. The whole of said work is to be completed on or before JULY 27, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 27, 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 5.60 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 JULY 27, 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 15 day of AUGUST, 1977

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Main St
Sioux Falls, S.D. 57106
Phone 605-332-4974

100 ft

Name Larry Jacobson Date May 23
Address 809 W Russell
County Sioux Sec. 7 Twp. 10 Range 10

NO. FT.	DIA.	RATE	CASING	TOTAL
25	4 3/4"	3.00	none	\$195.00
				\$195.00

BALANCE DUE

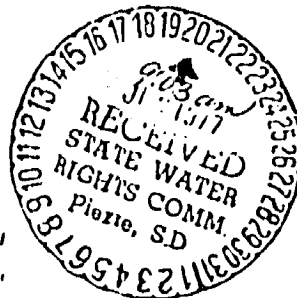
Hole 1# at NE of Buildings
0 ft. to 18" ft. Lap reel
18" ft. to 5' ft. Dry Brown Sand
5' ft. to 46' ft. Sand Brown
46' ft. to 63' ft. Sand well graded
63' ft. to 65' ft. Rocks
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.
ft. to ft.

STATIC WATER LEVEL 15'

REMARKS:

3 newly identifying wells

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)



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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 58'
(2) Casing, Type PLASTIC, Diameter 16", Thickness 3/8"
(3) Perforated Screen.
Type stainless steel cont. slot, Diameter 16", Length 15'
(4) Gravel Pack, Thickness 7", Length of gravel pack 20'

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 see enclosed log - this is
log for well #1 - the other two wells are
a little bit shallower

	well #1	well #2	well #3
Depth to top of water bearing material	15'	15'	15'
Depth to bottom of water bearing material	58'	63'	58'
Thickness of water bearing material	43'	48'	43'
Depth to water (ground surface to water level)	15'	15'	15'

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

On same owner's property well #2 - 160 rds. On property owned by others well #2 - 240 rds.
well #3 - 340 rds. well #3 - 166 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.

Garry Jackson
Signature of Applicant

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 Garry W. Jacobson
ADDRESS 1300 Cedar Lane Sidney Falls 57101
COUNTY Codina Roberts

LEGAL DESCRIPTION

1. WELL LOCATION SE⁴ of sec 9 - T 122 N, R 52 W
2. LOCATION OF AREA TO BE IRRIGATED NE⁴ sec ; N² of S² sec 3 & N² of S⁴ sec 4
all in T 122 N, R 52 W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ✓ GUN _____
4. CROPS TO BE IRRIGATED Corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-868
6. SALINITY (EC x 10⁶) 1290 (high) 1290
7. SODIUM (SAR) 0.46 (low) 0.46
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 soil's 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.

Garry Jacobson
APPLICANT'S SIGNATURE

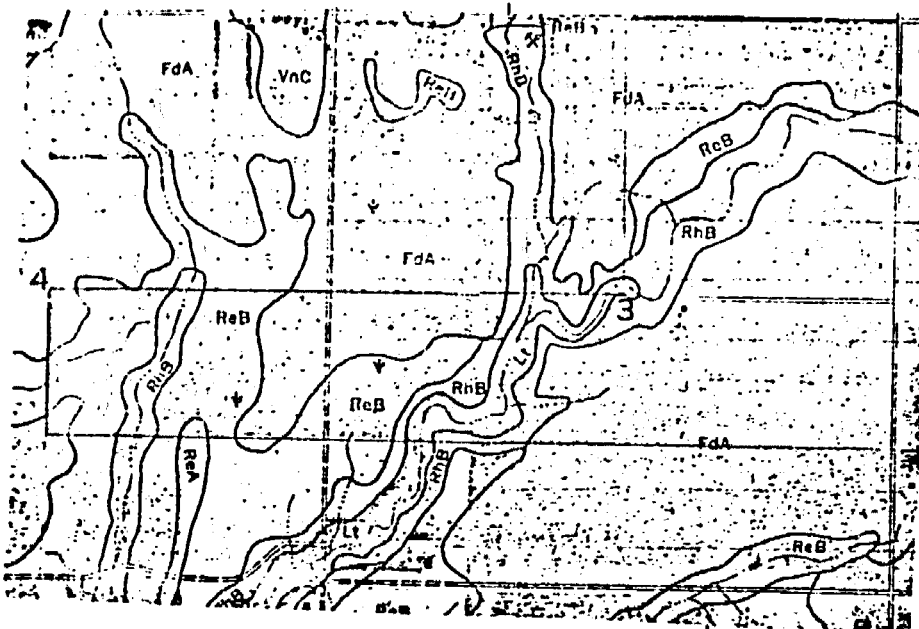
Albert J. Hoff
APPROVED/

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF JUNE 19 77

Albert J. Hoff
(TITLE OR SEAL)

(SOILS INFORMATION ON REVERSE SIDE)

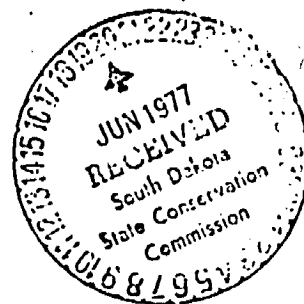
4487



ReB - Renshaw loam
RhB - Renshaw - Stony loam
FdA - Fordville loam
Lt - Loamy Fluvagments

June 16, 1977

Mr. Garry Jacobson
1300 Cedar Lane
Sioux Falls, SD 57101



Dear Mr. Jacobson:

Your water sample (Lab. No. 77-866) 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
Water Quality Lab

LOP:ckb
Enclosures

cc: State Conservation Commission

D. Pahl, Extension Service

P.S. I am enclosing copies of the reports on wells #1 and #2.

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Garry Jacobsen Date Rec'd: June 7, 1977
Address: Deloy Electric Sample No. 77-566
Sioux Falls, SD 57101 Identification: 3 2011-59
Box 4, T 122N, R 52W

WATER ANALYSIS

Calcium (Ca)	176	ppm*	8.80	me/l**
Magnesium (Mg)	67	ppm	5.51	me/l
Sodium (Na)	28	ppm	1.22	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	395	ppm	8.22	me/l
Nitrate (as N)	5	ppm	0.13	me/l
Chloride (Cl)	307	ppm	5.04	me/l
Bicarbonate (HCO ₃)		ppm		me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	252	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	1290	micromhos per cm at 25° C.		
Electrical Conductivity	0.45			
Sodium Adsorption Ratio	7.73	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	8.12			
pH				
Others:				

*ppm=parts per million
**me/l=millequivalents per liter

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

COMMENTS: Total cations 15.66 me/l
Total anions 13.39 me/l

By: Shirley Kattan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-566

Amount Enclosed \$.....

Signed.....

No. 4041-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Jack Adams hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Sisseton 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 Sisseton of _____

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

July 14, 1977

July 21, 1977

Jack Adams
(Signature)
publisher
(Title)
July 21, 1977
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Notice is hereby given that Garry W. Jacobson whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-3, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-8.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 5.6 cubic feet of water per second of time from ground water through the Garry W. Jacobson No. 1, the points of diversion of which are to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Twp. 122N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 3; N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4; T122N, R52W. This Application No. 4041-3 will be considered by the Water Rights Commission at the Staurolite Inn, Brookings, S.D. upon the 27th day of July, 1977, at 10 a.m. The Commission 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 Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

Water Rights Commission
James Winterton
Water Rights Specialist
(July 14-21-2w)



Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 29, 1977Notice is hereby given that Garry W. Jacobson whosepost office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 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, ~~Future Use 46-5-38;~~ ~~Temporary Permit 46-5-39; 46-5-40; Ground Water~~ 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use 52:01:01:21~~~~about 52:01:01:24;~~ for a permit to appropriate for beneficial use 5.6 cubic feetof water per second of time from ~~the~~ ground water throughthe Garry W. Jacobson # 1, the points of diversion of which ~~is~~ areto be located in the NE¹ SE¹ of Section 4, NE¹ NE¹ and SE¹ NE¹of Section 3, Twp. 122N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:NE¹, N¹ SE¹, N¹ SW¹, Section 3; N¹ SE¹, Section 4; T122N, R52W

This Application No. 4041-3 will be considered by the Water Rights Commission at the Staurolite Inn, Sisseton Prookings, SD upon the 27th day of July, 1977, at 10 A. M. The Commission 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 Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Garry W. Jacobson, 1300 Clear Lane, Sioux Falls, SD 57101



Summit So Dak
7-25-1977

Dear Sir:

I am writing in concern of the matter of irrigation permit of Larry W. Jacobson whose post office address is Sioux Falls So Dak. I am protesting against this irrigation permit no 4041-3.

Reason no 1. He is not a resident of Roberts county

no 2 He doesn't farm his own land so I don't classify him as a farmer as he rents the land out.

no 3 I classify him as a labor as he works in Sioux Falls.

I am hoping that my letter of protest will be considered very much as I feel that a person should live on the farm to be acceptable.

as Ever
Willis Hamman
Summit So Dak
57266

9-23-77 --

Call From GARRY JACOBSON

He is putting in wells
has not test pumped his wells
as of this time.

~~Mr~~ JACOBSON SAYS that Mr. ART
HAMMAN who ~~has~~ has a domestic
well is complaining that drilling
the hole CAUSED so much stirring
up of the water that ~~Mr. Hamman's~~ ^{his domestic}
well is producing dirty water.
The well is 1/4 mile or more away
from the irrigation well. Water table
conditions.

JCW

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

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

March 23, 1987

GARRY W JACOBSON
1306 CEDAR LANE
SIOUX FALLS, SD 57103

NOTICE

Re: Violation of Water Permit(s). 4604-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4604-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4604-3 qualification:

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

The hearing will also be to determine if Permit No(s). 4041-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4604-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 4041-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

April 15, 1987

4041-3
4604-3

Garry W Jacobson
1300 Cedar Lane
Sioux Falls, SD 57103

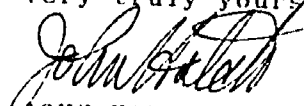
Dear Mr. Jacobson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4041-3 and 4604-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



4041-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

GARRY W JACOBSON
1300 CEDAR LANE
SIOUX FALLS, SD 57103

NOTICE

Re: Violation of Water Permit No(s). 4604-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4604-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4604-3 qualification:

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

The hearing will also be to determine if Permit No(s) 4041-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

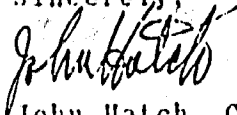
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4604-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 4041-3 also held by GARRY W JACOBSON to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 4, 1988

4041-3
4604-3

Garry W Jacobson
1300 Cedar Lane
Sioux Falls, SD 57103

Dear Mr. Jacobson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 4041-3 and 4604-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

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

February 17, 1989

Garry W. Jacobson
1300 Clear Lake
Sioux Falls, SD 57501

Dear Mr. Jacobson:

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;

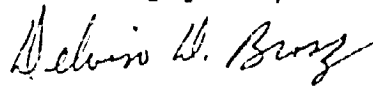


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Susar Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 28, 1992

(4041-3)
4604-3

Lee Schoenbeck
PO Box 181
Webster, SD 57274-0181

Dear Mr. Schoenbeck

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 4041-3 and 4604-3. The water permits are currently listed in the name of Garry W Jacobson.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50 each (total \$5.00).

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.

I have included a couple pamphlets on general water rights information which may be helpful to you. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

November 18, 1992

SECOND NOTICE
PERMIT NO. (4041-3),
4604-3

Lee Schoenbeck
P.O. Box 181
Webster, SD 57274-0181

Dear Mr. Schoenbeck:

On August 28, 1992, notice was sent to you concerning the transfer of Water Permit Nos. 4041-3 and 4604-3 in the name of Garry W. Jacobson. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$5.00. The water permits can then be transferred to your name. If you are not the present owner of the land covered under these water permits, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Lee Schoenbeck
P.O. Box 181
Webster, SD 57274-0181

4041-3

4604-3

4a. Article Number

P 906 559 952

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

11-19-92

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Plaine Schoemaker

Thank you for using Return Receipt Service.

GRIBBIN, BURNS & EIDE

ATTORNEYS AT LAW

16 EAST KEMP - P.O. BOX 523

WATERTOWN, SOUTH DAKOTA 57201-0993
November 25, 1992

EDWARD P. GRIBBIN (1903-1958)
FRANCIS C. BURNS
ALLEN J. EIDE
THOMAS F. BURNS

PHONE
(605) 886-5815
FAX
(605) 886-2072

Genny McMath
Natural Resources Analyst
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3131



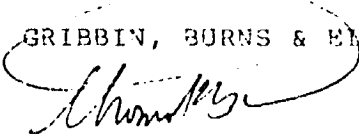
Re: Water Permit No. 4041-3

Dear Ms. McMath:

I am enclosing a Notice of Transfer of Ownership of the above-referenced Water Permit. This has been transferred to James N. Endres, as Trustee of the Endres Family Trust.

Cordially yours,

GRIBBIN, BURNS & EIDE


By: Thomas F. Burns
TFB/rs
enc.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4041-3

Date: Nov. 25, 1992

I\We request that Water Permit No. 4041-3

formerly owned by: Garry W Jacobson, 1300 Cedar Lane, Sioux Falls, SD 57103

be transferred to: (name & address) James N. Endres, Trustee; R.R. 4 - Box 36,
Watertown, SD 57201 (Telephone No.) (605) 886-7342

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

393 acres - NE 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 Section 3, N 1/2 SE 1/4 Section 4,
all in T122N, R52W

I\We understand that the validity of Water Permit No. 4041-3 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 Codington)

I\We James N. Endres 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.

James N. Endres
Jim Endres
(Signed)

Subscribed and sworn to before me this 25th day of Nov., 1992.

Thomas B. Bunn

(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.



4041-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 3, 1992

4041-3
4604-3

Thomas F Burns
GRIBBIN, BURNS & EIDE
PO Box 903
Watertown, SD 57201-0903

Dear Mr. Burns:

This will acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for transferring Water Permit Nos. 4041-3 and 4604-3. The permits, currently listed in the name of Garry W Jacobson are to be transferred to James N Endres, Trustee.

The forms were completed properly, however the transfers can not be processed without a required filing fee of \$2.50 each. Please submit a total of \$5.00 as soon as possible.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

RECEIPT

413529

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 2, 19 92

RECEIVED OF Thomas F Burns (James N Indres, Trustee), PO Box 995, Watertown, SD 57201-0995
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. XXXXXXXXXX		
Fee for Filing Transfer Form _____ Water Permit No. 4041-5		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John A. Holdrege
Chief Engineer



4041-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 11, 1992

No. 4041-3
4604-3

James H. Endres, Trustee
RR 4, Box 36
Watertown, SD 57201

Dear Mr. Endres:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 4041-3 and 4604-3.

Our records now show you as the owner of Water Permit Nos. 4041-3 and 4604-3.

Sincerely,

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

enclosure



4041-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

NOTICE

TO: JAMES ENDRES, TRUSTEE
C/O MILT CARTER, CSS FARMS
RR3 BOX 138B
WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 4041-3 & 4604-3

The first notice to file chemigation report(s) for Permit No(s) 4041-3 & 4604-3 was dated December 29, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 4041-3 & 4604-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 4041-3 & 4604-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.



4041-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1995

4041-3
4604-3

James Endres, Trustee
RR #4 BOX 36
Watertown, SD 57201

Dear Mr. Endres:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires and chemigation reports. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 4604-3 and the Notice of Failure to Report Chemical Use under Water Permit Nos. 4041-3 and 4604-3.**

The questionnaires were received from Milt Carter with CSS Farms in Watertown. Next year's questionnaires and chemigation reports will be sent directly to CSS Farms as the operator. If and when CSS Farms no longer operates your systems, please contact me so that I can update our records.

The questionnaires and chemigation reports were received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Milt Carter, CSS Farms, RR #3 Box 138B, Watertown, SD 57201



February 4, 1997

NOTICE

4041-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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 on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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**

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

February 4, 1997

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3;
4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-
3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

4041-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

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



July 18, 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Jim Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

This letter is in reference to a complaint we received concerning overspray on public right-of-ways by your centerpivot endguns. On July 1, 2002, Mark Rath from my office investigated the overspray complaint and observed one of your centerpivots overspraying an unimproved section line road between section 3 and 4 in T122N-R52W (Res) in Roberts County. He met with you concerning this matter on July 2, 2002. At that time you acknowledged the problem and indicated you would remedy the situation promptly.

I would like to remind you that you are not allowed to operate an irrigation system in violation of state water law, which includes allowing unauthorized overspraying to occur. I appreciate your efforts at correcting this problem, where they may exist, on any and all of your centerpivots.

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

33 38
4 3

34 35
3 2

Garry W. Jacobson
Irrigation Project #1
1300 Cedar Lane
Sioux Falls S.D.
57102
Land in Roberts County
6-17-77

NW⁴ of NE⁴ Sec 3
122-52
39 Acres

NE⁴ of NE⁴
1450
N 120° W

well #2
38 Acres

SW⁴ of NE⁴ Sec 3
122-52
40 Acres

2850
N 154° W

SE⁴ of NE⁴
Sec 3-122-52

well #1 39A

NW⁴ of SE⁴ Sec 4
122-52
40 Acres

39 Acres

well #3
NE⁴ of SE⁴ Sec 4

NW⁴ of SW⁴ Sec 3
122-52
39 Acres

NE⁴ of SW⁴ Sec 3
122-52
40 Acres

NW⁴ of SE⁴ Sec 3
122-52
40 Acres

NE⁴ of SE⁴ Sec 3
122-52
39 Acres

3380'
N 170° W

Certified Correct
John L. Williams

~~MAP NO 328-13~~ APPL NO 4041-3

~~4041-3~~, 5723-3 & 7073-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 4041-3 – Endres
Water Right No. 5723-3, Endres
Water Permit No. 7073-3, Gaikowski

ADDRESS: COUNTY: Roberts

DATE: August 9 and 10, 2012 TELEPHONE:

RE: Center Pivot overspray

At 11:30 AM, August 9, 2012, Delwin Pies called to complain of end gun overspray on to roads and his property from center pivots located in Sections 4, 5 and 10. The pivots in Sections 4 and 10 are owned by Jim Endres and operated by Greg Endres. The pivot in Section 5 is owned by Duane Gaikowski.

Mr. Pies said the most urgent was in Section 10 as someone with the BIA is attempting to put in a post for a sign and this has caused them to drive on pasture ground he leases from the tribe.

Upon receiving the complaint I called and left messages for Greg Endres (882-1711), Jim Endres (886-7342). I also attempted to contact Duane Gaikowski (947-4623).

Friday, August 10, 2012

8:30 AM, Duane Gaikowski called and saw from caller ID that I tried calling. I explained by Mr. Pies had called to complain about the end gun stops on one of the pivots in Section 5 not being properly set and there being overspray on the road. He indicated he would go check on it.

8:40 AM, Jim Endres returned my call and said that Greg Endres operates the ground and is going up there to check on the situation.

8:50 AM, Greg Endres called. He indicated about a week ago they put in new Ag Sensor controllers on the pivots where they can control and monitor pivot operation on-line. He said there may need to be some adjustments needed to the calibration and will work to remedy it if any overspray is occurring. He was surprised about the complaint on Section 10 as they've had problems with the well resulting in the pivot not being used much this year.

Cell Phone numbers

Greg Endres – 605 880-1711

Jim Endres – 605 881-0424

NAME:

Eric Hunter



COPY

4041-3
DEPARTMENT of ENVIRONMENT 5723-3
and NATURAL RESOURCES 7073-3

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

August 10, 2012

Delwin Pies
45187 138th Street
Waubay SD 57273

Dear Mr. Pies:

In response to your phone call on August 9, 2012, DENR contacted Greg Endres and Duane Gaikoswki regarding end gun overspray from center pivots operating in Sections 4, 5 and 10 of Ortley Township in Roberts County. Your concern was that water is being sprayed on to roads and land that you are haying. Both Mr. Endres and Mr. Gaikowski indicated they will check the pivots and end gun stops to insure proper operation.

At this time, DENR is satisfied with Mr. Endres and Mr. Gaikowski's commitment to check the end guns and insure proper operation. Please let DENR know if the end gun operation is not remedied where direct end gun spray is being applied to the road or inappropriate lands.

Sincerely,


Eric Gronlund

Water Rights Program, DENR
605 773-3352

c: Greg Endres, 2011 S Serenity Drive, Watertown SD 57201
Duane Gaikowski, 13872 450th Avenue, Waubay SD 57273



4041-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 19, 2021

4041-3
4041A-3
6029-3

Garry Jacobson
North Star Cattle & Ranch Co LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

I am writing to acknowledge receipt of the transfer forms and filing fees you paid for transferring ownership on Water Permit No. 4041A-3 and Water Right No. 6029-3.

The ownership changes have been completed. Nos. 4041A-3 and 6029-3 formerly held by James Endres Trust and CSS Farms are now listed under "North Star Cattle and Ranch Company LLP.

Water Permit No. 4041-3 also needs to be transferred. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

The receipts for the first two transfers are enclosed. If you need assistance with the transfer form for No. 4041-3, please let me know. Thank you in advance,

Sincerely,

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

enclosures

4041-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 12, 2021RECEIVED OF North Star Cattle & Ranch Company, LLP 1116 W Goldthread Circle 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	\$ _____
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>4041-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer

VM

PAID

MAY 12 2021

Ck# 2011

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 12 2021

WATER RIGHTS
PROGRAM

No. 4041-3

Date: 5/2/21

I/We request that Water Permit No. 4041-3

formerly owned by: James Endres, Trustee

be transferred to: (name & address) North Star Cattle and Ranch Company, LLP
1116 W Goldthread Circle, Sioux Falls SD 57108

Telephone No. 605 366-7777

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

393 acres in portions of the E ½ & N ½ SE ¼, N ½ SW ¼ Section 3 and

N ½ SE ¼ Section 4, all in T122N, R52W

I/We understand that the validity of Water Permit No. 4041-3 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 GARRY JACOBSON, 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 12, 2021

4041-3

Garry Jacobson
North Star Cattle & Ranch Co LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Permit No. 4041-3.

The ownership change has been completed. Water Permit No. 4041-3 formerly held by James Endres Trustee is now listed under North Star Cattle & Ranch Company LLC.

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

Sincerely,

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

enclosure

4041-3



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: NORTH STAR CATTLE & RANCH CO LLP, GARRY JACOBSON, 1116 W GOLDTHREAD CIRCLE, SIOUX FALLS, SD 57108

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4041-3, 4041A-3 & 6029-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4041-3, 4041A-3 & 6029-3 qualification:

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

The hearing will be held at **Wednesday, March 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) 4041-3, 4041A-3 & 6029-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 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 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: <https://danr.sd.gov/iq> using this password: DCGZGS**

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.

4041-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 22, 2022

4041-3
4041A-3
6029-3

Garry Jacobson
North Star Cattle & Ranch Co LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. They were submitted today by Chase O'Farrell.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right or Permit Nos. 4041-3, 4041A-3 & 6029-3. 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,

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

JUN 02 2022

4041-3
4041A-3

Garry Jacobson
North Star Cattle & Ranch LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

Enclosed is Water License No. 4041A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

Upon licensing, the applicable portions of Water Permit No. 4041-3 were incorporated into Water License No. 4041A-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

c: Scott Huether, Mgr, 6607 Hwy 32, Lisbon ND 58504

enclosure

NOTE: The investigation found your irrigation system is capable of diverting 4.00 cubic feet of water per second (cfs) which is equivalent to approximately 1,800 gallons per minute. The statutory limit for 222 acres is 3.17 cfs (equivalent to 1,422 gpm). Diversion of water under this water license is limited to 3.17 cfs.