

Re - Advertising Notice

Water Right Number 4429-3

1. Considered SEPTEMBER 27, 1979
2. Name of Applicant MYRIL J. ARCH
3. Post Office Address PIERRE, SD E/2 34-109-76
4. Amount of water claimed 4.25
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 299
7. Water to be diverted and used in HUGHES County
about 17 E, 5 S Miles of PIERRE
8. Proof of Publication
Received 9-6-79
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
ADVERTISING NOTICE SHOWS
TICQU - SHOULD BE TION
10. Remarks: GENE SMITH & MRS. SCHMIDT WERE IN THE OFFICE
SAID ARCH WAS TUMPING FRIDAY, SEPTEMBER 14, 1979
WATER RUNNING DOWN CROWN ROADS.

1. Considered NOVEMBER 27 19 79
2. Name of Applicant MYRIL J. ARCH
3. Post Office Address 1504 E. CAPITOL - PIERRE, S.D.
4. Amount of Water Claimed 4.25
5. Source of Water Supply MISSOURI RIVER
6. Water to be used for IRRIGATION
7. Acres to be irrigated 299 maximum
acre feet
8. Water to be diverted and used in HUGHES County
about 17E & 5 miles SOUTH of PIERRE
9. Proof of Publication Received WUE 11-13-79
Not received
10. Application Approved 11-27-79
Subject to
Not approved
Action deferred

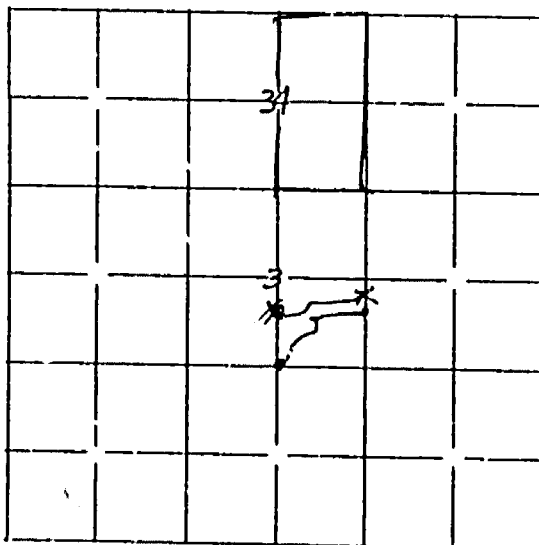
*had to readvertise was advertised
wrong the first time*

Priority 7-17-79 Date Received JULY 17, 1979 Application Complete yes X no
Date Returned or additional information or fee requested

Remarks to add acreage to # 1431-3

Date information and/or
fee or corrected Application received

FEE Amount 300⁰⁰



Diversion Location Between points in NW⁴SE⁴ &
NE⁴SE⁴ Sec 3-T109N-R76W

Lands to be
Irrigated E¹/₂ Sec. 34-T110N-R76W

Period of annual use April thru October

MAP Type of Map Drawn - Engr. Prepared by Maynard Sommers PE
Map No. 1041-3 Map located in W/!! X Map file

WELL LOG Received yes _____ no _____ Date of request _____

N/A

Remarks _____ Date Returned _____

Driller _____ Licensed in SD ye. _____ no _____

Depth and Formation _____

WATER QUALITY

Date Received AUG. 14, 1979 Approved (Conditional) (circle one)

Date Disapproved _____ Reason _____ Date Disapproved Application returned _____

WI-i Land Description - same as Application yes X no _____ Remarks _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Nov. 27, 1979.

D. Westlund
(Signed)

This Application was unable to be completed - Reason _____

PROTESTS Letters/Petitions in File - yes ✓ no _____ Remarks our office - irrigating before appl approved

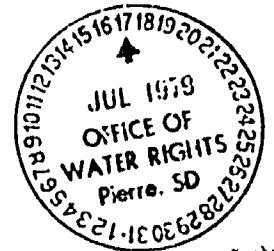
STAFF RECOMMENDATIONS

BOARD ACTION Date Approved _____ Qualifications _____

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

REMARKS F.F & C. OF LAW, FINAL DECISIONS, ETC. Date Final Decision, including F.F. & C of Law was adopted _____ Date Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____ Remarks _____

No. 4429-3Map No. 1041-3 Water Division No. 3 MISSOURI RIVER District
(Must be filled by the Engineer for the V. C. 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 Myril J. Arch
- Postoffice address 1504 E Capitol, Pierre, State South Dakota 57501
- If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Arch #4
4. Amount of water claimed (cubic feet per second) 4.25
5. Source of water supply Missouri River
6. Location of point of diversion between points in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3,
T109N, R76W
- County Hughes
7. Annual period or periods during which water is to be used April thru 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 299

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.
SE $\frac{1}{4}$	160		
NE $\frac{1}{4}$	139		
Section 34, T109N, R76W			

Attach sheet if more space is needed.

10. Time required to complete construction of water supply system 5 years. Additional time required for completion of application of water to the proper beneficial use 4 years.
11. Name of newspaper for notice of intent to appropriate water publication Capitol Journal, Pierre
12. Principal Features of the Proposed Water Supply System:

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

Pumps & Motor - same diversion point as 1431-3

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

Mainline

C. Works proposed to apply water to beneficial use:

Pivot sprinkler systemsEstimated Total Cost \$Attachment: Attach Form 2A if diversion from a water digout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HughesI, Myril J. Arch

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.

Subscribed and sworn to before me this

17th

day of

July

1979

Myril J. Arch

Notary Public for other qualified officers

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4429-3
1504 E. CAPITOL - PIERRE
 (Post Office Address)
MYRIL J. ARCH
 (Applicant)
SOUTH DAKOTA
 (State)
 With the following modifications:

Date of first receipt of application July 17 19 79
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved NOVEMBER 27 19 79, Recorded in Book 21 Page 91
 WATER RIGHT PERMIT NO. 4429-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4429-3 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 JULY 17 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 27 19 82
3. The whole of said work is to be completed on or before NOVEMBER 27 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 27, 1988
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 4.25 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 it 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-seventh (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 NOVEMBER 27 19 88 and said water to be used during the following described annual period APRIL THRU OCTOBER

Witness my hand this 30th day of NOVEMBER 19 79
 WATER RIGHTS COMMISSION

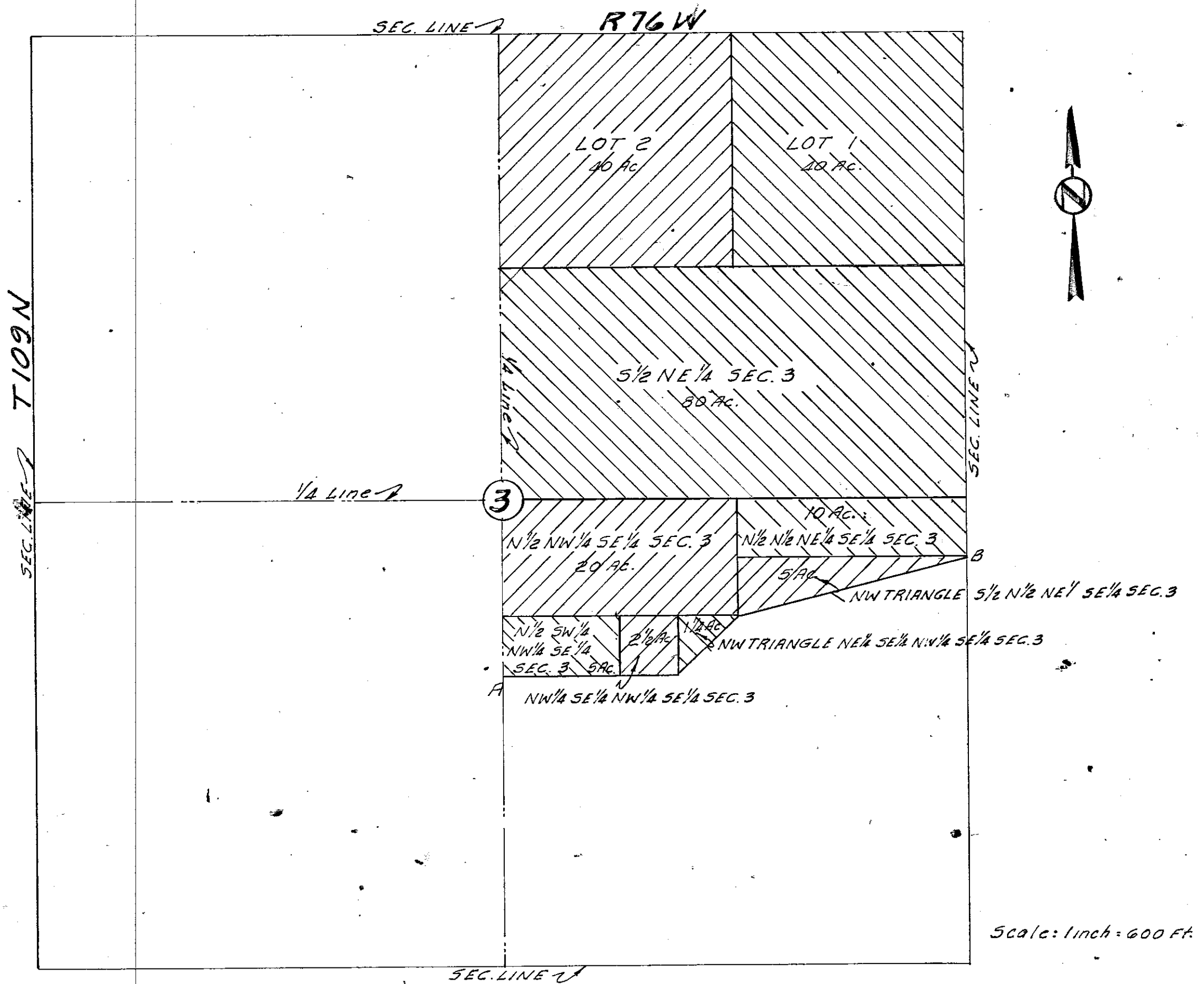
By John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____
 Water License Issued _____ 19 ____

PLAT SHOWING AREA & DIVERSION POINTS WHERE WATERS WILL BE
DIVERTED FOR PERMIT TO APPROPRIATE WATER.

GEORGE A. SCHMITT
MAYNARD C. SOMMER

OWNER
SURVEYOR



NOTE: POINT OF DIVERSION NORTH BANK OF
LAKE SHARPE BETWEEN POINTS "A" & "B"

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA 55
COUNTY OF HUGHES

I, MAYNARD C. SOMMER, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE
OF SOUTH DAKOTA, DO HEREBY CERTIFY, THAT AT THE REQUEST OF GEORGE
A. SCHMITT, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE
IRRIGATED WITHIN HIS OWNERSHIP BOUNDRIES ON
FOR WHICH APPLICATION MAP IS A TRUE REPRESENTATION THEREOF.
WITNESS MY HAND AND SEAL THIS 16th DAY OF JUNE 1967

Maynard C. Sommer
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA 55
COUNTY OF HUGHES

ON THIS DAY OF BEFORE ME THE UNDERSIGNED NOTARY
PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
MAYNARD C. SOMMER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED
THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME.
WITNESS MY HAND AND SEAL THIS 16th DAY OF June 1967.

MY COMMISSION EXPIRES: April 26, 1968

Lawrence E. Mayer
NOTARY PUBLIC

Water Right
CONDITIONAL
Surface

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Myrl Arch. PierreSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 2-3 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 3-4 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on water.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Necessary deep tillage costs may exceed the benefits derived.
6. ☒ Heavy fall application of irrigation water, followed by deep tillage.
7. Type of irrigation system recommended for use on this application See below.

GENERAL COMMENTS:

#7. Side-roll, gated pipe, towline, or possibly a low pressure pivot.

Hillboro Silty clay loam and Promise-mosher complex, in the NE $\frac{1}{4}$ of Sec. 34 are not recommended for irrigation under a conventional pivot system, because the slowest possible output exceeds the soils ability to take in water.

Perhaps the best management practices would be deep tillage to allow slow natural precipitation and/or irrigation water to slowly move into the subsoil depth during the winter months where the moisture will remain stored for crop use.

Copy to applicant
Copy to Water Rights
Copy on File



Department of Water & Natural Resources

Joe Foss Building

Pierre, South Dakota 57501

Water Rights, Water Management Division

(605) 773-3352

July 24, 1979

Myril J. Arch
1504 E Capitol
Pierre, SD 57501

Dear Mr. Arch:

Your application dated July 17, 1979 for a permit to appropriate water from the Missouri River through the Arch #4 was received July 17, 1979.

We have not, as of this date, received the water quality approval from the State Conservation Commission. When this information is received, further processing of your application will proceed.

To MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or to have the above information submitted to this office.

Your Receipt No. 4-6957 in the amount of \$300.00 is on file with your application.

Sincerely,

BETTY WESTLUND
Water Rights Specialist I

BW/gy

Equal Opportunity Employer

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Michael O. Paul OWNERS ADDRESS: 243 Pine
COUNTY LAND LOCATED IN: Heidelberg PHONE: 224 5600
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: 243 Pine Missouri E.
2. SURFACE WATER SOURCE: Heidelberg, Mo. E.
3. LOCATION OF AREA TO BE IRRIGATED: E 1/2 S 34-110-76
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY center pivot TOWLINE _____ CENTER PIVOT 2.40 GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: corn
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: 243 Ac E 2 Sec 3-108-76
IN WHAT NAME: transferred from Ed. Schmitt in 1974 Water Right 1431-3

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: Heidelberg River Well
9. SALINITY (EC X 10⁶) 50-70
10. SODIUM (SAR) 10-30 ADJUSTED (SAR) 15-5.5

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M. on _____, 19____, at the following location: _____
by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation 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 further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
____ DAY OF _____, 19____.

(NOTARY PUBLIC)

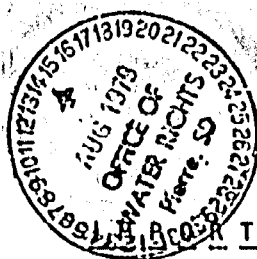
Michael O. Paul
APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED



Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

WATER QUALITY

GROUND WATER:

The ground water applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota 57707.

SURFACE WATER:

It is suggested that, whenever possible, an irrigator collect a sample of the surface water to be used for irrigation so that he may be fully aware of any problems he may encounter. From this point on, the application will be handled in the same manner as a groundwater application and shall be forwarded to the Water Quality Laboratory at S.D.S.U., and in turn forwarded to the Department of Agriculture.

Prior to taking a water sample, please note that it may be to your benefit to pump the well or test hole for up to 6 hours. The reason for this is that it is not uncommon for water quality to improve with extended pumping and the better your water quality, the better the chances for obtaining approval of soil/water compatibility.

WATER SAMPLING TECHNIQUE

When water samples are brought or sent in to the laboratory, the analytical results obtained from the sample will be applied to the entire supply. Therefore, the supply can be only as good as the sample.

Based on previous water quality data by the Department of Natural Resources, individual input, and other sources, the water quality of a given aquifer usually remains fairly constant. Consequently, if given a geographic location and depth, an approximation of the water quality can be made. However, the information available at the present time pertains to very few areas and represents only a fraction of the total underground water picture. The areas with the most information are the areas with the most extensive ground water development. Thus, the wells and water samples provided by irrigators are excellent sources of water quality data for aquifers.

For these reasons, it is imperative that representative water samples be obtained.

Here are a few rules to follow in sampling procedure.

1. Use a pint or quart jar which can be cleaned with a brush or dish cloth.
2. Do not use metal containers.
3. Bottles used for bleach, fabric softener, detergents, and shampoos make very good sample bottles, but are often difficult to remove residues from and get clean.
4. Wash the container with hot, soapy water and rise in boiling water. (Some containers may require washing with hot vinegar to remove foreign residues.)
5. Then rinse the container vigorously with the water to be sampled three times.
6. If the container doesn't look clean, don't use it!
7. Allow enough time for pumping a well to insure "fresh" ground water instead of "drill water and mud" or stagnant water. (Usually 6 hours of pumping a new well is recommended.)
8. When taking surface water samples, obtain the water far enough from shore so that excessive soil and algal growth are not included in the sample. Samples from different depths should be composited into one sample.
9. Remember, we need at least a pint of sample.
10. Try to get the water sample to the laboratory as soon as possible after obtaining the sample. Time has a definite effect on water quality.



REC-1001/FORM
12/78
d

CONDITIONAL
Surface

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Myrell Arch, Pierre

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 2-3 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 3-4 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on water.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Necessary deep tillage costs may exceed the benefits derived.
6. ☒ Heavy fall application of irrigation water, followed by deep tillage.
7. Type of irrigation system recommended for use on this application see below.

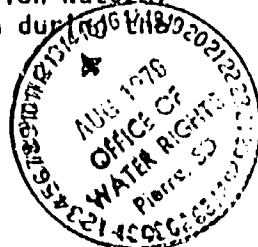
GENERAL COMMENTS:

#7. Side-roll, gated pipe, towline, or possibly a low pressure pivot.

Millboro Silty clay loam and Premise-washer complex, in the NE $\frac{1}{4}$ of Sec. 34 are not recommended for irrigation under a conventional pivot system, because the slowest possible output exceeds the soils ability to take in water.

Perhaps the best management practices would be deep tillage to allow slow natural precipitation and/or irrigation water to slowly move into the subsoil depth during the winter months where the moisture will remain stored for crop use.

Copy to applicant
Copy to Water Rights
Copy on File



No. 4429-3

Publish first publication, on or before November 2, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 16, 1979

Notice is hereby given that Myrl J. Arch whose post office address is Pierre, South Dakota, has made an application 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, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.25 cubic feet of water per second of time from the Missouri River through the Arch #4, the point(s) of diversion of which ~~is~~ (are) to be located ~~XXXXXX~~ between points in the NW 1/4 SE 1/4 and NE 1/4 SE 1/4

of Section 3, Twp. 109N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2, Section 34, T110N, R76W

This Application No. 4429-3 will be considered by the Water Management Board ~~XX~~ in Meeting Room #1, Knelp Building,
Church & Illinois, Pierre SD upon the 27th day of November, 1979

at 10 A .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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 Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

Dotty Westlund
Water Rights Specialist

BW:kw

cc: Myrl J. Arch
1504 E Capitol
Pierre SD 57501

FORM 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. 4429-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss

I, John H. Hipple hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____
city _____ of _____ Pierre _____

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

November 1, 1979; and

November 8, 1979.

John H. Hipple
(Signature)

Business Manager
(Title)

November 8, 1979
(Date Signed)

MY COMMISSION
EXPIRES MAY 27, 1985
John H. Hipple

No. 4820-2 t dly Nov. 1-8
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57561

October 16, 1979

Notice is hereby given that
Myril J. Arch whose post office
address is Pierre, South Dakota,
has made an application in
accordance with the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-11, 46-2-15, 46-5-1
thru 46-5-8, 46-5-10 thru 46-5-22,
46-5-41, and Board Rules ARSD
52:01:01:01 thru 52:01:01:13, for a
permit to appropriate for benefi-
cial use 4.25 cubic feet of water
per second of flow from the
Missouri River through the Arch
4, the point(s) of diversion of
which (are) to be located be-
tween points in the NW¼ SE¼
and NE¼ SE¼ of Section 3, Twp.
109N, Range 76W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
E¼, Section 34, T110N, R76W.

This Application No. 4429-3 will
be considered by the Water
Management Board in Meeting
Room 1, Knisp Building, Church
& Illinois, Pierre SD upon the 27th
day of November, 1979 at 10 a.m.
The Board is authorized to make
a determination on this applica-
tion at the hearing. All interested
persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses accord-
ing to SDCL may notify the
Board in writing prior to the
hearing or orally at the hearing.

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. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

WATER MANAGEMENT
BOARD
Betty Westlund
Water Rights Specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6957

July 17, 1979

PIERRE,

RECEIVED OF Myril J. Arch, RR 3, Pierre SD 57501

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

Fee for Application for Permit to Appropriate Water No. 4429-3 (examination, processing, recording and filing)	300	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	300	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH kw

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

MYRIL J ARCH
RR 3 BOX 102
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit(s). 4238A-3 and 1986 Irrigation Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4238A-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4238A-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). 1431-3, 4429-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

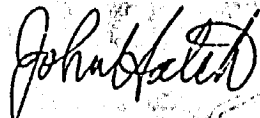
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 4238A-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 1431-3, ~~4429-3~~ to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

1431-3
4238A-3
(4429-3)

Myril J Arch
RR #3 Box 102
Pierre, SD 57501

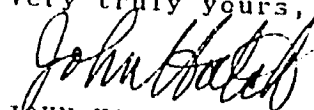
Dear Mr. Arch:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1431-3, 4238A-3, and 4429-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

Permit No. 4429-3
Missouri River - Water District

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

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

I have this day, October 17, 2001 made a thorough examination of the water use system constructed by Myril J. Arch of 20856 Shady Place, Pierre, SD 57501 holder of Permit No. 4429-3, bearing the priority of July 17, 1979 authorizing the diversion of 4.25 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

At the Missouri River: 10" Cornell pump model no. 6RB-EM16-3 with a 3000 gpm capacity; Chrysler 413 motor. At the dugout: Cornell pump with a 1000 gpm capacity and a Chrysler 413 motor.

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

4470' of 12" pvc pipe and 2500' of 8" pvc pipe.

C. Works used to apply water to beneficial use:

Valley center pivot 1320' long with 7 towers and an end gun, high-pressure system with a 1000 gpm capacity. Flood irrigates using 1320' of 10" aluminum gated pipe, gate spacing at 30" and a capacity of 1000 gpm.

The system is in the following condition good/fair. The point of diversion is located at the Missouri River, 3470' S and 1250' W from the NE corner in the NE 1/4 SE 1/4 Section 3, T109N-R76W; at the dugout, 1135' N and 1420' W from the SE corner in the SW 1/4 SE 1/4 Section 34, T110N-R76W. The works are capable of diverting and conveying to the place of use 6.67 cu. ft. per second from the Missouri river and 2.22 cu. ft. per second from the dugout to the irrigation systems of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

In Section 34, T110N-R76W:

<u>NE 1/4 NE 1/4 22 acres</u>	<u>NE 1/4 SE 1/4 40 acres</u>
<u>NW 1/4 NE 1/4 22 acres</u>	<u>NW 1/4 SE 1/4 33 acres</u>
<u>SW 1/4 NE 1/4 37 acres</u>	<u>SW 1/4 SE 1/4 24 acres</u>
<u>SE 1/4 NE 1/4 37 acres</u>	<u>SE 1/4 SE 1/4 40 acres</u>

comprising a total of 255 acres of land and the license should be issued for 4.25 cfs from the Missouri River to the dugout and 2.22 cfs from the dugout to the irrigation systems.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
 Lynn Beck

Oct. 19, 2001
 Date

Natural Resources Engineer Specialist
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4429-3

DATE OF INSPECTION: October 17, 2001

Other permit(s) associated with the project: License 1431-3 authorizes the same diversion point.

NAME & ADDRESS OF INSPECTION CONTACT: Myril J. Arch, 20356 Shady Place, Pierre, SD 57501

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: At the Missouri River: 3470' S and 1250' W from the NE corner in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T109N-R76W. At the dugout: 1135' N and 1420' W from the SE corner in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T110N-R76W.

Pump: at the Missouri River

- 1) Make Cornell
- 2) Model 6RB-EM16-3
- 3) Size 10"
- 4) Capacity 3000 GPM

Motor:

- 1) Make Chrysler
- 2) Model No. 413
- 3) Horsepower rating # hp

Pump: at the dugout

- 1) Make Cornell
- 2) Model #
- 3) Size #
- 4) Capacity 1000 GPM

Motor:

- 1) Make Chrysler
- 2) Model No. 413
- 3) Horsepower rating # hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 12" 3) Length 4470 feet
- 2) Type pvc 2) Size 8" 3) Length 2500 feet

SYSTEM TYPE:

Center Pivot:

- 1) Make Valley
- 2) Overall length 1320
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 1000 GPM

Gated pipe:

- 1) Length 1320 feet
- 2) Diameter 10 inches
- 3) Spacing of gates 30 inches
- 4) Capacity 1500 - 2000 GPM

DUGOUT INFORMATION:

- 1) Approx. dimensions 225' x 225'
- 2) Approx. Area 1 acre

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2001

4429-3

Myril J Arch
20856 Shady Place
Pierre SD 57501

Dear Mr. Arch:

On October 17, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4429-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota, Department of Environment and Natural Resources

NE 416994

Pierre, November 29

2001

RECEIVED OF Marilyn J. Arch, 20956 Shady Place, Pierre, SD 57501

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. <u>25 4429-3</u>	50 00
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for _____	

Total

50 00

(Any Other Work Provided by Law)

By Dale L. Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

4429-3

Myril J. Arch
20856 Shady Place
Pierre, SD 57501

Dear Mr. Arch:

Enclosed is Water License No. 4429-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416994 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4429-3

(1) Myril J Arch, 20856 Shady Place, Pierre SD 57501 made Application No. 4429-3, July 17, 1979 for a water permit to divert 4.25 cubic feet of water per second (cfs) from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 4429-3, with a priority date of July 17, 1979 was approved November 27, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 27, 1984 and for the application to beneficial use of said water on or before November 27, 1988.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.25 cfs from the Missouri River for beneficial use. The permit holder diverts from the Missouri River to a dugout. The system is capable of diverting 2.22 cfs from the dugout for irrigation purposes. The location of the diversion points are: Missouri River - 3,470 feet south and 1,250 feet west from the northeast corner Section 3-T109N-R76W (NE 1/4 SE 1/4); dugout - 1,135 feet north and 1,420 feet west from the southeast corner of Section 34-T110N-R76W (SW 1/4 SE 1/4). Water Right No. 1431-3 and this permit utilize the same Missouri River diversion point.

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

Section 34-T110N-R76W			
NE 1/4 NE 1/4	22 acres	NE 1/4 SE 1/4	40 acres
NW 1/4 NE 1/4	22 acres	NW 1/4 SE 1/4	33 acres
SW 1/4 NE 1/4	37 acres	SW 1/4 SE 1/4	24 acres
SE 1/4 NE 1/4	37 acres	SE 1/4 SE 1/4	40 acres
Total 255 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Myril J Arch, 20856 Shady Place, Pierre SD 57501 the holder and/or owner of Water Right No. 4429-3 is issued a license to appropriate water, the right to use 4.25 cubic feet of water per second from the Missouri River to the dugout and 2.22 cubic feet of water per second from the dugout to the irrigation system with a priority date of July 17, 1979 from the locations specified in (2) of this license. The water 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 Water Right No. 4429-3 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 07 2001

date



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4429-3

Date: 4-30-07

I/We request that Water Right No. 4429-3

formerly owned by: Myril Arch

be transferred to: (name & address) Nordstrom Ent. Inc.
PO Box 730
FT Pierre, SD 57532 Telephone No. 605-223-9360

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

255 acres in the E 1/2 Section 34, T110N, R76W

I/We understand that the validity of Water Right No. 4429-3 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 Nordstrom Ent. Inc., the new owner, certify that the above information is true and correct.

Nordstrom Ent. Inc. by
[Signature]
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 30, 20 04

RECEIVED OF Er Nordstrom Ent. Inc, PO Box 730, Ft Pierre SD 57532

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>4429-3</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. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

By

David E. Ebel

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2004

4429-3

Eric Nordstrom
Nordstrom Ent Inc
PO Box 730
Ft Pierre SD 57532-0730

Dear Mr. Nordstrom:

I am writing to acknowledge receipt of the ownership change for Water Right No. 4429-3. The transfer has been completed. The water right formerly listed in the name of Myril Arch is now listed in "Nordstrom Ent Inc".

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of the 2003 questionnaire submitted by Mr. Arch. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

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

enclosure



4429-3

**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 12, 2004

1431-3
4429-3

Russell Spaid
351 S Pierre
Pierre SD 57501

RE: Myril Arch land

Dear Mr. Spaid:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 1431-3 and 4429-3. The water rights are currently listed in the name of Myril Arch.

Please review the forms and complete as needed. Upon completion, the forms need to be signed by the new owner(s) and returned to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of Water Right Nos. 1431-3 and 4429-3 in the event you need them. 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



4429-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2004

Eric Nordstrom
PO Box 421
Ft. Pierre SD 57532-0421

Dear Mr. Nordstrom:

I recently became aware that you applied for a Corps of Engineers' 404 permit to expand the original "Arch" pump site on the Missouri River. This is for the irrigation of ground that Nordstrom Ent. and you recently purchased from Myril Arch east of Pierre.

The notification I received states two new pumps with the total capacity of 2450 gpm will be placed beside an existing pump. The notice further discusses removal of silt and riprapping by the pump site.

I am writing to inform you of what the two water rights that were transferred to Nordstrom Ent. and you authorize for diversion and irrigated acreage. A copy of the water rights is attached.

Permit No	Name	Irrigated Acres	Authorized diversion rate	Works capability*
1431-3	Eric & Nancy Nordstrom	203.75	2.9 cfs ** (1,300 gpm)	4.46 cfs ** (2,000 gpm)
4429-3	Nordstrom Ent.	255	4.25 cfs (1,907 gpm)	6.68 cfs (3,000 gpm)
	TOTAL	458.75	7.15 cfs (3207 gpm)	11.25 cfs (5,000 gpm)

* Represents what works were capable of diverting at the time of licensing. The license was issued for the statutory limit (ie. amount of water allowed for the acres being irrigate).

** 1.0 cubic feet of water per second (cfs) is equal to 448.8 gallons per minute (gpm)

The installation of additional pumps to increase the total capacity of system raises questions as to whether additional water permitting is necessary for your irrigation system. If you intend to irrigate additional acres, a water right permit will need to be obtained.

Additionally, prior to the new pumps the diversion works were capable of exceeding the authorized diversion rate. This is an issue you may also want to address through water permitting. State law allows a permit to be approved for a rate greater than the statutory limit if the method of irrigation, time constraints on the diversion of water or the type of soil so requires.

The water rights you hold are to reflect the system as it operates in the field. A water right holder does not have a legal right to the use of water that exceeds the amounts specified on the water rights.

If you have any questions, please do not hesitate to stop in our Pierre office or give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

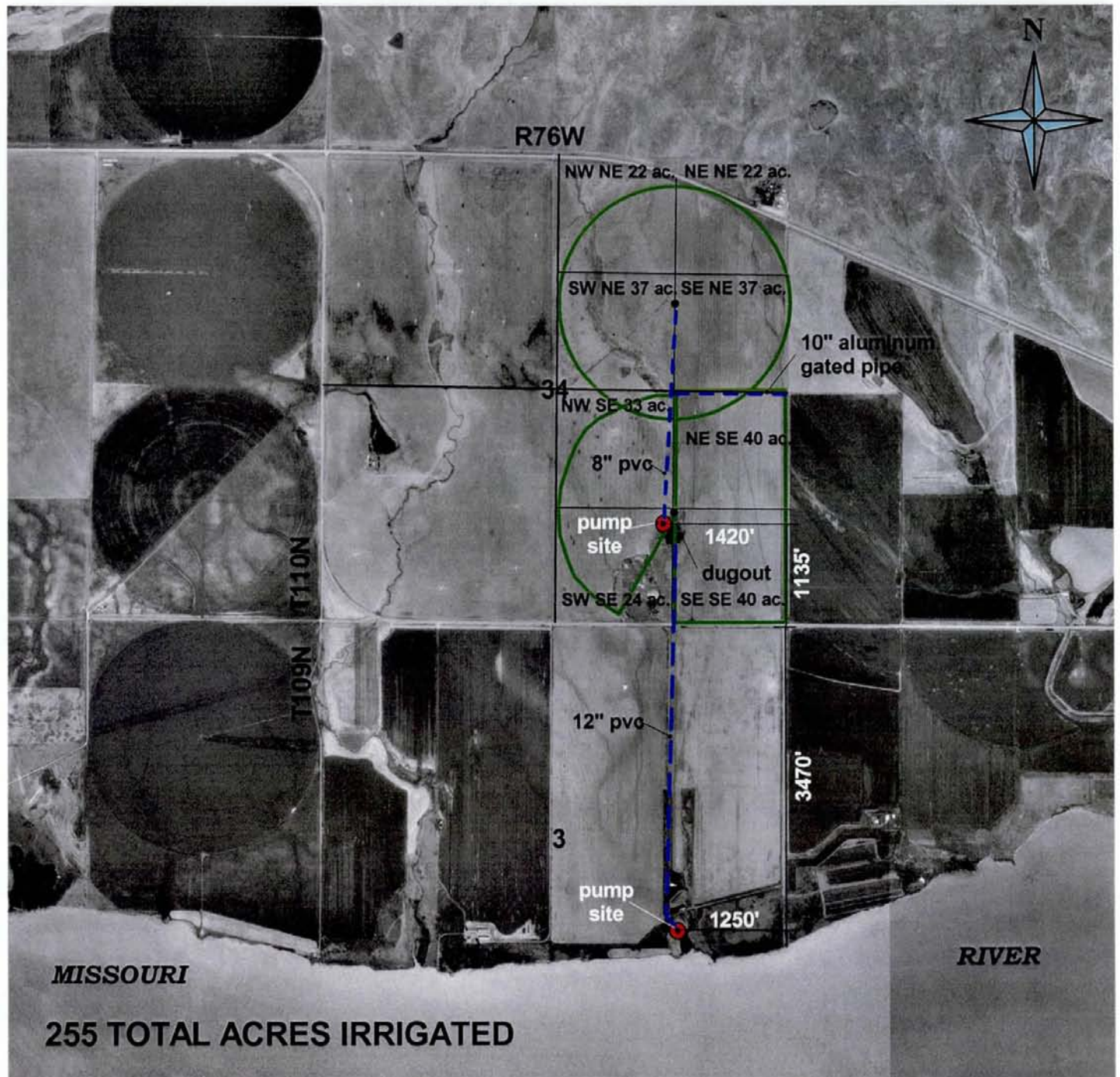
Eric Gronlund

Water Rights Program, DENR

(605) 773-3352

enclosures

WATER RIGHT NO. 4429-3 MYRIL J. ARCH



255 TOTAL ACRES IRRIGATED



Lynn Beck
Natural Resources Engineer Specialist
Water Rights Program, DENR
October 19, 2001

Lynn Beck

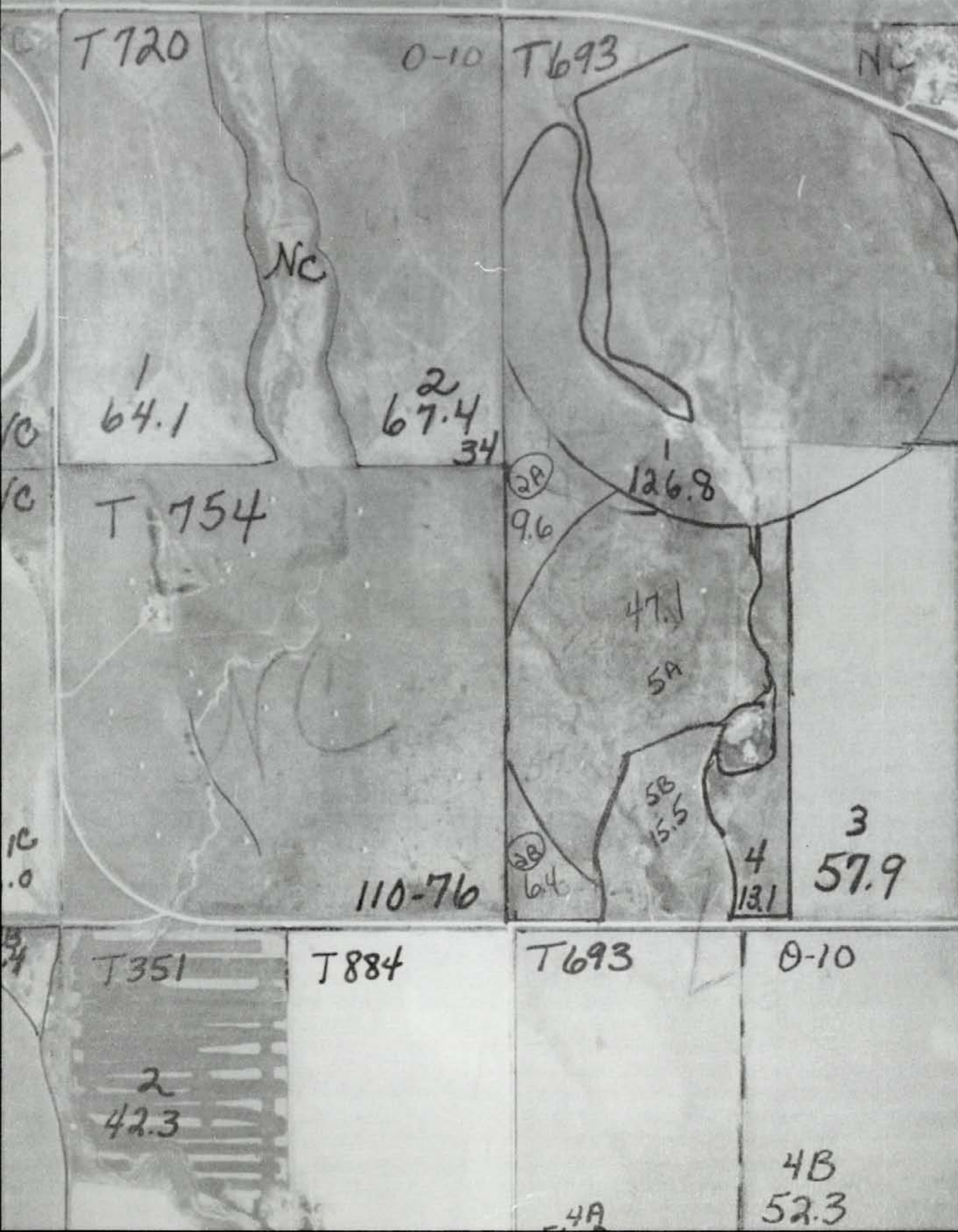
South Dakota Department of
Environment and Natural Resources



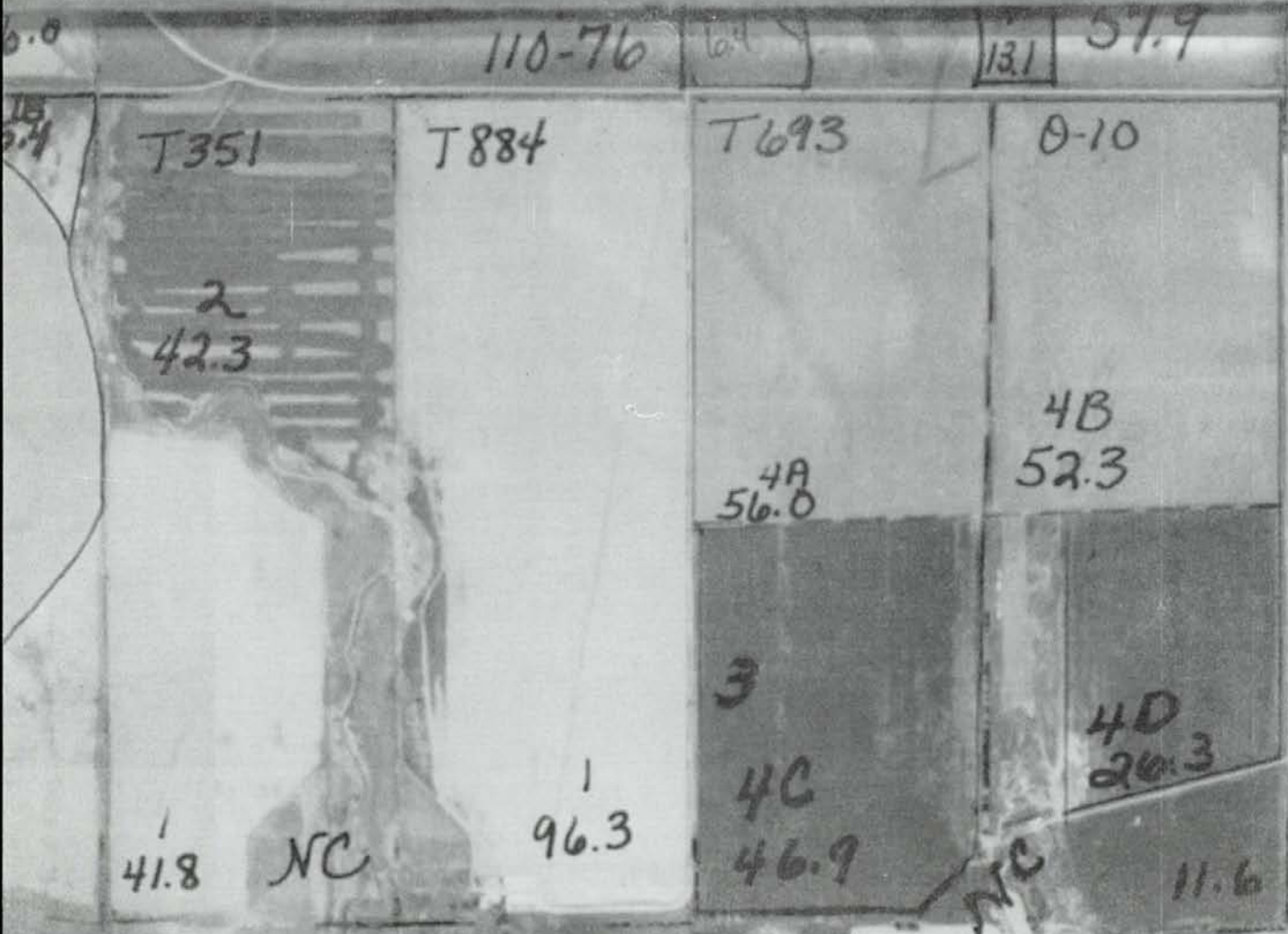
Protecting South Dakota's Tomorrow ... Today



NOT TO SCALE



NOT TO SCALE





4429-3
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 23, 2009

NOTICE

TO: NORDSTROM ENT INC, ERIC NORDSTROM, PO BOX 730, FT PIERRE, SD 57532 0730

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 4429-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4429-3 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.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, 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/E0455V7-IQ.pd>

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.state.sd.us/denr

March 4, 2009

1431-3
4429-3

Eric and Nancy Nordstrom
PO Box 421
Ft Pierre SD 57532

Dear Mr. & Mrs. Nordstrom:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 1431-3 and 4429-3.

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
email: genny.mcmath@state.sd.us

RECEIVED

MAR 30 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 4429-3

Date: _____

I/We request that Water Right/Permit No. 4429-3 formerly owned by:

Verdation Enterprises Inc

be transferred to:

New Owner Name:

ASH KICKER Ranch

Address:

700 W. Bullard Ave

City, State, Zip

PEA

AZ 85338

Telephone No.

623-501-3131

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

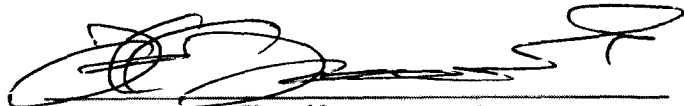
☐ I understand that the validity of Water Right/Permit No. 4429-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, ASH KICKER

, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/30, 2009

RECEIVED OF Ass Kickin' Ranch LLC 700 N Bullard Ave Goodyears AZ 85338

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>4429-3</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.

04099

By *Shirley Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 2009

1431-3
4429-3

Jeff Jacobs
Ass Kickin Ranch
700 N Bullard Ave
Goodyear AZ 85338

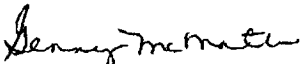
Dear Mr. Jacobs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 1431-3 and 4429-3. The transfers have been completed. The water rights formerly held by Nordstrom Enterprises Inc and Eric & Nancy Nordstrom are now listed in the name of "Ass Kickin Ranch".

Enclosed are your Receipt Nos. 04098 and 04099 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,


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

4429-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 13, 2021RECEIVED OF Riverview Organics LLP 12119 Stratford Dr. Ste. B Clive IA 50325

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>4429-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
 Chief Engineer
vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAY 13 2021

Ck# 05001

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

RECEIVED

MAY 13 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 4429-3

Date: 05/10/21

I/We request that Water Right/Permit No. 4429-3 formerly owned by:

Ass Kickin' Ranch LLC

be transferred to:

New Owner Name: Riverview Organics, LLLP (as agent for tenants in common)

Address: 12119 Stratford Dr, Ste B

City, State, Zip Clive IA 50325 Telephone No. 515-222-1347

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

Legal Description of the property is attached as Exhibit A to this Notice of Transfer of Ownership.

- ★ I understand that the validity of Water Right/Permit No. 4429-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Steve Bruere, for Riverview Organics, LLLP, the new owner, certify that the above information is true and correct.



(signed by new owner)

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

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

EXHIBIT A TO
NOTICE OF TRANSFER OF OWNERSHIP

TOWNSHIP 109 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 2: Lots 2 and 3, N1/2N 1/2SW1/4NE1/4 and SE1/4NW1/4 less USA Take; SECTION 3: Lots 1, 2, 3 and 4, S1/2NE1/4, N1/2SE1/4 less USA Take , E1/2W1/2 less USA Take, SW1/4NW1/4 and NW1/4SW1/4 less USA Take; SECTION 4: Lots 1, 2 and 3, S1/2NE1/4, Lot 7 less USA Take and NE1/4SE1/4 less USA Take; The Northerly 330 feet of the Westerly 330 feet of Lot 6, and the Northerly 330 feet of the Easterly 330 feet of Lot 6; The N1/2SE1/4NW1/4; The 1/2SW1/4SE1/4NW1/4; The E1/2SE1/4SE1/4NW1/4; The NW1/4SE1/4SE1/4NW1/4; The Triangular portion of SW1/4SE1/4SE1/4NW1/4 bounded by the North and East sides of said SW1/4SE1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said SW1/4SE1/4SE1/4NW1/4 to the Northwest corner thereof ; The Triangular portion of NE1/4SW1/4SE1/4NW1/4 bounded by the North and East sides of said NE1/4SW1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said NE1/4SW1/4SE1/4NW1/4 to the Northwest corner thereof ; TOWNSHIP 110 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 33: NE1/4 less Lot H-1 in NW1/4NE1/4 and less Lot H-2 in NE1/4NE1/4; SE1/4 and SE1/4SW1/4; SECTION 34: NW 1 /4, less highway right of way; E1 /2, lying South of highway right of way.



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Riverview Organics LLLP**

General Information

SOS Business ID **FP201936**

Filing Type: Limited Partnership - Foreign
04/29/2021

Status: Good Standing

Duration Term: Perpetual

Registered Agent Address

C T CORPORATION SYSTEM
319 S COTEAU ST
PIERRE, SD 57501-3187

Principal Address

12119 STRATFORD DR, STE B
CLIVE, IA 50325

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/29/2021	Initial Filing	B0174-6271
04/29/2021	Articles of Amendment	B0174-6275



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 13, 2021

Steve Bruere
Riverview Organics LLLP
12119 Stratford Dr Ste B
Clive IA 50325

RE: Water Permit/Right Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3

Dear Mr. Bruere:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed permits and rights.

The ownership changes have been completed. Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3 formerly held by Ass Kickin' Ranch LLC are now listed under Riverview Organics LLLP, as agent for tenants in common.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

The receipts for the filing fees are enclosed. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

4429-3

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MAR 07 2025

OFFICE OF
WATER

GREEN OVIATT LAW FIRM LLP

816 South Broadway
P.O. Box 1600
Watertown, South Dakota 57201-6600

Facsimile: 605-886-0934
TELEPHONE: 605-886-5812

Nancy L. Oviatt
John D. Knight
Timothy J. Cummings
Thomas J. Linngren

Ross H. Oviatt 1918-1991
Thomas J. Green 1936-2010

March 6, 2025

Amanda Dewell
DANR Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Dear Amanda:

Enclosed please find a check for \$300.00 to cover the fees associated with transferring water rights. Also enclosed are the six signed Notice of Transfer of Ownership forms. If you have any questions, please do not hesitate to call or email.

Sincerely,



John D. Knight
For the Firm
john@grolawfirm.com

JDK/mrk

Enclosures

*EMILED SHANNON 3-7-25

RECEIVED

PAID

MAR 07 2025

MAR 07 2025

OFFICE OF
WATERCk# 4312

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4429-3Date: 3/6/25I/We request that Water Permit/Right No. 4429-3formerly owned by: Riverview Organics LLLP - Clive IAbe transferred to: (name & address) SEE ATTACHED

Email: _____

Telephone No. _____

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

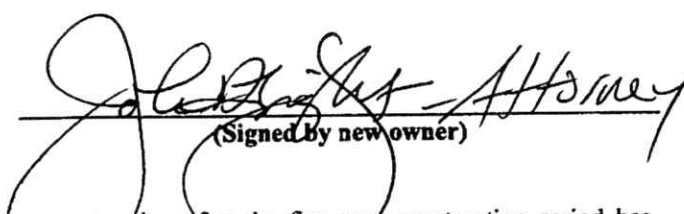
255.0 acres located with the NE ¼ & SE ¼ Section 34, T110N, R76W

I/We understand that the validity of Water Permit/Right No. 4429-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Leknarf Associates, LLC, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

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MAR 07 2025

OFFICE OF
WATER

ATTACHMENT

OWNER AND LESSOR

Leknarf Associates, LLC
c/o Michael Smothers
Cushman and Wakefield
575 Maryville Centre Drive, Suite 511
St. Louis, MO 63141
Phone: 1-515-207-9214
Email: Michael.Smothers@cushwake.com

OPERATOR AND LESSEE

McDonald Farms and Organics, LLC
Richard McDonald, Manager
11811 30th St. NE
McVile, ND 58254
Phone: 1-218-779-9933
Email: mcdonaldricky@gmail.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2025

Nos. 1431-3, 1647-3, 1905-3
2085-3, 7443-3, and 4429-3

Leknarf Associates LLC
c/o Michael Smothers
575 Maryville Centre Dr, STE 511
St Louis, MO 63141

Dear Mr. Smothers:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3. Enclosed is a receipt of payment for your records.

Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 previously held by Riverview Organics LLLP is now listed under Leknarf Associates LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights (original copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

cc: John Knight, Green Oviatt Law Firm LLP (email)

NOTE: The validity of Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 7th, 2025

RECEIVED OF Green Oviatt Law Firm LLP PO Box 1600 Watertown SD 57201

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>1431-3, 1647-3, 1905-3, 2085-3, 7443-3, 4429-3</u>	<u>\$300.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	<u>\$300.00</u>

By

Eric Gronlund
Chief Engineer