

1. Considered 1/28 19 81
2. Name of Applicant David A. Howe
3. Post Office Address R.R. 1, Box 105, Jefferson 57038
4. Amount of Water Claimed 2.7
5. Source of Water Supply 120' well
6. Water to be used for IRR
7. Acres to be irrigated 190 maximum acre feet
8. Water to be diverted and used in Union County,
about 2 1/2 E, 2 miles South of JEFFERSON
9. PROOF OF PUBLICATION Received 1-5-81

Not Received

APPLICATION

Approved

Subject to

Not Approved

Action deferred

Priority

Date

12/12/80

Received

Application Complete ☒ yes ☐ noFEE 275.00

Remarks

WATER
QUALITY

Date information and/or

fee or corrected Application received

Period of Annual use April to OctoberReceived yes 12/17/80 no ☐ APPROVED/CONDITIONAL (Circle one)WI-1 Description same as application yes ☒ no ☐ Remarks

Disapproved

Returned

Diversion Point

NW 1/4 NE 1/4, Section 33-T90N-R48W

					28
					33

Lands to be irrigated N 1/2, Section 33 and S 1/2 Section 28,
both in T90N-R48W

WELL
LOG

Remarks

Driller

Wetmore DrillingLicensed yes ☒ no ☐

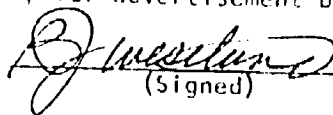
Depth

120 feet deep

MAP Map No. 3803-3 Map located in Water Right xx Map file
Type of Map Aerial Prepared by Louis De Smet, Co. Agent

+++++

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 1/28/81


(Signed)

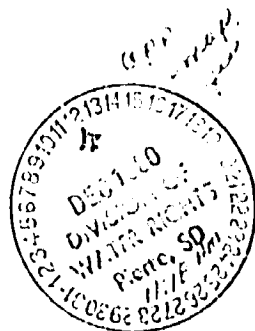
+++++

PROTESTS Letters/Petitions in File - yes no Remarks

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

Remarks

Form 2 - Application for Permit to Appropriation - Original (Includes Approval and Permit)
No. 4585-3
Map No. 3803-3 Water Division No. 3 Big Sioux District
(Blanks to be Filled by the Engineer for the W. R. C.)
10170203



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant David A. Howe
Postoffice address RR 1 Box 105, Jefferson, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work Howe #1
4. Amount of water claimed (cubic feet per second) 2.29 CF 2.7
5. Source of water supply well
6. Location of point of diversion N 1/2 of N 1/2 of Sec. 33 (except west 50 acres there of)
Well dug
County Union
7. Annual period or periods during which water is to be used April to October, yearly
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 190

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.
N 1/2 of NE 1/4 Sec. 33 90N48W	80		
N 1/2 of NW 1/4 Sec. 33 90N48W	30		
S 1/2 of SE 1/4 Sec. 28 90N48W	60		
S 1/2 of SW 1/4 Sec. 28 90N48W	20		

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 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Elk Point Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

Sprinklers

Estimated Total Cost \$ 48,000.00

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

STATE OF SOUTH DAKOTA)

County of Union)

I, David A. Howe, 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 24 day of Nov. 1920
Signed David A. Howe
Appellate Smith
Notary Public (or other qualified officer)
South Dakota

WATER RIGHT APPLICATION APPROVAL

4585-3

The Water Rights Commission hereby approves Water Right Application No. _____

David A. Howe
(Applicant)R.R. 1, Box 105, Jefferson
(Post Office Address)South Dakota 57038
(State)

With the following modifications:

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.

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

Date of first receipt of application _____ DECEMBER 12, 19 80

Date of return to applicant for correction, amendments or changes required _____ DECEMBER 15, 19 80

Date of receipt of corrected application WA _____ DECEMBER 17, 19 80Approved JANUARY 29, 19 81, Recorded in Book 22 Page 3WATER RIGHT PERMIT NO. 4585-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4585-3 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 _____ DECEMBER 12, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 29, 19 82
3. The whole of said work is to be completed on or before JANUARY 29, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29, 19 86
5. The water appropriated shall be used for the purpose of IRRIGATION

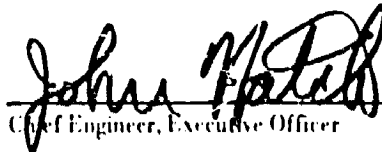
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 29, 19 86; said water to be used during the following described annual period: APRIL TO OCTOBER

Witness my hand this 24th day of FEBRUARY, 19 81

WATER RIGHTS COMMISSION

By:



Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 16", Depth 120'
- (2) Casing, Type plastic Diameter 10" Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type plastic, Diameter 16", Length 40'
- (4) Gravel Pack. Thickness 6", Length of gravel pack 70'

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 Coarse sand to gravel

Depth to top of water bearing material 76'

Depth to bottom of water bearing material 120'

Thickness of water bearing material 44'

Depth to water (ground surface to water level) 10'

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

On same owner's property _____ rds. On property owned by others 120 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.

David G. Brown
Signature of Applicant

90-48

(8-8)
200.7 Lucille H. H. Rahn

151L
(8-114)
18.5

47.0

21.4

(8-254)
97.3

82.9

28

(8-261)
26.6

Non Agr

(8-280)
49.6

135.8

90-48

151L

Well

150L

(8-161)
306.0

9.2

(8-204)

(8-204)
48.3

North ↑

Prepared by
L E DeSmet
Union Co Ept agent
Dec 1-1980
Dec 28 and 33
T 90 R 48

90-48

Blk. Sold

(8-143)
157.1

(8-265)
54.5

150L

(2-24)
17.3

(2-20)
21.2

~~Map No 13883~~ Appl # 4585-3

**P.O. Box 577
Elk Point, South Dakota 57025
Phone [605] 358-3272**

Date 10 - 2, 1950

No.	Description	Amount
	Log in for well	
0-2	top soil	
2-28	clay	
28-71	fine sand	
71-120	coarse sand + gravel	
Carter H. Brown		

Received By

Please Pay By Invoice
No Statement Will Be Sent

Sub Total

TOTAL

TENANT'S NAME AND ADDRESS: (If Other Than Owner)

_____ APPROVED
 _____ DISAPPROVED
 X CONDITIONALLY APPROVED

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the Lander-Courier

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

Town of Elk Point

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

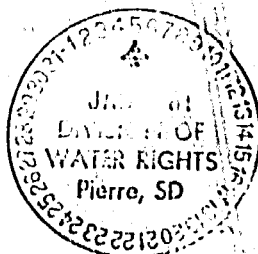
Thursday, December 25, 1980

Thursday, January 1, 1981

Lester E. Emerson
(Signature)

Publisher-Editor
(Title)

January 2, 1981
(Date Signed)



NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

Notice is hereby given that David A. Howe, whose post office address is Jefferson, South Dakota, has made an application in accordance with the provisions of SDCL 40-1-1 thru 40-1-9, 40-1-14, 40-2-0 thru 40-2-11, 40-2-13, 40-5-1 thru 40-5-8, 40-5-10 thru 40-5-22, 40-5-41, 40-6-3, 40-6-3.1, 40-6-5, 40-6-6.1, 40-6-10, 40-6-11 and Board Rules ARSD 62:01:01 thru 62:01:01:13, for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from ground water (ore well) through the Howe #1, the point of diversion of which is to be located in the NW 1/4 NE 1/4 of Section 23, Twp 100N, Range 48W, Sal. water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4, NW 1/4 Section 23 and SW 1/4, SW 1/4 Section 28, both in T90N, R48W, S10E, 10th Meridian.

This Application No. 4585-3 will be considered by the Water Management Board at Meeting Room #1, Kneels Building, Church & Lincoln, Pierre, SD 57501 upon the 28th day of January, 1981 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 1-20 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. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist
Pub. Dec. 25, Jan. 1.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby

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

Water was taken from the Leader-Courier

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

Town of Elk Point

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

Thursday, December 25, 1981

Thursday, January 1, 1981

Lester E. Emerson
(Signature)

Publisher-Editor
(Title)

January 2, 1981
(Date Signed)



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 19, 1980

Notice is hereby given that David A. Howe whose post office address is Jefferson, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from ground water (one well) through the Howe #1, the point of diversion of which is to be located in the NW¼ NE¼ of Section 33, Twp. 90N, Range 48W. Said water to be used for the purpose of providing irrigation on portions of the following described land: N¼ N¼, Section 33 and S¼ S¼ Section 28, both in T90N, R48W.

This Application No. 4585-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre, SD 57501 upon the 28th day of January, 1981 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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist

Pub. Dec. 25, Jan. 1.

No. 4585-3

Publish first publication, on or before January 1, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 19, 1980

Notice is hereby given that David A Howe whose post office address is Jefferson, 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 46-5-3; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from ground water (ono well) through the Howe #1, the point (X) of diversion of which is (X) to be located in the NW 1/4 NE 1/4

of Section 33, Twp. 90N, Range 48W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N 1/2 N 1/2, Section 33 and S 1/2 S 1/2 Section 28, both in T90N, R48W

This Application No. 4585-3 will be considered by the Water Management Board at Meeting Room #1, Knapp Building, Church & Illinois, Pierre, SD 57501 upon the 28th day of January, 1981

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Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: David A Howe
RR #1, Box 105, Jefferson, SD 57038

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7813

PIERRE, _____, December 12, 1920

RECEIVED OF David Howe, RR 1, Box 195, Jefferson, SD 57038

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

Fee for Application for Permit to Appropriate Water No. <u>4585-3</u> (examination, processing, recording and filing) _____	275.00
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	275.00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / CH

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

Post Office _____

Date _____

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

Dear Sirs:

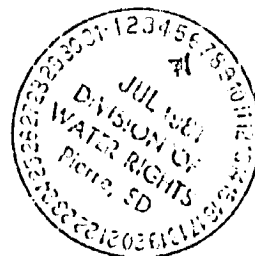
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 4585-3 .

Water Right Permit No. 4585-3 states that the diversion system is to be constructed by 1/27/83, and that the water is put to beneficial use by 1/29/86.

The diversion system was completed on 1/4. Applying the water to beneficial use was completed on 6/1/81.

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.

Don V. Hoffman
(Signature)



4585-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3118

April 17, 1995

4585-3

Kathy Guenther
Union County Register of Deeds
PO Box 490
Elk Point, SD 57025-0490

Dear Ms. Guenther:

I am contacting you in regard to ownership of a portion of land located in Union County. The legal description of the land is as follows:

T90N, R48W Section 33 - N 1/2 NE 1/4 and N 1/2 NW 1/4
T90N, R48W Section 28 - S 1/2 SE 1/4 and S 1/2 SW 1/4

The above described land is covered under Water Permit No. 4585-3 with the last owner of record being David Howe, Jefferson, SD. Mr. Howe notified our office that he no longer owns the land.

If possible, would you forward the name and mailing address of the new owner(s) to our office. I would appreciate any assistance you could offer in this matter. If you have any questions, please contact me.

Sincerely,

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

4585-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 1995

4585-3

Kathy Guenther
Union County Register of Deeds
PO Box 490
Elk Point, SD 57025-0490

Dear Ms. Guenther:

I am contacting you in regard to ownership of a portion of land located in Union County. The legal description of the land is as follows:

T90N, R48W Section 33 - N 1/2 NE 1/4 and N 1/2 NW 1/4

T90N, R48W Section 28 - S 1/2 SE 1/4 and S 1/2 SW 1/4

The above described land is covered under Water Permit No. 4585-3 with the last owner of record being David Howe, Jefferson, SD. Mr. Howe notified our office that he no longer owns the land.

If possible, would you forward the name and mailing address of the new owner(s) to our office. I would appreciate any assistance you could offer in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

*Copy of Deed
transaction that
shows Howe's
attempt to prevent
current Deed from
closing*

WARRANTY DEED

DAVID A. HOWE AND THERESA M. HOWE, HUSBAND AND WIFE, grantors, of Hinton, IA 51024, Plymouth County, State of Iowa for and in consideration of Two hundred fifty thousand and no/100 dollars (\$250,000.00), grant, convey, and warrant to AGRICULTURAL & INDUSTRIAL INVESTMENT CO., an Iowa Corporation, grantee of 2318 Nebraska Street, Sioux City, IA 51104, P.O. the following described real estate in the County of Union in the State of South Dakota:

The South Half of the Southeast Quarter, except North Half of North Half of South Half of Southeast Quarter; South Half of Southwest Quarter, except Lots A, B, C and D thereof, all in Section 28, Township 90 North, Range 48, West of the 5th E.M., and the North Half of the North Half, except the West 50 acres thereof, Section 33, Township 90 North, Range 48, West of the 5th E.M., Union County, South Dakota, subject to right of ways, restrictions, and easements, if any, appearing of record.

Relationship of grantor and grantee: NONE

Dated this 2nd day of April, 1991.

David A. Howe
David A. Howe

Theresa M. Howe
Theresa M. Howe

STATE OF)
County of) ss

TRANSFER FEE
PAID \$20.00 EXEMPT
DATE 4-2-91

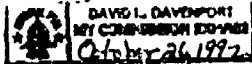
On this the 2nd day of April, 1991.

before me, DAVID L. DAVENTPORT the undersigned officer, personally appeared David A. Howe and Theresa M. Howe, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

David L. Davenport
DAVID L. DAVENTPORT Notary Public

My Commission Expires:



STATE OF SOUTH DAKOTA, UNION COUNTY, SS
Recorded this 2nd day of April, 1991
at 11:35 o'clock P. M. IN BOOK 81
of Deeds, Page 139
by Ruth M. Guntz, Register of Deeds.
by John J. Galt, Deputy

13 pl. Davenport to Howe
NOV-21-91
Sioux City, IA 51101





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

4585-3

Agricultural & Industrial
Investment Company
2318 Nebraska Street
Sioux City, IA 51104

Dear Sirs:

I am contacting you regarding ownership of land described in Water Permit No. 4585-3. The permit is in the name of David Howe (enclosed is a copy). The Union County Register of Deeds has you listed as owner of the land.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Permit No. 4585-3. Please complete the form and sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If the land is no longer irrigated, please notify our office and then disregard the transfer form. If you have any questions, please contact me.

Sincerely,

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

enclosure



4585-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

SECOND NOTICE
Permit No. 4585-3

Agricultural & Industrial
Investment Company
2318 Nebraska Street
Sioux City, IA 51104

Dear Sirs:

On May 31, 1995, notice was sent to you concerning the transfer of Water Permit No. 4585-3 in the name of David A. Howe. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure



November 8, 1995

4585-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

THIRD NOTICE
Water Permit No. 4585-3

**Agricultural & Industrial
Investment Company**
2318 Nebraska Street
Sioux City, IA 51104

Dear Sirs:

On May 31, 1995, and August 29, 1995, notices were sent to you concerning the transfer of Water Permit No. 4585-3 in the name of David A. Howe. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosure

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:

Agricultural & Industrial
Investment Company
2318 Nebraska Street
Sioux City, IA 51104

4585-3

4a. Article Number

Z 348 313 250

4b. Service Type

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

7. Date of Delivery

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

5. Signature (Addressee)

6. Signature (Agent)

4585-3
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.

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1995

4585-3

John F Roost
PO Box 1610
North Sioux City, SD 57049

Dear Mr. Roost:

Enclosed is the "Notice of Transfer of Ownership" form you submitted for filing an ownership change with Water Permit No. 4585-3. The form was completed properly with the exception that it needs to be notarized.

Please have the form notarized and return it to us as soon as possible. Water Permit No. 4585-3 and all other pertinent records will be transferred to "JFR-INV-LTD" as soon as the form is returned to us.

Thank you for your assistance in this matter. Please call me if you have any questions.

Sincerely,

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

enclosure

RECEIPT

414669

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 17, 19 95

RECEIVED OF John F. Roost, 5912 Pine View Dr., Sioux City, IA 51106

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____ Water Permit No. 4585-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1996

4585-3

John F Roost
PO Box 1610
North Sioux City SD 57049

Dear Mr. Roost:

I am contacting you in regard to ownership of Water Permit No. 4585-3. On November 17, 1995, you submitted a transfer of ownership form and filing fee.

I mailed the transfer form back to you so that you could have it notarized. To date, we have not heard from you on this matter. As stated above, you have already paid the filing fee, all that is needed is the signed, notarized transfer form.

Upon receipt of the form, Water Permit No. 4585-3 will be transferred to JFR-INV-LTD, as you requested. If you have any questions, please contact me.

Sincerely,

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



August 12, 1999

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

4585-3

John F Roost
960 Quail Hollow Circle
Dakota Dunes, SD 57049

Dear Mr. Roost:

I am contacting you in regard to ownership of land described in Water Right No. 4585-3. The water permit, listed in the name of David Howe, authorizes irrigation of 190 acres in portions of the north half of Section 33 and the south half of Section 28, T90N, R48W.

In November, 1995 you submitted a transfer of ownership form and a \$2.50 filing fee to have the permit put into JFR-INV-LTD. I returned the transfer form to you so that you could have it notarized. The ownership change has never been finalized due to lack of the notarized transfer form.

I am assuming that you still wish to file the transfer. Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please complete the form and then have it signed in the presence of a notary. You have already paid the filing fee and do not need to submit another one.

If the land is no longer being irrigated and you do not wish to maintain the water permit, the permit will be scheduled for cancellation consideration. Please get in touch with me by August 23, 1999 by either completing and returning the transfer form or by letting me know that you do not wish to maintain the water permit.

Thank you in advance for your help.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 13, 1999

4585-3

John F Roost
1 Edgewater Ln
Dakota Dunes, SD 57049-5016

Dear Mr. Roost:

The enclosed 1999 irrigation questionnaire and cover letter pertain to land irrigated under Water Right No. 4585-3. Water Right No. 4585-3 authorizes irrigation of 190 acres in portions of the north half of Section 33 and the south half of Section 28, T90N, R48W.

In August, I forwarded a partially completed "Notice of Transfer of Ownership" form to you for transferring the water right from David Howe to your name. I have not yet heard from you concerning the ownership change.

If the land is no longer being irrigated and you do not wish to maintain the water permit, please contact me.

Thank you in advance for your help.

Sincerely,

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

enclosures

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RETURN SERVICE REQUESTED

ט.ג.ל. ווארשע. פאליטיק.

JOHN F ROOST
960 QUAIL HOLLOW RD
DAKOTA DUNES SD 57049



PRESORTED
FIRST CLASS



4585-3

done

ROOSELT 570433035 1999 10 10/09/99
 ROOSELT JOHN FREDERICK
 1 EIDGEWATER LN
 DAKOTA DUNES SD 57049-5016
 RETURN TO SENDER

QUTD 57049

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: JOHN F ROOST, 1 EDGEWATER LN, DAKOTA DUNES, SD 57049 5016

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4585-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 4585-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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 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) 4585-3 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 February 28, 2000, 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.

4585-3

SENDER: COMPLETE THIS SECTION		COMPLETER: THIS SECTION ON DELIVERY	
■ 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.		A. Received by (Please Print Clearly) JAN 15 1999	
1. Article Addressed to: JOHN F ROOST 1 EDGEWATER LN DAKOTA DUNES SD 57049 5016		C. Signature ☐ Agent X <i>[Signature]</i> ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label)		2. 227 670 218	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 6, 2000

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: John F Roost, 1 Edgewater Ln, Dakota Dunes, SD 57049 5016

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Permit No. 4585-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has ordered:

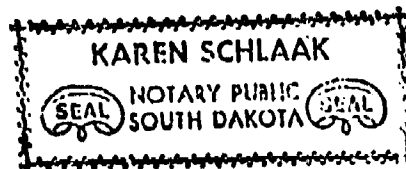
That Water Permit No. 4585-3 be suspended until December 31, 2000, for failure to submit the 1999 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2000 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1999 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaire.

The water permit is still listed in the name of David Howe (190 acres in the N ½ Section 33 and S ½ Section 28, T90N, R48W). Transfer forms have been forwarded to you in the past for completion. To date, we have not heard from you on this matter. You have already paid the fee, we are awaiting a signed and notarized transfer of ownership form.

If you do not own the land or do not wish to maintain a water permit, please contact Genny McMath (605) 773-3352.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 9, 2000

4585-3
5990-3

John F Roost
1 Edgewater Ln
Dakota Dunes, SD 57049-5016

Dear Mr. Roost:

I am writing in follow-up to our phone conversation concerning Water Permit No. 4585-3 and the one year suspension the Water Management Board imposed. In order to have the Board reconsider their action, you will need to send us a letter requesting the matter be placed on the agenda for their May, 2000 meeting. Your letter should include your reason(s) for not returning the 1999 irrigation questionnaire in a timely manner.

I am enclosing the following materials for you to complete and return to our office:

- 1999 irrigation questionnaire for Water Permit No. 4585-3
- "Notice of Transfer of Ownership" form for Water Permit No. 4585-3 (as we discussed, you have already paid the \$2.50 filing fee for the transfer – all we need to have you do is sign the form in the presence of a notary and return it to us)

The above items should be returned prior to the May, 2000 Water Management Board meeting.

It is my understanding that you also now own the land formerly held by the Robert Peterson Irrevocable Trust % Terry Kucera. I am enclosing the 1999 irrigation questionnaire and a "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Permit No. 5990-3. A \$2.50 filing fee is required for filing the transfer. The check or money order for the fee can be made payable to the Water Rights Program. I am including a copy of No. 5990-3 in the event you do not have one.

As you requested, I am faxing all of this information to you today. I will also mail the materials to you at the above address. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

831 STEVENSON DRIVE SUITE 110
CAROTA DUNN SC 29505
(803) 773-4803 FAX: (803) 773-4823 FAX

JFR-INV-110

FaxTo Genny McMath, mom John RoostFax 605 773 4868 Pages

Phone _____ Date _____

Re: _____ Cc: _____

☐ Urgent ☐ Pay Reminder ☐ Please Confirm ☐ Please Reply ☐ Please Return

© Copyright 2000

Dear Genny Mc Math,

Thank you very much for your assistance
with this matter. If you need anything
further please do not hesitate to call me.
Originals and check are being mailed today.

Sincerely

John Roost

3-27-00

Water Rights Program
Water Management Board
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Water Management Board:

I am writing you in regards to water permit # 4585-3 and the one-year suspension the Water Management Board imposed. I am asking that this matter be placed on the boards agenda for the May, 2000 meeting.

I am currently separated from my wife and there have been numerous pieces of mail that I have not received. I suspect that the 1999 questionnaire is one of them. I am asking that the Board accept my questionnaire enclosed and rescind the suspension. I very much apologize for this lapse on my part and ask for your help.

Sincerely yours;


John F Roost

3-27-00

Water Rights Program
Water Management Board
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Water Management Board:

I am writing you in regards to water permit # 4585-3 and the one-year suspension the Water Management Board imposed. I am asking that this matter be placed on the boards agenda for the May, 2000 meeting.

I am currently separated from my wife and there have been numerous pieces of mail that I have not received. I suspect that the 1999 questionnaire is one of them. I am asking that the Board accept my questionnaire enclosed and rescind the suspension. I very much apologize for this lapse on my part and ask for your help.

Sincerely yours;


John F Roost



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 29, 2000

NOTICE

TO: John F Roost, 1 Edgewater Ln, Dakota Dunes, SD 57049-5016

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

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 4585-3

On March 28, 2000, a letter was received from you explaining the reason your 1999 irrigation questionnaire was not returned in a timely manner. The questionnaire was included with your correspondence and is now on file in our office.

Your request to have the suspension of Water Permit No. 4585-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 3, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water permit, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 28, 2000, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

I hereby certify that on March 29, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 29, 2000, regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Permit No. 4585-3, addressed as stated below:

John F. Roost, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

A copy of the above described Notice and a copy of the letter from John F. Roost dated March 27, 2000, requesting that Water Permit No. 4585-3 be rescinded, was sent Inter-office to:

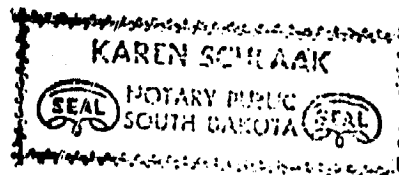
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of March, 2000


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4585-3



Date: 3/27/00

I/We request that Water Permit No. 4585-3

formerly owned by: David Howe

be transferred to: (name & address) JFR-INV-LTD, % John F Roost, 1 Edgewater Ln, Dakota Dunes, SD 57049-5016

Telephone No. (605) 232-8903

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

190 acres - N 1/2 Section 33 and S 1/2 Section 28, T90N, R48W

I/We understand that the validity of Water Permit No. 4585-3 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.

STATE OF SOUTH DAKOTA)

County of Union)

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

John F. Roost
(Signed)

Subscribed and sworn to before me this 28th day of March, 2000.



Christine Janssen
(Notary Public)
Commission expires 10-13-2004

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.



4585-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 31, 2000

4585-3
5990-3

John F Roost
PO Box 1877
North Sioux City, SD 57049

Dear Mr. Roost:

Thank you for following up on the ownership changes for Water Permit Nos. 4585-3 and 5990-3. The transfers have been completed and the water permits are now listed in the name of JFR-INV-LTD, LLC % John F Roost.

Enclosed are your Receipt Nos. 414669 and 416451 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 25, 2000

4585-3

John F Roost
1 Edgewater Ln
Dakota Dunes, SD 57049-5016

Dear Mr. Roost:

I am writing as a reminder to you that the Water Management Board meets next week to consider your request to have the suspension of your water permit reviewed. The meeting is scheduled for 10:00 am, May 3, 2000 (Wednesday), in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Your letter requesting time on the agenda and explaining the reason your 1999 irrigation questionnaire was not submitted in a timely manner is on file and will be presented to the Board. I strongly encourage you to attend the hearing. The Board often has more questions for the permit holder and generally likes to hear from the permit holder in person as to why the questionnaire was not returned on time.

Please get in touch with me prior to the hearing date to let me know whether you will be able to attend the hearing.

Sincerely,

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

c: faxed to John Roost at (605) 232-8922

**IRRIGATION QUESTIONNAIRE VIOLATION
WATER RIGHT NO. 4585-3, JFR-INV-LTD (JOHN ROOST)**

BRIEF DESCRIPTION

Water Permit No. 4585-3, authorizes diversion of 2.70 cubic feet of water per second from ground water (well) to irrigate 190 acres in the N ½ Section 33 and S ½ Section 28, T90N, R48W, Union County.

The water permit was approved in 1981 and includes the irrigation questionnaire qualification.

On March 30, 2000, Water Permit No. 4585-3 was transferred from David A Howe to JFR-INV-LTD (John Roost), Dakota Dunes, SD.

HISTORY

Based on information on file with the Union County Register of Deeds, a "Notice of Transfer of Ownership" form was forwarded to the Agricultural & Industrial Investment Company, Sioux City, IA on May 31, 1995, August 29, 1995 and November 8, 1995.

On November 17, 1995, a transfer form and filing fee were submitted by John F Roost on behalf of JFR-INV-LTD to transfer the water permit. The transfer form was not signed and notarized and was returned to Mr. Roost for completion.

On March 14, 1996, a reminder letter was sent to Mr. Roost requesting that he complete the ownership change by sending back the signed/notarized transfer form. No response was received.

On August 12, 1999, a letter was sent to Mr. Roost requesting that he complete the transfer or let us know whether or not he wished to maintain the water permit. If he did not, we would schedule the water permit for cancellation.

On October 7, 1999, a 1999 irrigation questionnaire was mailed to Mr. Roost at 960 Quail Hollow Rd, Dakota Dunes, SD.

On October 12, 1999, the irrigation questionnaire was returned by the post office with an address correction. The form and cover letter were re-mailed to Mr. Roost at 1 Edgewater Ln, Dakota Dunes, SD. A letter was included which requested he complete the transfer or let us know if he wanted to maintain the water permit.

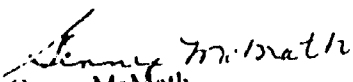
January 14, 2000, a certified letter was sent to Mr. Roost requesting the 1999 irrigation questionnaire be returned prior to the March 1, 2000 hearing date. The notice outlined what action the Board could take concerning the past due questionnaire.

March 1, 2000, the Board suspended Water Permit No. 4585-3 for one year for failure to submit the 1999 irrigation questionnaire.

March 6, 2000, a notice was sent by first class mail to Mr. Roost informing him of the Board's action to suspend the water right for one year.

March 9, 2000, Mr. Roost called and asked what he could do in regard to the Board's action to suspend Water Permit No. 4585-3.

March 29, 2000, Mr. Roost faxed the "Notice of Transfer of Ownership" form, the 1999 irrigation questionnaire and a letter requesting the Board reconsider their action to suspend the water permit. A copy of the letter is attached.


Genny McMath
Water Rights Program
April 26, 2000

CERTIFICATION

I hereby certify that on May 4, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2000, regarding Reinstatement of the following Water Rights/Permits, addressed as stated below:

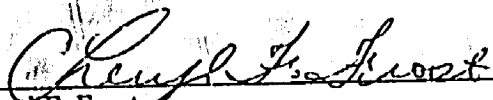
W.P. #1693A-3: Brett & Calvin Andersen, Dakota Acres, 25518 411th Ave., Mitchell, SD 57301.

W.R. #4364-3: Warren D. Thompson, 47600 207th St., Aurora, SD 57002.

W.R. #4585-3: John Roost, JFV-INV-LTD, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

A copy of all of the above described Notices was sent Inter-office to:

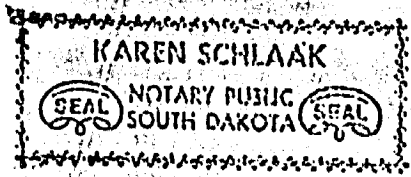
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of May, 2000


Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2003

4585-J

CERTIFICATION

I hereby certify that on May 4, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 4, 2000, regarding Reinstatement of the following Water Rights/Permits, addressed as stated below:

W.P. #1693A-3: Brett & Calvin Andersen, Dakota Acres, 25518 411th Ave., Mitchell, SD 57301.

W.R. #4364-3: Warren D. Thompson, 47600 207th St., Aurora, SD 57002.

W.R. #4585-3) John Roost, JFV-INV-LTD, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

A copy of all of the above described Notices was sent Inter-office to:

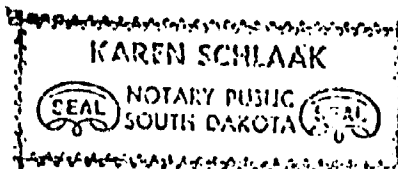
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

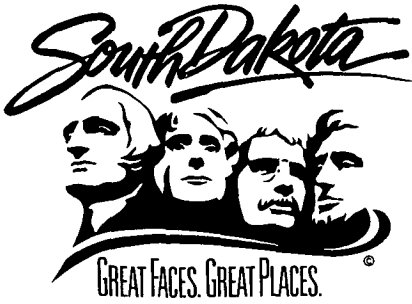
[illegible]

Sworn to, before me, this 5th day of May, 2000

Karen Schlaack
Notary Public



HAGEN SCHLAACK, Notary Public
My Commission Expires
April 1, 2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

4585-3

JFR-INV-LTD, LLC
% Tim Prince Property Manager
PO Box 1877
North Sioux City SD 57049

Dear Mr. Prince:

Enclosed is Water License No. 4585-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 00670 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. 4585-3

(1) David A Howe, Jefferson SD made Application No. 4585-3, December 12, 1980 for a water permit to divert 2.7 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 4585-3, with a priority date of December 12, 1980 was approved January 29, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 29, 1983 and for the application to beneficial use of water on or before January 29, 1986.

On March 30, 2000, Water Permit No. 4585-3 was transferred to JFR-INV-LTD, LLC, PO Box 1877, North Sioux City SD 57049.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4585-3 is issued a license, bearing a priority date of December 12, 1980 to appropriate 2.38 cubic feet of water per second from groundwater (one well) to irrigate 167 acres.

The diversion point is located: 1,250 feet south and 1,775 feet west of the northeast corner of Section 33-T90N-R48W (NW ¼ NE ¼). The acres authorized for irrigation are as follows:

All in T90N-R48W					
Section 28	SE ¼ SE ¼	17 acres	Section 33	NE ¼ NE ¼	40 acres
	SW ¼ SE ¼	27 acres		NW ¼ NE ¼	40 acres
	SE ¼ SW ¼	11 acres		NE ¼ NW ¼	32 acres
Total 167 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4585-3 including the following now applicable qualifications:

- 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 well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 11 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2003

4585-3

JFR-INV-LTD, LLC
c/o Tim Prince, Property Manager
PO Box 1877
North Sioux City SD 57049

Dear Mr. Prince:

On June 20, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4585-3, was completed by Ron Duvall, 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
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 28, 20 03

RECEIVED OF JFR-INV-LTD LLC, Tom Prince Property Manager, PO Box 1877, N Sioux City SD 57049

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	50.00	
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4585-3</u>		
Fee for Filing Transfer Form _____		
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. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 000670

By Darlene Ebele
Chief Engineer gm

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
February 4, 2003

No. 4585-3

Permit No. 4585-3
Big Sioux 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, June 20, 2002, made a thorough examination of the water use system owned by JFR-INV-LTD, LLC c/o John F. Roost of PO Box 1877, North Sioux City SD 57049 holder of Permit No. 4585-3, bearing the priority of December 12, 1980 authorizing the diversion of 2.70 cu. ft. per second of the waters of ground water for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Tim Prince, property manager**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 120 feet
- 4) Well log is available Y
- 5) Comment: test hole log

Casing/Screen:

- 1) Diameter 16 inches
- 2) Type Plastic

Pump:

- 1) Make Western Land Roller

Motor:

- 1) Make General Electric
- 2) Model No. KSJ1029292
- 3) Horsepower rating 50 hp

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 60 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley corner system
- 2) Number of towers 11
- 3) End gun Y
- 4) Capacity 1,100 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

Report of Examination of Works

Permit No. 4585-3

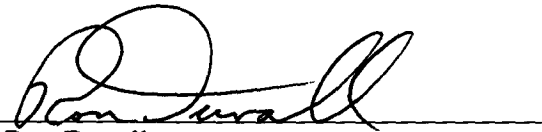
The system is in **good** condition with the point of diversion located as follows: **well: 1,250 feet S and 1,775 feet W from the NE corner section 33-T90N-R48W (NW¼NE¼) Latitude 42.57214, Longitude -96.51403.** The works are capable of diverting and conveying to the place of use **2.44** cu. ft. per second of water which is to be used for **irrigation purposes.** Water has been put to beneficial use to the maximum extent as follows: **all in T90N-R48W**

SE¼SE¼	section 28	17 acres
SW¼SE¼	section 28	27 acres
SE¼SW¼	section 28	11 acres

NE¼NE¼	section 33	40 acres
NW¼NE¼	section 33	40 acres
NE¼NW¼	section 33	32 acres

comprising a total of **167** acres of land and the license should be issued for **2.38** cfs.

All structures, wells and lands on map **Y** | Comments or other permit(s) associated with the project: **none**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **February 5, 2003**



4585-3
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 25, 2019

NOTICE

TO: JFR-INV-LTD, LLC, JOHN F ROOST, PO BOX 1877, NORTH SIOUX CITY, SD 57049
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4585-3 & 6987-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 4585-3 & 6987-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 4585-3 & 6987-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will recommend that Water Right No. 4585-3 be suspended for a period of up to three years. Water Right No. 6987-3 will be considered for a one year suspension.**
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 6, 2019** 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: <http://denr.sd.gov/iq.aspx>

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.

4585-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2019

4585-3
6987-3

John F Roost
JFR-INV-LTD, LLC
PO Box 1877
North Sioux City SD 57049

Dear Mr. Roost:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 4585-3 and 6987-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath".

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



4585-3
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, 2020

NOTICE

TO: JFR-INV-LTD, LLC, JOHN F ROOST, PO BOX 1877, NORTH SIOUX CITY, SD 57049
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4585-3 & 6987-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 4585-3 & 6987-3 qualification:

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

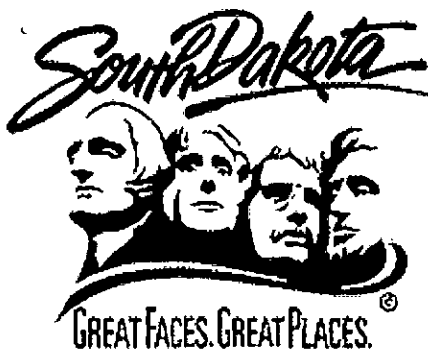
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 4585-3 & 6987-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Right No. 4585-3 may be considered for a three-year suspension. Water Right No. 6987-3 will be considered for a one-year suspension.**
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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: RYONNR**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2020

4585-3
6987-3

John F Roost
JRF-INV-LTD LLC
PO Box 1877
North Sioux City SD 57049

Dear Mr. Roost:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 4585-3 and 6987-3. 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
email: genny.mcmath@state.sd.us



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

January 20, 2023

NOTICE

TO: JFR-INV-LTD, LLC, JOHN F ROOST, PO BOX 1877, NORTH SIOUX CITY, SD 57049

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) 4585-3 & 6987-3. 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) 4585-3 & 6987-3 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) 4585-3 & 6987-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on a past violation for Water Right No. 4585-3, the recommendation to the Board will be for a three year suspension of No. 4585-3.**
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: ONMQMK**

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 17, 2023

4585-3
6987-3

John F Roost
JFR-INV-LTD LLC
PO Box 1877
North Sioux City SD 57049

Dear Roost:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 4585-3 & 6987-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 28, 2025

6987-3

4585-3

JFR-INV-LTD, LLC
c/o John F Roost
PO Box 1877
N Sioux City SD 57049

Dear Mr. Roost:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4585-3 & 6987-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us