

1. Considered: 7-28, 1982 Water Right No. 4588-3A
2. Name of Applicant BRAND FARMS
3. Post Office Address 214 NW 3rd, Watertown, SD 57201
4. Amount of Water Claimed (2.80) no add'l maximum acre feet
5. Source of Water Supply 141' well will flow - mound built to control flow
6. Water to be used for IRRIGATION acres to be irrigated (200) 220
7. County Codington about 3 N miles of WATERTOWN
8. PROOF OF PUBLICATION: Received 1st 7-23-82 Not Received
- APPLICATION: Approved 7-28-82 Subject to WI - IQ
- Not Approved Action Deferred

PRIORITY
12-1-80

Dated Received 4/11/82 Application complete-yes ☒ no FEE \$150.00

Remarks Chg in diversion pt

Corrected Application received Period of Annual Use 4/1 thru 10/31

WATER
QUALITY

Received yes ☒ no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes ☒ no Remarks

Disapproved Returned

Diversion Point

Land to be irrigated S. 1/4, S. 1/2 S. 1/2 NW 1/4, 5-117-52
(Same land as under 4588-3)

WELL LOG

Driller Kaiser Well Wks Licensed - yes ☒ no

Depth 141'

Remarks

MAP Map No. 3806-3A Map located in Water Right _____ Map file _____
 Type of Map _____ Prepared by _____

+++++

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

July 9, 1982

Garry Young
 (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 was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4583-3AMap No. 3806-3A Water Division No. 3 Big Sioux River District _____
Above for Office Use 10170202

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion X Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Brend Farms Phone No. 986-2577
 Post Office Address 214 NW 3rd Wadena State SD 57201
(Street, RR, or Box) (Town) (Zip Code)

If a corporation, show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct labor3. Name of diversion work Brend Farms Irrigation Project #14. Amount of water claimed (cubic feet per second) 2.85. Source of water supply 17 wells

6. Location of point of diversion 120' South and 80' East of NW Corner
of Project Sec 5-117-52 and 97'E of T4N, R50W
(Sawyer) County Codington

7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 200

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.
NW 1/4 of SW 1/4 Sec 5-117-52	40
NE 1/4 of SW 1/4 Sec 5-117-52	40
SW 1/4 of SW 1/4 Sec 5-117-52	40
SE 1/4 of SW 1/4 Sec 5-117-52	40

Land Description	No. Acres Irr.
S 1/2 of SW 1/4 of NW 1/4 Sec 5-117-52	20
S 1/2 of SE 1/4 of NW 1/4 Sec 5-117-52	20

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Three four years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Wadena Public Opinion

12. Principal Features of the Proposed Water Supply System.

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

2 wells with deep well Turbines

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

Closed Conduit

C. Works proposed to apply water to beneficial use.

Center pivot Irrigation MachineEstimated Total Cost \$ 65,000

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

STATE OF SOUTH DAKOTA

County of Codington ss.

I, Richard E. Speck the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Richard E. SpeckSubscribed and sworn to before me this 9th day of June, 1982Carma Beardsford

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

4588-3A

The Water Management Board hereby approves Water Right Application No. _____

Brand Farms _____ 214 NW 3rd Watertown _____
 (Applicant) _____ (Post Office Address)
 South Dakota 57201 _____
 (State) _____ With the following qualifications

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

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.

The priority date for this permit is established under Permit No. 4588-3.

Date of first receipt of application _____ June 11 _____, 19 82
 Date of return to applicant for correction, amendments or changes required _____, 19 _____
 Date of receipt of corrected application _____, 19 _____
 Approved July 28 _____, 19 82, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4588-3A

The Water Management Board hereby grants and issues this Water Right Permit No. 4588-3A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 4 _____, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 28 _____, 19 85
3. The whole of said work is to be completed on or before July 28 _____, 19 87
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 28 _____, 19 91
5. The water appropriated shall be used for the purpose of Irrigation _____
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed no add'l 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 irrigation purposes said appropriation must be limited to not more than 2 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 July 28 _____, 19 91; said water to be used during the following described annual period: April 1st thru October 31st

Witness my hand this 6th day of August _____, 19 82

THE WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer, Water Rights
 JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

D Well Information

- (1) Drill Hole, Diameter 18", Depth 146'
 (2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 14", Thickness .375
 (3) Screen, Type Stainless Steel, Diameter 14", Length 12'
 (4) Gravel Pack, Thickness 2", Length of gravel pack 20' + Gravel

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

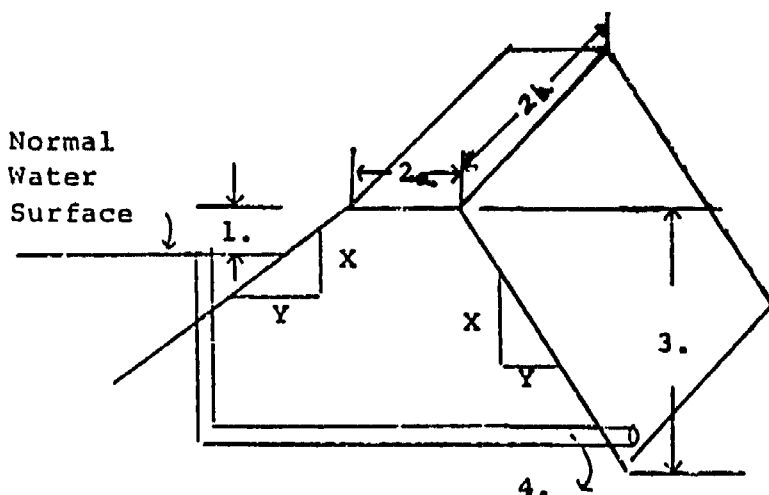
- Depth to top of water bearing material 130'
 Depth to bottom of water bearing material 147'
 Depth to water (ground surface to water level) 3' above ground level

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

- On same owner's property _____ rds.
 On property owned by others 1000' 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
2. Crest width _____, length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

"WELL was cased with 20"x.375 casing through upper formation and then grouted in.

Well was then drilled to 141' and gravel pack to 125'. Then 125' to surface was grouted.

Casing was extended 9' above ground and a moound was built around the casing to the 9' level.

Kaiser's Well Works De Smet, South Dakota 57231

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

Name Andy Spunk
Location _____
Township _____
Section _____

• 6 • 4			
• 5			
• III			
• I			

Test hole No. 5

Data

Topsoil	0-3'
gravel & sand	3'-15'
Blue clay	15'-130'
yellow clay	130'-150'
gravel	150'-151'
Blue clay	151'-160'

Test hole No. 6

Topsoil	0-3'
SAND	3'-14'
Blue clay	14'-24'
gravel	24'-27'
Blue clay	27'-130'
gravel coarse	130'-137'
Blue clay	137'-141'
SAND	141'-143'
Blue clay	143'-150'
gravel	150'-151'
yellow clay	151'-160'

СРЕДНЕГО

087

Department of Agriculture
WI#1
3/82

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

3011

WR#

OWNERS NAME: Randy Stevek
Brand Farms

OWNERS ADDRESS: 214 NW 3rd
Watertown, SD 57201

COUNTY LAND LOCATED IN: Codington

PHONE: _____

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION: _____

Depth: 111

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ 5-117-52			
S $\frac{1}{4}$ S $\frac{1}{4}$ NW $\frac{1}{4}$ 5-117-52			
TOTAL = 200 acres			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: SW $\frac{1}{4}$ 5-117-52

IN WHAT NAME: Randy Stevek

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn

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

7. WATER SAMPLE NUMBER: 82-1167 10. ADJUSTED (SAR): 2.32

8. SALINITY (EC X 10⁶): 1300 11. PERCENT SODIUM 13.09

9. SODIUM (SAR): 0.81

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) 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.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11 DAY OF June, 1982

(NOTARY PUBLIC)

WILLIAM M. SANDER

IMPORTANT

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 Board of Water Management, Foss Building, Pierre.

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIVED

JUN 25 1962

South Dakota
Division of Conservation

Betty



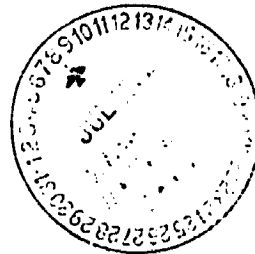
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

July 7, 1982

Brand Farms
Randy Spevek
214 NW 3rd
Watertown, SD 57201



Dear Mr. Stevek:

In reviewing your soil and water compatibility application for the SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ Sec 5-117-52, using 82-1167 Water Sample, the Irrigation staff is issuing a straight approval.

Although no restrictions have been placed on your permit, it would be a good management practice if the area mapped as Lamoure soil was kept in grass to prevent erosion and traction problems.

If you have any questions please feel free to contact this office.

Sincerely,

Jim Stukel
Program Director
Irrigation Program

cf

Enclosures: Approval Form
WI-1 form

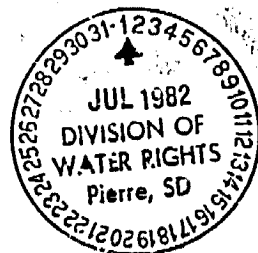
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Randy Stevek, Brand Farms

LEGAL DESCRIPTION: SW $\frac{1}{4}$ 5; S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ 5-117-52 = 200 acres

SOIL RESTRICTIONS:

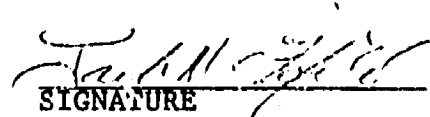
THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:

The Lamoure soils which make up the drainageway should be kept in grass to prevent problems with ponding and traction.


SIGNATURE

DATE 7-1-82

No. 4588-3A

Publish first publication, on or before July 13, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 9, 1982

Notice is hereby given Brand Farms whose post office

address is 214 NW 3rd, Watertown, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-31 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-33, (~~transfer lands~~) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:15 thru 74:02:01:20 (10,000 AFA) 74:02:01:01 thru 74:02:01:03, for a permit to appropriate for beneficial use ^{change point of diversion and} ~~no add'l~~ cubic feet of water per second of time from groundwater (one well)

through the Brand Farms Irrigation Project, the ^{new} point ~~(s)~~ of diversion which is ~~(was)~~ to be located in the SW 1/4 NW 1/4

of Section 5, Twp. 117N, Range 52W. Said water to be used for purpose of providing irrigation on portions of the following described land:

SW 1/4, S 1/2 NW 1/4 Section 5, T117N, R52W (lands covered under Permit No. 4588-3

This Application No. 4588-3A will be considered by the Water Management Board at Civil Defense Room, State Capitol, Pierre SD upon the 28th day of July, 1982.

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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: Applicant
WNR-300-2/82

GEMMY YOUNG
BETH WESSELING Water Rights Specialist

No. 4588-3A

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

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 Watertown

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

July 13th, 1982

July 20th, 1982

(Signature)

John R. Lowrie, General Manager
(Title)

July 20th, 1982

(Date Signed)

Cost of Printing: 44.22

PUBLIC NOTICE

NO. 4588-3A
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
July 9, 1982

Notice is hereby given Brand Farms whose post office address is 214 NW 3rd, Watertown, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-12 thru 46-1-14; 46-2-1 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-25; 46-5-41; 46-6-1 thru 46-6-3; 46-6-6, 1; 46-6-10; 46-6-13; 46-6-14, and Board Rules ARSD 74:01:01 thru 74:02:01:15, for a permit to change point of diversion and appropriate for beneficial use no additional cubic feet of water per second of time from groundwater (one well) through the Brand Farms Irrigation Project, the new point of diversion which is to be located in S 1/4 SW 1/4 NW 1/4 of Section 5, Twp. 117N, Range 52W. Said water to be used for purpose of providing irrigation on portions of the following described land:

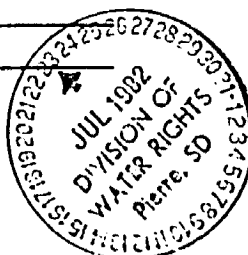
SW 1/4, S 1/4 NW 1/4 Section 5, T117N, R52W (lands covered under Permit No. 4588-3)

This Application No. 4588-3A will be considered by the Water Management Board at Civil Defense Room, State Capitol, Pierre, SD upon the 28th day of July, 1982 at 10 A.M. The Board is authorized to make a determination of 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 1-24 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. Those 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water
Management Board
GENNY YOUNG
Water Rights Specialist
(July 13, 20, 1982)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8891

RECEIVED OF Brand Farms, 214 NW 3rd, Watertown SD 57201 PIERRE, July 8, 1982
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4588-3A</u> (examination, processing, recording and filing)	150	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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH :ks



Department of Water & Natural Resources

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

#4588-3
#4588-3A

February 17, 1989

Brand Farms
214 NW 3rd
Watertown, SD 57201

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

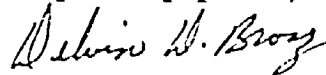


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP

No. 4558-317

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

Date: 3/12/91

I/We request that Water Permit/Right No. 4558-317

formerly owned by: Brian Evans

be transferred to: (name & address) R. J. L. Carr Hwy 59 NW 1/4

Moorhead, MN 56253 (telephone No.) (507) 532-2241

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

5 1/2 x 1 1/2 NW 1/4 and 1/2 Sec 14 of Section 5 - T147N - R52E

I/We understand that the validity of Water Permit/Right No. 4558-317 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Codington)

I/We Richard P. Spack 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.

[Signature]
(Signed)

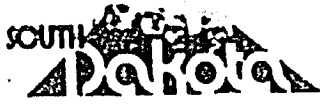
Subscribed and sworn to before me this 12th day of March, 1991.

[Signature]
(Notary Public)

Notary Public - 4/30/93

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

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



Department of Water & Natural Resources

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

March 7, 1991

4588-3
4588-3A
5332-3

Robert L Carr
Hwy 59 North
Marshall, MN 56258

Dear Mr. Carr:

Enclosed are the "Notice of Transfer of Ownership" forms you submitted for Water Permit Nos. 4588-3, 4588-3A and 5332-3. Since the time these forms were mailed to you, we have changed the content of the transfer form. The filing fee remains the same.

I have included a new set of transfer forms. The forms will need to be completed and then signed in the presence of a notary. Additional filing fees will not be necessary.

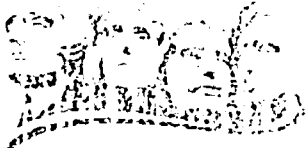
If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

April 12, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES
Jee Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

No. 4588-3
4588-3A
5332-3

Robert L. Carr
Hwy. 59 North
Marshall, MN 56258

Dear Mr. Carr:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit No. 4588-3, Water Permit No. 4588-3A and Water Permit No. 5332-3.

Our records now show you as the owner of Water Permit No. 4588-3, Water Permit No. 4588-3A and Water Permit No. 5332-3.

Sincerely,

Cheryl F. Frost

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

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

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

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

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

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

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

By _____
Chief Engineer

Transferred 3-15-91 to Robert L. Carr. (SD)

Form 12

Permit No. 4588-3 + 4588-3A

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Brand Farms
214 N.W. 3rd of Watertown SD 57201 holder of
Permit No. 4588-3, bearing the priority of December 4 1980 authorizing
the diversion of 2.8 cu. ft. per second of the waters of groundwater
for irrigation purposes, in Codington County.

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

- A. Works used to divert the water: 2 wells
1 - 75 HP Valley Pump Co. 12" pump Model # 12 NME 3B2A
capable of 750 gpm
1 - 3" submersible pump Grundfos Model # SP4 capable
of 150 gpm
- B. Works used to transport water to place of use:
8" PVC piping to center pivot

C. Works used to apply water to beneficial use:

1 - Valley Cornering Unit with 7 towers + corner unit with
end gun has a capacity of 800 gpm

The system is in the following condition good

The point of diversion is located Well #1 → 3168' North and 264' east of SW
corner Section 5-T117N-R52W Well #2 → 1584' east and 1692.00' North
Section 5-T117N-R52W

The works are capable of diverting and conveying to the place of use 1.77
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 5-T117N-R52W

<u>SW 1/4 NW 1/4 = 15 acres</u>	<u>SW 1/4 SW 1/4 = 31 acres</u>
<u>SE 1/4 NW 1/4 = 14 acres</u>	<u>SE 1/4 SW 1/4 = 31 acres</u>
<u>NW 1/4 SW 1/4 = 40 acres</u>	
<u>NE 1/4 SW 1/4 = 39 acres</u>	

comprising a total of 170 acres of land and the license should be issued for 1.77 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 4/18/1991

Norma C. Pels
(signature)

LICENSE FOR PERMIT NUMBER 4588-3 + 4588-3A

4/18/91

1. Legal location of wells: Well #1 in SW 1/4 NW 1/4 and Well #2
in NE 1/4 SW 1/4 Section 5-117N-152W
dams & structures: _____

2. Well Information: Well Drilling Firm Kaiser + Bullis

Completion Report Yes	No	No. of Wells	<u>2</u>	Depth	<u>118'</u>	<u>98'</u>
Casing	a) diameter	<u>Well #1</u> <u>16"</u>	<u>Well #2</u> <u>16"</u>	Screen	a) type	<u>Well #1</u>
	b) length	_____	_____		b) length	_____
	c) type	<u>Steel</u>	<u>Steel</u>	Static Water Level	_____	
Pump	a) make	<u>Valley Pump</u>	<u>Grundfos</u>	Motor	a) make	<u>General Electric</u>
	b) model	<u>12 NME 3821</u>	<u>SP4</u>		b) model No.	<u>5K6255X-1502C</u>
	c) size	<u>12</u>	<u>3"</u>		c) horsepower rating	<u>75</u>
	d) capacity	<u>750</u>	<u>150</u>	gpm	_____	
	e) turbine pump - no. of stages	_____				
	f) operating PSI	<u>60</u>				

3. Distribution lines or canals

a) size 8"
b) type PVC
c) length _____

4. Dam Information:

a) height to crest _____	m) Outlet tubes:
b) height to primary spillway _____	1) diameter _____
c) height to secondary spillway _____	2) type _____
d) crest width _____	3) valved (Y/N) _____
e) crest length _____	4) valve type _____
f) spillway length _____	5) location on structure _____
g) spillway width _____	
h) approx. storage _____	n) Category of Dam _____
i) approx. storage to crest _____	
j) date constructed _____	
k) inspection sheet completed (Y/N) _____	
l) Name of Contractor _____	

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Valley Cornering Unit
- 2) number of towers 7 + corner uni
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) Y
- 6) high or low pressure High
- 7) make & size of nozzles
Rainbird
- 8) capacity (GPM) 800+
Acres 465 / 70

g) siphons

- 1) size _____
- 2) number _____

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

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

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>X</u>	---	5. Is chemigation used?
<u>X</u>	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 1991

4588-3A

4588-3

Robert L Carr
Hwy 59 N
Marshall, MN 56258

Dear Mr. Carr:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4588-3 and 4588-3A, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4588-3 will be incorporated into Water License No. 4588-3A.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

512791

Pierre, August 12, 1931

RECEIVED OF Robert L. Carr, 506 Washington Ave., Marshall, MN 56258
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4500-37</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4588-3A

(1) Brand Farms of 214 NW 3rd St., Watertown, SD 57201 made Application No. 4588-3A, June 11, 1982 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Codington County, South Dakota for irrigation purposes. Permit No. 4588-3A with a priority date of December 4, 1980 (established under Water Permit No. 4588-3) was approved July 23, 1982 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 28, 1987 and for the application to beneficial use of said water on or before July 28, 1991.

Water Permit No. 4588-3A authorized a change in diversion point for one of the wells authorized under Water Permit No. 4588-3. No. 4588-3A did not allow for an increase in diversion rate or acres irrigated.

Water Permit Nos. 4588-3 and 4588-3A were transferred March 15, 1991 to Robert L. Carr.

The Applicable portions of Water Permit No. 4588-3 are incorporated into this Water License No. 4588-3A. A priority date of December 4, 1980 is retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 3168'N and 264'E of the SW corner (SW 1/4 NW 1/4) and Well #2 - 1584'E and 1692'N of the SW corner (NE 1/4 SW 1/4) Section 5, T117N, R52W.

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

T117N, R52W Section 5	SW 1/4 NW 1/4	15 Acres
	SE 1/4 NW 1/4	14 Acres
	NW 1/4 SW 1/4	40 Acres
	NE 1/4 SW 1/4	39 Acres
	SW 1/4 SW 1/4	31 Acres
	SE 1/4 SW 1/4	31 Acres
	Total-----	170 Acres

(4) Pursuant to Section 46-5-30.1 Robert L. Carr of 506 Washington Avenue, Marshall, MN 56258 the holder(s) and/or owner(s) of Incorporated No. 4588-3A is issued a license to appropriate water, the right to use 1.77 cubic feet of water per

second from groundwater (two wells) with a priority date of December 4, 1980 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 4588-3A and subject to South Dakota State Law.



FEB 19 1992

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

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

FEB 19 1992

4588-3A

Robert L. Carr
506 Washington Avenue
Marshall, MN 56258

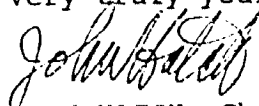
Dear Mr. Carr:

Enclosed is Water License No. 4588-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412721 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4588-3A, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,



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

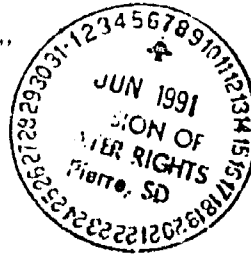
enclosures

NOTE: The applicable portions of Water Permit No. 4588-3 are incorporated into this Water License No. 4588-3A.

CSS COMPANY

"Grower of Top Quality Potatoes"

Warehouse and Office
RR 3 - Box 138B
Watertown, South Dakota 57201-9348



Telephone
(605) 886-2577

Norman

Enclosed is the well log for

Permit H 4588-34.

If you have any questions, do not
hesitate to contact me.

Kenby

Kaiser's Well Works De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS Ph. 654-2744

Brand Form 5

Name De Smet

Location 5 1/2 of NW 1/4

Township 117 N 52 W

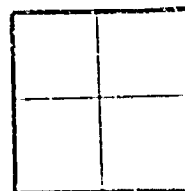
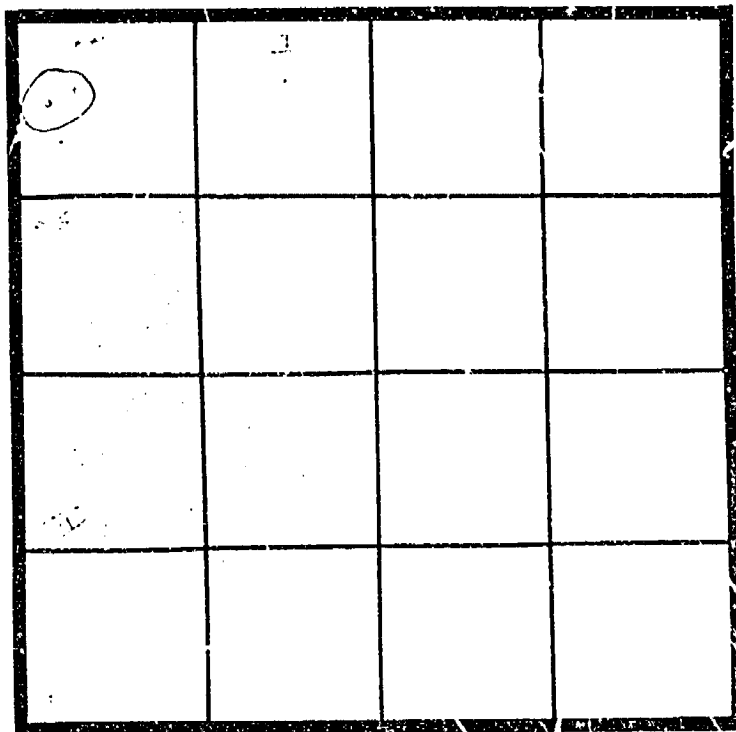
Section 5

well 10-1

N

4588-3A

10-1



Test hole No. 111

Data

Top soil	0-3'
sand medium	3-15'
Blue clay	15-80'

Test hole No. 24

Data

Top soil	0-3'
gravel	3-14'
Blue clay	14-28'
gravel	28-31'
Blue clay	31-130'
Took water	
gravel coarse grey	130-138'
Blue clay	138-145'
gravel yellow	145-148'
Blue clay	148-2'
SWL + 5'	
Drill. finished for 110'	

6460

Water Level Information:
 Static water level 12 below land surface
 If flowing: closed in pressure _____ PSI
 rate of flow _____ GPM
 Controlled by:
☐ Valve ☐ Reducers ☒ Other
 If other: specify _____

County Cedar E1m. 12
Twp. 21 N. 9. 52 W.

☒ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling: ☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 30"
Depth _____
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16 Material SS
Slot size 1/2 standard
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

☒ Pumped _____
☐ Brilled Describe: _____
☐ Other _____

Pumping Level Below Land Surface
25 ft. After 26 Hrs. pumped 250 GPM
 " " " " " "
 " " " " " "

[illegible]

Date Completed: March 15, 1951

Drillers: Bullis Bros 4
Driller's or Firm's Name License NO.

Waterbury, Conn. 5000
Address

Signed By

Remarks:

Remarks: Shortly after starting on
migration system; static. Two
bushes very dense & showed some
upward. Further but nothing
seen of the 6 or 7 small
reptiles.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

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

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



4588-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.



4500-377
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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

Thank you and if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genay McMath".

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



**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 7, 2004

4588-3A

Terry J Endres
17214 460th Ave
Watertown SD 57201

Dear Mr. Endres:

I am contacting you in regard to the irrigation questionnaire for Water Right No. 4588-3A. I am in the process of adding the information to the computer and realized part of the information was missing on the back of the questionnaire.

Hopefully you still have the data for last year's irrigation season. If you would, please fill in the column on the back of the questionnaire "days per month water was applied". The days entered do not have to be exact but if you can get close to the actual number that would be great.

The legal descriptions of the acres authorized for irrigation are on the front of the form. Thank you for your help and if I can answer any questions, please contact me.

Sincerely,

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

enclosure

McMath, Genny

4588-3A

From: Terry [terryendres@msn.com]
Sent: Wednesday, June 16, 2004 5:54 PM
To: 'Genny McMath'
Subject: Irrigation Questionnaire

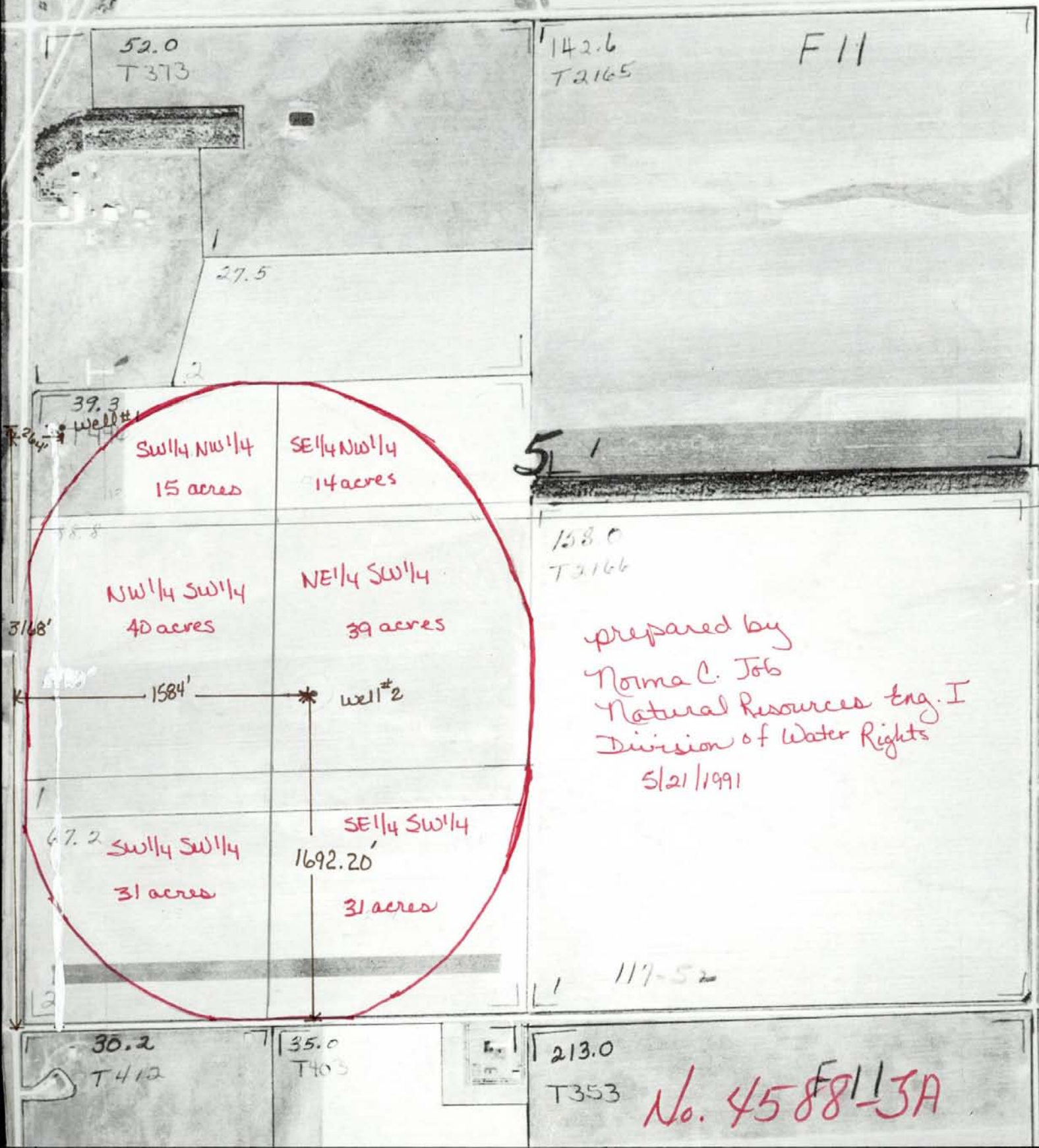
Hi Genny,
Sorry it has taken so long. I got the questionnaire filled out and will drop it in the mail Thursday.
Again, sorry for the delay!
Hope the information is sufficient.

Thanks,
Terry

Terry Endres
17214 460 Ave
Watertown, SD 57201-7130
Phone 605-881-0423
Fax 253-669-6304

6/17/2004

NOT TO SCALE



NOT TO SCALE

3-234
SW 1/4, 5 1/2

SW 1/2 NW

52.0

142.6

679-57L

North sec. Line

2094'

27.5

39.3

Diversion Point

200' Pipeline

88.8

97'

West sec. line

158.0

I, John O. Babcock, a duly registered professional engineer and Land Surveyor in the state of S. Dak., do hereby certify that I surveyed the diversion point location and that the measurements

shown are correct to the best of my ability.

Dated July 2, 1982.

67.2

John O. Babcock
Reg. Prof. Eng. & Land Surveyor

117-52

213.0

677-59L

35.0



Brand

App'l # 4588-3A



December 12, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2120-3
4588-3A
5379-3

Don Endres
919 Christine Ave
Brookings SD 57006

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 2120-3, 4588-3A and 5379-3. Terry Endres has notified us that you now own the land described in these water rights. I have included a copy of each water right for your review.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies of the water rights. If I can answer any questions for you regarding the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures



January 30, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Don Endres
919 Christine Ave
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

On December 12th, I forwarded transfer forms to you for filing an ownership change with Water Right Nos. 2120-3, 4588-3A and 5379-3. To date, we have not yet received them from you. Recently, James Carter notified us that Water Right Nos. 5968-3 and 6004-3 should also be listed in your name.

I am sending along additional copies of the transfer forms for Nos. 2120-3, 4588-3A & 5379-3 in the event you no longer have the original set. Also enclosed are partially completed transfer forms for the remaining two water rights along with copies of the respective water rights.

Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies of the water rights. If I can answer any questions for you regarding the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 05 2007

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

No. 4588-3A

Date: 2-1-07

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 4588-3A

formerly owned by: Robert L Carr

be transferred to: (name & address) Don Endres, 919 Christine Ave, Brookings SD 57006

Telephone No. _____

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

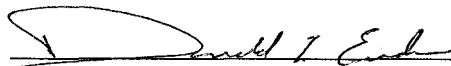
170 acres - SW 1/4 and S 1/2 NW 1/4 Section 5, T117N, R52W

I/We understand that the validity of Water Right No. 4588-3A 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 DONALD L. ENDRES, 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 Feb 5, 20 07

RECEIVED OF Don Endres, 919 Christine Ave, Brookings SD 57006

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>Water Right No. 4588A-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.

02927

By

Harland Eibele
Chief Engineer
KS

4588-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2007

Don Endres
919 Christine Ave
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees for changing ownership on Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3. The ownership changes have been completed. The water rights listed above are now all listed in your name.

Enclosed are your Receipt Nos. 02924, 02925, 02926, 02927 and 02928. The receipts are for the filing fees you paid for each transfer. 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

enclosures



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 22, 2010

NOTICE

TO: TERRY J ENDRES, OPERATOR, 17214 460TH AVE, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2120-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 4588-3A, 5174-3, 5376-3, 5379-3, 5166A-3 & 5166B-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, 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 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/aspx>

cc: DON ENDRES, 919 CHRISTINE AVE, BROOKINGS SD 57006
JOHN NORDGAARD, 542 TERRACE DR, GRAND FORKS ND 58201
NORTHERN CON-AGG, 3231 FERNBROOK LN N, PLYMOUTH MN 55447

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.



4588-3A

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9754

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:55 AM on January 25, 2010 in WATERTOWN, SD 57201. The item was signed for by T ENDRES.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 10:55 am, WATERTOWN, SD 57201
- Notice Left, January 23, 2010, 11:08 am, WATERTOWN, SD 57201
- Out for Delivery or Available at PO Box, January 23, 2010, 8:01 am, WATERTOWN, SD 57201
- Sorting Complete, January 23, 2010, 7:31 am, WATERTOWN, SD 57201
- Arrival at Post Office, January 23, 2010, 5:55 am, WATERTOWN, SD 57201

Notification Options

Track & Confirm by email

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

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9754

TERRY J ENDRES, OPERATOR
17214 460TH AVE
WATERTOWN SD 57201

re mailing.

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**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 29, 2010

Terry J Endres
17214 460th Ave
Watertown SD 57201

RE: 2009 Irrigation Questionnaires for Water Right or Water Permit Nos. 2120-3, 4588-3A,
5174-3, 5376-3, 5379-3, 5166A-3 and 5166B-3

Dear Endres:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for the above listed water permits or rights.

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

As requested by you and Greg Endres, next year's irrigation questionnaires will be sent out differently. The questionnaire for Water Right No. 4588-3A will be directed to your attention and the remaining forms will be directed to Greg.

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

c: Greg Endres
Don Endres
John Nordgaard
Northern Con-Agg

South Dakota Corn Growers Association

11/20/10

Hi Jenny!

RECEIVED

NOV 23 2010

WATER RIGHTS
PROGRAM

They are all done!

My brother Don ^(landowner) wanted to
see them, so I sent them
to him,
he'll send them into you.

This one got left in my
printer/copier, so am sending
it right to you. Thanks
Greg E.