

WATER PERMIT NO. 4041A-3

Name of Applicant: James N. Endres, Trustee

Address: RR 4 Box 36, Watertown SD 57201

Phone: 605 886-7342

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation

County: Roberts

Type of Waste Disposal System: NA

Location: 20 miles southwest of Sisseton

PRIORITY

Date Received: 3-24-97

Fee: \$50

Corrected Application Received:

Period of Annual Use: April 1 - October 31

Remarks: Change of acres from NE 1/4 SW 1/4 Sec 3 to SE 1/4 SE 1/4 Sec 4

Diversion Point: Center of NE 1/4 Sec 3
and NW 1/4 SW 1/4 Sec 3; all in T122N-
R52W

Land to be Irrigated: N 1/2 SE 1/4, SE 1/4 SE 1/4
Sec 4 and NW 1/4 SW 1/4, NE 1/4 Sec 3; all in
T122N-R52W

Depth of Well: existing wells

Well Driller:

Remarks:

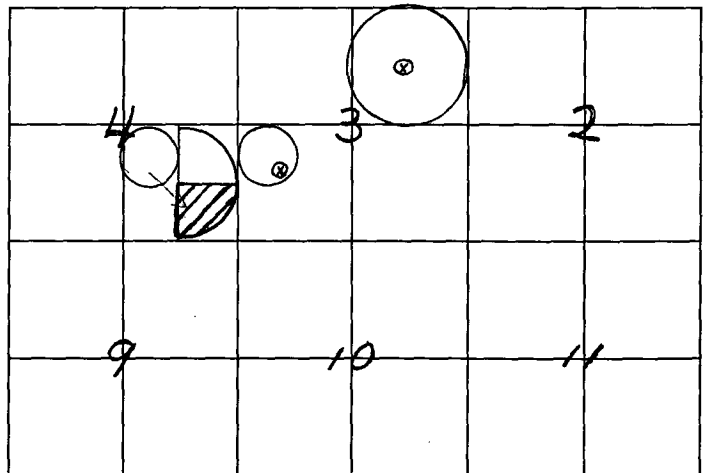
Type of Map: aerial

Prepared by: W. Stanley Lamb, FSA

Reviewed and the Number Assigned on: 3-24-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



EBB
4/16/96

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>4041A-3</u> Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Sisseton Courier, Sisseton, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ✓ Amendment/Correction to Permit No. 4041-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Move acreage to be irrigated from one 40 to another 40
- Correct location of points of diversion

1. Name of Applicant James N. Endres, Trustee ☒ Owner ☐ Tenant/Lessee Phone 605/886-7342
(check one)
Mailing Address RR 4, Box 36, Watertown State SD 57201
(Street, RR, or Box) (Zip Code)

2. Amount of water claimed 5.6 *CFS or **GPM ***AF Total Acreage 264
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well in NW 1/4 of SW 1/4 3-122-52
1 Well in Center of NE 1/4 3-122-52 County Roberts

5. County or counties where water will be used Roberts

6. Annual period during which water is to be used May - September April 1 - Oct 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 of SW 1/4 4-122-52</u>	<u>34</u>	<u>NW 1/4 of NE 1/4 3-122-52</u>	<u>39</u>
<u>NE 1/4 of " "</u>	<u>34</u>	<u>NE</u>	<u>38</u>
<u>SE 1/4 of " "</u>	<u>34</u>	<u>SW</u>	<u>40</u>
<u>NW 1/4 of SW 1/4 3-122-52</u>	<u>40</u>	<u>SE</u>	<u>39</u>

8. Give a description of the project. (Attach sheet if more space is needed)
Moving irrigated acres from NW 1/4 of SE 1/4 4-122-52
to SE 1/4 of SE 1/4 4-122-52 to accomodate modern center pivot

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)
County of Codington ss

I, James N. Endres, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed James N. Endres, Trustee
Subscribed and sworn to before me this 17th day of March 19 97
Ralph D. Adams
Notary Public

My Comm Expires: 4/30/98

SOUTH DAKOTA
WATER PERMIT NO. 4041A-3 FOR IRRIGATION

Date of first receipt of application March 24, 1997.

The Water Management Board approved Water Permit Application No. 4041A-3 on July 9, 1997 for James N Endres, Trustee, RR 4 Box 36, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4041A-3 changes the location of the irrigated acreage authorized by Water Permit No. 4041-3. Water Permit No. 4041-3 appropriated 5.6 cubic feet of water per second from three wells located in the SE 1/4 NE 1/4, NE 1/4 NE 1/4 of Section 3 and the NE 1/4 SE 1/4 of Section 4 to irrigate 393 acres located in the NE 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 Section 3 and N 1/2 SE 1/4 Section 4; all in T122N-R52W. This permit changes the location of 34 acres located in the NW 1/4 SE 1/4 Section 4 to the SE 1/4 SE 1/4 Section 4; all in T122N-R52W. This permit also corrects the location of the two wells developed under Water Permit No. 4041-3. The two wells are located in the NW 1/4 SW 1/4 Section 3 and the center of NE 1/4 Section 3-T122N-R52W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is June 20, 1977.
4. One-fifth of the construction is to be completed on or before January 9, 2000.
5. All construction is to be completed on or before July 9, 2002.
6. Water is to be put to beneficial use on or before July 9, 2006.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

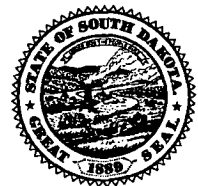
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 12 1997

date



RECEIPT

415284

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 24, 19 97

RECEIVED OF Endres Trust, Jim Endres, Trustee, RR 4, Box 36, Watertown, SD 57201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>404/A-3</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatakey
Chief Engineer

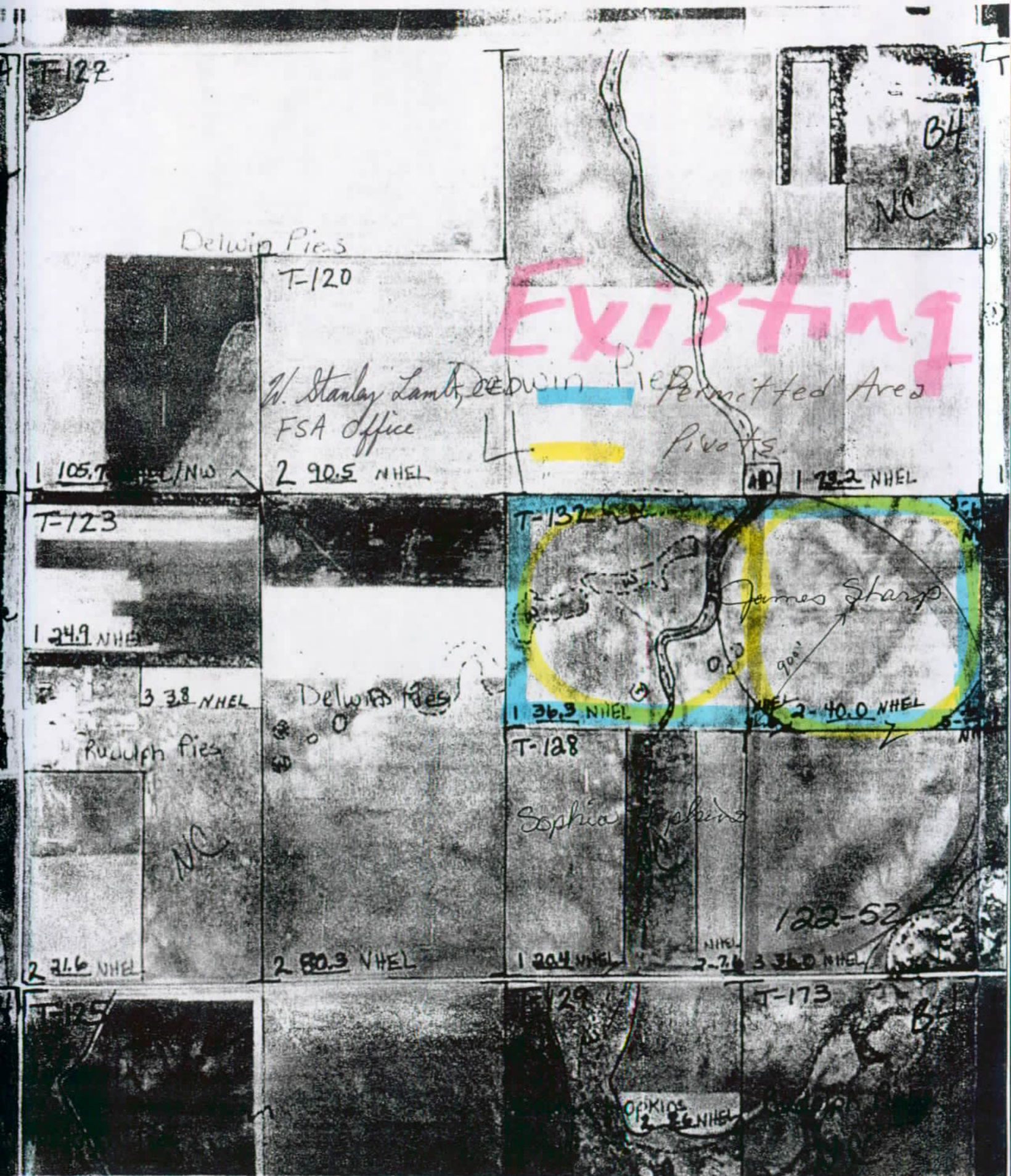
NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



CSS FARMS, INC.

"Committed To Quality And Service"

RR 3 - Box 138B
Watertown, South Dakota 57201-9348
Office (605) 886-2577

FAX (605) 886-2586
Potato Storage (605) 886-9749

March 17, 1997

Eric Gronlund
Division of Water Rights
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol Ave.
Pierre, SD 57501



Dear Eric:

Enclosed is a proposed amendment to irrigation permit # 4041-3. The original permit was based on use of a towable 40-acre water drive irrigation pivot. It is no longer practical or economical to use that old technology for modern irrigated crop production. Consequently, we would like to replace that system with a new, standard electric center pivot that covers a quarter section.

To accomodate this new technology, we need to move the permitted irrigated acreage from the NE 1/4 of the SW 1/4 of Sec. 3-122-52 (see existing map) to the SE 1/4 of the SE 1/4 of Sec. 4-122-52 (see proposed map). There would be no increase in total irrigated acreage, and as such, this amendment should comply with Section 46-5-34 of the state statute. (By the way, there would be no change in either total GPM or diversion point.)

If you have any questions, do not hesitate to call.

Sincerely,

Milton G. Carter
President

P.S. Jim Endres Trust is the owner of this land, and CSS Farms is the tenant.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 4041A-3, James Endres

ADDRESS: COUNTY: Roberts

DATE: March 25, 1997

TELEPHONE: 886-2577 (CSS Farms)

RE: Discussion with Milton Carter of CSS Farms

COMMENTS:

Milton Carter returned my telephone call regarding questions I had on the application filed to change irrigated acres for Water Permit No. 4041-3. The application request to change the location of the acreage in the NE1/4 SW1/4 Section 3, T122N, R52W to the SE1/4 SE1/4 of Section 4, T122N, R52W. The intent to have a 'windshield wipe' center pivot on the E1/2 SE1/4 of Section 4. I indicated that from looking at the map it appeared that the NE1/4 SW1/4 of Section 3 had not been irrigated. Mr. Carter confirmed that since Mr. Endres owned the property it had not been irrigated and that prior to that time he had no knowledge. I stated that this acreage on Permit No. 4041-3 would likely be lost due to non-development or forfeiture and could now not be transferred to other property.

Mr. Carter indicated that the acreage in the NW1/4 SE1/4 of Section 4 has been irrigated and asked if that acreage can be transferred to the SE1/4 SE1/4 of Section 4. He requested that I amend the application for a change of acreage from the NW1/4 SE1/4 Section 4 to the SE1/4 SE1/4 Section 4.

I also explained that the two well locations listed on the application did not match the three wells described on the original Water Permit No. 4041-3. Mr. Carter stated that the two wells are existing and to his knowledge have always been located in the NW1/4 SW1/4 of Section 3 and the center of the NE1/4 of Section 3. Mr. Carter asked that I amend the existing application to correct the location of the two wells.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:



REPORT ON WATER PERMIT APPLICATION NO. 4041A-3
for James N. Endres, Trustee
April 16, 1997

This application proposes to change the location of the irrigated acreage authorized by Water Permit No. 4041-3. Water Permit No. 4041-3 appropriated 5.6 cfs from three wells located in the SE 1/4 NE 1/4, NE 1/4 NE 1/4 of Section 3 and the NE 1/4 SE 1/4 of Section 4 to irrigate 393 acres located in the NE 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 of Section 3 and the N 1/2 SE 1/4 of Section 4; all in T122N-R52W. This application proposes to change the location of 34 acres located in the NW 1/4 SE 1/4 of Section 4 to the SE 1/4 SE 1/4 of Section 4; all in T122N-R52W. This application also proposes to correct the location of the two wells developed under Water Permit No. 4041-3. The two wells are located in the NE 1/4 SW 1/4 of Section 3 and the center of NE 1/4 of Section 3, T122N-R52W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application. This land is located within the former boundaries of the Sisseton Wahpeton Indian Reservation and within Roberts County.

AQUIFER - COTEAU LAKES (COL)

The Coteau Lakes aquifer is a surficial outwash (sand and gravel) which is under predominantly unconfined or water table conditions in this area. The Coteau Lakes aquifer was named for sand and gravel deposits found in southeastern Marshall and eastern Day Counties and also extends into southwestern Roberts County. Ground water movement is from northeast to southwest across southwestern Roberts County (Gilbertson, 1996). No estimate is available for the amount of water in storage in Roberts County, however the aquifer is fairly extensive and was mapped in extreme southwestern Roberts by Gilbertson. For the area mapped by Gilbertson, the aquifer underlies about 22 square miles and would contain an estimated 85,000 acre feet of water in storage. Using this area, recharge would equate to about 5,280 acre feet per year. These estimates are smaller than the previous estimates of underlying 48 square miles, 180,000 acre feet of recoverable water in storage and a recharge rate of 11,520 acre feet per year (Goodman, 1992) only because the area mapped by Gilbertson is smaller than the area used to make the earlier estimates.

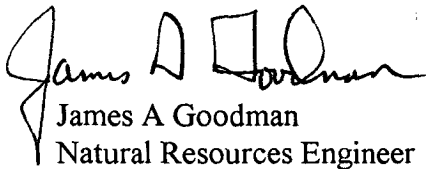
The Water Rights Program does monitor nine observation wells in this area which are completed into the Coteau Lakes aquifer. Four of these monitor wells, RB-76A, RB-77R, RB-77T and RB-82B are located within two miles of this application. Water levels for these wells show good response to climate conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). Hydrographs for these four wells are included with this report.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are two existing Water Right Nos. 5723-3 and 5724-3 and one Water Permit No. 4604-3 located within one mile of this application. Interference is not a concern. These are all existing wells and have been used. All of these permits/rights are held by the applicant.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern. These are existing wells and have been in use with no apparent interference problems.
3. This application requests no additional water or no additional lands. This application is simply changing the location of 34 acres of irrigated land in order to allow the use of a center pivot irrigation system.
4. Historically, Water Permit applications have been contested in this area. Originally the concerns were about water availability but recently the concerns mostly centered around the use of chemicals for example herbicides and pesticides for farming and water levels for Hurricane Lake. After a contested case hearing on September 1, 1993 the Water Management Board approved Water Permit Nos. 5723-3 and 5724-3. Both of these permits are located within one mile of this application.



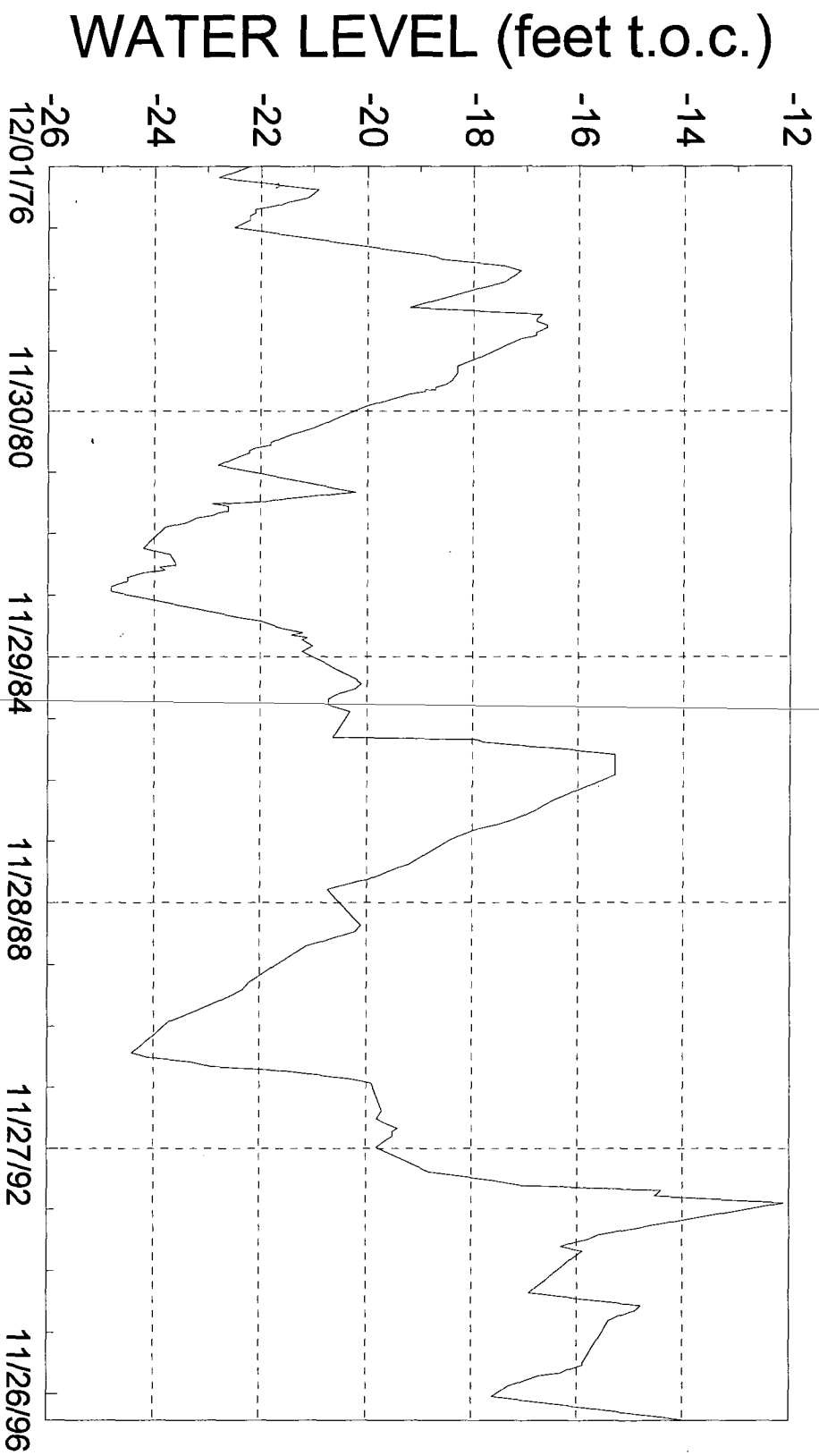
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Gilbertson, J.P., 1996, Investigation of Ground Water Resources in Portions of Roberts County, South Dakota, Open-File Report 81-UR, SDGS, Vermillion, SD, 57069.
- Goodman, J.A., 1993, Report on Water Permit Nos. 5723-3 and 5724-3, Presented at the Water Management Board Hearing on September 1, 1993, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.
- Water Rights, 1997, Unpublished Observation Well Data for the Coteau Lakes Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

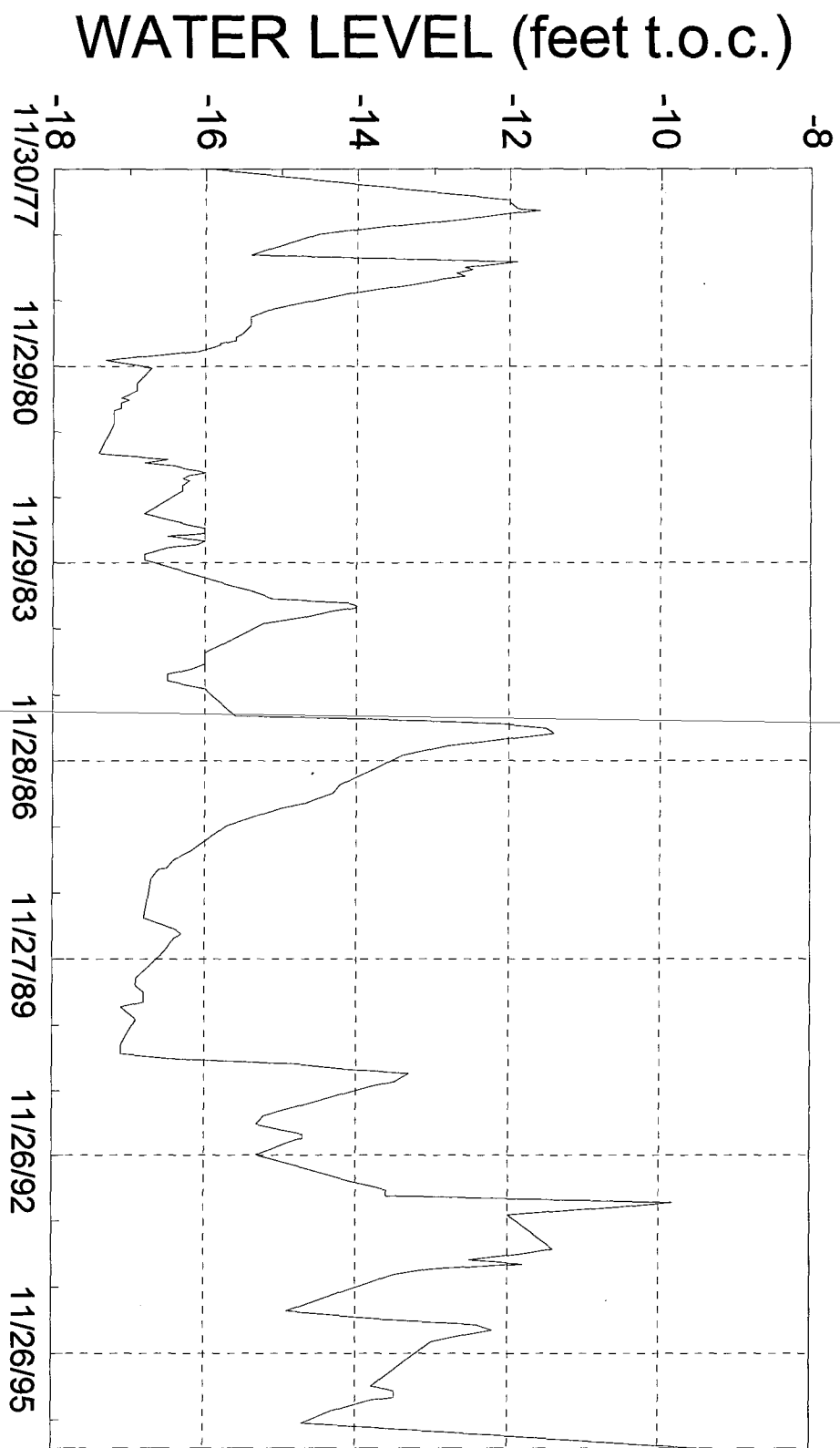
WATER RIGHTS OBSERVATION WELL

RB-76A



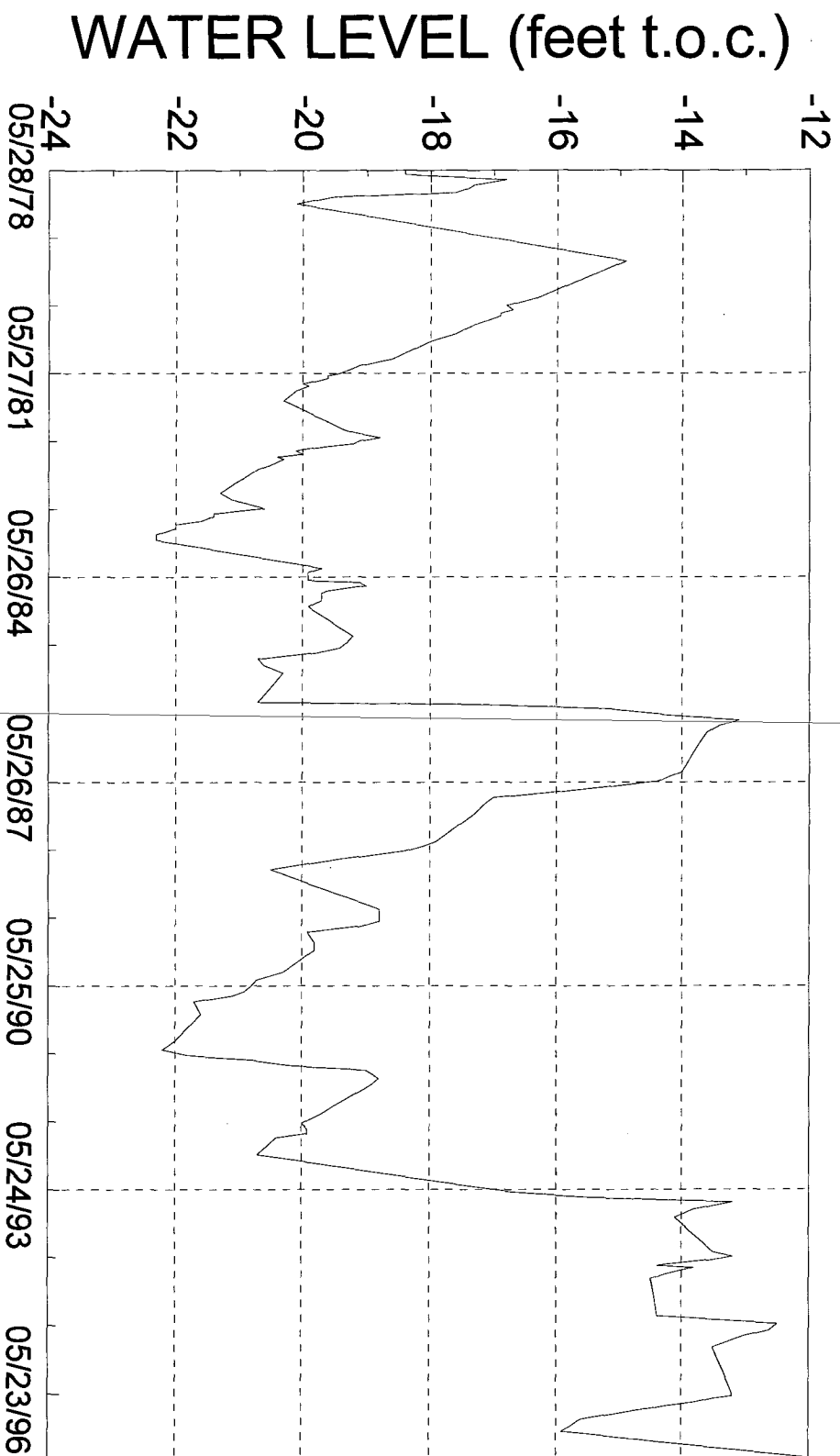
WATER RIGHTS OBSERVATION WELL

RB-77R



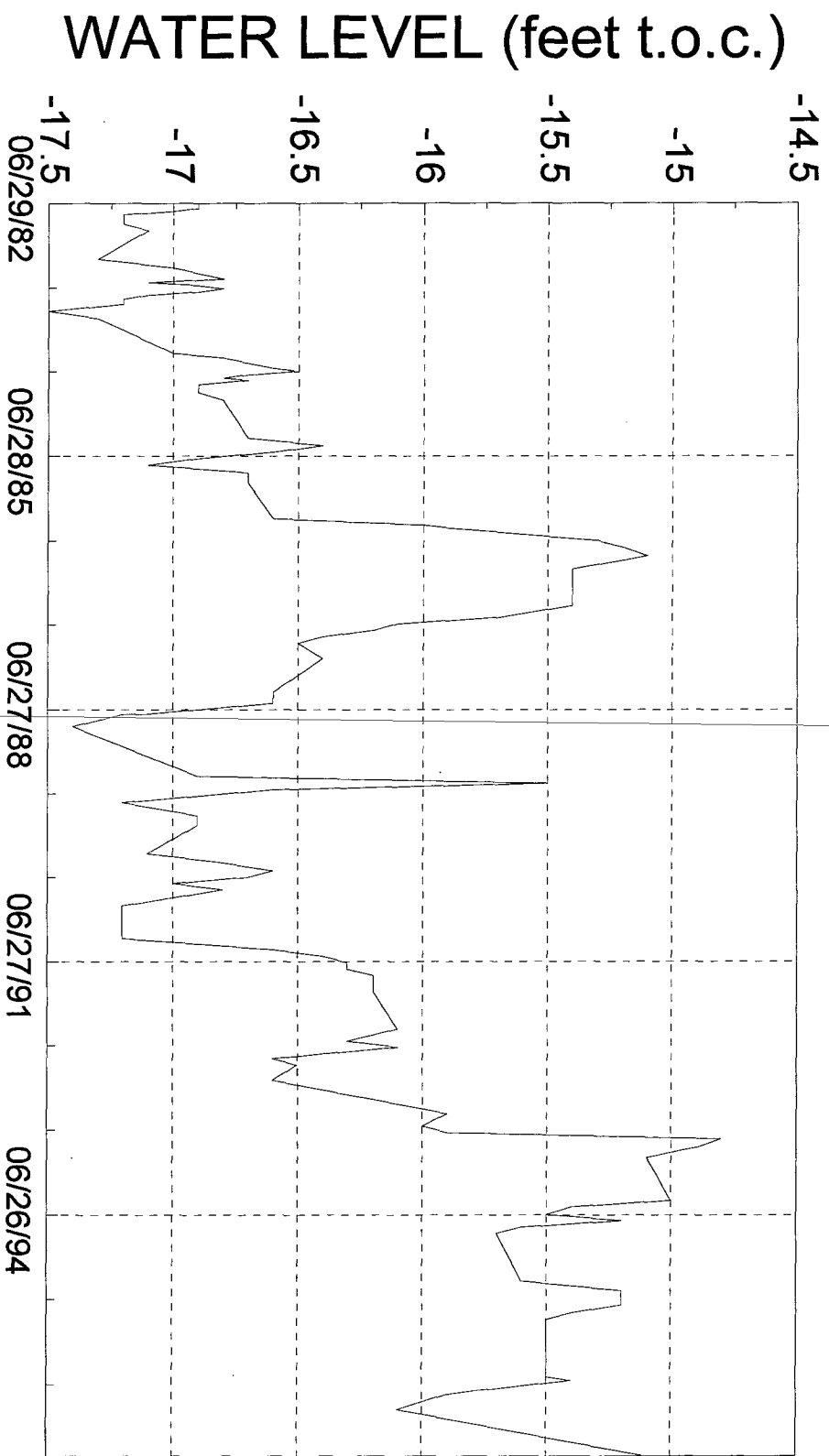
WATER RIGHTS OBSERVATION WELL

RB-77T



WATER RIGHTS OBSERVATION WELL

RB-82B



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4041A-3, James N. Endres, Trustee**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4041A-3, James N. Endres, Trustee, RR 4, Box 36, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 4041A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 7, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 8, 1997

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

Dear Mr. Endres:

Water Permit Application No. 4041A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Sisseton Courier printed at Sisseton, SD (Ph # (605) 698-7642). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

c: Milt Carter, CSS Farms, RR 3, Box 138B, Watertown, SD 57201-9348



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 1997

Sisseton Courier
Box 169
Sisseton, SD 57262-0169

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 4041A-3 to be published twice. Please publish the first notice on May 14, 1997, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is James N. Endres, Trustee, RR 4, Box 36, Watertown, SD 57201 (Ph # (605) 886-7342).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 14, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 4041A-3 to Amend Water Permit No. 4041-3

Notice is given that James N Endres, Trustee, RR 4 Box 36, Watertown SD 57201 has filed an application for a water permit to change the location of the irrigated acreage authorized by Water Permit No. 4041-3. Water Permit No. 4041-3 appropriated 5.6 cubic feet of water per second from three wells located in the SE 1/4 NE 1/4, NE1/4 NE1/4 of Section 3 and the NE1/4 SE1/4 of Section 4 to irrigate 393 acres located in the NE 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 Section 3 and N1/2 SE 1/4 Section 4; all in T122N-R52W. This application proposes to change the location of 34 acres located in the NW1/4 SE 1/4 Section 4 to the SE 1/4 SE 1/4 Section 4; all in T122N-R52W. The application also proposes to correct the location of the two wells developed under Water Permit No. 4041-3. The two wells are located in the NW 1/4 SW 1/4 Section 3 and center of NE 1/4 Section 3, T122N, R52W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4041A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 2, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 9, 1997, Floyd Matthew Training Center, Joe Foss building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 2, 1997.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 2, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Roberts) SS

I, Harley E. Deutsch

certify that the attached printed Notice was taken

from the _____

SISSETON COURIER

printed and published in Sisseton

County of Roberts and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 14, 1997

May 21, 1997

Cost of Printing \$64.66

Harley E. Deutsch
(Signature)

Publisher & President
(Title)

May 21, 1997
(Date Signed)

NOTICE OF APPLICATION NO. 4041A-3 TO AMEND WATER PERMIT NO. 4041-3

Notice is given that James N Endres, Trustee, RR 4 Box 36, Watertown SD 57201 has filed an application for a water permit to change the location of the irrigated acreage authorized by Water Permit No. 4041-3. Water Permit No 4041-3 appropriated 5.6 cubic feet of water per second from three wells located in the SE1/4 NE1/4, NE1/4 NE1/4 of Section 3 and the NE1/4SE1/4 of Section 4 to irrigate 393 acres located in the NE1/4, N1/2SE1/4, N1/2SW1/4 Section 3 and N1/2SE1/4 Section 4; all in T122N-R52W. This application proposes to change the location of 34 acres located in the NW1/4SE1/4 Section 4 to the SE1/4SE1/4 Section 4; all in T122N-R52W. The application also proposes to correct the location of the two wells developed under Water Permit No. 4041-3. The two wells are located in NW1/4SW1/4 Section 3 and center of NE1/4 Section 3, T122N, R52W. No increase in the developed diversion rate or the number of acres being irrigated is authorized by this application.

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Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 2, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at

the public hearing. The July 9, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 2, 1997.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 2, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources (May 14-21--2wks)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

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

Dear Mr. Endres:

Enclosed is Water Permit No. 4041A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



July 18, 2002

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

4041A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2011

Greg Endres
2011 S Serenity Drive
Watertown SD 57201

Delwin Pies
45187 138th Street
Waubay SD 57273

Dear Mr. Endres and Mr. Pies:

On July 19, Mr. Pies called the Department of Environment and Natural Resources (DENR) stating water from the end gun on a pivot in the SE ¼ Section 4, T122N, R52W (Ortley Township) is spraying directly on to his property. Mr. Pies contends the stops for the end gun were not functioning properly allowing non-permitted acreage to be watered. In addition, he stated the end gun on a pivot approximately a mile east was also spraying water directly on the county road. Mr. Pies asserts that with the historic problems he's encountered that the end guns should be permanently disabled on these pivots. State water law does not allow DENR to simply prohibit the Endres family from irrigating lands listed in their water rights. What DENR can do is order compliance with the water right if water is being directly applied to unauthorized land.

I contacted Mr. Endres who stated they had recently checked the operation of the end gun stops and to his knowledge they were operating properly. He agreed to have an employee check the stops to insure that direct overspray is not occurring. He welcomed an on-site visit by DENR.

At this time, DENR is satisfied with Mr. Endres commitment to check the end guns and insure proper operation. When a DENR staff person is in the area they may stop at the various pivots Endres operates in Ortley Township to see if overspray is occurring. DENR's enforcement in this type of matter applies only to direct irrigation of land not listed on the water right. It does not apply to incidental wind drift that may occur.

There have been a number of complaints over the years with alleged overspray from end guns on pivots in Ortley Township. A water right holder is not allowed to operate their irrigation system in violation of state water law, which includes unauthorized overspray. If documented overspray does occur, the Chief Engineer has authority to issue an order to discontinue harmful illegal use of water. Continued violations may lead to suspension of the right to use the water. Only the Water Management Board can suspend a water right but only after a formal hearing of the facts.

This letter will be filed on the administrative record for Water Right No. 4041A-3.

Sincerely,

Eric Gronlund

Water Rights Program, DENR
605 773-3352

4041A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 1, 2021RECEIVED OF North Star Cattle & Ranch Company LLC 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>4041A-3</u>	\$50.00
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	\$50.00

By Eric Gronlund
 Chief Engineer
Em

PAID

MAR - 1 2021

Ck# 2006

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

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

MAR 01 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 4041A - 3Date: 02/22/2021I/We request that Water Right/Permit No. 4041A - 3 formerly owned by:James N. Endres, Trustee, RR4 Box 36, Watertown SD 57201

be transferred to:

New Owner Name: North Star Cattle and Ranch Company, LLPAddress: 1116 W Goldthread CircleCity, State, Zip Sioux Falls ☒ SD ☒ 57108 Telephone No. 605-366-7777

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

Lots 1 and 2, Endres Trust Addition in the West Half(W1/2) of Section 3,
South Half of the Northeast Quarter(S1/2NE1/4)and Government Lots 1 and 2 of Section 3;
Northeast Quarter of the Southeast Quarter(NE1/4SE1/4) and the Southeast Quarter of the
Southeast Quarter(SE1/4SE1/4) of Section 4
All in Township 122 North, Range 52, West of the 5th P.M., Roberts County, South Dakota

- ☒ I understand that the validity of Water Right/Permit No. 4041A - 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, North Star Cattle and Ranch Company, 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.

SD20312679

RECEIVED

MAR 01 2021

WATER RIGHTS
PROGRAM

WARRANTY DEED

Endres Capital, LLP, a South Dakota Limited Liability Partnership, Grantor, of Brookings County, State of South Dakota, for and in consideration of One Dollar and other good and valuable consideration grants, conveys, and warrants to North Star Cattle & Ranch Company, LLP, Grantee, of 1116 W Goldthread Circle, Sioux Falls, SD 57108, the following described real estate in the County of Roberts, State of South Dakota:

Lots 1 and 2, Endres Trust Addition in the West Half (W1/2) of Section 3, Township 122 North, Range 52, West of the 5th P.M., Roberts County, South Dakota, according to the recorded plat thereof.

South Half of the Northeast Quarter (S1/2NE1/4) and Government Lots 1 and 2 of Section 3; Township 122 North, Range 52, West of the 5th P.M., Roberts County, South Dakota.

The Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) and the Southeast Quarter and the Southeast Quarter (SE1/4SE1/4) of Section 4, in Township 122 North, Range 52, West of the 5th P.M., Roberts County, South Dakota.

Subject to easements and restrictions of record, if any.

TRANSFER FEE: \$1,814.50

Dated this 23rd day of December, 2020

Endres Capital, LLP

By: Donald Endres

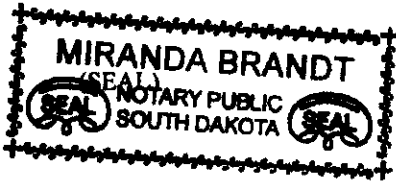
It's: Partner

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF BROOKINGS)

On this 23rd day of December, 2020 before me, the undersigned officer, personally appeared Donald Endres, known to me or satisfactorily proven to be the partner of the partnership that is described herein and that he executed the within instrument and acknowledged to me that such partnership executed the same.

Book 105 Page 92

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Miranda Brandt
NOTARY PUBLIC
My commission expires: June 24, 2021

404/A-3

B0155-8370 12/04/2020 9:18AM Rec'd by SD SOS

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

STATEMENT OF QUALIFICATION
DOMESTIC LIMITED LIABILITY PARTNERSHIP
SDCL 48-7A-1001

FILING FEE: \$125

Make check payable to SECRETARY OF STATE

1. The name of the Limited Liability Partnership:

North Star Cattle & Ranch Company, LLP

Note: The name shall contain the words "Registered Limited Liability Partnership", or "Limited Liability Partnership", or "R.L.L.P." or "L.L.P.", or "RLLP", or "LLP" as the last words of the name (SDCL 48-7A-1002)

2. The street address of the partnership's chief executive office in South Dakota, or, if the partnership's chief executive office is not physically located in South Dakota then state the street address of an office in this state, if any.

<u>1116 West Goldthread Circle</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57108</u>
Actual Street Address	City	State	ZIP+4

<u></u>	<u></u>	<u></u>	<u></u>
Mailing Address, if Different from Street Address	City	State	ZIP+4

Email Address (Optional)

IF ADDRESS LISTED IN #2 IS NOT A SOUTH DAKOTA ADDRESS, QUESTION #3 IS REQUIRED.

3. The South Dakota Registered Agent's name

South Dakota law permits the registered agent to be either: **A)** a noncommercial registered agent (this may be an individual), **B)** a commercial registered agent, or **C)** an office holder. **Complete only one below, either (a) or (b) or (c).**

(a) The South Dakota Noncommercial Registered Agent's name: Woods, Fuller, Shultz & Smith P.C. / Attn: Brad Grossenburg

<u>300 S. Phillips Avenue, Suite 300</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57104</u>
Actual Street Address in this State	City	State	ZIP+4

<u>P.O. Box 5027</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57117-5027</u>
Mailing Address in this State, if Different from Street Address	City	State	ZIP+4

brad.grossenburg@woodsfuller.com

Email Address (Optional)

(b) When listing a Commercial Registered Agent, please state their CRA#. This number can be obtained from the Commercial Registered Agent.

<u></u>	<u></u>
Commercial Registered Agent Name	CRA#

(c) Title of the office or other position with the business:

<u></u>	<u></u>	<u></u>	<u></u>
Business Office's Actual Street Address in this State	City	State	ZIP+4

<u></u>	<u></u>	<u></u>	<u></u>
Mailing Address in this State, if Different from Street Address	City	State	ZIP+4

Email Address (Optional)

4. The partnership elects to be a limited liability partnership.

6. If the registration is not to be effective upon filing, the deferred effective date shall be: _____

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

This statement must be executed by at least two partners (SDCL 48-7A-105(c))

Dated November 18, 2020

Email _____
(Optional)

Garry Jacobson
Signature of an authorized person

Garry Jacobson
Printed Name

Dated November 18, 2020

Email _____
(Optional)

Dianne Jacobson
Signature of an authorized person

Dianne Jacobson
Printed Name

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Partnership

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Registration of Limited Liability Partnership for

North Star Cattle & Ranch Company, LLP

BUSINESS ID# DR192254

with an effective date of: December 4, 2020, duly signed and verified, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Registration of Limited Liability Partnership.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, December 4, 2020.

Steve Barnett

Steve Barnett
Secretary of State

12/04/2020 10:57 AM



**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

4041A-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.

4041A-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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 4041-3 and 4041A-3

I have this day, November 9, 2021, made a thorough examination of the water use system constructed by James N. Endres, (now owned by North Star Cattle and Ranch Company LLP) of Permit No. 4041-3 and 4041A-3, bearing the priority of June 20, 1977 authorizing the diversion of 5.6 cu. ft. per second of ground water (Coteau Lakes Aquifer) for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: LTP Enterprises, Inc
- 2) No. of Wells 2
- 3) Depth(s) Well #1 – 71.5 feet; Well #2- 47 feet
- 4) Well logs available Yes

Well #1

Casing:

- 1) Diameter 17.5 inches
- 2) Length 60.5 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 13 feet
- 3) Static water level 27.5 feet

Pump:

- 1) Capacity 900 (each) GPM

Motor: unavailable

Well #2

Casing:

- 1) Diameter 12 inches
- 2) Length 29 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 4 feet

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

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 3 – Valley
- 2) Overall length 500, 1300 & 1300 feet
- 3) Number of towers 3, 7 & 10
- 4) End gun Y
- 5) Capacity 900 GPM (small pivot runs around 430-450 gpm)

Chemigation Equipment: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NW corner Sec 3 T122N R52W ** WELL #1: 1250 ft S & 3890 ft E, Lat 45.38099 Long -97.14977 (NW ¼ NE ¼ Sec 3) ** WELL #2: 3325 ft S & 1300 ft E, Lat 45.37529 Long -97.16013 (NW ¼ SW ¼ Sec 3).

2. The works are capable of diverting and conveying to the place of use 2.0 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:

Sec 3 T122N R52W

NW ¼ SW ¼	29 acres
NW ¼ NE ¼	34 acres
NE ¼ NE ¼	31 acres
SE ¼ NE ¼	31 acres
SW ¼ NE ¼	34 acres

Sec 4 T122N R52W

NE ¼ SE ¼	34 acres
SE ¼ SE ¼	29 acres

comprising a total of 222 acres of land and the license should be issued for 3.17 cfs (based on 1/70)

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was determined with the aid of FSA imagery and the ArcMAP software.

The NW and SE pivots shown on the map are covered under other water rights.

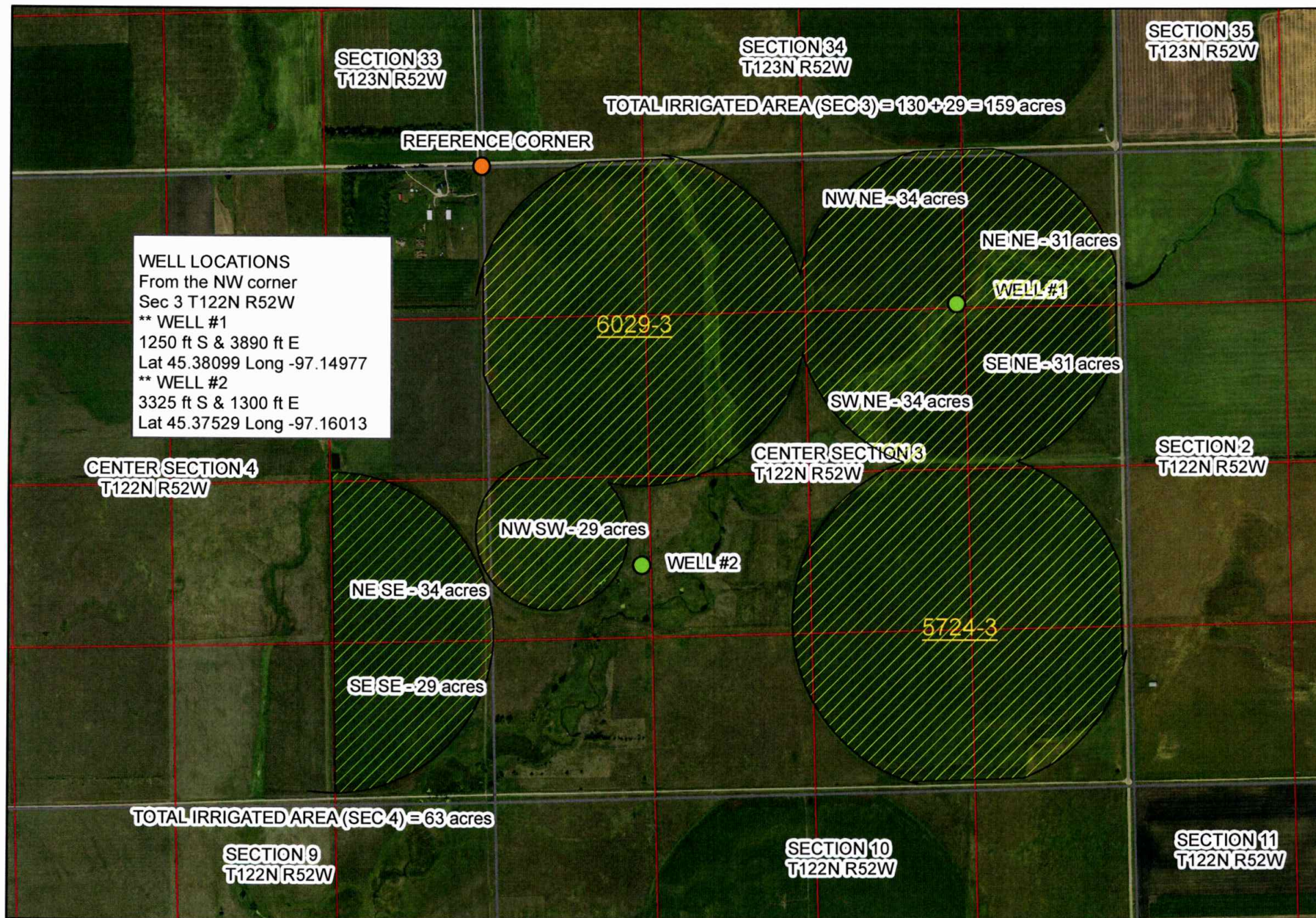
1. The 4041A-3 permit included the irrigation of the NW 1/4 SW ¼ Sec 3 which is currently serviced by a 3-tower center pivot and the NE ¼ Sec 3 also currently serviced by a 10-tower center pivot.
2. Well #2 on the map provides water to the ½ circle (Section 4) and the 3-tower pivot (Section 3) and are run separately. Well #1 services the NE ¼ pivot.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 19, 2021

6-1-2022: Chase O'Farrell (operator) indicated the two wells are not connected and run separately.
Genny McMath



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

Well #2

4041A-3

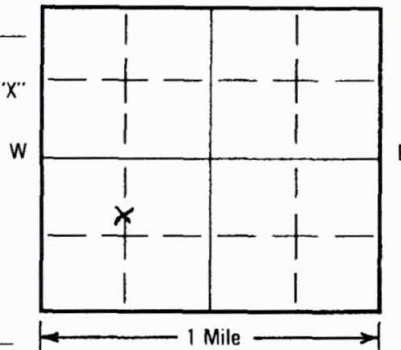
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location 1/4 SW 1/4 Sec 3 Twp 122 Rg 52County ROBERTS

North

Please mark well location with an "X"



Well Completion Date

5-17-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

ROTARYCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56 LB/FT</u>	<u>12 IN</u>	<u>12 FT</u>	<u>27 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>NEAT CEMENT</u>	<u>11</u>	_____ lb./gal	<u>0</u> ft	<u>15</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure PUMPEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial STAINLESS STEELSlot Size 80 Set From 27 Feet to 47 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: WATER
☐ NO, Why Not? TESTED
WITH CHLORINE

Laboratory sent to for water quality analysis _____

Well Owner: CSS FARMSBusiness Name: CSS FARMSAddress: R3 Box 1388
WATER TOWN, SD. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP SOIL</u>	<u>0</u>	<u>2</u>
<u>SAND & GRAVEL</u>	<u>2</u>	<u>16</u>
<u>GRAVEL</u>	<u>16</u>	<u>47</u>
<u>SANDY CLAY</u>	<u>47</u>	<u>57</u>

STATIC WATER LEVEL 4.3 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: SUB PUMP☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

18.16 ft. After 3 Hrs. pumped 668 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm LTP ENTERPRISES, INC.Signature of License Representative: Randy Pullen

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



4041A-3



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.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4041A-3**

(1) James N Endres, Watertown SD made Application No. 4041A-3, March 24, 1997, for a water permit to change the location of irrigated acres and correct the location of two wells (Coteau Aquifer) developed under Permit No. 4041-3. No. 4041A-3 did not authorize an increase in the developed diversion rate or the number of acres being irrigated. The irrigation project is located in Roberts County, South Dakota. Permit No. 4041A-3, with a priority date of June 20, 1977 (established under No. 4041-3) was approved July 9, 1997, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 9, 2002, and for the application to beneficial use of water on or before July 9, 2006.

On March 1, 2021, Water Permit Nos. 4041-3 and 4041A-3 were transferred from James N Endres to North Star Cattle and Ranch Company LLP.

The applicable portions of Water Permit No. 4041-3 have been incorporated into this Water License No. 4041A-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.17 cubic feet of water per second for beneficial use. The location of the diversion point is:

- Well #1: 1,250'S & 3,890'E of the NW corner Section 3, T122N, R52W (NW ¼ NE ¼ Sec 3)
Latitude 45.38099 Longitude -97.14977
- Well #2: 3,325'S & 1,300'E of the NW corner Section 3, T122N R52W (NW ¼ SW ¼ Sec 3)
Latitude 45.37529 Longitude -97.16013

(3) The permit 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 3, T122N, R52W				Section 4, T122N, R52W	
NW ¼ NE ¼	34 acres	NW ¼ SW ¼	29 acres	NE ¼ SE ¼	34 acres
NE ¼ NE ¼	31 acres			SE ¼ SE ¼	29 acres
SE ¼ NE ¼	31 acres				
SW ¼ NE ¼	34 acres				
Total 222 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 North Star Cattle & Ranch Company LLP, 1116 W Goldthread Circle, Sioux Falls, SD 57108 the holder and owner of Incorporated Water Right No. 4041A-3 is issued a license to appropriate water, the right to use 3.17 cubic feet of water per second from ground water, two wells (Coteau Aquifer) with a priority date of June 20, 1977, from the locations specified in (2) of this license for irrigation purposes.

continued

Water License No. 4041A-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 4041A-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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 water right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 02 2022

date



4041A-3 & 6029-3

Water Rights Program - DANR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right Nos. 4041A-3 and 6029-3, North Star Cattle & Ranch Co. LLP

ADDRESS: 1196 W Goldthread Circle, Sioux Falls SD 57108 COUNTY: Roberts

DATE: July 14, 2022 TELEPHONE:

RE: Center Pivot overspray

Mr. Delwin Pies called regarding endgun overspray on to the road from pivots located in the NW 1/4 Section 3, T122N, R52W and the E 1/2 SE 1/4 Section 4, T122N, R52W. The water rights associated with these pivots are 6029-3 (NW 1/4 Section 3) and 4041A-3 (E 1/2 SE 1/4 Section 4). The water rights are held in the name of North Star Cattle & Ranch Co. LLP, c/o Gary Jacobson, 1196 W Goldthread Circle, Sioux Falls SD 57108 (ph 605 366-7777).

I contact Chase O'Farrell with Blooming Valley Grain Farms, 14959 461st Avenue, South Shore SD 57263 (ph 605 881-0396). He farms the property and operates the pivots for the water right holder. Mr. O'Farrell indicate he was aware of the past issues with overspray in the area and the one landowner's sensitivity to the issue.

Mr. O'Farrell indicated that the electronic controller for the pivot in the NW 1/4 was hit by lightning rendering it inoperable. He said the new controller is order and should be received and installed in a couple days. I stated that Mr. Pies also called regarding the windshield wipe pivot in the E 1/2 SE 1/4 of Section 4. He was unaware of any problems with that pivot so will check it out.

He stated there is always the chance of wind drift in which some water may be transported a distance in the air. I told him wind drift occurs and we can not regulate its effect. What we do regulate is the direct application of water due to the center pivot, primarily end gun operation when it approaches a road or someone else's property.

Mr. O'Farrell reiterated that he'll look into he matter and correct the problem if it exists.

NAME: Eric Humlund



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

4041A-3
6029-3

July 14, 2022

Chase O'Farrell
Blooming Valley Grain Farms
14959 461st Ave
South Shore SD 57263

Dear Mr. O'Farrell:

The irrigation season is in full swing. This has led to the Department of Agriculture and Natural Resources (DANR) fielding inquiries regarding end gun overspray on to roads. This is just a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

DANR received an inquiry alleging the irrigation systems located in the NW 1/4 Section 3-T122N-R52W (Water Right No. 6029-3) and the E 1/2 SE 1/4 Section 4-T122N-R52W (Water Right No. 4041A-3) had irrigation water from the end guns hitting the road. These water rights are held in the name of North Star Cattle & Ranch Co. LLP.

You indicated in your phone conversation with Eric Gronlund, that you were aware of the overspray problem in Section 3 and were taking steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road. You further indicated you unaware of any problems in Section 4 but you would check it out and correct the problem if it exists. Thank you for addressing the overspray as soon as possible.

Sincerely,

Ron Duvall
Water Rights Program, DANR
605 773-3352