

1. Considered July 26, 1978, 19 Water Right Number 4291-3

2. Name of Applicant John Broek

3. Post Office Address Orange City, Iowa

4. Amount of water claimed no additional Sec. 1-111-51

5. Source of water supply one 38' deep well

6. Water to be used for Irrigation

Acres to be irrigated No additional, additional diversion

7. Water to be diverted and used in Brookings County
about 1 N Miles of BRUCE

8. Proof of Publication
Received 6-30-78
Not received _____

9. Application
Approved 3-28-79
Subject to WI
Not approved _____

Action deferred ✓ 4-27-78

10. Remarks:

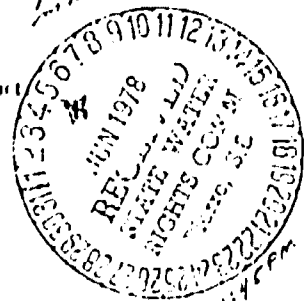
Map No. 1496-3

Water Division No. 3

No. 4291-3

BIG SIOUX RIVER

(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

ADDITIONAL DIVERSION

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant John Broek
 Postoffice address 108 Mich. Ave. NW, Orange City, State IA 51041
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contracting others
3. Name of diversion work Otto Rust Irrigation Project #1
4. Amount of water claimed (cubic feet per second) no additional
5. Source of water supply ground water
6. Location of point of diversion Well #2, 1700 ft. S ϵ 1° West of NE corner of Section 1, T11N, R51W

County Brookings

7. Annual period or periods during which water is to be used April thru September
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 154

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.
NE $\frac{1}{4}$ NE $\frac{1}{4}$	37	all in Section 1, T11N-R51W	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Brookings Register
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Western Landrolier Turbine pump

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

aluminum pipe

C. Works proposed to apply water to beneficial use.

This Permit is for an additional diversion point on Permit No. 2096-3.

Estimated Total Cost \$ _____

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 IOWACounty of SIOUXI, JOHN BROEK

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 John BroekSubscribed and sworn to before me this 31st day of May, 19 78

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4291-3
John Drees (Applicant) 701 WEST 1st ST. (Post Office Address)
 (State) _____ With the following modifications: ORANGE CITY
Town, 51041

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Priority for this Permit No. 4291-3 is established by Permit No. 2096-3.

Date of first receipt of application JUNE 5, 19 78
 Date of return to applicant for correction, amendments or changes required _____, 19 _____
 Date of receipt of corrected application _____, 19 _____
 Approved March 28, 19 79, Recorded in Book 20 Page 278
 WATER RIGHT PERMIT NO. 4291-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4291-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 14, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 28, 19 80
3. The whole of said work is to be completed on or before March 28, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 28, 19 84
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 no additional 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 March 28, 19 84 said water to be used during the following described annual period: April thru September

Witness my hand this 10th day of April, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer
 JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 22", Depth 328'
 (2) Casing Type STEEL (wood, concrete, steel, etc) Diameter 12" Thickness 1/2"
 (3) Perforated Screen.
 Type Johnson Fabricator, Diameter 12", Length 12'
 (4) Gravel Pack, Thickness 5", Length of gravel pack 16'

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 0-2' - Top Soil; 2'-8' Sand;
8'-22' Coarse Sand; 22'-28' Coarse
sand and gravel

- Depth to top of water bearing material 10'
 Depth to bottom of water bearing material 28'
 Thickness of water bearing material 28'
 Depth to water (ground surface to water level) 8'

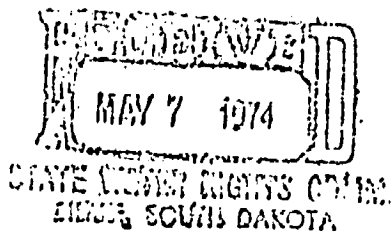
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 75 rds. On property owned by others 110 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.

C. R. R.
 Signature of Applicant



May 2, 1974

Mr. Otto Rust
Bruce, SD 57220

We have completed the analysis of the water sample submitted by Mr. Ed Lacey which would be used on the NW $\frac{1}{4}$ of Sec 1 T111 R51. This water is entirely satisfactory from the standpoint of both salinity and sodium. However, the soil on which you intend to use it is classified as Volga silty clay loam, nearly level, poorly drained and Lamoure silty clay loam. Both these soils have infiltration rates which may be slow and the person designing your system and installing it should be aware of the fact that the infiltration rate might reduce the utility of certain systems on this land. I suggest you check to make sure that the infiltration rate has been determined or is carefully estimated before your system is finally installed.

The area of Fordville loam, deep phase near the north side and on the north side of the quarter should have no problem with infiltration rate.

A copy of this letter, the WI-1 form and the Analysis Report are being sent to the State Conservation Commission.

Sincerely yours,

Lawrence O. Fine

Lawrence O. Fine
Water Quality Lab

LOF:111

Enclosures

CC: -State Conservation Commission
Al Aho, Brookings County Agent
Darrel Pahl
Ed Lacey

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: 5/1/74
Disapproved: Not Disapproved

NAME: OTTO RUST
ADDRESS: BRUCE
COUNTY: BROOKINGS CO. SO. DAK.

LEGAL DESCRIPTION

1. WELL LOCATION: _____
2. AREA TO BE IRRIGATED: NE 1/4 Sec. 1 T111 R51

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): EZRAIN MACHINE
SPRINKLER, "Geo. Nelson"
4. CROPS TO BE IRRIGATED: ALFALFA, CORN, BEANS ETC.

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Lamont silty clay loam, mainly level;
Volga silty clay loam, somewhat poorly drained, mostly level, and Fordville loam, sloppish.

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-188
8. SALINITY: EC = 624 micromhos/cm (Medium)
9. SODIUM: SAR = 0.13 (Low)

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well SE 1/4 NW of NE 4 Section 1 Township 111-N Range 51-W

Well owner Otto Rust #1 Bruce, SD
(Name) (Address)

Date well drilling completed 8-30-76 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Depth to top of water producing aquifer 81 ft.

Depth to static water level 8.1 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 35 ft.

Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

25 1/2' x 14" x 1/4" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

10' x 14" x .100 Johnson
Irrigation
screen

If a flowing well, flow of completed well _____ G.P.M.

Ed H. Lacey & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP. _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

(I) WELL CONSTRUCTION

Well owner Ollo Kast #2 Bruce, SD
(Name) (Address)

Date well drilling completed 8-31-76 Purpose of well Investigation
(domestic, irrigation, municipal, industrial, other)

Layers, top to top in feet	Description of layer
0-2	Topsoil
2-4	CLAY
4-8	FINE BROWN SAND
8-14	RUSTY OPEN GRAVEL
14-29½	CORRUGATED IRON
29½	PINK CLAY

Depth to top of water producing aquifer _____ 65' ft.

Depth to static water level _____ 6½' ft.

Name of producing aquifer (if known) _____

Total depth of drill hole _____ 29½ ft.

Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

20' x 14" x 1¼" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations

10' x 14" x .100 Johnson
Irrigation Screen

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

20' x 14" x 1/4" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations

10' x 14" x .100 Johnson
Irrigation Screen

If a flowing well, flow of completed well _____ B.P.M.

Ed H. Lacey & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP.

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor _____

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

Submitted by: Ed. H. Incey (Otto Rust) Date Rec'd: April 18, 1974
Address: P.O. Box 796 Sample No. 74-188
Trent, South Dakota Identification Well: _____
57065 NE 1/4, Sec. 1, T. 111N, R. 51E

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	mc/l**
Magnesium (Mg)	32	ppm	2.62	mc/l
Sodium (Na)	6	ppm	0.25	mc/l
Potassium (K)	2	ppm	0.06	mc/l
Sulfate (SO ₄)	90	ppm	1.87	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	4	ppm	0.12	mc/l
Bicarbonate (HCO ₃)	332	ppm	5.44	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		mc/l
Alkalinity (Methyl Orange)	272	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Penolphthalein)	8	ppm (as CaCO ₃)		
Electrical Conductivity	624	microhmhos per cm at 25° C.		
Sodium Adsorption Ratio	0.13			
Sodium	3.15	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	8.15			
Others:				

*ppm=parts per million

**mc/l=milliequivalents per liter

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

COMMENTS: Total cations 7.93 mc/l
Total anions 7.43 mc/l

By: Shirley Patton

Service Performed	Amount Due
Irrigation analysis	\$6.00 PAID

Make checks payable to: Water Quality Laboratory

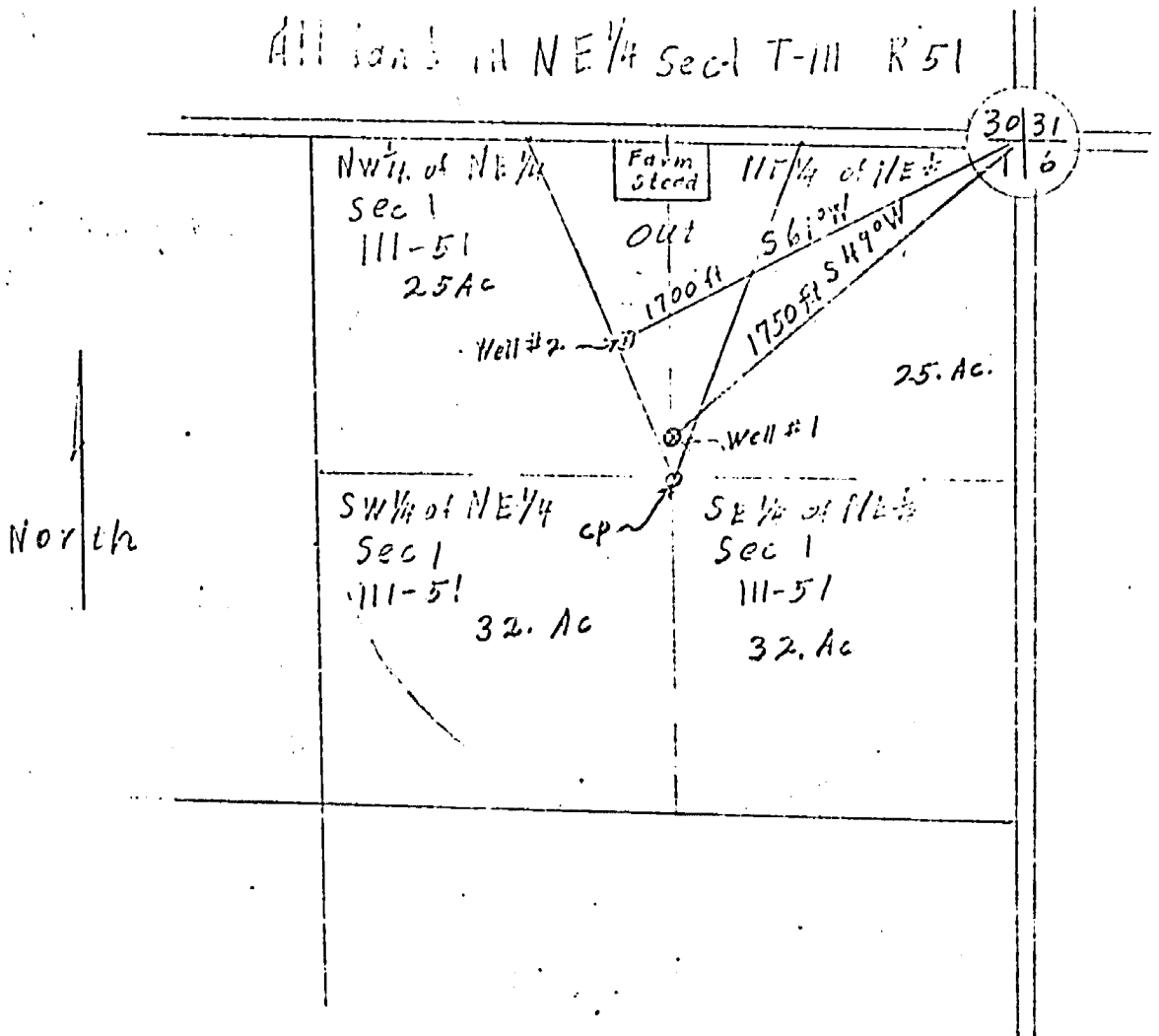
On a dotted line and return the lower portion with payment

Sample No. 74-188

Amount Enclosed \$ _____

Signed _____

All land in NE 1/4 Sec 1 T-111 R-51



John Brock

Publish first publication, on or before June 30, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 13, 1978

Notice is hereby given that John Broek whose post office address is Orange City, Iowa, 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 no additional cubic feet of water per second of time from ground water (one well) #1, for an additional through the Otto Rust Irrigation Project, ~~the~~ point of diversion of which is to be located in the SE 1/4 NW 1/4

of Section 1, Twp. 111 N Range 51 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 1 - T111N - R51W

This Application No. 4291-3 will be considered by the Water Rights Commission at the Ramada Inn in Sioux Falls, S.D. upon the 26th day of July - 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: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

BETTY WESTLUND

Water Rights Specialist

cc: John Broek
108 Mich. Ave. NW
Orange City, IA 51041

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. 333

43 lines x .367

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 week⁸..., to-wit:

.....**June 28**....., 19**78**....., 19.....

July 5, 1978

....., 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 one 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 5th day of

..... July 1978

6 Pages

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

My Commission expires September 6, 1985

Exhibit "A"

Legal No. 333 June 28, July 5 1958
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER.

Pierre, South Dakota 57501
June 13, 1978

Notice is hereby given that John Brook whose post office address is Orange City, Iowa, 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 no additional cubic feet of water per second of time from ground water (one well) through the Otto Rust Irrigation Project No. 1, for an additional point of diversion of which is to be located in the SE¼ NW¼ of Section 1, Twp. 111 N Range 51 W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE¼, Section 1, T111N, R51W.

This Application No. 4291-3 will be considered by the Water Rights Commission at the Ramada Inn in Sioux Falls, S.D. upon the 26th day of July, 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





No. 4291-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

July 28, 1978

John Broek
108 Mich. Ave. NW
Orange City, IA 51041

Dear Mr. Broek:

The Water Rights Commission deferred action on your Application
No. 4291-3 / for an additional diversion point,
at the July 27, 1978

Commission meeting, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holders of Deferred Applications in Brookings, Hamlin and Deuel Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Brookings, Hamlin and Deuel Counties at 1:45 p.m. on March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, Pierre, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 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; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were deferred by the Water Rights Commission in 1977 and 1978, pending Staff investigation. Data from the computer model are not complete at this time, the Commission Staff may recommend deferral on some of the applications until this data is obtained.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

Form 10.

No. 4291-3



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

Post Office Orange City, Ia

Date May 30, 79

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. 4291-3.

Water Right Permit No. 4291-3 states that the diversion system is to be constructed by March 28, 1980 and that the water is to be put to beneficial use by March 28, 1980.

The diversion system was completed on May 29, 1979.
Applying the water to beneficial use was completed on May 29, 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.

John Brink
(Signature)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1985

John Broek
701 W 1st St
Orange City IA 51041

NOTICE

Re: Violation of Water Permit No(s). 5010-3 and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 5010-3. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and or hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 5010-3 qualification:

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

The hearing will also be to determine if Permit No(s) 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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

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

1. Suspend Permit No(s). 5010-3 until either the 1984 Questionnaire is submitted or for the period or up to one year;
2. Amend Permits No(s). 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 also held by John Broek to require the Irrigation Water Use Questionnaire to be submitted each year;

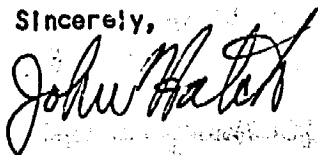
John Broek
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) are received in this office before the May 15th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40408KS.wr

South Dakota
Department of
Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: John Broek
701 W 1st St
Orange City, IA 51041

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352



SUBJECT: Amendment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3,
2096-3 & 4291-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



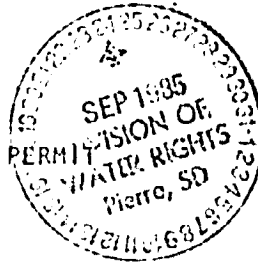
Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3

Fursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 to add the following qualification:

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



NO. 4291-3

NOTICE OF TRANSFER OF WATER

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 16, 1985

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

154 Acres - NE 1/4 Section 1, T11N, R51W (this permit is for additional diversion

point on Permit 2096-3)

formerly owned by John Broek

has been transferred to METROPOLITAN LIFE INSURANCE COMPANY, P.O. Box 628, Carroll, IA
(please include complete mailing address) 51401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4291-3 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 ARIZONA)
~~STATE OF ARIZONA~~) ss.
County of Maricopa)

I, JOHN BROEK being first duly sworn on my oath despose 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.

John Broek (Signed)

Subscribed and sworn to before me this 16th Day of September, 19 85.

Notary Public
(Notary Public) - Arizona

My Commssion Expires:
My Commission Expires July 10, 1986

RECEIPT

Division of Water Rights

Nº 4 10193 -

South Dakota Department of Water and Natural Resources

Pierre, September 24, 195

McCann, Martin & McCann, P.C.

RECEIVED OF for Metropolitan Life Ins. Co., PO Box 628, Carroll IA 51401

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.	2	50
Fee for Filing Transfer Form for Permit No. 4291-3		
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 John Hatch
Chief Engineer JOHN HATCH (ks)

 **Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

September 25, 1985

McCann, Martin & McCann, P.C.
T. F. Martin
PO Box 78
Brookings SD 57006-0078

Dear Mr. Martin:

Enclosed are receipts No. 410190 thru 410195 for \$2.50 each which you paid for transfer of Water Rights No. 2693-3, 2694-3, 2910-3, (4291-3), 5010-3 and 2096-3.

Our records now show Metropolitan Life Ins. Co. as the owners of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide.

enclosures

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 16, 1987

5010-3
4291-3
2096-3

Donald L Kinker, Agent
Farmers National Company
4820 Dodge Street
Omaha, NE 68132

RE: Permits for Metropolitan Life Insurance Company

Dear Mr. Kinker:

Thank you for the prompt return of the 1987 irrigation questionnaires for Metropolitan Life Insurance. Enclosed, as you requested, are copies of Water Permit Nos. 4291-3 and 2096-3 and Water Right No. 5010-3.

In your letter, you also listed Water Permit Nos. 2610-3, 2693-3 and 2694-3. These permits were incorporated into Water License No. 5010-3. All the irrigated lands listed under these three permits, are now covered under No. 5010-3.

If you have any questions concerning the enclosed copies, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

encl

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412819

Pierre, September 3, 19 91

RECEIVED OF Herbert A. Heidepriem, 213 W 4th St, Miller SD 57362

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 Permit No. 4291-5	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

John H. Havel
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4291-3

Date: August 27, 1991

I request that Water Permit No. 291-3

formerly owned by: Metropolitan Life Insurance Company

be transferred to: (name & address) Herbert A. Heidepreim, Box 129, Miller, SD
57362 (Telephone No.) 605/853-2456

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

NE 1/4 Section 1, T11N, R51W

I understand that the validity of Water Permit No. 4291-3 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 required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hand)

I/We Herbert A. Heidepreim 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.

Herbert A. Heidepreim
(Signed)

Subscribed and sworn to before me this 27th day of August, 19 91.

Marilyn M. Dyer
(Notary Public)

My commission expires: 2/4/96

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.

South Dakota



GREAT FACES. GREAT PLACES.

September 17, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 2096-3
4291-3

Herbert A. Heidepriem
Box 129
Miller, SD 57362

Dear Mr. Heidepriem:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 2096-3 and 4291-3.

Our records now show you as the owner of Water Permit Nos. 2096-3 and 4291-3.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
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

HERBERT A HEIDEPRIEM
PO BOX 129
MILLER SD 573620129

NOTICE

RE: Violation of Water Permit No(s) 4291-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4291-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4291-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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. 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) 4291-3 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1992

4291-3

Herbert A Heidepriem
PO Box 129
Miller, SD 57362-0129

Dear Mr. Heidepriem:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 4291-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was 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

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

HERBERT A HEIDEPRIEM
PO BOX 129
MILLER, SD 573620129

4a. Article Number

P406 557 705

4b. Service type

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

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)

Herbert A. Heidepriem

PS Form 3811, November 1990 *U.S. GPO: 1991-297-005

DOMESTIC RETURN RECEIPT

Permit No. 4291-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Herb Heidepreim of Miller holder of Permit No. 4291-3 and 2096-3, bearing the priority of 6/14/74 authorizing the diversion of 2.2 cu. ft. per second of the waters of ground water for irrigation purposes, in Brookings County.

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

A. Works used to divert the water:

Two Western Land Roller Pumps with a total of 1000 gpm capacity.

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

200' of 8" aluminum pipe and 500' of 6" PVC pipe

C. Works used to apply water to beneficial use:

A 1280' Electrogator center pivot with end gun.

The system is in the following condition fair. The point of diversion is located from the NE corner of Section 1-T111N-R51W, Well 1 - 1320'W 1100'S, Well 2 - 1600'W 800'S. The works are capable of diverting and conveying to the place of use 2.22 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:

All land located in Section 1-T111N-R51W:

NW1/4 NE1/4 - 28 ac NE1/4 NE1/4 - 28 ac SE1/4 NE1/4 - 34 ac SW1/4 NE1/4 - 34 ac

comprising a total of 124 acres of land and the license should be issued for 1.77 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 8/6/91



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 4291-3

1. Legal location of wells: From the NE corner of Section 1-T111N-R51W: Well 1 - 1320'W 1100'S, Well 2 - 1600'W 800'S.

Dams and Structures

2. Well Information: Well Drilling Firm Ed Lacey and Sons

Completion Report? Yes ☒ No Well # 1 Depth(s) 35 feet

Casing a) diameter 14 inches Screen a) type stainless steel

b) length 25.5 feet b) length 10 feet

c) type steel Static Water Level 8 feet

Pump a) make Western Land Roller

Motor a) make GE

b) model G761129

b) model no. 5K6237XM501B

c) size

c) horsepower rating 40

d) capacity 200 GPM

d) serial no.

e) turbine pump - no. of stages

f) operating PSI 80

2. Well Information: Well Drilling Firm Ed Lacey and Sons

Completion Report? Yes ☒ No Well # 2 Depth(s) 29.5 feet

Casing a) diameter 14 inches Screen a) type stainless steel

b) length 20 feet b) length 10 feet

c) type steel Static Water Level 6.5 feet

Pump a) make Western Land Roller

Motor a) make GE

b) model G761129

b) model no. 5K6237XM501B

c) size

c) horsepower rating 40

d) capacity 800 GPM

d) serial no.

e) turbine pump - no. of stages

f) operating PSI 80

3. Distribution lines or canals

- a) size 8 inches
- b) type aluminum
- c) length 200 feet
- a) size 6 inches
- b) type PVC
- c) length 500 feet

5. System Type a) sideroll:

- c) gun:
 - 1) make
 - 2) nozzle size
 - 3) capacity (GPM)
 - 4) hose size inches
 - 5) hose length feet
- e) gated pipe:
 - 1) length feet
 - 2) diameter inches
 - 3) spacing of gates inches

b) towline:

- d) center pivot:
 - 1) make Electrogator
 - 2) number of towers 8
 - 3) distance between towers
 - 4) overall length 1280 feet
 - 5) end gun (Y/N) Y
 - 6) high or low pressure high
 - 7) make and size of nozzles:
rainbird
 - 8) capacity (GPM) 1000

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
-----	----	-------------

<u>Y</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
----------	--	--

<u>Y</u>		2. Special qualifications to permit being abided by?
----------	--	--

<u>Y</u>		3. All structures, wells and lands on map?
----------	--	--

<u>Y</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
----------	--	--

	<u>N</u>	5. Is chemigation used?
--	----------	-------------------------

	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?
--	-----------	--

REMARKS:

South Dakota

GREAT LAKES. GREAT PLACES.

August 23, 1991

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

4291-3
2096-3

Herb Heidepriem
Box 129
Miller, SD 57362

Dear Mr. Heidepriem

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 2096-3 and 4291-3. The water permits are currently listed in the name of Metropolitan Life Insurance Company.

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

The inspection of the water use system and the extent of application of water to beneficial use, as developed under Permit Nos. 2096-3 and 4291-3 has been completed. The final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2096-3 will be incorporated into Water License No. 4291-3.

State Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the fee from you, we will begin processing your Water License. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid.

Please remit a total of \$55.00 for transfer and licensing fees along with the completed "Notice of Transfer" forms. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

Law Offices of
HEIDEPRIEM, WIDMAYER, ZELL & JONES

103 WEST THIRD STREET
BOX 129
MILLER, SOUTH DAKOTA 57362

HERBERT A. HEIDEPRIEM
RUBEN R. WIDMAYER
SCOTT N. HEIDEPRIEM
BRADLEY G. ZELL
BRIAN W. JONES
DENNIS HOCHKAMMER, PARALEGAL

MILLER OFFICE
605/853-2456
FAX: 605/853-2457
HIGHMORE OFFICE
605/852-2962

August 27, 1991

Ms. Genny McMath
Natural Resource Analyst
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Ms. McMath:

I have your letter of August 23, 1991, in which you enclose Notice of Transfer of Ownership to the water rights on the NE¼ of 1-111-51 in Brookings County. I have executed this in duplicate before a notary and return it with my check in the amount of \$2.50.

Further, in your letter you talk about inspecting of the water use system and the provisions of SDCL 46-5-30.1 which provide that a permit holder may not divert water until the \$50.00 fee is paid. There must be some misunderstanding. Water has been used from this well for many years and certainly from a time prior to January 1, 1983, as provided in SDCL 46-5-4.1.

Finally, in a rather cursory examination of this statute it seems to me that it addresses itself to surface water and that the matter of ground water is covered in Chapter 46-6 and the later statute has no provision for inspection or permits that I can detect.

Please let me know.

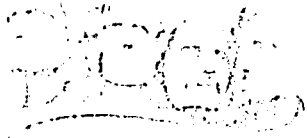
Yours very truly,

A handwritten signature in dark ink, appearing to read "Herbert A. Heidepriem".

Herbert A. Heidepriem

HAH/mmd
Enc.

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 18, 1991

4291-3

Herbert A. Heidepriem
Heidepriem, Widmayer, Zell & Jones
P.O. Box 129
Miller, SD 57362-0129

Dear Mr. Heidepriem:

I am writing in response to your August 27, 1991, letter to Genny McMath concerning South Dakota Water Law as it deals with inspections and payment of fees prior to licensing of Water Permit Nos. 2096-3 and 4291-3.

SDCL 46-5-30.1 means that following notification, a \$50.00 inspection license fee is required as set by SDCL 46-2-13(3). A Water Permit owner may not continue to use water until the fee has been paid. This statute is intended to encourage speedy submission of the required inspection fee.

Since the first several sections of Chapter 46-5 refer to surface water, I can understand why you could conclude that Chapter 46-5 only deals with surface water. SDCL 46-1-15 requires a permit to appropriate the waters of this State. Chapter 46-2A establishes the administrative procedure for appropriation of water and cancellation of water rights/permits.

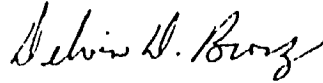
Several sections in Chapter 46-5 refer to appropriation of water or water permits or any source without specifying surface water or groundwater, or to both wells (groundwater) and surface water. Also, in several appeals of Water Management Board decisions, the State Supreme Court has never questioned that Chapter 46-5 applies to both surface water and groundwater. You could also contact Diane Best, Assistant Attorney General to discuss this matter.

Water Permit Nos. 2096-3 and 4291-3 were inspected for licensing purposes August 6, 1991. Upon licensing, the applicable portions of Water Permit No. 2096-3 will be incorporated into Water License No. 4291-3.

September 18, 1991
Herbert A. Heidepriem
Page 2

I hope that I have addressed all your concerns. Upon receipt of the \$50.00 fee for inspection and licensing purposes, we can begin processing your water license. If you have any further questions, please contact us.

Very truly yours,



for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

cc: Diane Best, Assistant Attorney General

12-11-91

Law Offices of
HEIDPRIEM, WIDMAYER, ZELL & JONES
103 WEST THIRD STREET
BOX 129
MILLER, SOUTH DAKOTA 57362

HERBERT A. HEIDPRIEM
RUBEN R. WIDMAYER
SCOTT N. HEIDPRIEM
BRADLEY C. ZELL
BRIAN W. JONES
DENNIS HOCHKAMMER, PARALEGAL

MILLER OFFICE
605/853-2456
FAX: 605/853-2457
HIGHMORE OFFICE
605/852-2962

October 9, 1991

Mr. Delvin D. Broz
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

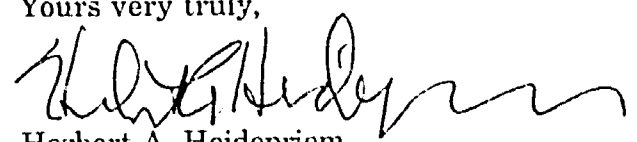


Dear Mr. Broz:

Thank you for your letter of September 18, 1991. I am glad to have this explanation.

I enclose my check in the amount of \$50.00 for the fee.

Yours very truly,


Herbert A. Heidepriem

HAH/mmd
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ October 11, 1991

RECEIVED OF Herbert A. Heidepriem, 218 W 4th St, Miller, SD 57562

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. <u>4291-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch / [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4291-3

(1) John Broek of Orange City, IA 51041 made Application No. 4291-3, June 5, 1978 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Brookings County, South Dakota for irrigation purposes. Permit No. 4291-3 with a priority date of June 14, 1974 (established under Water Permit No. 2096-3) was approved March 28, 1979 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 28, 1981 and for the application to beneficial use of said water on or before March 28, 1984.

Water Permit No. 4291-3 authorized an additional point of diversion to irrigate land covered under Water Permit No. 2096-3. No. 4291-3 did not allow an increase in diversion rate or acres irrigated.

Transfers filed with Water Permit Nos. 2096-3 and 4291-3 are as follows: September 24, 1985 - John Broek to Metropolitan Life Insurance Company.

September 3, 1991 - Metropolitan Life Insurance Company to Herbert A. Heidepriem.

The applicable portions of Water Permit No. 2096-3 are incorporated into this Water License No. 4291-3.

(2) It is certified that the applicant 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 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1320'W and 1100'S; Well #2 - 1600'W and 800'S of the NE corner Section 1, T111N, R51W.

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

T111N, R51W	Section 1	NW 1/4 NE 1/4	28 Acres
		NE 1/4 NE 1/4	28 Acres
		SE 1/4 NE 1/4	34 Acres
		SW 1/4 NE 1/4	34 Acres
		Total-----	124 Acres

(4) Pursuant to Section 46-5-30.1 Herbert A. Heidepriem of P.O. Box 129, Miller, SD 57362-0129 the holder(s) and/or owner(s) of Incorporated No. 4291-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (two wells) with a priority date of June 14, 1974 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 4291-3 and subject to South Dakota State Law.



FEB 26 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 26 1992

4291-3

Herbert A. Heidepriem
P.O. Box 129
Miller, SD 57362-0129

Dear Mr. Heidepriem:

Enclosed is Water License No. 4291-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412871 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4291-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2096-3 are incorporated into this Water License No. 4291-3.

4291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: HERBERT A HEIDEPRJEM
PO BOX 129
MILLER SD 573620129

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

RE: Violation of Water Permit No(s) 4291-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 4291-3. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4291-3 qualification:

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

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. 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) 4291-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to 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, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

HERBERT A HEIDEPRIEM
PO BOX 129
MILLER SD 573620129

4a. Article Number

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

4291-3

Law Offices of
HEIDEPRIEM, WIDMAYER, ZELL & JONES
103 WEST THIRD STREET
BOX 129
MILLER, SOUTH DAKOTA 57362

HERBERT A. HEIDEPRIEM
RUBEN R. WIDMAYER
BRADLEY G. ZELL
BRIAN W. JONES
DENNIS HOCHKAMMER, PARALEGAL

MILLER OFFICE
605/853-2456
FAX: 605/853-2457
HIGHMORE OFFICE
605/852-2962

January 29, 1993



Ron Duvall
Natural Resources
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Violation of Water Permit 4291-3

Dear Mr Duvall:

This letter advises that we recieved your certified letter to my father, and to tell you that he died Saturday, January 23, 1993. I cannot tell from your notice where the property is that the water right is in reference to. Will you supply me with that information?

We would also like some additional time to comply. As you might expect, this is a difficult time for us, and sorting through my father's papers is not easy.

Sincerely,

A handwritten signature in cursive script that reads "Scott N. Heidepriem".

Scott N. Heidepriem
Of HEIDEPRIEM, WIDMAYER, ZELL & JONES

SNH/sms

4291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1993

4291-3

Scott N Heidepriem
HEIDEPRIEM, WIDMAYER, ZELL & JONES
PO Box 129
Miller, SD 57362-0129

Dear Mr. Heidepriem:

Thank you for responding to our January 29th Notice concerning submission of the 1992 irrigation questionnaire. I am enclosing a copy of Water Right No. 4291-3, currently listed in your father's name.

I am also enclosing another copy of the 1992 irrigation questionnaire. Please complete and return the form at your earliest convenience. If the information can not be obtained, make a notation on the questionnaire and return it to our office.

Under the circumstances, the violation of Water Right No. 4129-3 will not be brought before the Water Management Board as stated in the January 29th notice.

If you have any questions, please contact me at (605) 773-3352. Our deepest sympathy to you on the loss of your father.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Genny McMath'.

Genny McMath
Natural Resources Analyst
Water Rights Division

enclosures

4291-3

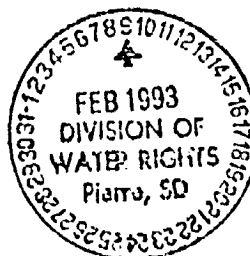
Law Offices of
HEIDPRIEM, WIDMAYER, ZELL & JONES

103 West Third Street
P.O. Box 129
Miller, South Dakota 57362
605/853-2456
FAX 605/853-2457
Highmore Office:
605/852-2962

Herbert A. Heidepriem
(1948-1993)

Ruben R. Widmayer
Bradley G. Zell
Brian W. Jones
Dennis Hochhammer, Paralegal

February 6, 1993



Genny McMath
DENR
Foss Building
523 East Capitol
Pierre SD 57501-3181

Re: Herb Heidepriem, Water Right No. 4291-3

Dear Genny:

Thanks for your letter of February 3. I will forward the questionnaire to Greg Langland of RR 1, Bruce, SD, 57220, and ask him to complete it. He is renting the land, and it seems to me that he would be in the best position to complete it. Thank you for your understanding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott N. Heidepriem".

Scott N. Heidepriem
Of HEIDPRIEM, WIDMAYER, ZELL & JONES

SNH/sms

cc: Greg: please complete this document and send it to Genny. Also, give me a call as time permits, at my Sioux Falls numbers of (work) 338-4304 or (home) 335-6293. Thank you. Scott.

RECEIPT

414243

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 9, 19 94

RECEIVED OF BJR Enterprises, 405 N Kiwanis Ave, Sioux Falls, SD 57104

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>Water Right No. 4291-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch / [Signature]
Chief Engineer

4291-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 17, 1994

No. 4291-3

BJR Enterprises
%Les Miller
405 N. Kiwanis Ave.
Sioux Falls, SD 57104

Dear Mr. Miller:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4291-3.

Our records now show BJR Enterprises as the owner of Water Right No. 4291-3.

Sincerely,

A handwritten signature in cursive script, reading 'Cheryl F. Frost'.

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

enclosure



4291-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: BJR ENTERPRISES, LES MILLER, 2113 N LOUISE, SIOUX FALLS, SD 57107
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4291-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 4291-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 4291-3 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 on/or before March 8, 2002, 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 at (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.

4291-3

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

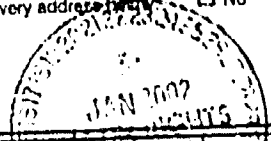
BJR ENTERPRISES
LES MILLER
2113 N LOUISE
SIOUX FALLS SD 57107

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery 1/17/99

C. Signature [Signature] ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address _____



3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ COD

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from address label)
 7001 2510 0004 4797 4555



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

4291-3

Les Miller
BJR Enterprises
2113 N Louise
Sioux Falls, SD 57107

Dear Mr. Miller:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4291-3.

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

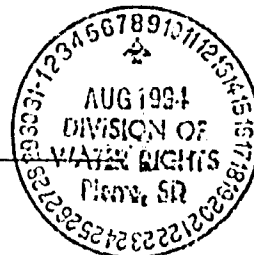
4291-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. _____

Date: August 4, 1994



I/We request that Water ~~Permit~~/Right No. 4291-3

formerly owned by: Herbert Heidepriem Heirs

be transferred to: (name & address) BJR Enterprises, 405 N Kiwanis Avenue,

Sioux Falls, SD 57104

(Telephone No) (605) 336-7775

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

NE 1/4 Exc. Lot 1 of Otto & Shirley Rust Green Acres Addition, thereof,

in Section 1, T. 111 N., R 51 West of the 5th P.M., Brookings County, SD

I/We understand that the validity of Water ~~Permit~~/Right No. 4291-3 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 Minnehaha)

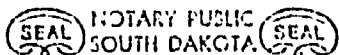
I/We BJR Enterprises being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

BJR Enterprises by

(Signed)

Subscribed and sworn to before me this 4th day of August, 19 94.

Michelle A. Loneman



(Notary Public)

My Commission Expires
June 2002

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.

NOT TO SCALE 4291-3



4291-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2007

4291-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

Thank you for taking the time to visit with me about Water Right No. 4291-3. Enclosed is a copy of the water right for your records.

Also enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

One more item that needs to be entered in the file is any irrigation information you may have from the 2006 irrigation season. If you still have records from last year, please include them on the enclosed irrigation questionnaire and send it back with the transfer of ownership form.

Thank you in advance for your help. For informational purposes only, I am sending along excerpts of our water laws and Water Management Board Rules dealing with the requirements for maintaining a water right in South Dakota. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 4/12, 20 07

RECEIVED OF RUS FARMS INC MARION RUS 3283 DOGWOOD AVE ROCK VALLEY IA 51247

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	2 50	
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>4291-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No. _____

03030

By _____

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR 12 2007

WATER RIGHTS
PROGRAM

No. 4291-3

Date: 4-9-07

I/We request that Water Right No. 4291-3

formerly owned by: Les Miller, BJR Enterprises, 2113 N Louise, Sioux Falls SD 57107

be transferred to: (name & address)

Marion J Rus

3283 Dogwood ave.

Rock Valley, Ia 51247

Telephone No. 712-540-2134

Home 712-476-2277

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

124 acres - NE ¼ Section 1, T111N, R51W

I/We understand that the validity of Water Right No. 4291-3 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Marion J Rus, the new owner, certify that the above information is true and correct.

Marion J Rus
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 2007

4291-3

Marion J Rus
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 4291-3. The transfer has been completed. The water right, formerly held by BJR Enterprises is now listed in your name.

Enclosed is your Receipt No. 03030 in the amount of \$2.50 which you paid to cover the cost of the filing fees. You may keep this for your records.

Sincerely,

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

enclosure



4291-3

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 18, 2008

NOTICE

TO: MARION J RUS, 3282 DOGWOOD AVE, ROCK VALLEY, IA 51247
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4291-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 4291-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 4291-3 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 on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

4291-3

[Home](#) | [Help](#)**Track & Confirm**

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3516
Status: **Delivered**

Your item was delivered at 2:24 PM on January 22, 2008 in ROCK VALLEY, IA 51247. The item was signed for by R US.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

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[Priority Mail](#)

MARION J RUS 3282 DOGWOOD AVE ROCK VALLEY IA 51247	
SIGNATURE CONFIRMATION NUMBER: 915E 2090 0000 091E E0E2	Waiver of Signature ☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2008

4291-3

Marion J Rus
3282 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 4291-3.

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

As requested, future irrigation questionnaires will be sent to Scott Thompson as renter of the property. If you have any questions, please contact me.

Sincerely,

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

c: Scott Thompson, PO Box 76, Estelline SD 57234



4291-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: SCOTT THOMPSON, RENTER, PO BOX 76, ESTELLINE, SD 57234 0076

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4291-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 4291-3 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 7, 2013** 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) 4291-3 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 on/or before **March 4, 2013**, 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: <http://denr.sd.gov/iq.aspx>

c: MARION J RUS, 3282 DOGWOOD AVE, ROCK VALLEY IA 51247

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2013

4291-3

James Vande Weerd
46739 204th St
Bruce SD 57220

Marion J Rus
3282 Dogwood Ave
Rock Valley IA 51247

Dear Sirs:

I am writing to acknowledge receipt of the 2012 irrigation questionnaire for Water Right No. 4291-3 listed in the name of Marion J Rus.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 4291-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

It is my understanding that Mr. Vande Weerd is the new renter/operator. I have changed our records accordingly so that next year's irrigation questionnaire will go directly to him. This does not change ownership of the water right; it only allows us to send correspondence to someone other than the owner.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

4291-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: JAMES VANDE WEERD, RENTER, 46739 204TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4291-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 4291-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 4291-3 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 8, 2023** 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: GJYWVZ**

c: MARION J RUS, 3282 DOGWOOD AVE, ROCK VALLEY IA 51247

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 6, 2023

4291-3

James VandeWeerd
46739 204th St
Bruce SD 57220

Dear Mr. VandeWeerd:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 4291-3. 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

c: Marion Rus