

1. Considered January 28 19 81
2. Name of Applicant Kaufman Brothers
3. Post Office Address Doland, S.D. 57436
4. Amount of Water Claimed 2.2
150' well
5. Source of Water Supply _____
6. Water to be used for IRR
7. Acres to be irrigated 160 maximum
acre feet _____
8. Water to be diverted and used in Spink County
about 13S, 2 miles west of Doland
9. PROOF OF PUBLICATION Received 1-23-81
Not Received _____
APPLICATION Approved 1/29/81
Subject to W-1
Not Approved _____
Action deferred _____

Priority Date
Received 12/22/80 Application Complete yes ☒ no ☐ FEE 250.00

Remarks _____

Date information & for
fee or corrected Application received _____
Period of Annual use April to November

WATER
QUALITY

Received yes 1/8/81 no ☐ APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application yes ☒ no ☐ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

Approx. Center NE 4 3-114-61

Lands to be irrigated _____

NE 4 3-114-61

WELL
LOG

Remarks _____

Driller Empire Drilling Licensed yes ☒ no ☐

Depth 150' deep

Water Right No. 4612-

MAP Map No. 3829-3 Map located in Water Right x Map file
 Type of Map Aerial-soils map Prepared by Sampson-County 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

[Signature]
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes no Remarks

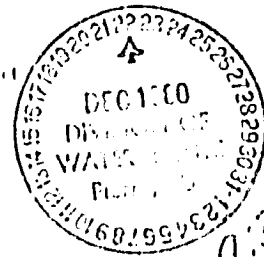
REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted
 ETC.

Remarks

No. 4613-3
 Map No. 3829-3 Water Division No. 3 JAMES RIVER District
 (Returns to be Filed by the Engineer for the W. R. C.)

10160006

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

- (NOTE: Draw a line through items not applicable)
- Name of Applicant Kaufman Brothers
 Postoffice address Holland State Ark-57436
 If a corporation show date and place of incorporation NO
 - Method of accomplishing work contract, employment of others, or by direct labor
 - Name of diversion work Kaufman Brothers Proj
 - Amount of water claimed (cubic feet or acre-foot) 2 (1000 gallon per minute)
 - Source of water supply Well
 - Location of point of diversion Center of N.E. 1/4 of 3-114-61
 - Annual period or periods during which water is to be used April to November County Spink
 - Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 - For irrigation use, Total number of acres to be irrigated 160

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>N.E. 1/4 of 3-114-61</u>	<u>160</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use Redfield Press
- Choice of newspaper for Notice of Intent to Appropriate Water publication Redfield Press
- 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:

Pump for Center Pivot

C. Works proposed to apply water to beneficial use:

Center PivotEstimated Total Cost \$ 60,000.-
 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 Spink
William Kaufman 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 18 day of December 1900

Notary Public (or other qualified officer)

 ALVIN E. CURRIE, Notary Public
 State of South Dakota
 My commission expires Oct. 8, 1904

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4612-3KAUEMAN BROTHERS
(Applicant)Doland
(Post Office Address)SOUTH DAKOTA 57436 With the following modification:
(State)

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 22, 19 80Date of return to applicant for correction, amendments or changes required DECEMBER 22, 19 80Date of receipt of corrected application WQ JANUARY 5, 19 81Approved JANUARY 29, 19 81, Recorded in Book 22 Page 25WATER RIGHT PERMIT NO. 4612-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4612-3 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 22, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 29, 19 81
3. The whole of said work is to be completed on or before JANUARY 29, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.2 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 84; said water to be used during the following described annual period: APRIL TO NOVEMBER

Witness my hand this 12th day of MARCH, 19 81

WATER RIGHTS COMMISSION

By:

John Ketch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Conditional

SOIL RESTRICTIONS:

103 - Tetonka Silt: Low

You have quite an extent of Mucka soils intermingled throughout the
quarter. Unless properly dealt with they will ruin and make this venture unfeasible.

[illegible]

IRRIGATION DRILLING CO.

FRANKFORT, SOUTH DAKOTA

PHONE 472-0384

AK

DRILLING REPORT

Location of Well: _____ 1/4, NE 1/4, Section 3, Township 11S, Range 6E

Well to be drilled for: Acufman Bros. Doland.
(Name) (Address)
Spink S-Dak.
(County) (State)

Date well drilling started 11-11-80 finished _____

Purpose of well _____ fire _____
(domestic, irrigation, industrial, other)

Depth _____ ft. Casing Diameter _____ inches

Slot Size _____ Screen Size _____

Screen Depth: From _____ ft. to _____ ft.

Remarks: _____

NORTH		

1 Mile

REPORT OF FINAL PUMPING TEST
Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	21	ft. in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

[illegible]

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type (wood, concrete, steel, etc) Diameter _____ Thickness _____

(3) Perforated Screen, Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 Sand & Gravel

Depth to top of water bearing material 40 feet

Depth to bottom of water bearing material 150 feet

Thickness of water bearing material 110 feet

Depth to water (ground surface to water level) 16 feet

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

On same owner's property 160 rds. On property owned by others 220 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.

Walter Hoffman
Signature of Applicant
Walter Hoffman

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Kaufman Bros OWNERS ADDRESS: Doland
So Dol 57434
COUNTY LAND LOCATED IN: SPINK PHONE: 635 6223
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

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

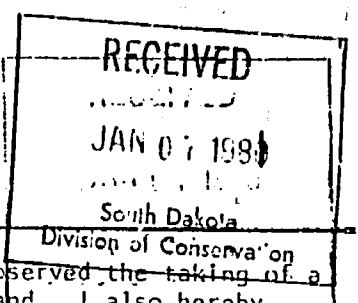
1. WELL LOCATION OR DIVERSION POINT: Center of NE 1/4 Sec 3-114-61
2. SURFACE WATER SOURCE: Test Hole
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 Sec 3-114-61</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn + Alfalfa in a Rotation
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 80-859
8. SALINITY (EC X 10⁶): 1292
9. SODIUM (SAR): 3.15
10. ADJUSTED (SAR): 7.05



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 10:00 a.m./p.m., on Sept 24, 1980, at the following location: NE 1/4 Sec 3-114-61 Center by Allen Kretschmer (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. C. E. M. Drilling Co

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

SUBSCRIBED AND SWORN BEFORE ME THIS

16 DAY OF January, 1981.

[Signature]
(NOTARY PUBLIC)

Kaufman Bros & Leonard
APPLICANT'S SIGNATURE
[Signature]
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
X CONDITIONALLY APPROVED _____

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 PERMIT must be obtained from the Board of Water Management.



(Note : Examples from Table 1 on page 4 are shown in blue)



*Adapted From Agricultural Handbook 60, USDA

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Sources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Kaufman Bros.
 Address: Doland, SD 57440

Date Rec'd October 1, 1980
 Sample No. 80-859
 Identification Soil, Sec. 35, T. 115N, R. 61W

WATER ANALYSIS

Calcium (Ca)	64	ppm	3.20	me/l**
Magnesium (Mg)	65	ppm	5.31	me/l
Sodium (Na)	150	ppm	6.52	me/l
Potassium (K)	11	ppm	0.29	me/l
Sulfate (SO ₄)	425	ppm	8.84	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	55	ppm	1.54	me/l
Bicarbonate (HCO ₃)	210	ppm	3.45	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	172	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1292	micromhos per cm at 25°C.		
Sodium Adsorption Ratio	3.15	Adjusted SAR** 7.05		
Sodium	42.55	% of cations.		
Residual sodium carbonate	0.00	me/l		
pH	8.20			

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 15.32 me/l
 Total anions 13.83 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

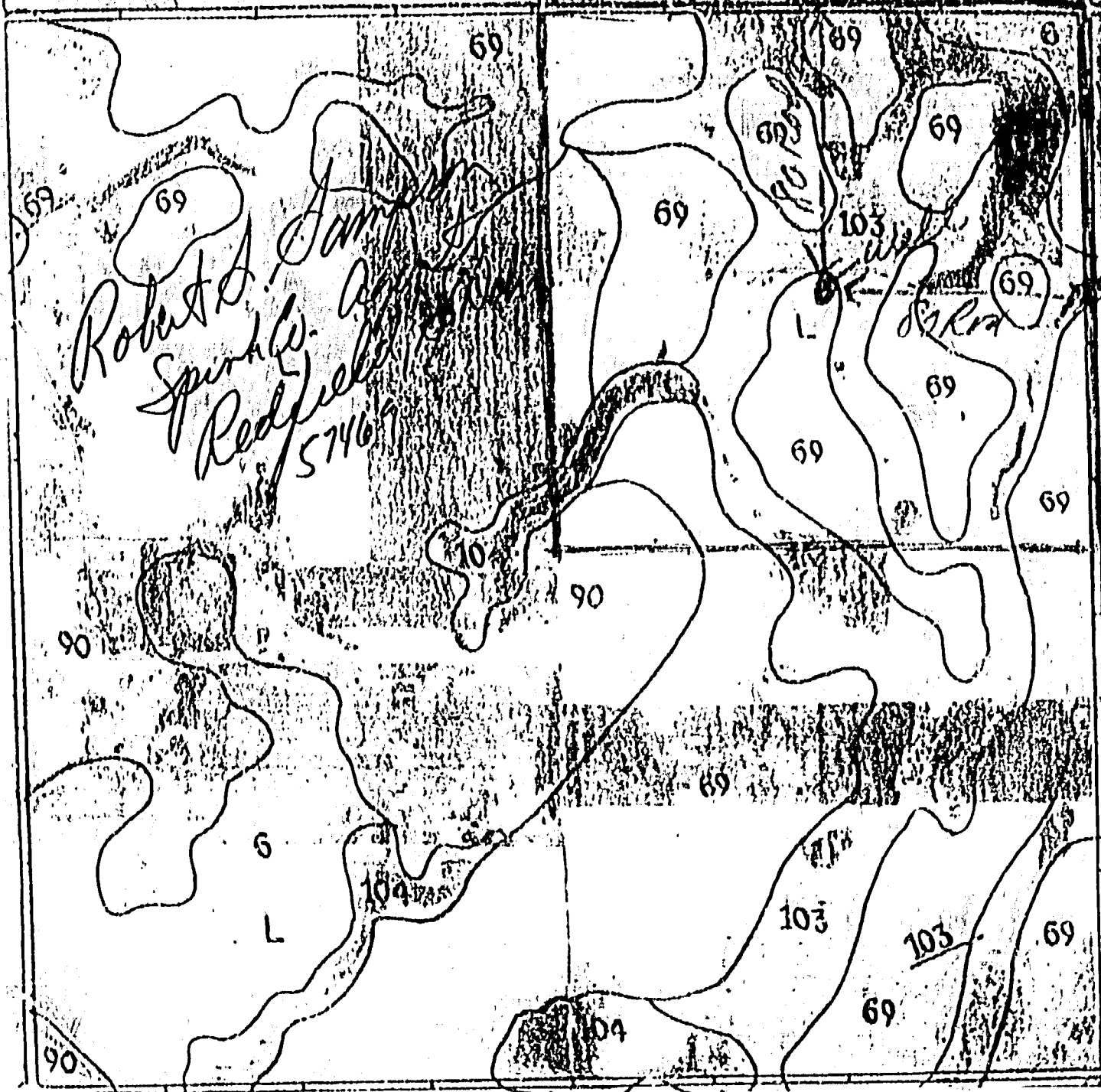
Cut along dotted line and return the lower portion with payment

Sample No. 80-859

Amount Enclosed \$

Signed

ANTELOPE T114N R61W S3



No. 69. Houdik - Bonilla Silt Loam
(undulating (3-5%))
a good prospect for sprinkler irrigation
No. 103. Tetanka Silt Loam
unsuitable for irrigation because
flat low - lying position.

Map # 3829-3

APRI 4612-3

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 6612-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink } ss.

I, Roger M. Katz, hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Redfield Press

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

Redfield Press of Redfield

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

January 14 and January 21, 1981

Roger M. Katz
(Signature)

Editor/Publisher
(Title)

January 22, 1981
(Date Signed)



No. 26

NOTICE OF HEARING
ON APPLICATION
TO APPROPRIATE WATER

WATER RIGHTS
Pierre, South Dakota 57501

Notice is hereby given that
Kaufman Brothers, whose post
office address is Doland, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1 thru 46-14;
46-2 thru 46-13; 46-5-1
thru 46-5-8; 46-5-10 thru
46-5-11; 46-6-3; 46-6-3.1;
46-6-10; 46-6-14; and Board
Rules (ARSD 22.01.01) thru
22.01.01.13 for a permit to ap-
propriate for beneficial use 2.2
cubic feet of water per second of
time from a groundwater (one
well) through the Kaufman Bros.
Pond, the point of diversion of
which is to be located in the
approximate center of the NE 1/4
of Section 3, Twp. 114N, Range
61W. Said water to be used for the
purpose of providing irrigation on
portions of the following
described land: 46-6-3-1-1;
NE 1/4 Section 3, T114N, R61W.

This Application No. 46-2-3 will
be considered by the Water
Management Board at Meeting
Room, No. 1, Kielp Building,
Church & Illinois, Pierre, SD
upon the 28th day of January,
1981 at 10 AM. The Board is
authorized to make a determina-
tion 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 is an
adversary proceeding. Any person has
the right to be present or to be repre-
sented 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, 411 NW Joe Ross
Building, Pierre, SD prior to the
hearing date for assistance to
assure access to the hearing.

WATER MANAGEMENT

BOARD

BETTY WESTJUND

Water Rights Specialist

cc: Kaufman Brothers,

Doland, SD 57436

(Jan. 14, 21)

No. 4612-3

Publish first publication, on or before January 16, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given that Kaufman Brothers whose post office address is Doland, 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 2.2 cubic feet of water per second of time from groundwater (one well) through the Kaufman Bros Proj., the point(s) of diversion of which is ~~located~~ to be located in the approximate center of the well

of Section 3, Twp. 114N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 3, T114N, R61W

This Application No. 4612-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois, Pierre SD 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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

CC: Kaufman Brothers
Doland SD 57436

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7867

PIERRE, February 7, 1981

RECEIVED OF Kaufman Brothers, Doland, SD 57436

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

Fee for Application for Permit to Appropriate Water No. 8612-2 (examination, processing, recording and filing)	250 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	250 00

WATER RIGHTS COMMISSION

By *J. H. Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / (DT)

Permit No. 4612-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by KAUFMAN
BROTHERS of DOLAND holder
of Permit No. 4612-3, bearing date of priority of DECEMBER 22, 1980
authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of,

A. Works used to divert the water:

122' DEEP WELL WITH 16" FIBREGLAS CASING - 20' FIBREGLAS SCREEN
WESTERN LAND ROLLER 8" PUMP WITH AMARILLO GEAR HEAD
@ 1760 RPM - POWERED BY ALLIS CHALMERS MODEL 389 DIESEL
ENGINE - RATED @ 90 HP. FIDELITY 440 VOLT ELECTRIC GENERATOR
TO OPERATE PUMP

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

~~10'~~ 10' OF 8" ALUMINUM PIPE TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

T & L 10 TOWER CENTER PIVOT SYSTEM WITH NELSON #100
END GUN

The system is in the following condition: GOODThe point of diversion is located 1/2 E OF THE CENTER OF THE NE⁴ SECTION 3,
T14N, R61WThe works are capable of diverting and conveying to the place of use 1.78 (800 GPM)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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE NE⁴ SECTION 3,
T14N, R61W

comprising a total of 132 acres of land.Date AUGUST 17, 1982

Dustin Stone

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4612-3

(1) WHEREAS, On the 22nd day of December A. D. 19 80

Kaufman Brothers

made Water Right Application No. 4612-3 for a permit to use 2.2 cubic feet per second of the water of groundwater (one well)

County of Spink, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 29th day of January A. D. 19 81

Permit No. 4612-3, with a date of priority of December 22, 1980

was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 29th day of January A. D. 19 82 and for the application to beneficial use of said water on or before the 29th day of January A. D. 19 84

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and,

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

for irrigating a 132 acre circle in the NE $\frac{1}{4}$, Section 3, T114N, R61W (A)

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Kaufman Brothers

Doland, South Dakota

the holder S and owner S of said permit No. 4612-3 a water right, dating from December 22, 1980
to use of 1.78 cubic feet per second of the waters
of groundwater (one well)

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 10'E of the center of the NE $\frac{1}{4}$,
Section 3, T114N, R61W (A)

and conducted to and upon a 132 acre circle in the NE $\frac{1}{4}$, Section 3, T114N, R61W (A)

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4612-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of September A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 4612-3

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kaufman Brothers

_____ the holder S of
Permit No. 4612-3, issued upon Application No. 4612-3, bearing date of priority of
December 22, 1980 authorizing the diversion of 2.2 cu. ft. per second of the waters of
groundwater (one well) _____ County of Spink, State of South Dakota at
a point 10'E of the Center of the NE 1/4, Section 3, T114N, R61W (AA)
_____ for Irrigation

purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date September 14, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8960

PIERRE, September 14, 1932

RECEIVED OF Kaufman Brothers, Leonard Kaufman, RR#1, Box 52, Doladd, SD 57436
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 4612-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4612-3		
Fee for issuing Location Certificate-Dry Draw, No		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/ms



4612-3

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

April 19, 1993

Paul Reisch
Farm Credit Services
PO Box 786
Watertown, SD 57201-0786

Dear Mr. Reisch:

Enclosed, as we discussed, is a copy of Water License No. 4612-3 currently listed in the name of Kaufman Brothers. I also included a copy of the inspection report and well log.

The inspection report indicates the well was drilled to a depth of 122 feet. The well log reflects a depth of 138 feet. I do not have an answer for why there is a discrepancy in the depth of the well. Often times, if a log is not on file prior to the inspection, the engineer doing the inspection will gather the "best available information" from the permit holder. This may or may not have been the case.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures



4612-3

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

April 30, 1993

Paul Reisch
Farm Credit Services
PO Box 786
Watertown, SD 57201-0786

RE: Water Right No. 4512-3

Dear Mr. Reisch:

Enclosed is a copy of the soil/water compatibility permit issued to Kaufman Brothers. These type of permits are issued through the Department of Agriculture, Division of Conservation.

If you have any questions, please contact me.

Sincerely,

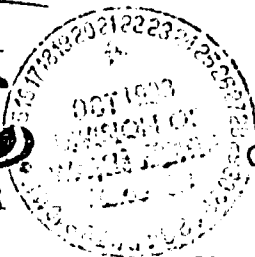
Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

No longer in the business
4612-3



4612-3
KAUFMAN BROTHERS
ROR 1 BOX 52
DOLAND
SD 57436



October 18, 1993

SP/JR

G

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE AND REPORT CHEMIGATION

Please complete the enclosed 1993 Irrigation Questionnaire(s) and return them in the postage paid envelope by **December 17, 1993**. Chemigation Report(s) may also be enclosed if you apply chemicals, including fertilizer, through your irrigation system. If you apply chemicals through your irrigation system but did not receive a chemigation report form, please indicate so on the water use questionnaire and a report form will be forwarded to you. The information provided becomes a permanent record to your permit and assists in managing the water resources of the state. **Submission of the Irrigation Questionnaire(s) and Chemigation Report(s) is required whether or not you irrigated this year.**

Some items you need to be aware of when completing the above forms are:

1. If "NO" irrigation occurred in 1993, mark "NO" on the irrigation questionnaire(s) and include a reason at the bottom of the form for not irrigating. We realize with the flooding this year, irrigation has been limited in parts of the state. Completion of the forms is still required.
2. If you have multiple permits or do not know the specific legal descriptions which pertain to each water permit/right, please contact us. It is acceptable to put the information for all permits on one form; however, **ALL forms need to be returned to prevent errors.**
3. Please make any necessary corrections to your mailing address or include a new owner's name and mailing address on the bottom of the questionnaire(s).
4. A WATER RIGHT OR PERMIT IS SUBJECT TO SUSPENSION OR CANCELLATION, IF THE IRRIGATION QUESTIONNAIRE(S) AND CHEMIGATION REPORT FORM(S) ARE NOT RETURNED.

ELECTRICAL SAFETY NOTE: State Electrical Commission Inspectors have noted that the most hazardous part of their job is inspecting irrigation equipment that was not wired by a qualified electrician. Electrical equipment wired without proper grounding can cause severe shock or death.

If you have any questions or need assistance with the questionnaire or chemigation reporting, please contact Genny McMath, at (605) 773-3352.

For the Water Management Board

for JOHN HATCH, Chief Engineer
Water Rights Division

4612-3



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

July 1, 1994

4612-3

Lenny Peterson
HC 75 Box 30
Hitchcock, SD 57348

Dear Mr. Peterson:

I am contacting you in regard to ownership of Water Right No. 4612-3. The water right, currently listed in the name of Kaufman Brothers, Doland, SD, authorizes irrigation of 132 acres in the NE¼ Section 3, T114N, R61W.

The Spink County Assessor's office has ownership of the land listed under Danny, Brad and Lenny Peterson. In order to have the water right transferred to your names, it will be necessary for you to file a "Notice of Transfer of Ownership" with our office.

Enclosed, is a partially completed transfer form. Please review the form and complete where necessary. Upon completion, the form will need to be signed in the presence of a notary public by the new owners. Once the form is signed, please return it to our office with a required filing fee of \$2.50.

Water Right No. 4612-3 will be transferred upon receipt of the transfer form and filing fee. If you do not intend to irrigate the land, no transfer is necessary, however you will need to send us a letter stating you are not going to irrigate.

I have included a copy of Water Right No. 4612-3 for your records. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
(605) 773-3352

enclosures

4612-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 28, 1994

SECOND NOTICE
Permit No. 4612-3

Lenny Peterson
HC 75, Box 30
Hitchcock, SD 57348

Dear Mr. Peterson:

On July 1, 1994, notice was sent to you concerning the transfer of Water Right No. 4612-3 in the name of Kaufman Brothers. 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 right can then be transferred to your name. If you are not the present owner of the land covered under this water right, 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 Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

4612-3

Lenny Peterson
HC 75, Box 30
Hitchcock, SD 57348

4a. Article Number

318 052 677

4b. Service Type

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

7. Date of Delivery

9-29-94

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

5. Signature (Addressee)

Lenny Peterson

6. Signature (Agent)

P3 Form 3811, December 1991 U.S. GPO: 1992-323-02

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 4612-3

Date: 9-30-94

I/We request that Water Right No. 4612-3

formerly owned by: Kaufman Brothers

be transferred to: (name & address) Peterson Farms
HC 77 Box 30 Hitchcock, SD 57345 (Telephone No) 605-266-2793

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

NE 1/4 Section 3, T114N, R61W

I/We understand that the validity of Water Right No. 4612-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Spink)

I/We Lenny Peterson 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.

Lenny Peterson
(Signed)

Subscribed and sworn to before me this 30th day of Sept, 19 94.

Robert E. Anderson
(Notary Public)
Exp 7-24-99

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

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

RECEIPT

414288

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 5, 19 94

RECEIVED OF Lenny Peterson, Peterson Farms, RR 2 Box 59, Hitchcock, SD 57548

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 4612-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. Hatch*
Chief Engineer

4612-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 1994

No. 4612-3

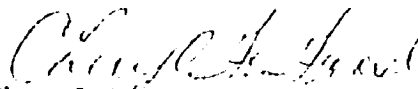
Lenny Peterson
RR 2, Box 39
Hitchcock, SD 57348

Dear Mr. Peterson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4612-3.

Our records now show Peterson Farms as the owner of Water Right No. 4612-3.

Sincerely,


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

enclosure

c: Peterson Farms, HC 77, Box 30, Hitchcock, SD 57348



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 25 2002

No. 4612-3

Oscar, Inc.
c/o Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4612-3. The water right is currently listed in the name of Peterson Farms.

Eric Gronlund talked with Lenny Peterson this morning. As Eric indicated to Mr. Peterson, since this is the water right you wish to sever and simultaneously transfer to irrigate new lands, both permits need to be in the same name. Mr. Peterson indicated the existing permit should be transferred to Oscar, Inc.

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 2, 2002

No. 4612-3

Oscar, Inc.
c/o Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

We received the "Notice of Transfer" form for Water Right No. 4612-3. The required filing fee for the transfer is \$2.50.

Upon receipt of the fee, the water right will be transferred to your name. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 01 2002

WATER RIGHTS
PROGRAM

No. 4612-3

Date:

I/We request that Water Right/Permit No. 4612-3

formerly owned by: Peterson Farms

be transferred to: (name & address) Oscar Inc., 18892 390th Ave, Hitchcock SD 57348

Telephone No. 605 266-

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

132 acres located in the NE ¼ Section 3-T114N-R61W

I/We understand that the validity of Water Right/Permit No. 4612-3 has not been determined by the transfer action. If I/We have any questions on validity, I/We understand that only the Water Management 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 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 Oscar Inc. by J.H. Peterson, the new owner, certify that the above information is true and correct.

Oscar Inc. by J.H. Peterson
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period 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

442 417213

Pierre, July 8, 20 02

RECEIVED OF Oscar Inc., 18892 390th Ave. Hitchcock, SD 57348
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 4612-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Darland Ersk



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 8, 2002

4612-3

Floyd Peterson
Oscar, Inc
18892 390th Ave
Hitchcock, SD 57348

Dear Mr. Peterson:

Water Right No. 4612-3 authorizes irrigation of the NE ¼ Section 3, T114N, R61W. The transfer has been completed and the water right formerly listed in the name of Peterson Farms is now listed in the name of Oscar, Inc.

Enclosed is your Receipt No. 417213 in the amount of \$2.50. If I can answer any questions for you, please contact me.

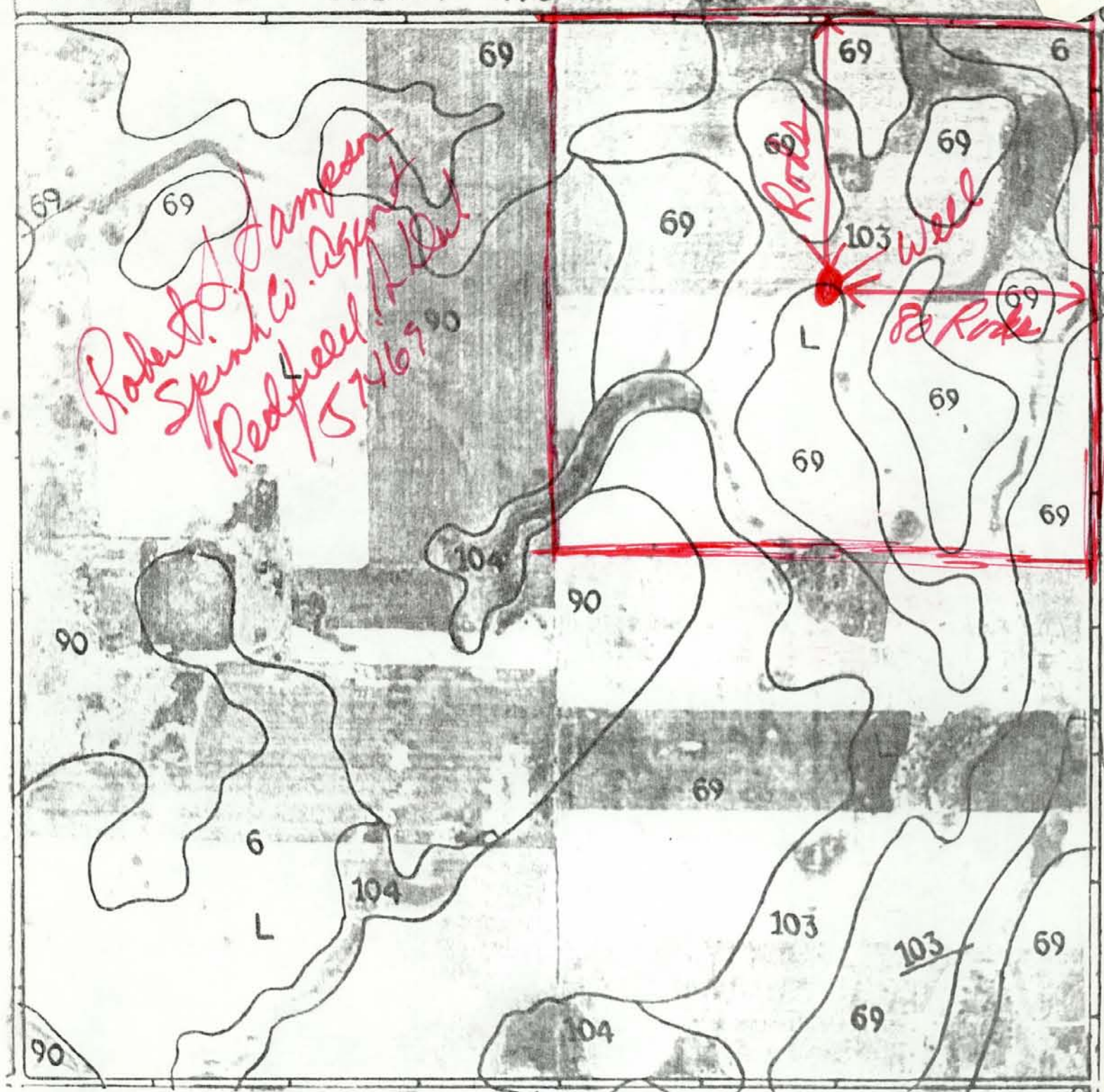
Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosure

ANTELOPE • T114N R61W • S3



No. 69. Houdah-Bonalla Silt Loam
(undulating (3-5%))

a good prospect for sprinkler irrigation

No. 103. Tetanka Silt Loam
unsuitable for irrigation because
of its low-lying position.

Map # 5824-B

Appl. 4612-3

NOT TO SCALE

4612

52.2

82.1

146.9

LOWELL

5.5

NC

11.6

139.5

NC

20.0

579-18 R

61.1

30.0

114-61

NC

131.1

143.2



4612-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Oscar Inc.
c/o Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are the following: Water License Nos. 4612A-3, 6182-3, 6183-3, 6196-3, 6200-3, 6231-3 and 6332-3. These are the final water right documents completing the process of obtaining Water Rights.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provides 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. 4612A-3

(1) Oscar, Inc., c/o Floyd Peterson, 18892 390th Ave, Hitchcock SD 57348 made Application No. 4612A-3, June 21, 2002 for a water permit to amend Water Right No. 4612-3 by transferring the irrigated acreage and point of diversion to other land. The water source for this irrigation system is the Tulare:East James Aquifer. No. 4612A-3 did not allow for an increase in the diversion rate or number of acres irrigated. Permit No. 4612A-3, with a priority date of December 22, 1980 (established by No. 4612-3) was approved September 25, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 25, 2007 and for the application to beneficial use of water on or before September 25, 2011.

The applicable portions of Water Right No. 4612-3 are incorporated into Water Right No. 4612A-3.

(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 Incorporated Water Right No. 4612A-3 is issued a license, bearing a priority date of December 22, 1980 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: approximately 1,320 feet north and 1,320 feet east of the southwest corner of Section 1-T114N-R62W (center SW ¼). The acres authorized for irrigation are as follows:

Section 1-114N-R62W			
NW ¼ SW ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SW ¼	33 acres	SE ¼ SW ¼	33 acres
Total 132 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4612A-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other 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 adequate wells having prior water rights.
- The well authorized by Permit No. 4612A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The 132 acres located in the NE ¼ Sec. 3-T114N-R61W originally authorized for irrigation by Water Right No. 4612-3 shall no longer be irrigated once the irrigation system begins operating in the SW ¼ Sec. 1-T114N-R62W. The well located in the center of the NE ¼ Sec. 3 shall be plugged in accordance with well construction standards.

Garland Erbele

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

SEP 30 2005

date

