

4213-3

1. Considered 1-25 19 78
2. Name of Applicant D. R. BUEHLER
3. Post Office Address BROOKINGS
4. Amount of Water claimed 2.95
5. Source of Water supply 2-167' DEEP WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 208
7. Water to be diverted and used in BROOKINGS County
about 1N, 1E miles 1 of ELK POINT
8. Proof of Publication Received 1-20-78
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 4213-3Map No. 34-35-3 Water Division No. 3 Big Sioux River 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 D. R. Buehler
 Postoffice address 725 Fourth St. Brookings, State S. Dak. 57006
 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 Buehler Irrigation Project #2

4. Amount of water claimed (cubic feet per second) 2.97

5. Source of water supply 2 wells

6. Location of point of diversion Well #1 - 1650' N 30° E of SW corner Sec 10-109-47
Well #2 - 1570' N 62° E of SW corner Sec 10-109-47

County Brookings

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 208

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.
<u>NE 1/4 SW 1/4 Sec 10-109-47</u>	<u>40</u>	<u>Lot 3 Sec 10-109-47</u>	<u>26</u>
<u>NE 1/4 SW 1/4 Sec 10-109-47</u>	<u>38</u>	<u>Lot 4 Sec 10-109-47</u>	<u>26</u>
<u>SW 1/4 SW 1/4 Sec 10-109-47</u>	<u>40</u>		
<u>SE 1/4 SW 1/4 Sec 10-109-47</u>	<u>38</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 year years. Additional time required to complete application of water to the proposed beneficial use 1 year years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brookings Register

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. 2 wells with pump and turbines

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

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

Estimated Total Cost \$80,000

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 Brookings

I, D. R. Buehler, 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 D. R. BuehlerSubscribed and sworn to before me this 30 day of Dec. 1977

John F. [Signature]
 Notary Public (or other qualified officer:)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4213-3

D.R. BUEHLER
(Applicant)

725 4TH ST. BROOKINGS
(Post Office Address)

SOUTH DAKOTA 57006
(State)

With the following modifications.

The irrigation wells 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 JANUARY 6 19 78
Date of return to applicant for correction, amendments or changes required JANUARY 6 19 78
Date of receipt of corrected application JANUARY 11 19 78
Approved JANUARY 25 19 78 Recorded in Book 19 Page 266

WATER RIGHT PERMIT NO. 4213-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4213-3 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 JANUARY 6 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 25 19 80
3. The whole of said work is to be completed on or before JANUARY 25 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 25 19 86
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 2.97 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 JANUARY 25 19 86; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 1ST day of FEBRUARY 19 78

WATER RIGHTS COMMISSION

By:

John H. Hatcher
Chief Engineer, Executive Officer

Certificate of Construction Issued August 3 19 81

Water License Issued August 3 19 81

**IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS** Ph. 854-3744

Section 10

13/29/77

Data

1. 1000	1000
2. 1000	1000
3. 1000	1000
4. 1000	1000
5. 1000	1000
6. 1000	1000
7. 1000	1000
8. 1000	1000
9. 1000	1000
10. 1000	1000

106	
107	

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 2.6', Depth 16.7'
(2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 14" Thickness 1/4"
(3) Perforated Screen.
Type Johnson, Diameter 14", Length 2.0'
(4) Gravel Pack, Thickness _____, Length of gravel pack 3'

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 0' to 2 1/2' - Top soil, 2 1/2' to 18' yellow clay,
18' to 50' gravel, 20' to 28' yellow clay, 28' to 149' blue clay,
149' to 154' of very sand, 154' to 167' yellow sand,
167' to 180' yellow clay

Depth to top of water bearing material 149'
Depth to bottom of water bearing material 16.7'
Thickness of water bearing material 18'
Depth to water (ground surface to water level) 7'

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

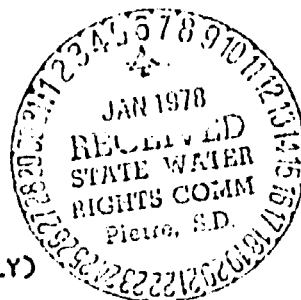
On same owner's property ^{W11181 - 40} 0.11182 - 60 rds. On property owned by others ^{W11181 - 200} W11182 - 180 rds.

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.

J. M. Brubaker
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 D. R. Buehler
ADDRESS 725 4th St Brookings 57006
COUNTY Brookings

LEGAL DESCRIPTION

1. WELL LOCATION SW¹/₄ Sec 10 - 109 - 47
2. LOCATION OF AREA TO BE IRRIGATED SW¹/₄ Sec 10 & W¹/₄ 40 acres of SE¹/₄ Sec 10
SW¹/₄ 7109 R 47 Section 10 109 - 47

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn & alfalfa
+ Sub 3+4 of SE¹/₄ of 2nd 10-7109-R47

WATER QUALITY

5. SAMPLE NUMBER 77-1643
6. SALINITY (EC X 10⁶) 840 (high)
7. SODIUM (SAR) 1.49 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 2.22
Adj. SAR = 3.92 (low)

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

D. R. Buehler
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
20 DAY OF Dec 19 77.

John P. [Signature]
(TITLE OR SEAL)

Albert L. [Signature]
APPROVED/RECORDED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: D. R. Duehler
 Address: 725 4th St.
Brookings, SD 57006

Date Rec'd: December 30, 1977
 Sample No. 77-1643
 Identification Well-167
SW 1/4, Sec. 10, T 109N, R 47W

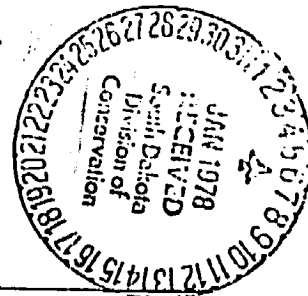
WATER ANALYSIS

Calcium (Ca)	112	ppm*	5.60	me/l**
Magnesium (Mg)	17	ppm	1.38	me/l
Sodium (Na)	64	ppm	2.78	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	40	ppm	0.84	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.03	me/l
Bicarbonate (HCO ₃)	561	ppm	9.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	460	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	840	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.49			
Sodium	28.19	% of cations		
Residual sodium carbonate	2.22	me/l		
pH	7.23			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 9.86 me/l
 Total anions 10.07 me/l

By: Shirley Vattan

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

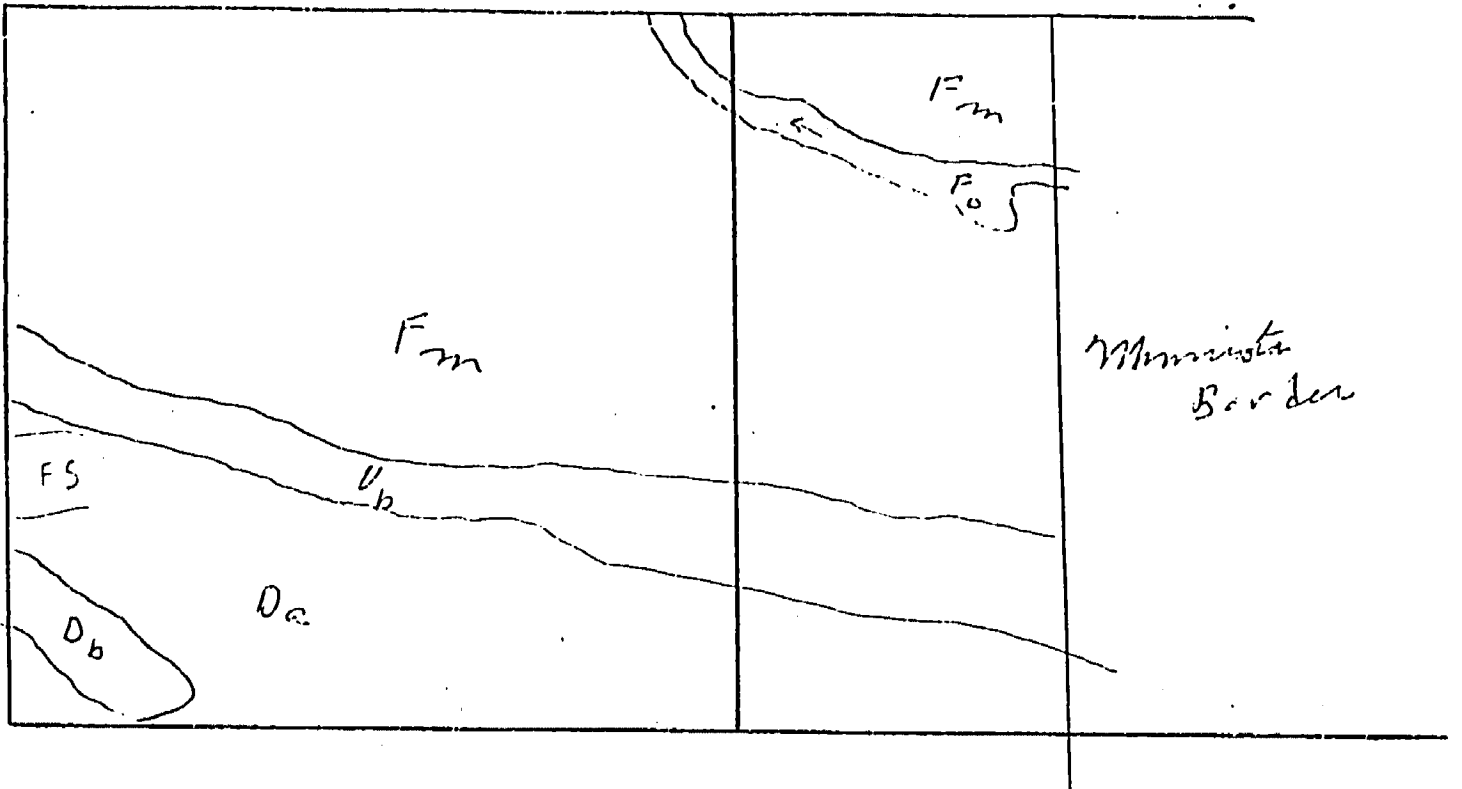
Cut along dotted line and return the lower portion with payment

Sample No. 77-1643

Amount Enclosed \$

Signed

MAP



NARRATIVE

^{.5} ²³⁰⁰
Fm - Fordville loam - nearly level

^{.5} ²³⁰⁰
F₀ - Fordville loam + thick solcum, nearly level

³ ¹²⁰⁰
Up - Vienna loam gently sloping

^{3.0} ¹⁷⁰⁰
Da - Dickey sandy loam gently undulating

Db - Dickey sandy loam undulating

- Reg. - 1/2 in.
- 2 in.
- loose particles
- light clay + gravel clasts
- 1/2 in. - 1/4 in. nodules

12"	1.50
12-30	1.60
30-40	2.10
40-60	2.20

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT D. R. Buehler, Brookings, South Dakota

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season. Not Applicable
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water. See below
3. () Yes () No Surface drainage suggested
4. () Yes () No Subsurface drainage suggested
5. () Yes () No Specific land areas that should be avoided

-
-
-
6. () Deep tillage (For the purpose of aiding movement of water through dense subsoils)
 7. () Heavy full application of irrigation water

You have beautiful soils to work with. The intake rate is fairly rapid and perhaps too rapid on the Dickey soils. If you irrigate everything at that rate, you may experience water build-up on the glacial till loam soil at 30 inches on the Dickey soil.

Without knowing your intentions on your irrigation system or systems, it would be unwise to give any advise. The Dickey soil, however, will need frequent irrigation to prevent stress on shallow rooted crops. You also have the hazard of losing your fertilizer to percolation if you use a one time application on both the Dickey and Fordeville.

The top 30 inches of sandy loam(Dickey soil) has a low holding capacity of 3 inches of water.

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

Permit No. 4213-3

Water Diversion No. 3 Big Sioux River Water District
10170202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That D. R. Buehler

_____ the holder _____ of
Permit No. 4213-3, issued upon Application No. 4213-3, bearing date of priority of January 6, 1978
_____ authorizing the diversion of 2.97 cu. ft. per second of the waters of _____
groundwater (one well) County of Brookings, State of South Dakota at a _____
point North 39° East, 1650 ft. from the SW Corner, Section 10 - T109N - R47W (CC)
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date August 3, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4213-3

(1) WHEREAS, On the 6th day of January A. D. 19 78
D. R. Buehler

made Water Right Application No. 4213-3 for a permit to use 2.97 cubic feet per second of the waters of groundwater (one well)

County of Brookings, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 25th day of January A. D. 19 78

Permit No. 4213-3, with a date of priority of January 6, 1978

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 25th day of January A. D. 19 83 and for the application to beneficial use of said water on or before the 25th day of January A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet per second of water for beneficial use and,

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

to irrigate the following lands all in Section 10 - T109N - R47W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ (CB) 26 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ (CA) 38 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ (CC) 26 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ (CD) 38 acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ (DB) 9 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ (DC) 9 acres

Total 146 acres

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to D. R. Buehler

_____ of Brookings, SD

the holder _____ and owner _____ of said permit No. 4213-3 a water right, dating from January 6, 1978

_____ to use of 2.0 cubic feet per second of the waters

of groundwater (one well)

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

purposes hereinbelow mentioned, to be diverted at a point North 39° east, 1650 ft. from the SW corner,

Section 10 - T109N - R47W (CC)

and conducted to and upon _____

portions of lands in Section 10 - T109N - R47W more fully

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4213-3 and subject to the laws of the State of South Dakota.

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

this 3rd day of August A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Publish first publication, on or before January 16, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 11, 1978

Notice is hereby given that D. R. Buehler whose post office

address is Brookings, 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, 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, for a permit to appropriate for beneficial use 2.97 cubic feet of water per second of time from groundwater (2 wells)

through the Buehler Irrigation Project the point of diversion of which are to be located in the #2

SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 10, Twp. 109N Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ and Lots 3 and 4 in SE $\frac{1}{4}$ Section 10-T109N, R47W

This Application No. 4213-3 will be considered by the Water Rights Commission at Pierre, South Dakota upon the 25th day of January, 1978 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.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

BETTY WESTLUND

Water Rights Specialist I

cc: D. R. Buehler, 725 4th Street, Brookings, SD 57006

Affidavit of Publication

State of South Dakota

ss

County of Brookings
Dennis D. Koenders

_____ of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the _____

Legal No. 30

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for _____ Two

successive week. S., to-wit:

January 16 78

19....

January 23 78

19....

19....

19....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Fifteen dollars and seventy-eight cents Dollars

Subscribed and sworn to before me this _____ 23rd _____ day of

January 78

19....

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires September 6 1985

Exhibit "A"

Legal No. 30 Jan. 16, 23
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
January 11, 1978

Notice is hereby given, that D. R. Buehler whose post office address is Brookings, 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, 46-6-3, 46-6-5, 46-6-8.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01 thru 52:01:01.13, for a permit to appropriate for beneficial use 2.97 cubic feet of water per second of time from groundwater (2 wells) through the Buehler Irrigation Project No. 2, the points of diversion of which are to be located in the SW 1/4 SW 1/4 of Section 10, Twp. 109N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 and Lots 3 and 4 in SE 1/4 Section 10-T109N, R47W.

This Application No. 4213-3 will be considered by the Water Rights Commission at Pierre, South Dakota, upon the 23th day of January, 1978 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
Betty Westlund
Water Rights Specialist I



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6311

PIERRE, January 11, 1978

RECEIVED OF D. R. Buehler, Box 681, Brookings, SD 57006 Fund 280
the following amount in fees for services rendered as provided for by law: 292

Fee for Application for Permit to Appropriate Water No. <u>4213-3</u> (examination, processing, recording and filing) -----	325	00
Fee for Inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for Inspecting Beneficial Use, and Issuing Water License No. -----		
Fee for Issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	325	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

gy

January 13, 1978

D.R. Buehler
725 4th St.
Brookings, S.D. 57006

Dear Mr. Buehler:

Although your application was advertised for 10:00 A.M. on January 25th, it will be considered along with the deferred applications in Brookings County, which are scheduled for 2:00 P.M. on January 25th.

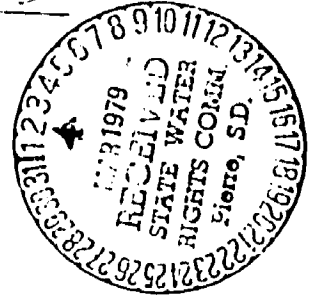
Sincerely,

BURTON F. JONES
Water Rights Specialist III

Form 10.

No. 4213-3

Brookings



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Brookings, SD

Date March 1, 1979

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4213-3.

Water Right Permit No. 4213-3 states that the diversion system is to be constructed by January 25, 1983 and that the water is to be put to beneficial use by January 25, 1986.

The diversion system was completed on March 1, 1978 79.
Applying the water to beneficial use was completed on _____,

19_____. The system in on the farm, the well, pump and motor are installed. Pipe and wiring will be completed this spring for irrigation the summer of 1979.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

D. R. Buehler
(Signature)

D. R. Buehler

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8386

PIERRE, July 14, 1981

RECEIVED OF D.R. Buehler, Box 681, Brookings, SD 57006

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No. 4213-3	50.00	
Fee for inspecting Beneficial Use, and Issuing Water License No. 4213-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50.00	

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
John Hatch / (bt)

Permit No. 4213-3Water Division 3 Big Sioux River Water District10170202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by D. R.BUEHLER of BROOKINGS holderof Permit No. 4213-3, bearing date of priority of JANUARY 6, 1978authorizing the diversion of 2.97 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

A. Works used to divert the water:

168' DEEP WELL WITH 16" STEEL CASING - 20' SS SCREEN
VALLEY 8" PUMP - SERIAL # 14 - 016M - 4 STAGE 12 HHE BOWLS
POWERED BY GE 100HP ELECTRIC MOTOR

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

600' OF 10" BURIED PLASTIC PIPE TO CENTER OF
PLOT.

C. Works used to apply water to beneficial use.

9 TOWER VALLEY CORNER SYSTEM -The system is in the following condition: GOODThe point of diversion is located N 39° E, 1650' FROM THE SW
CORNER, SECTION 10, T109N, R47WThe works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SEC 10, T109N, R47W

<u>NW⁴SW⁴</u>	<u>26 ACRES</u>	<u>NW⁴SE⁴</u>	<u>9 ACRES</u>
<u>NE⁴SW⁴</u>	<u>38 "</u>	<u>SW⁴SE⁴</u>	<u>9 "</u>
<u>SW⁴SW⁴</u>	<u>26 "</u>		
<u>SE⁴SW⁴</u>	<u>38 "</u>		

comprising a total of 146 acres of land.Date JUNE 9, 1981[Signature]
(Signature)

4213-3

Gentlemen: I no longer own any farmland with
irrigation. I sold both farms that had irrigation
on them to S & S Farms of Pipestone, MN.
You should direct this inquiry to Marty Heintz at
Circle "S" Feed Mill P.O. Box 68 Pipestone, MN 56164

D. R. Fuehler
D. R. Fuehler

10-24-87



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

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

November 2, 1987

4213-3
3047-3

Marty Heintz
Circle "S" Feed Mill
PO Box 68
Pipestone, MN 56164

Dear Mr. Heintz:

D R Buehler, Brookings, SD has notified our office that S & S Farms now own the land covered under Water Right Nos. 3047-3 and 4213-3. I have enclosed a copy of these water rights for your records.

In order for the water rights to be changed over to your name, it will be necessary for you to file a "Notice of Transfer" with our office for each. Enclosed are partially completed transfer forms. Please check over the forms, sign and have them notarized. Upon completion of these forms, return them to our office with a required filing fee of \$2.50 each (total of \$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.

Also enclosed are the 1987 Irrigation Water Use Questionnaires and a postage paid return envelope. These forms are for use in reporting any irrigation done on the lands during 1987. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire to be submitted each year. Please complete the enclosed questionnaires as accurately as possible and return them by November 30, 1987.

If you have any questions, or need assistance in completing the transfer forms or irrigation questionnaires, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl



NO. 4213-3

NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Foss Building
Pierre, SD 57501

Date: 11-10-87

This is to notify you that the title to the lands described as follows:

146 acres - SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10, T109N, R47W

formerly owned by D. R. Buehler, Brookings SD

has been transferred to Sgt. Thomas B. Buehler, Brookings SD
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4213-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

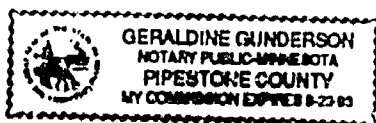
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~) MINNESOTA
County of Pipestone) ss.

I, Martin Heintz 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 I know of my own personal knowledge that the information herein stated is true.

Martin Heintz
(Signed)

Subscribed and sworn to before me this 10th Day of November, 1987.



Geraldine Gunderson
(Notary Public)

WATER RIGHTS DIVISION
(605) 773-3352

3047-3
4213-3

December 11, 1987

S & S Investments
Box 68
Pipestone, Minnesota 56164

Gentlemen:

I am contacting you in regard to the "Notice of Transfer" forms you submitted for change of ownership on Water Permit Nos. 3047-3 and 4213-3. The forms were completed properly, however, the transfers cannot be filed for record without a \$2.50 fee for each one.

Please remit the required \$5.00 in filing fees as soon as possible. The transfers can be completed upon receipt of these fees.

Sincerely,

Genny McMath
Natural Resources Analyst

GJH:ms

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411106

Pierre, December 17, 1957

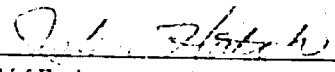
RECEIVED OF S & S Investments, Box 68, Pipestone, MN 56164

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 4213-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH 

**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

December 22, 1987

S & S Investments
Box 68
Pipestone, Minnesota 56164

Dear Sir:

Enclosed are receipt Nos. 411105 and 411106 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3047-3 and 4213-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

October 26, 1990

3047-3
4213-3

New Dale Colony
RR #2 Box 48
Elkton, SD 57026

Dear Sirs:

I am contacting you in regard to ownership of Water Right Nos. 3047-3 and 4213-3, currently listed in the name of S & S Investments, Pipestone, MN. The Brookings County Assessor's Office has you listed as owner of the land described in these water rights.

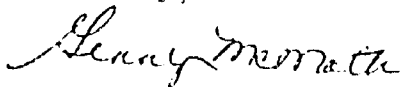
Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3047-3 and 4213-3. The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 (total of \$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.

Also enclosed are the 1990 irrigation questionnaires pertaining to any irrigation done during this crop season. These forms are sent out each year to all irrigators in the State, with the exception of those with waterspreading systems. I have included a copy of the cover letter sent to the irrigators along with their questionnaires. Please complete the forms and return them to us by December 14, 1990.

Copies of Water Right Nos. 3047-3 and 4213-3 are enclosed for your review. You may keep these for your records. If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

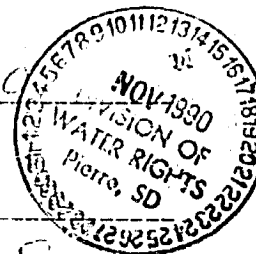
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 4213-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 11-7-90

I/We request that Water ~~Permit~~/Right No. 4213-3

formerly owned by: S & S Investments, Pipestone, MN

be transferred to: (name & address) Newdale Colony R 2
Box 48 Elkton SD 57026 (telephone No.) 542-4031Title to the following described land(s)/property has been transferred as described above:
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10, T109N, R47W

I/We understand that the validity of Water ~~Permit~~/Right No. 4213-3 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 Brookings)

I/We _____ 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.

Newdale Colony
By David Waldron
(Signed)

Subscribed and sworn to before me this 11th day of Nov., 1990.

[Signature]
(Notary Public) Exp. 3-1-91
Brookings Co. SD.

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 water right. A water right may be lost for three reasons:

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

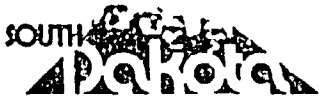
Pierre, NOVEMBER 16, 19 90

RECEIVED OF Newdale Hutterian Brethren, Inc., PS #2 Box 48, Elkton SD 57026

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 _____ Water Right No. 4213-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By J. L. S. Hertel (M.A.S.)
Chief Engineer



Department of Water & Natural Resources

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

November 20, 1990

Nos. 3047-3

4213-3

Newdale Colony
RR 2 Box 48
Elkton, SD 57026

To Whom It May Concern:

Enclosed are two receipts in the amount of \$2.50 each which you paid for the transfer of Water Right 3047-3 and 4213-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1992

3047-3
4213-3

Kirk Manker
Farm Credit Services
PO Box 84110
Sioux Falls, SD 57118

Dear Mr. Manker:

Enclosed, as you requested, are copies of Water Right Nos. 3047-3 and 4213-3. The water rights are currently listed in the name of Newdale Colony.

We do not have well logs for the wells, however, the "Report of Examination of Works" gives a brief description of the well construction.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



4213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: D WALDNER- NEWDALE COLONY
RR 2 BOX 48
ELKTON SD 57026

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 3047-3 & 4213-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3047-3 & 4213-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 February 22, 1993, 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 questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Thank you for using Return Receipt Service



4213-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1993

3047-3
4213-3

D Waldner
Newdale Colony
RR #2 Box 48
Elkton, SD 57026

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 3047-3 and 4213-3. You may disregard the January 29, 1993 Notice concerning violation of the requirement to submit the 1992 irrigation questionnaires.

The questionnaires were received prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



4213-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 24, 1995

No. 3047-3

4213-3

Gary Ploeger
P.O. Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 3047-3 and 4213-3. The water rights are currently listed in the name of Newdale Colony.

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 forms to our office with a required filing fee of \$2.50 per transfer, a total of \$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.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4213-3

Date: 5/24/95

I/We request that Water Right No. 4213-3

formerly owned by: Newdale Colony

be transferred to: (name & address) GARY W. PLOEGER

PO Box 745, Pipestone, MN 56164 (Telephone No) (507) 825-4259

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

146 acres - SW 1/4 and W 1/2 SE 1/4 Section 10, T109N, R47W

I/We understand that the validity of Water Right No. 4213-3 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.

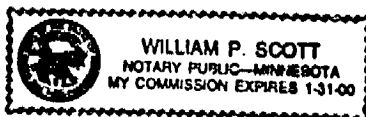
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF MINNESOTA)
County of PIPESTONE)

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

(Signed) Gary W. Ploeger

Subscribed and sworn to before me this 24th day of May, 19 95



(Notary Public) [Signature]

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 for three reasons:

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414511

Pierre, June 2, 19 95

RECEIVED OF Gary Ploeger, PO Box 745, Pipestone, MN 56164

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 _____ Water Right No. 4215-3		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total		2 50

By John H. H. H. H.
Chief Engineer



4213-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 21, 1995

No. 3047-3

4213-3

Gary Ploeger
P.O. Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 3047-3 and 4213-3.

Our records now show you as the owner of Water Right Nos. 3047-3 and 4213-3.

Sincerely,

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

enclosure

4/213-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: GARY W PLOEGER, PO BOX 745, PIPESTONE, MN 56164 0745

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 658-3, 2332-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 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) 5804-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 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 20, 1998, 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.



January 28, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Heartland Colony
RR 2 Box 157
Lake Benton, MN 56149

Attention: John

Dear John:

I am contacting you in follow-up to our January 20th telephone conversation concerning ownership of land under Water Permit/Right Nos. 658-3, 2332-3, 3047-3, 4213-3 and 5804-3, currently in the name of Gary Ploeger. There are three separate issues to address as far as updating the water permits and rights.

First of all, the existing water rights will need to be transferred to the Colony. Enclosed are partially completed "Notice of Transfer of Ownership" forms for each water right. Please review the forms and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)...*", on each of the forms. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

Secondly, information for the 1997 irrigation season must be submitted. Enclosed are 1997 irrigation questionnaires pertaining to each of the water permits and rights. To assist you, I have included the legal description on the forms of the acreage authorized by each water right. Please complete the forms and return them to our office by February 20th.

The last item concerns the licensing requirement for Water Permit No. 5804-3. On June 11, 1996, a field investigation was conducted to determine the extent of development under Water Permit No. 5804-3. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the water license. The \$50.00 fee is still required prior to licensing No. 5804-3.

Thank you for contacting our office concerning the ownership change. I did not realize that Mr. Ploeger no longer owned the land. If you have any questions concerning the enclosed materials, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4213-3



Date: Feb - 6. 98

I/We request that Water Right No. 4213-3

formerly owned by: Gary W Ploeger

be transferred to: (name & address) Heartland Colony RR. 2 Box 157
Lake Benton SD 57119 Telephone No. 507 368-9589

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

146 acres - SW 1/4 and W 1/2 SE 1/4 Section 10-T109N-R47W

I/We understand that the validity of Water Right No. 4213-3 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.

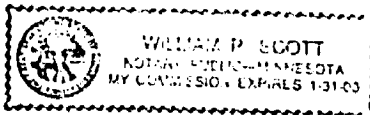
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~ MINNESOTA)
PIPESTONE)
County of ~~XXXXXXXXXX~~) Big Lake

I/We Heartland HRI 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.

John Wif Feb 6. 98
(Signed)

Subscribed and sworn to before me this 6th day of February, 19798



[Signature]
(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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415655

Pierre, February 19, 1998

RECEIVED OF Heartland Colony, RR 2, Box 157, Lake Benton, MN 56149
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 Water Right No. 4213-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatch



4213-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

John Wipf
Heartland HBI
RR 2 Box 157
Lake Benton, MN 56149

RE: Water Right/Permit Nos. 658-3, 2332-3, 3047-3, 4213-3 & 5804-3

Dear Mr. Wipf:

Enclosed is your Water License No. 5804-3. The water license was issued based upon a June 11, 1996 investigation of the water use system. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

Enclosed are Receipt Nos. 415652, 415653, 415654-3, 415655, 415656 which you paid for filing ownership changes on Water Right/Permit Nos. 658-3, 2332-3, 3047-3, 4213-3 & 5804-3. They were originally listed in the name of Gary Ploeger and are now listed under Heartland HBI. Also enclosed is Receipt No. 415657 in the amount of \$50.00 which you paid for issuance of the water license.

If you have any questions concerning the enclosed water license, please contact Genny McMath with our program at (605) 773-3352.

Yours truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

Note. The applicable portions of Water Right No. 658-3 and Water Permit No. 2332-3 have been incorporated into Water License No. 5804-3.

Encl

Gm



4-218
3
DEPARTMENT
of ENVIRONMENT
and NATURAL RESOURCES

JOE FO
523 EA
PIERRE, SOUTH
www.st

S BUILDING
T CAPITOL
AKOTA 57501-3182
e.sd.us/denr

October 22, 2002

John Wipf
Heartland HBI
2171 100th Ave
Lake Benton MN 56149

Dear Mr. Wipf:

Enclosed are your 2002 irrigation questionnaires for Water Right Nos. 3047-3, 4213-
The forms will need to be completed and returned to us prior to December 2nd.

& 5804-3.

This past year South Dakota was in a drought. The precipitation amounts and over
conditions were very different from 2001 to 2002. Generally, we are seeing that irrig
operated their systems more frequently in 2002. In this respect, it is highly unlikely th
duplication would occur in the amount of water applied from 2001 to 2002.

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at a

Submission of completed irrigation questionnaires is a requirement of your water right
the forms contains the legal description of the land covered in each water right. This
you in determining which land was irrigated.

s. Each of
will aide

The information supplied each year is one of the tools used to help manage the water
of the state and develops a history of water use in South Dakota. The data supplies us
information on how much water is used from a particular source and whether or not n
can be approved from those sources.

esources

w permits

I am enclosing postage paid envelope for your use in returning the completed forms to
have any questions, please contact me.

us. If you

Sincerely,

Genny McMath

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

enclosures



4213-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

TO: HEARTLAND HBI, JOHN WIPF, 2171 100TH AVE, LAKE BENTON, MN 56149
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3047-3 & 4213-3 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) 5804-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3047-3 & 4213-3 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 27, 2004**, 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.



4213-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2004

3047-3
4213-3
5804-3

John Wipf
Heartland HBI
2171 100th Ave
Lake Benton MN 56149

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3047-3, 4213-3 and 5804-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

198.6

3 252

112.4

D. R. Buehler
 Irrigation Project #2
 725 Fourth St. Brookings
 S. Dakota 57006

water claimed - 2.97 cfs.
 Acres irrigated 208



10

98.5

105.2

Well #1

N 65° E
 39'

Well #2

N 70° E
 70'

109.47

12-30-77
 cert. filed Govt

John Williams

NOT TO SCALE

4213-3

203.6

112.4

84L

206.6

10

12

WELL 10" PVC

Minnesota

109-47

4213-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 18 2022

8134-3
4213-3

John Wipf Jr
Heart Land HB Inc
2171 100th Ave
Lake Benton MN 56149

Dear Mr. Wipf:

Enclosed is Water License No. 8134-3. 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.

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

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 4213-3 were incorporated into Water License No. 8134-3.