

1. Considered 3-25 1981
2. Name of Applicant EARL & MARK RASMUSSEN
3. Post Office Address HURLEY 57036
4. Amount of Water Claimed 1.90 ADD'L (3.44 ~~(5.34)~~)
5. Source of Water Supply 3 WELLS - 1 EXISTING @ 55'
6. Water to be used for IRR.
7. Acres to be irrigated 388 (No ADD'L) ^{maximum} acre feet
8. Water to be diverted and used in TURNER County
about 1 1/2 miles WEST of DAVIS
9. PROOF OF PUBLICATION Received (X) 3-20-81

Not Received _____

APPLICATION

Approved 3/25/81Subject to WTR - IRR

Not Approved _____

Action deferred _____

Priority _____

Date

Received 2/10/81Application Complete yes ☒ no ☐FEE 150.00Remarks ADDING 2 WELLS ON W/R 2352-3

Date information and/or

fee or corrected Application received

Period of Annual use APRIL - NOVEMBERWATER
QUALITYReceived yes 3/5/81 no ☐ APPROVED/CONDITIONAL (Circle one)WI-1 Description same as application (yes) no ☐ Remarks _____

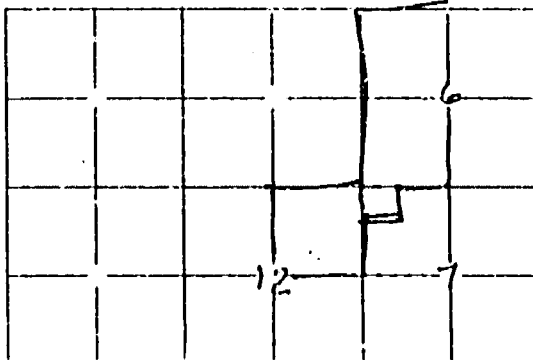
Disapproved _____

Returned _____

Diversion Point _____

NE⁴NW⁴ 6-97-52

Lands to be irrigated _____

NE⁴ 12-97-53; W^{1/2}, Sec 6.;NW⁴NW⁴ 7-97-52WELL
LOG

Remarks _____

Driller SchnefflingLicensed (yes) no ☐Depth approx 55' deep

MAP Map No. 3863-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by ASCS

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 3/25/81
B. J. B. J. W.
(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. 4648 3

Map No. 3863-3 Water Division No. 3 VERMILION RIVER District
Above for Office Use



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

Check one of the following: Adding well or wells to existing system.

New Vested Right Future Use

Change in Diversion Additional Diversion

Change in Acreage Additional Acreage

1. Name of Applicant Earl and Mark Rasmussen Phone No. 238-5337
Post Office Address Hurley State S. D. 57036 (Zip Code)

(Street, RR, or Box) (Town)

If a corporation show date and place of incorporation r/s

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work Reclamation Irrigation Project #1

4. Amount of water claimed (cubic feet per second) 2.24

5. Source of water supply wells

6. Location of point of diversion well #1 (original well) well #2 1/2 mi. north, 123 deg. E. of the NW corner Sec. 6-27-52, T23N R23E S27E

2 wells deep water well County Turner

7. Annual period or periods during which water is to be used April-November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 288 No. Acres

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.
SW 1/4 12-27-53	160		
SW 1/4 6-27-52	160		
SE 1/4 6-27-52	160		
SW 1/4 1-27-52	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hurley Leader, Hurley, S. D. 57036

12. Principal Features of the Proposed Water Supply System.

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

Elec. Pump

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

Buried Pipeline

C. Works proposed to apply water to beneficial use.

Existing C.F. Systems

Adding new well only.

Estimated Total Cost \$ 10,000.00

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 Turner) ss.

I, Earl and Mark Rasmussen 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 Earl Rasmussen

Subscribed and sworn to before me this 5th day of Febr. 1981

Arthur E. Linder
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4648-3

EARL & MARK RASMUSSEN
(Applicant)

HURLEY

(Post Office Address)

SOUTH DAKOTA 57036
(State)

With the following qualifications

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The 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 FEBRUARY 10, 1981

Date of return to applicant for correction, amendments or changes required FEBRUARY 24, 1981

Date of receipt of corrected application MARCH 5, 1981

Approved MARCH 25, 1981, Recorded in Book 22 Page 91

WATER RIGHT PERMIT NO. 4648-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4648-3 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 FEBRUARY 10, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 25, 1981
3. The whole of said work is to be completed on or before MARCH 25, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 25, 1984
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 1.9 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 MARCH 25, 1984, said water to be used during the following described

annual period: APRIL - NOVEMBER

Witness my hand this 20TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By John Hurley
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

INVENTORY *E. P. Thompson*

PAGE

SHEET NO.

PRICED BY

CALLER BY

DEPARTMENT

Completed

EXTENDED BY

ENTERED BY

$$8-4=75$$

LOCATION

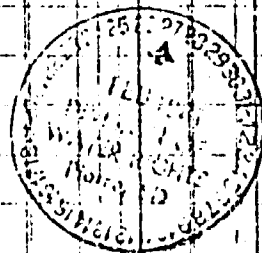
Harvey

EXAMINED BY

CHECK	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
	22'	sl. Col.			
		10' 1. Formation			
		8' water bearing sand			
	15'	water bearing sand			
	15'	water bearing sand & gravel			
	15'	fine sand			
	8'	gravel			
	7'	fine sand			
		Test completed			
		Well good			
		58'			
		Johnson 25 slot			

AMOUNT FORWARDED

251 278229303



D Well Information

- (1) Drill Hole, Diameter 2 1/4", Depth 65'
 (2) Casing, Type fiberglass, Diameter 2 1/4", Thickness 3/32"
 (wood, concrete, steel, etc.)
 (3) Screen, Type fibro, Diameter 2 1/4", Length 20'
 (4) Gravel Pack, Thickness 2", Length of gravel pack 40'

E. Dugout Information or Estimates

- (1) Surface dimensions, n/a, Depth

F. Fill out for Either a Well or a Dugout.

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

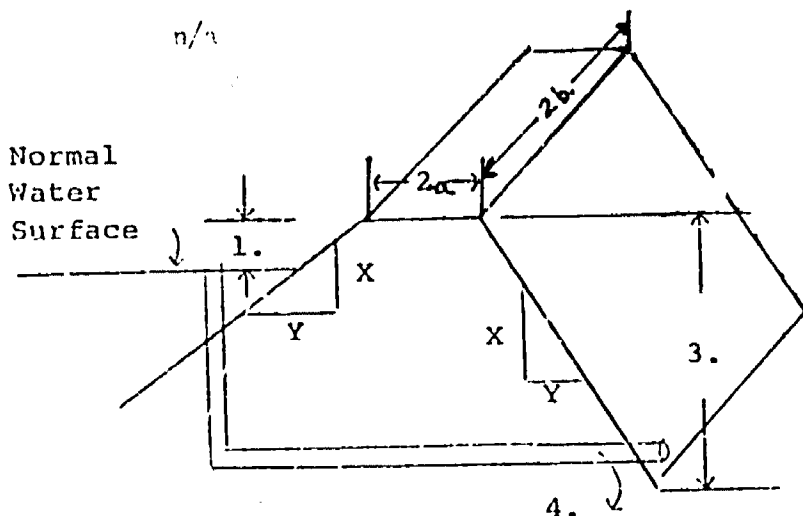
Depth to top of water bearing material 5'
 Depth to bottom of water bearing material 22' to 13'
 Depth to water (ground surface to water level) 5'

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

On same owner's property 80 rds.
 On property owned by others 80 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
 2a Crest width b. 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

Ed. L. Korman
Frank Korman
 Signature of Applicant

Adding well or wells to existing system:

Proposed Well #3

D. Well Information

(1) Drill Hole, Diameter 16", Depth 175'
(2) Casing, Type plastic (wood, concrete, steel, etc), Diameter 1 1/4", Thickness 3/8"
(3) Screen, Type plastic, Diameter 1 1/4", Length 20'
(4) Gravel Pack, Thickness 2", Length of gravel pack 150'

E. Dugout Information or Estimates

(1) Surface dimensions, n/a, 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 _____

Depth to bottom of water bearing material 175' plus

Depth to water (ground surface to water level) _____

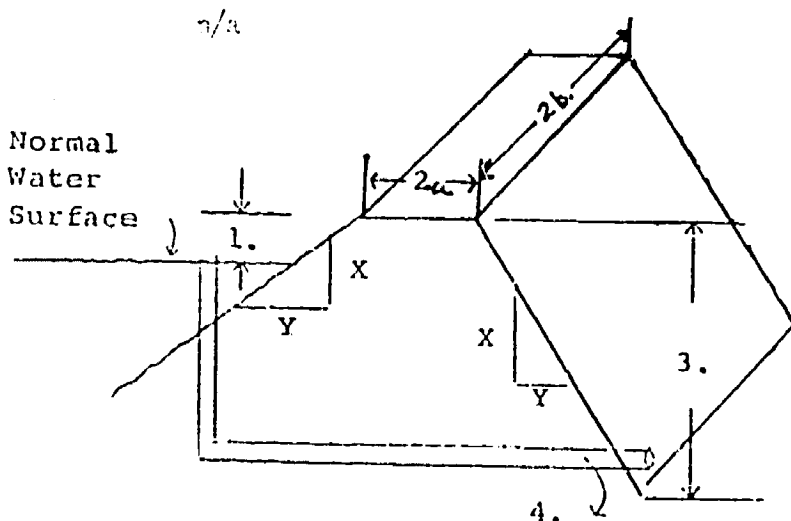
(2) Distance to nearest existing household or livestock watering well.

On same owner's property 100 rds.

On property owned by others 50 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 _____
- 2a Crest width _____ b. 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 _____

Earl H. Johnson
Max Johnson
Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Earl and Mark Postmussen OWNERS ADDRESS: Box 100, Box 100, 57004

COUNTY LAND LOCATED IN: Thompson PHONE: 222-5337

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

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: 100 rods, 123 deg. E, of the NW corner Sec. 6-97-52
2. SURFACE WATER SOURCE: n/a #2 well only
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>NW 12-97-53</u>	<u>110</u>		
<u>SW 6-97-52</u>	<u>111</u>		
<u>NW 6-97-52</u>	<u>112</u>		
<u>NW 4, NW 4 7-97-52</u>			

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: X GUN: OTHER: (Specify)
5. CROPS TO BE IRRIGATED: Corn, Alfalfa, Soybeans
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1975
LEGAL DESCRIPTION: All land described above
IN WHAT NAME: Earl and Mark Postmussen

This application to cover new well or wells to be constructed to serve

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY) Same system. (See Applic. No. 2352-3)

7. WATER SAMPLE NUMBER: 81-116, 81-117
8. SALINITY (EC X 10⁶): 1177, 1165
9. SODIUM (SAR): 0.80, 0.80
10. ADJUSTED (SAR): 1.5, 1.5

RECEIVED

FEB 25 1981

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 a.m./p.m., on , 19 , at the following location: by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I 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

5 DAY OF March, 1981.
[Signature]
(NOTARY PUBLIC)

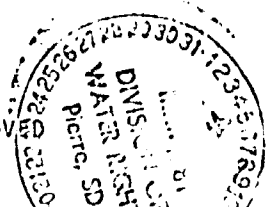
[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

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.

- APPROVED
DISAPPROVED
X CONDITIONALLY APPROVED



Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

4648-3

NAME OF APPLICANT Earl and Mark Rastussen

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED if the following problems occur:

- Wo - Worthing silty clay loam
Ca - Chancellor silty clay loam

These soils are poorly drained and should be returned if problems with ponding and traction occur.



RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is center pivot.

No. 4648-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, James E. Wipf hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hurley Leader

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

Thursday March 12, 1981
Thursday March 19, 1981

James E. Wipf
(Signature)
Published & Owned
(Title)
3-19-81
(Date Signed)



James E. Wipf

Page 8 - LEADER

Thursday, March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER
No. 4648-3

March 12, 1981

Pierre, S. D.

Notice is hereby given that
Earl & Mark Rasmussen whose
post office address is Hurley,
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 ap-
propriate for beneficial use 1.90
additional cubic feet of water
per second of time from ground
water (2 wells, 1 existing)
through the Rasmussen
Irrigation Project #1 to add
additional points of diversion
on an existing permit which are
to be located in the NE 1/4
NW 1/4 of Section 6, Township
97N, Range 52W. Said water to
be used for the purpose of
providing irrigation on por-
tions of the following described
land: NE 1/4, Section 12, T97N,
R54W; W 1/2 Section 6 and
NW 1/4, NW 1/4, Section 7, both in
T97N, R52W (Lands covered
under Water Right No. 2352-3)

This Application No. 4648-3
will be considered by the
Water Management Board at
the Holiday Inn, Sandy Shore
Room, Watertown, S. D., upon
the 25th day of March 1981 at
1:00 p.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 wit-
nesses 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 Right
Division, DWRN, Joe F.
Building, Pierre, S. D., prior
to the hearing date for assistance
to assure access to the hearing.
-Water Management Board
Betty Westlund,
Water Rights Specialist
Pub. March 12, 19, 1981.

Publish first publication, on or before March 12, 1991

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1991

Notice is hereby given that Earl & Mark Rasmussen whose post office address is Hurley, 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 1.90 add'l cubic feet of water per second of time from groundwater (2 wells, 1 existing) through the Rasmussen Irrig. Proj. #1, add'l point(s) of diversion of, which ~~is~~ (are) to be located in the NRL 100

of Section 6, Twp. 97N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NEL, Section 12, T97N, R53W; NW, Section 6 and NW, NW, Section 7, both in T97N, R52W

(lands covered under Water Right No. 2352-3)

This Application No. 4548-3 will be considered by the Water Management Board at Holiday Inn, Sandy Shore Room, Watertown SD upon the 25th day of March, 1991

at 1:00 P.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, DVHR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Earl & Mark Rasmussen
Hurley SD 57036

BETTY WESTLUND
Water Rights Specialist

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

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7979

PIERRE,

February 10, 1931

RECEIVED OF Earl & Mark Rasmussen, Hurley, SD 57635

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

Fee for Application for Permit to Appropriate Water No. 4648-3 (examination, processing, recording and filing)	15	.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

Chief Engineer, Executive Officer
JOHN HATCH / (L)

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

February 24, 1981

Earl and Mark Rasmussen
Hurley,
South Dakota 57036

Dear Sirs:

Please note

~~XXXXXX~~ the following reasons, that have been checked.

— The map has not been signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

— The map submitted with your application does not show the location of the diversion point and lands to be irrigated. Our suggestion is that you use aerial photos which can be obtained from the ASC office. The actual areas to be irrigated and location of the well or wells must be clearly delineated.

— On the map, state in rods or feet from the Section line the exact location of the well (and/or point of diversion).

— Statutes require we charge \$_____ for the acreage specified on your application.

XX The Soil/Water Compatibility (WI #1) approval has not been received from the State Conservation Commission. For procedures and required forms, contact the State Conservation Commission, Anderson Building, Pierre, SD 57501 (Phone 773-3259)

XX An application submitted to the Board of Water Management must have a copy of the signed well drillers log for each well location before the application can be advertised. This well is in a deeper formation than you other permit.

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

XX Receipt No. 4 7979 in the amount of \$150 is on file with your application.

Further processing of your completed application will proceed upon the receipt of the above.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

*called 2/26/81 re log - water sample
taken from deeper well was from
James Brundage's well. Log was the
on form 2A - Submitting drilled well.
May not drill deeper well as the above
will suffice. Put leave on application*

WNR-804-7/79 Acknowledgement of Receipt of Application

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Sioux Falls, S.D.Date July 4, 1981TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

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

4648-3

Water Right Permit No. _____ states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____.

The diversion system was completed on June 1, 1981. Applying the water to beneficial use was completed on " " ".

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Mark Rasmussen
Ed S. Rasmussen
(Signature)



Hesley, L. Oak
July 20, 1951

Water Rights Commission
Joe Fox Bldg.
Pierre, S. Dak 57501

Dear Sirs:

When I applied for ^{water} permit
no 4648-3 you requested I present
well drillers log for permit 2352-3
and would return it, and I have not
received it yet.

yours truly
Earl B. Rasmussen



**South Dakota Department of
Water & Natural Resources**
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

July 21, 1981

Earl & Mark Rasmussen
Hurley,
South Dakota 57036

Dear Sirs:
Your Notice of Completion of Works and/or Application of
Water to Beneficial Use under Water Right Permit No. 4648-3

date July 6, 1981 was received July 21, 1981.

We will endeavor to schedule an inspection of your project
as soon as possible. However, because of prior work
commitments there may be a considerable interval of time.

You have thus far complied with all of the requirements and
the intervening time between your notifying this office and the
performance of the inspection will not affect the completing
of your Water Right.

Should you have future questions, please feel free to contact
this office.

Sincerely,

KAREN WERNSHANN
Administrative Secretary

NOTE: Enclosed please find the well log which you also requested.

Water Rights Division - DWR
Conversation or File Documentation

File No.

4648-3
2352-3

NAME OF PERSON OR FILE: Mark Rasmussen

ADDRESS: Rt 2 Box 30, Hurley SD COUNTY

DATE: April 16, 1985 TELEPHONE

RE: Questionnaire

COMMENTS.

called in info for questionnaire - also indicated
Earl Rasmussen has deceased and permit
should be listed in Mark Rasmussen's name only.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Genny Gxmath



Department of Water & Natural Resources

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

4648-3
2352-3

December 4, 1987

Mark Rasmussen
RR 2, Box 30
Hurley, South Dakota 57036

Dear Mr. Rasmussen:

I am returning your 1987 Irrigation Water Use Questionnaires. It is impossible to determine the amount of water use from your questionnaires as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaires need to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaires will have to be completed and returned by December 23, 1987.

If you have any questions, please contact me.

Sincerely,

Delvin D. Brosz, M.E.
Hydrologist

DDB:ms
Enc.



Department of Water & Natural Resources

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

February 8, 1989

MARK RASMUSSEN
RR 2, BOX 30
HURLEY, SD 57036

NOTICE

RE: Violation of Water Permit No(s). 4648-3 and 1988 Irrigation Questionnaire Requirements

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 4648-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board has directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4648-3 qualification:

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

The hearing will also be to determine if Permit No. 2352-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

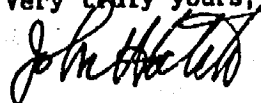
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4648-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 2352-3 also held by MARK RASMUSSEN to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

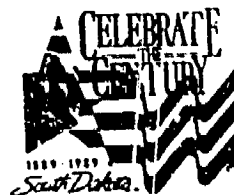
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



SENDER: Complete items 1 and 2 when additional services are desired, or complete items 3 and 4.
Put your address in the "RETURN TO" space on the back of this card. Failure to do this will prevent this card from being returned to you. The **POSTAGE WILL BE PAID BY ADDRESSEE** is not required. Consult **UNITED STATES POSTAL SERVICE** for additional information.

1. ☐ **Special Delivery** (Guaranteed delivery, day and time of delivery) 2. ☐ **Registered Mail**
3. ☐ **Insured Mail** (Up to \$500.00) 4. ☐ **Signature Required**

TO: **MARK RASMUSSEN**
RR 2, BOX 30
HURLEY, SD 57036

585
8

DOMESTIC RETURN RECEIPT

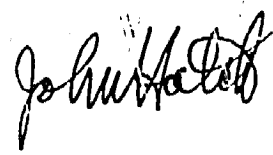
**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 3, 1989

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Mark Rasmussen
RR 2, Box 30
Hurley SD 57036

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



SUBJECT: One Year Suspension of Water Permit No(s). 4648-3

Pursuant to the provisions of the notice dated February 8, 1989, and following the hearing of March 1, 1989, the Water Management Board has ordered:

That Water Permit No(s). 4648-3 be **SUSPENDED** until December 31, 1989.

Suspension of a permit means water may not be pumped during the 1989 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Please contact Genny McMath (605 773-3352), if you have any questions.

L

Water Rights Division Board
523 East Capital
Pierre, So. Dak. 57501

We respectfully ask your attention to this letter and the matter concerning the irrigation suspension we have recieved from you.

We did not receive a notification to attend a meeting in Pierre in May.

Again, we ask for you to reconsider this situation and reinstate our ability to water our crops. We will in the future give your water rites forms priority.

Sincerely,

Mark and Nancy Rasmussen

R.R. 2, Box 30
Hurley, s. D. 57036
238-5321



**South Dakota Department of
Water & Natural Resources**

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

June 26, 1989

NOTICE

TO: Mark and Nancy Rasmussen
RR 2, Box 30
Hurley SD 57036

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Authorization to Irrigate Under Water Permit No. 4648-3

Pursuant to arrangements I have made with the Water Management Board, you may irrigate land authorized by Water Permit No. 4648-3 effective June 26, 1989.

The Board will not take formal action to Reinstate your suspended Permit No. 4648-3 until its regular Board Meeting July 25 and 26 in Rapid City. The reinstatement of your permit will be retroactive and effective June 26, 1989. You will not need to be present.

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



CERTIFICATION

I hereby certify that on June 26, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice of Authorization to Irrigate Under Water Permit No. 4648-3 addressed as follows:

Mark and Nancy Rasmussen
RR 2, Box 30
Hurley SD 57036

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1989.



John H. H. H.
Notary Public



Department of Water & Natural Resources

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

August 2, 1989

4648-3

Mark & Nancy Rasmussen
RR #2 Box 30
Hurley, SD 57036

Dear Mr. & Mrs. Rasmussen:

July 26, 1989, the Water Management Board took formal action to reinstate your Water Permit No. 4648-3. The action, made retroactive to June 26, 1989, coincided with the arrangements I had made with the Board to allow you to irrigate.

Reinstatement of your water permit means you are legally authorized to irrigate during the 1989 irrigation season. If you have any questions, please contact Genny McMath, 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division





Department of Water & Natural Resources

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

January 18, 1990

4648-3

Mark Rasmussen
RR #2 Box 30
Hurley, SD 57036

Dear Mr. Rasmussen:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 4648-3 has been completed. Your final water right document, the Water License, can now be issued. The applicable portions of Water Right No. 2352-3 will be incorporated into Water License No. 4648-3.

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 this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 733-3352

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

**South Dakota Department of
Water & Natural Resources**

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

May 30, 1990

SECOND NOTICE

Permit No. 4648-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Mark Rasmussen
RR #2 Box 30
Hurley, SD 57036

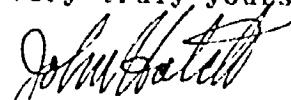
Dear Mr. Rasmussen:

January 18, 1990 you were notified the final inspection fee of \$50.00 is due before Water License No. 4648-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


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



*Check with
Mark Rasmussen*

Permit No. 4643-3 W. 235.2-3

Vermillion 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 Mark Rasmussen

_____ of RR #2, Box 30, Hurley, SD 57036 holder of
February 10, 1981

Permit No. *2352-3, 4648-3, bearing the priority of *August 25, 1975, 19____ authorizing

the diversion of 1.9 cu. ft. per second of the waters of ground water

for irrigation purposes, in Turner County.

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

A. Works used to divert the water: #Well - 63 feet deep, 43 feet of 18 inch steel casing, 20 feet of stain less steel screen; Well - well log not available, well driller contacted, estimated depth of 20 to 50 feet, 18 inch diam. steel casing with stainless steel screen; Fairbanks Morse pump, 78 HP, Serial No. N3A2807118X, 4 stage, 11 ft, 30 psi, 1650 GPM Newman motor, 3 phase, 1775 rpm, 1.15 SF, 100 HP

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

7,200 feet of 10 inch PVC pipe

30 feet of 10 inch steel pipe

240 feet of 8 inch steel pipe

C. Works used to apply water to beneficial use: two Valley center pivots

C. Works used to apply water to beneficial use: two Valley center pivots
Valley center pivot, Model No. 4071, 9 towers with corner system, low pressure, 850 GPM,
Section 12, T97N R53W

Valley center pivot, Model No. 2071, towable between two pads, 9 towers, low pressure,

The system is in the following condition Good

The point of diversion is located *1820 feet east and 505 feet south of the northwest corner of

The point of diversion is located Section 6, T97N R52W; 2070 feet east and 510 feet south of the northwest corner of Section 6, T97N R52W

6, T97H R52W #3.67, 3.67 (same pump used)

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: duplicate lands
 All in Section 6, T97N R52W All in Section 12, T97N R53W
 All in Section 12, T97N R53W All in Section 12, T97N R53W

Water has been put to beneficial use
All in Section 6, T97N R52W

All in Section 12, T97N R53W

17 acres in the SW1/4 NW1/4

33 acres in the NW1/4 NE1/4

16 acres in the SE1/4 NW1/4

30 acres in the SW1/4 NE1/4

38 acres in the NW1/4 SW1/4
30 acres in the SW1/4 SW1/4

31 acres in the ^{SE}~~NE~~1/4 NE1/4

33 acres in the SE1/4 SW1/4

31 acres in the NE 1/4 NE 1/4

38 acres in the NE1/4 SW1/4

39 acres in the NE1/4 NE1/4

comprising a total of 305 acres of land and the license should be issued for 3.67 cfs. 1.9 cfs under 4648-3
but this incorporated Right is not to exceed 3.67 cfs.

Diversion rate under this incorporated Right is not to exceed 3.6% cis. ☒ Yes ☐ No

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date September 11, 1987
incorporates Water Right No. 2352-3 and 4648-3 because the same land

Exceptions to compliance are: _____
 Note: This license incorporates Water Right No. 2352-3 and 4648-3 because the same land is being irrigated under each Right. D. J. Brown

(5129141000)

LICENSE FOR PERMIT NUMBER 4648-3 Mark Rasmussen

Note: Water License No. 4648-3 incorporates Water Right Nos. *2352-3 and 4648-3 because the same land is being irrigated under each Right.

1. Legal location of wells: *1820 feet east and 505 feet south of the northwest corner of Section 6 and 2070 feet east and 510 feet south of the northwest corner of Section 6,
dams & structures: T97N R52W

2. Well Information: Well Drilling Firm *Schimelfenig Drilling (probably)
Reiner' Well Drilling, Hurley
Schimelfenig Drilling out of business
Reiner' Well Drilling still in business, requested well log, no log found by driller.
Completion Report Yes No ^X No. of Wells 2 Depth *63 feet; 20 - 50 feet estim.
Casing a) diameter *18 inch, 18 inch Screen a) type stainless steel
b) length *43 feet, unknown b) length *20 feet, unknown
c) type *steel, steel Static Water Level varies (5 to 20' bls)
Pump a) make Fairbanks Morse Motor a) make Newman
b) model 78 HP, Serial No. N3A2807118X b) model No. 3 Phase, 1775 rpm, 1.15 SF
c) size 11 H c) horsepower rating 100 HP
d) capacity 1650 gpm
e) turbine pump - no. of stages 4
f) operating PSI 30

3. Distribution lines or canals

a) size 10", 10", 8"
b) type PVC, Steel, Steel
c) length 7,200', 30', 240'

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 @Valley (Model No. 4071)

- 1) make @Valley Towable (Model 2071)
- 2) number of towers @9 with corner system
- 3) distance between towers 130 feet
- 4) overall length @1460', @1235'
- 5) end gun (Y/N) yes
- 6) high or low pressure low (30 psi)
- 7) make & size of nozzles
unknown

- 8) capacity (GPM) @850, @800

@denotes Section 12

@denotes Section 6

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.

Note: Incorporating Water Rights No. 2352-3 and 4648-3.

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

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☒	☐	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules? inspection took place prior to any chemigation rules being implemented by the State of South Dakota

REMARKS:

INVENTORY E. P. ...

PAGE

SHEET NO.

CALLED BY

DEPARTMENT

PRICED BY

EXTENDED BY

ENTERED BY

LOCATION

EXAMINED BY

8-4-75

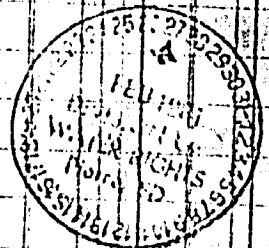
Completed

Hawley

8-6-74

CHECK	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
	22'	2' 601			
		10' 1' Extension			
	15'	water bearing sand			
	15'	water bearing sand			
	15'	water bearing sand & gravel			
	15'	fine sand			
	8'	gravel			
	7'	fine sand			
Test completed					
Will go 2					
PS					
Johnson, on slot					
AMOUNT FORWARD					

OH well water
point #22552-3
11/23/87
B...



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4648-3

(1) Mark Rasmussen of RR 2, Box 50, Hurley SD 57036 made Application No. 4648-3, February 10, 1981 for a water permit to appropriate 1.9 cubic feet of water per second from groundwater (two wells), Turner County, South Dakota for irrigation purposes. Permit No. 4648-3 with a priority date of February 10, 1981 was approved March 25, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 25, 1982 and for the application to beneficial use of said water on or before March 25, 1984.

Water Permit No. 4648-3 authorized diversion of 1.9 cfs from two additional wells to irrigate land covered under Water Right No. 2352-3.

The applicable portions of Water Right No. 2352-3 are incorporated into this Water License No. 4648-3. Well #1 carries an August 25, 1975 priority date (established by Permit No. 2352-3). Well #2 carries a February 10, 1981 priority date (established by Permit No. 4648-3).

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.67 cubic feet of water per second for beneficial use. The location of the diversion point are: 1820'E and 505'S of the NW corner of Section 6; 2070'E and 510'S of the NW corner of Section 6, T97N, R52W (NE 1/4 NW 1/4).

(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:

T97N, R52W Section 6	SW 1/4 NW 1/4	17	acres
	SE 1/4 NW 1/4	16	"
	NW 1/4 SW 1/4	38	"
	SW 1/4 SW 1/4	30	"
	SE 1/4 SW 1/4	33	"
T97N, R53W Section 12	NE 1/4 SW 1/4	38	"
	NW 1/4 NE 1/4	33	"
	SW 1/4 NE 1/4	30	"
	SE 1/4 NE 1/4	31	"
	NE 1/4 NE 1/4	39	"

TOTAL 305 acres

(4) Pursuant to Section 46-5-30.1 Mark Rasmussen of RR 2, Box 30, Hurley SD 57036 the holder(s) and/or owner(s) of Incorporated No. 4648-3 is issued a license to appropriate water, the right to use 3.67 cubic feet of water per second from groundwater (two wells) with priority dates of August 25, 1975 (1.77 cfs) and February 10, 1981 (1.9 cfs) 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. 4648-3 and subject to South Dakota State Law.



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

JUN 27 1990

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412252

Pierre, June 4, 1922

RECEIVED OF Hark Rasmussen RR #2 Box 30, Hurley, SD 57036

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 regain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Permit No. 4016-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

 **Department of
Water & Natural Resources**

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

JUN 27 1990

4648-3

Mark Rasmussen
RR 2, Box 30
Hurley SD 57036

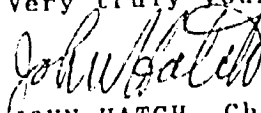
Dear Mr. Rasmussen:

Enclosed is Water License No. 4648-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412252 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. 4648-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3382

enclosures

NOTE: The applicable portions of Water Right No. 2352-3 are incorporated into this Water License No. 4648-3.

South Dakota



GREAT FACES. GREAT PLACES.
February 1, 1991

MARK RASMUSSEN
RR 2 BOX 30
HURLEY SD 57036

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

4648-3

NOTICE

RE: Violation of Water Permit No(s) 4648-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4648-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

MARK RASSMUSSEN
RR 2 BOX 30
HURLEY SD 57036

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 4648-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 4648-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) 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 procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 4648-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

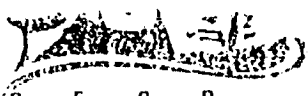
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 13, 1991

4648-3

Mark Rasmussen
RR #2 Box 30
Hurley, SD 57036

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire and chemical application data for Water Right No. 4648-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MARK RASMUSSEN
RR 2 BOX 30
HURLEY SD 57036

NOTICE

RE: Violation of Water Permit No(s) 4648-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

4/648-3
MARK RASMUSSEN
RR 2 BOX 30
HURLEY, SD 57036

4a. Article Number

P906 557 791

4b. Service Type

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

7. Date of Delivery

1/30/92

5. Signature (Addressee)

Mark Rasmussen

6. Signature (Agent)

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

2-10-91
12:40pm

W R

Send Irrigation Form
if you haven't got one
back for:

Mark Rasmussen

Rt 2, Box 30

Harley, SD

57036

2352-3

3416-3

(4648-3)

- only one that
gets 1A

sent form 2-10-91
& chemigation
form



March 10, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Mark Rasmussen
RR #2 Box 30
Hurley, SD 57036

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Three Year Suspension of Water Right No. 4648-3

Pursuant to the provisions of the Notices dated January 27, 1992, and following the hearing of March 4, 1992, the Water Management Board has ordered:

That Water Right No. 4648-3 be SUSPENDED until December 31, 1994. Suspension of the water right does not excuse the water right owner from the requirement to submit the 1991 irrigation questionnaire and chemigation report.

Failure to return the 1991 irrigation questionnaire and chemigation report was the second violation of Water Right No. 4648-3. SDCL 46-1-12 states that the Board may suspend a permit or license for up to three years for the second violation.

Suspension of the water right means water may not be pumped during the 1992, 1993 and 1994 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 1992 in Pierre. The letter should include your reasons for not completing the questionnaire and chemigation report prior to the March Board meeting.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Chris Rasmussen

ADDRESS: Hurley, SD

COUNTY: Turner

DATE: March 20, 1992

TELEPHONE:

RE: Suspension of Water Right No. 4648-3, Mark Rasmussen

COMMENTS:

Chris Rasmussen called - indicated that Mark (his cousin) had given him the Notice from our office which stated Water Right No. 4648-3 had been suspended for three years.

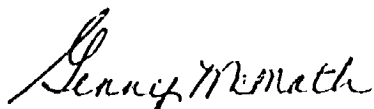
Chris explained that he was farming the land for his cousin, and inquired as to who was responsible for completing the questionnaire. I told him that the owner of the land and of the permit would be responsible for the questionnaire. Chris stated that Mark had not given him the questionnaires (one irrigation questionnaire and one chemigation form), nor had he showed him any of the followup notices.

I told Chris that Mark Rasmussen had called the office on February 10, 1992 and requested more forms to complete. The forms were mailed to him that day. Chris stated he was not aware of that.

He inquired as to what procedure they would have to go thru to get the water right back. I explained to him that he would have to send us a letter requesting time on the agenda and explain in the letter why the questionnaires were not returned prior to the hearing.

I told him that since Water Right No. 4648-3 had been suspended in the past, it would be in his best interest to come to the Board Meeting and explain his situation to the Board.

He stated he would get the information for the 1991 questionnaire and return it along with his letter to the Board. He stated he did not put chemicals through the system in 1991.



Genny McMath
Natural Resources Analyst



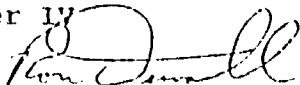
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 7, 1992

NOTICE

TO: Chris O Rasmussen, Rasmussen Swine Farms, RR #2 Box 23,
Hurley, SD 57036-9666
Mark Rasmussen, RR #2 Box 30, Hurley, SD 57036

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Right No. 4648-3

The hearing on your April 7, 1992, request to the Water Management Board to reconsider suspension of Water Right No. 4648-3 has been scheduled for 9:15 am, May 6, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permit, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

TO: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181



FROM: Mark Rasmussen
Submitted by Chris O. Rasmussen
Rasmussen Swine Farms
RR 2 Box 23
Hurley, South Dakota 57036-9666

SUBJECT: Three Year Suspension of Water Right NL 4648-3

On March 16, 1992 Mark Rasmussen delivered a letter sent to him by your office dated March 10, 1992 outlining the actions taken against him by the Water Management Board. I immediately called the Water Rights Division and spoke with personel in that office as to what actions need to be taken to correct the actions taken by the board. Enclosed is the form that should have been filled out by Mark Rasmussen but was delivered to Rasmussen Swine Farms for completion. I have compiled information based on electric meter readings and a generalized estimation of the number of days pumped. I appologize for the mistakes on the form and will attempt to summarize the information that you will better understand the information.

TIME PERIOD	#DAYS	GPM	HOURS	#GAL/PUMPED
5/15-6/15	3	800	31	24800
6/16-7/15	7	800	70.6	72480
Repaired and Rebuilt Pump on the Well				
7/16-8/15	20	1200	338.3	405960
8/16-9/15	12	1200	227.1	272520

Rasmussen Swine Farms (Curtis, Chris, Robert, & Alan) are the current operators and rentors of Mark Rasmussen's land and center pivots. We would request a petition for reinstatement by the board as soon as possible. We here at Rasmussen Swine Farms appologize for the for any delays in the submitting of these reports. We would recommend that any future correspondence be sent directly to us as there seems to be a lack of comunication with Mark Rasmussen and the timeliness of these reports.

Respectfully Submitted,

Chris O. Rasmussen
Rasmussen Swine Farms

Enclosures/cor

Water Right No. 4648-3
Mark Rasmussen

GENERAL

Application submitted by: Mark & Earl Rasmussen
RR #2 Box 30
Hurley, SD 57036

County: Turner

Permit Approved: March 25, 1981*
License Issued: June 27, 1990

License issued for: Diversion of 3.67 cfs from two wells to
irrigate 305 acres

April 16, 1985 - notified permit should be listed under
Mark Rasmussen only (Earl deceased)

* Water Permit No. 4648-3 was approved with the irrigation
questionnaire qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of any Board Action</u>
1987	October, 1987	October 29, 1987	none
1988	October, 1988	March 15, 1989	March 1, 1989
1989	October, 1989	October 25, 1989	none
1990	October, 1990	February 11, 1991	none
1991	October, 1991	April 7, 1992	March 4, 1992

1. 1988 Irrigation Questionnaire Violation

February 8, 1989, Mark Rasmussen was given notice of permit violation for non-return of the 1988 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 1, 1989.

March 1, 1989, The Water Management Board SUSPENDED Water Permit No. 4648-3 until December 31, 1989.

June 26, 1989, Pursuant to arrangements made with the Water Management Board, the Chief Engineer gave authorization to irrigate.

July 26, 1989, the Water Management Board took formal action to reinstate Water Permit No. 4648-3. The action was made retroactive to June 26, 1989.

Mark Rasmussen
Water Right No. 4648-3
Page 2

2. 1991 Irrigation Questionnaire Violation and Failure to Submit 1991 Chemigation Report

January 27, 1992, Mark Rasmussen was given notice of permit violation for non-return of 1991 irrigation questionnaire and failure to report chemigation use.

February 10, 1992, Mark Rasmussen called the office and requested another copy of the irrigation questionnaire and chemigation reporting form. Both forms were mailed out to Mr. Rasmussen on February 10th.

March 4, 1992, The Water Management Board SUSPENDED Water Right No. 4648-3 until December 31, 1994.

March 10, 1992, Mr. Rasmussen was notified of Board action to suspend his water right and that suspension did not excuse the water right owner from the requirement to submit the 1991 irrigation questionnaire and chemigation report.

March 20, 1992, Chris Rasmussen telephoned the office to inquire about the suspension and to explain the circumstances surrounding the failure to submit the questionnaire and chemigation form.

April 7, 1992, Chris Rasmussen returned the irrigation questionnaire and chemigation form along with a letter requesting the Board to reinstate the water right. Chris Rasmussen indicated in the letter that future questionnaires and correspondence should be sent him, in-care-of Rasmussen Swine Farms, RR #2 Box 23, Hurley, SD.

April 7, 1992, Notification was given to Mark Rasmussen (RR #2 Box 30, Hurley, SD) and to Chris Rasmussen, Rasmussen Swine Farms, RR #2 Box 23, Hurley, SD, of the hearing to consider their Request for Reconsideration of Suspended Water Right No. 4648-3.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 1992

NOTICE

TO: Mark Rasmussen, RR #2 Box 30, Hurley, SD 57036
Chris O Rasmussen, Rasmussen Swine Farms, RR #2 Box 23,
Hurley, SD 57036

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

SUBJECT: Reinstatement of Water Right No. 4648-3

Pursuant to your letter of April 7, 1992 and following a hearing by the Water Management Board May 6, 1992, the Board passed the following motion:

Water Right No. 4648-3 is reinstated effective immediately.

The Water Management Board took into consideration that the irrigation questionnaire was now on file in the Division office and that the land was being irrigated by someone other than the water right holder. The attendance at the hearing by Chris Rasmussen to explain the circumstances involving the delay in returning the questionnaire was favorable.

You should be aware, however, that future questionnaire violations could result in suspension or possible cancellation of the permit with no opportunity for reinstatement.

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Right No. 4648-3 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 12, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 12, 1992, regarding Reinstatement of Water Right No. 4648-3 addressed as stated below:

Mark Rasmussen, RR 2, Box 30, Hurley, SD 57036.

Chris O. Rasmussen, Rasmussen Swine Farms, RR 2, Box 23, Hurley, SD 57036.

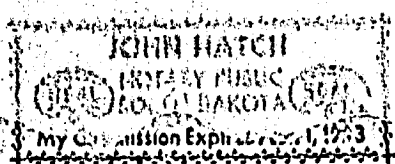
Copy Sent Inter-office To:

Diane Bent, Assistant Attorney General, Capitol Building.

Cheryl P. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) ss

Sworn to, before me, this 12th day of May, 1992.



John Hatch
Notary Public

CERTIFICATION

I hereby certify that on April 7, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 7, 1992, regarding Notice of Hearing to Consider Request for Reconsideration of Suspended Water Right No. 4648-3 addressed as stated below:

Chris O. Rasmussen, Rasmussen Swine Farms, RR 2, Box 23, Hurley, SD 57036-9666.

Mark Rasmussen, RR 2, Box 30, Hurley, SD 57036.

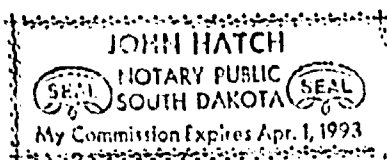
Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

[Signature]
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 13th day of April, 1992.



[Signature]
Notary Public

4648-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 1995

4648-3

Chris Rasmussen
Rasmussen Swine Farms
28652 457th Avenue
Hurley, SD 57036-6407

Dear Mr. Rasmussen:

Thank for you for the prompt return of the 1995 irrigation questionnaire pertaining to Water Right No. 4648-3. It is my understanding, from reading the form, that you would like the water right transferred from Mark Rasmussen to Rasmussen Swine Farms.

Enclosed is a partially completed transfer form for use in filing an ownership change. Please review the form for accuracy and then sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

If I have misunderstood your intent, and you want ownership to remain with Mark Rasmussen, with correspondence directed to Rasmussen Swine Farms, please let me know.

Sincerely,

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

enclosure

4648-3



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

October 10, 1996

SECOND NOTICE
Permit No. 4648-3

Chris Rasmussen
Rasmussen Swine Farms
28652 457th Avenue
Hurley, SD 57036-6407

Dear Mr. Rasmussen:

On December 28, 1995, notice was sent to you concerning the transfer of Water Right No. 4648-3 in the name of Mark Rasmussen. To date, we have not heard from you on this matter.

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

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

Very truly yours,

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

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

4648-3

Chris Rasmussen
Rasmussen Swine Farms
28652 457th Avenue
Hurley, SD 57036-6407

Mary Rasmussen
5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

4a. Article Number

P 378 081 297

4b. Service Type

☒ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

T 10/11/96

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

4648-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: RASMUSSEN SWINE FARMS, OP, CHRIS RASMUSSEN, 28652 457TH AVE, HURLEY,
SD 57036 6407

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

SUBJECT: Violation of Water Permit No(s). 4648-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 4648-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 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 at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

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

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

Consult postmaster for fee.

3. Article Addressed to:

4648-3

RASMUSSEN SWINE FARMS, OP
CHRIS RASMUSSEN
28652 457TH AVE
HURLEY SD 57036 6407

4a. Article Number

P 378 080 563

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

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

6
P:

1 Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: CHRIS RASMUSSEN
RASMUSSEN SWINE FARMS, OP
28652 457TH AVE
HURLEY SD 57036

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) 4648-3

The first notice to file chemigation report(s) for Permit No(s) 4648-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 4648-3. 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). 4648-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

4648-3

Chris Rasmussen
Rasmussen Swine Farms
28652 457th Ave
Hurley, SD 57036-6407

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire and chemical reporting form. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 4648-3 and the Notice of Failure to Report Chemical Use.

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

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 13, 1997

4648-3

T & K, Inc.
% Todd Peterson
825 Savannah Drive
Sioux Falls, SD 57103

Dear Mr. Peterson:

Yesterday, Mark Rasmussen contacted me regarding a change needed in the renter status for his Water Right No. 4648-3. At his request, any correspondence concerning the irrigation questionnaires or chemical reporting information, will be directed to your attention, unless we are notified otherwise.

In order for you to become familiar with the process, I am sending you a **sample** copy of the irrigation questionnaire and chemical reporting forms that are mailed on a yearly basis. They will give you some idea of what type of information to keep track of during the irrigation season. The actual forms are mailed out in October and are due back in the office by the middle of December.

Submission of the irrigation questionnaire and chemical reporting forms is mandatory. If the forms are not returned, the water right may be subject to suspension or possible cancellation. Once you receive the forms in October, please try and get them completed and returned as soon as possible.

I am also enclosing a copy of the water right. This outlines what is authorized for irrigation under Water Right No. 4648-3. You may keep this for your records. If you have any questions, please do not hesitate to call or write to me.

Sincerely,

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

encl.

c: Mark Rasmussen, 28639 458th Ave., Hurley, SD 57036

4648-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 13, 1997

4648-3

Mark Rasmussen
28639 458th Ave
Hurley, SD 57036

Dear Mr. Rasmussen:

Enclosed, as we discussed, are a set of water permit application forms. You indicated you may apply for additional land to be irrigated in the area of Water Right No. 4648-3.

At your request, the mailing address for the renter has been changed from Rasmussen Swine Farms to T & K, Inc. I am enclosing a copy of the letter I sent to Todd Peterson with T & K, Inc. The letter outlines the process for completion and submission of the annual irrigation questionnaire and chemical reporting forms. This should help answer any questions they may have concerning the type of information they will need to keep track of during the irrigation season. If you can think of any other information I should send to them, please let me know.

If you have any questions concerning the enclosed application forms, you may contact either myself or Eric Gronlund with our office at (605) 773-3352. Eric handles our new water permit applications and would be best able to answer your questions. I handle licensing of water permits and the yearly irrigation questionnaire program.

Sincerely,

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

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

encl



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: T & K, INC, RENTER, TODD PETERSON, 27149 475TH AVE, HARRISBURG, SD 57032
8100

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

C: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

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.



4648-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: T & K, INC, RENTER, TODD PETERSON 825 SAVANNAH DR, SIOUX FALLS SD 57103

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 4648-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing 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 application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation 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). 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

C: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

464P-3

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

T & K, INC, RENTER
TODD PETERSON
27149 475TH AVE
HARRISBURG SD 57032 8100

4a. Article Number
2 119 141 615

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-23-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X *Todd Peterson*

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

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mark Rasmussen
28639 458th Ave
Hurley, SD 57036

4a. Article Number
P 378 080 625

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-23-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X *Mark Rasmussen*

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

PS Form 3811, December 1994 102595-98-B-0229 Domestic Return Receipt



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1999

4648-3

Todd Peterson
T & K Inc
27149 475th Ave
Harrisburg, SD 57032-8100

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire and chemical reporting form. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit No. 4648-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Mark Rasmussen



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: T & K INC, RENTER, TODD PETERSON, 27149 475TH AVE, HARRISBURG, SD 57032
8100

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

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.

4648-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Kelly M Peterson</u> B. Date of Delivery <u>1-24-00</u> C. Signature <u>Kelly M Peterson</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to:		3. Service Type	
T & K INC, RENTER TODD PETERSON 27149 475TH AVE HARRISBURG SD 57032 8100		☒ Certified Mail ☐ Express Mail	
		☐ Registered ☐ Return Receipt for Merchandise	
		☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label)			
Z 227 670 227			
PS Form 38, 1, July 1999		Domestic Return Receipt 102595-99 M-1789	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Mark Rasmussen</u> B. Date of Delivery <u>1-18-00</u> C. Signature <u>Mark Rasmussen</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to:		3. Service Type	
Mark Rasmussen 28639 458 th Ave Hurley SD 57036		☒ Certified Mail ☐ Express Mail	
		☐ Registered ☐ Return Receipt for Merchandise	
		☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label)			
Z 227 670 229			
PS Form 3811, July 1999		Domestic Return Receipt 102595-99 M-1789	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 29, 2000

4648-3

T & K Inc
Todd Peterson
27149 475th Ave
Harrisburg, SD 57032

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 4648-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Mark Rasmussen

4648-3

SENDER'S MAILING SECTION

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

1. Article Addressed to:

Mark Rasmussen
28639 458th Ave
Hurley SD 57036

2. Article Number (Copy from service label)

7000 0600 0026 9814 1877

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

A. Received by (Please Print Clearly) B. Date of Delivery

Mark Rasmussen 1-23

C. Signature

X Mark Rasmussen ☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: T & K INC, RENTER, TODD PETERSON, 27149 475TH AVE, HARRISBURG, SD 57032

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 20, 2000. The Waier Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 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 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 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 questionaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 8, 2001

4648-3

Mark Rasmussen
28639 458th Ave
Hurley, SD 57036

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 4648-3.

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

As requested, I will send future irrigation questionnaires directly to you. If you decide in the future you would like me to resume mailing them to a renter or operator, please let me know.

If you have any questions, please contact me.

Sincerely,

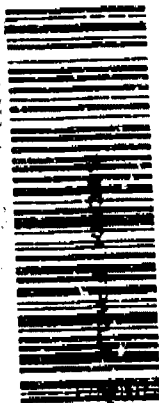
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

4648-3

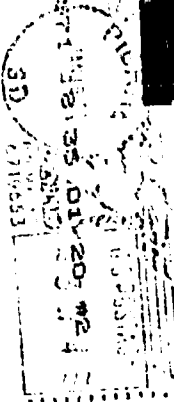


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
RETURN SERVICE REQUESTED

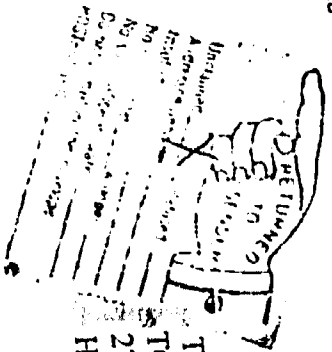
7000 0600 0026 9824 1884



CERTIFIED MAIL



1-20-01



T & K INC. RENTER
TODD PETERSON
27149 475TH AVE
HARRISBURG SD 57032 8100



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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 may:

1. Suspend or cancel Permit No(s) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

Based on a past violation, the Water Rights Staff recommendation to the Board will be that Water Right No. 4648-3 be suspended for a period of three years.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4648-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4098

Your item was delivered at 10:42 am on January 18, 2003 in HURLEY, SD 57036. The item was signed for by K RASMUSSEN.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4098

MARK RASMUSSEN
28639 458TH AVE
HURLEY SD 57036

Postmark
Here

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

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☐ Package Services

(See Reverse)

PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 2003

4648-3

Mark Rasmussen
28639 458th Ave
Hurley SD 57036

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4648-3.

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

If you have any questions, please contact me.

Sincerely,

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



4648-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 4648-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: TONY BROWN, DAKOTA SOD FARM, 26983 SUNDOWNER, SIOUX FALLS SD 57106

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.



4648-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9487

Your item was delivered at 10:25 am on January 17, 2004 in HURLEY, SD 57036. The item was signed for by M RASMUSSEN.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9487

MARK RASMUSSEN
28639 458TH AVE
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

☐ Priority Mail®
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4648-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0094

Your item was delivered at 3:12 pm on January 20, 2004 in SIOUX FALLS, SD 57106. The item was signed for by T BROWN.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0094

TONY BROWN
DAKOTA SOD FARM
26983 SUNDOWNER
SIOUX FALLS SD 57106

Waiver of Signature ☐ YES ☐ NO

Postmark
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4648-3

**DEPARTMENT of ENVIRONMENT
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PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 4, 2004

4648-3

Mark Rasmussen
28639 458th Ave
Hurley SD 57036

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4648-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Tony Brown



46-48-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 4648-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 4648-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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 Water Right No. 4648-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights Staff will be recommending to the Board that your water right be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before **February 25, 2005**, 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, please contact Genny McMath at (605) 773-3352.

c TONY BROWN, DAKOTA SOD FARM, 26983 SUNDOWNER, SIOUX FALLS SD 57106

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.



4648-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0742

Your item was delivered at 3:29 pm on February 01, 2005 in HURLEY, SD 57036. The item was signed for by N RASMUSSEN.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0742

MARK RASMUSSEN
28639 458TH AVE
HURLEY SD 57036

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



4648-3

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Your item was delivered at 9:32 am on January 21, 2005 in SIOUX FALLS, SD 57106. The item was signed for by T BROWN.

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U.S. F

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2128

TONY BROWN
DAKOTA SOD FARM
26983 SUNDOWNER
SIOUX FALLS SD 57106

Waiver of Signature ☐ YES ☐ NO

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illing.

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PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2005

4648-3

Mark Rasmussen
28639 458th Ave
Hurley SD 57036

Dear Mr. Rasmussen:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4648-3.

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

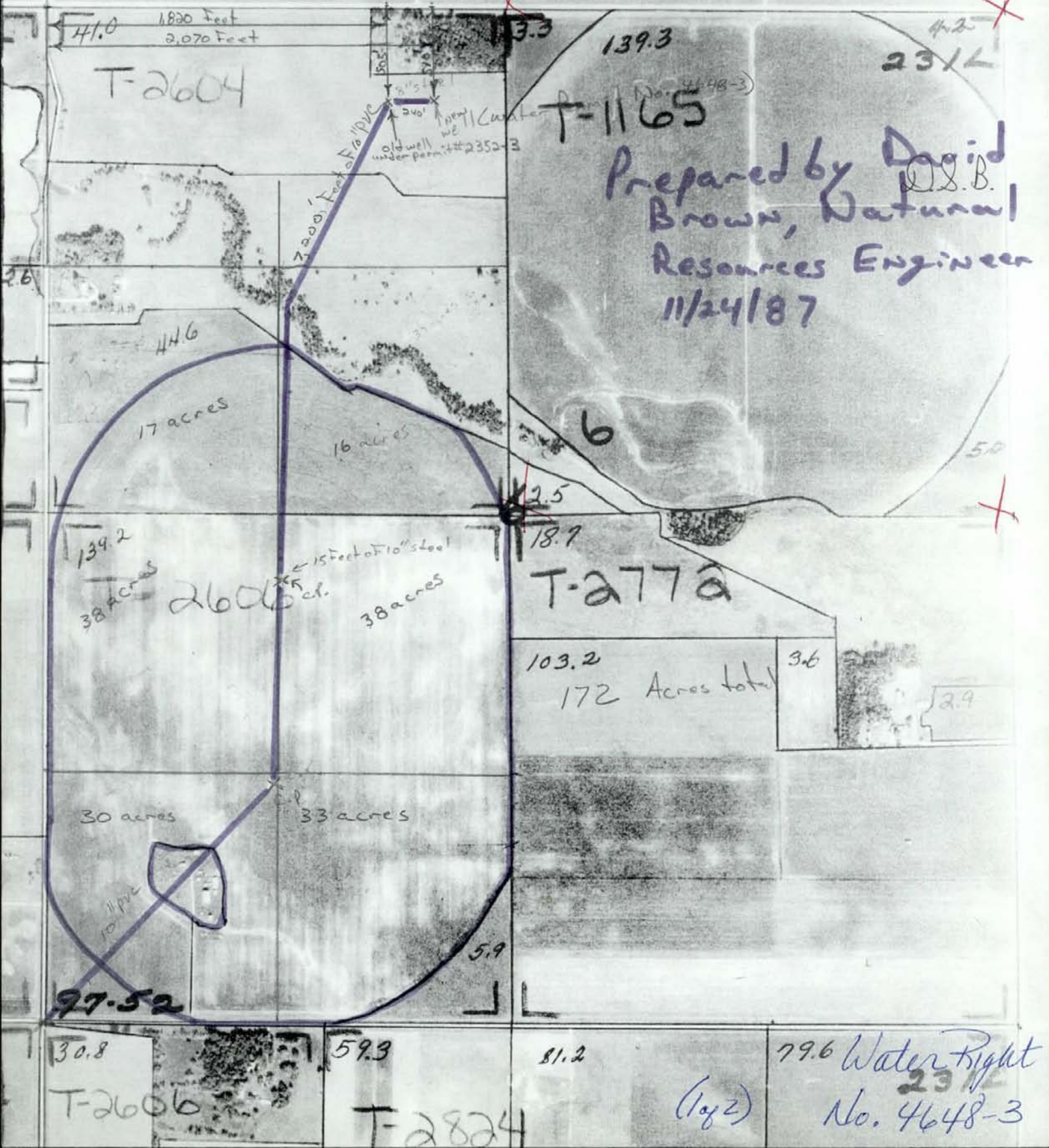
If you have any questions, please contact me.

Sincerely,

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

c: Tony Brown, Dakota Sod Farm

2.86
NOT TO SCALE



NOT TO SCALE

97-53

151.0

T-2642

Prepared by
David Brown D.S.B.
Natural Resources
Engineer
11/24/87

648

T-429

33 acres

39 acres

23 IL

T-2606

15' 10" steel
10" PVC
c.p.

with
corner
system

30 acres

31 acres

12

79.3

133 acres total

151.5

21.5

T-118

360

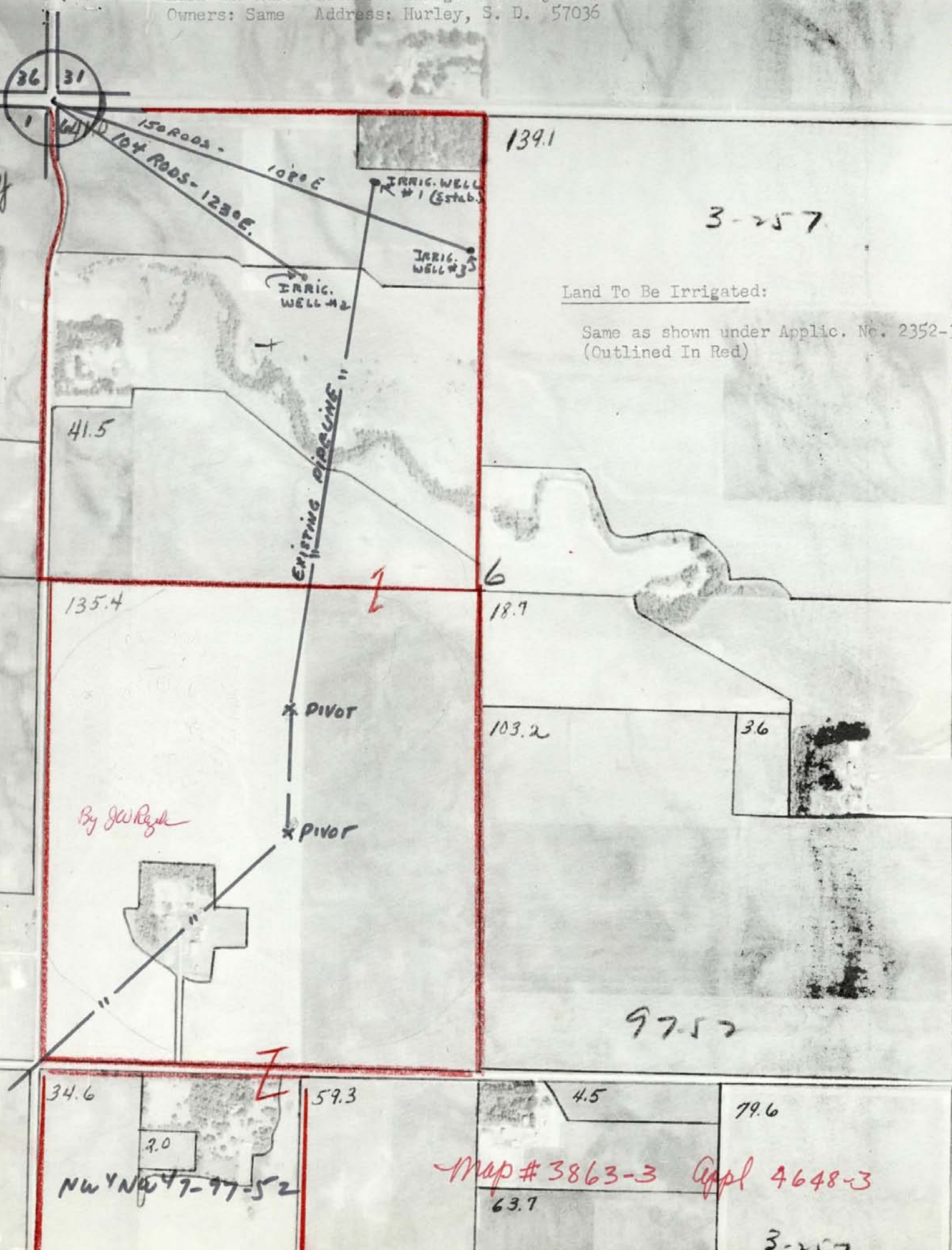
92.6

19.4

97-53

(292) Water Right
4648-3

Earl and Mark Rasmussen Irrigation Project #1
Owners: Same Address: Hurley, S. D. 57036



MAP # 3863-3 APPL N° 4648-3

Earl & Mark Rasmussen Irrigation Project No. 1
 Owners: Same Hurley, S. D. 57036
 (Adding wells or well to same project)

97-53

143.5

3.3

129.4

Land To Be Irrigated:

Same as approved under applic.
 No. 2352-3
 (Area Outline in Red)

3.257

" PIPELINE "

14.1

12

97.6

33.5

41.8

36.0

51.5

21.5

97-53

By J. W. Rugh

19.4



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
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www.state.sd.us/denr

January 26, 2007

NOTICE

TO: MARK RASMUSSEN, 28639 458TH AVE, HURLEY, SD 57036

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4648-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4648-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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. 4648-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will be recommending to the Board that the water right be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

c: **TONY BROWN, DAKOTA SOD FARM, 26983 SUNDOWNER, SIOUX FALLS SD 57106**

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



DEPARTMENT of ENVIRONMENT
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March 9, 2007

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Mark Rasmussen, 28639 458th Ave, Hurley SD 57036

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

SUBJECT: Three Year Suspension of Water Right No. 4648-3

On March 7, 2007, the Water Management Board ordered:

That effective April 6, 2007, Water Right No. 4648-3 be suspended for the 2007, 2008 and 2009 irrigation seasons for failure to submit the 2006 irrigation questionnaire.

If the 2006 irrigation questionnaire is received prior to April 6, 2007, the suspension will not take effect.

Suspension means water may not be pumped during the 2007, 2008 or 2009 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2006 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 9, 2007, in Pierre, SD. The letter should include your reasons for not completing the 2006 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Nancy Rasmussen, Hurley SD

DATE: March 13, 2007

RE: suspension of Water Right No. 4648-3

COMMENTS:

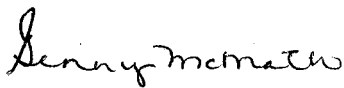
Ms. Rasmussen called after they received the letter saying the water right was suspended for three years. She indicated they have sold the land and we should contact Reuben Nicolai in LaCrosse Wisconsin. The new tenant on the property is Richard (Dick) Lounsbery. She said she knew that the land was not irrigated in 2006.

RECOMMENDED ACTION:

The land was not irrigated in 2006 so technically the April 6th deadline to submit the information was met. However, the original irrigation questionnaire and any follow up notices were sent to the wrong land owner which invalidates the board suspension.

The new owner will be contacted to have ownership of the water right transferred.

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601
phone: 608 787-5685



Genny McMath
Environmental Scientist



March 15, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4648-3

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

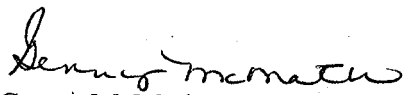
Dear Mr. Nicolai:

I am contacting you in regard to ownership of land described in Water Right No. 4648-3. The water right is currently listed in the name of Mark Rasmussen from Hurley SD. Nancy Rasmussen contacted our office this week and indicated that they have sold the land and that you are the new owner.

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

I have included a copy of the water right for your review. If you have any questions on the water right or need assistance in completing the "Notice of Transfer of Ownership" form, please contact me.

Sincerely,


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

enclosures

RECEIVED

APR - 2 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4648-3

Date: 3/28/07

I/We request that Water Right No. 4648-3

formerly owned by: Mark Rasmussen

be transferred to: (name & address) Reuben & Steven Nicolai
4800 So. 33rd St LA CROSSE WISC 54601

Telephone No. 608 787-5685

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

305 acres - S 1/2 NW 1/4 and SW 1/4 Section 6, T97N, R52W and NE 1/4 Section 12, T97N, R53W

I/We understand that the validity of Water Right No. 4648-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Reuben & Steven Nicolai, the new owner, certify that the above information is true and correct.

Reuben Nicolai
(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 4/2, 20 07

RECEIVED OF REUBEN NICOLAI PO BOX 127 GARDEN CITY SD 57236

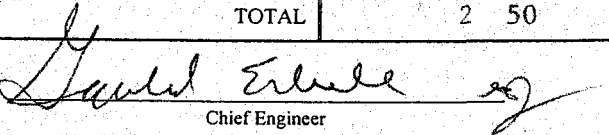
The following amount in fees for services rendered as provided for by law:

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>4648-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03021

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 2, 2007

4648-3

Reuben & Steven Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 4648-3. The transfer has been completed. The water right, formerly held by Mark Rasmussen is now listed in your names.

Enclosed is your Receipt No. 03021 in the amount of \$2.50. You may keep this 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

enclosure

4648-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 2013

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

Enclosed are the 2013 irrigation questionnaires you submitted for Water Permit or Right Nos. 2211-3, 2211A-3, 3386-3 and 4648-3.

In order for the questionnaires to be considered complete you will need to fill out the back side of all the forms. Please include the crop, number of acres irrigated, the pump rate, days per month and hours per day the systems were in operation.

The forms will need to be completed and returned to us before **December 2, 2013**. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: REUBEN NICOLAI, 4800 S 33RD ST, LACROSSE, WI 54601
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 3386-3 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) 4648-3 & 2211A-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4648-3 & 2211A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 29, 2016

2211A-3
3386-3
4648-3

Reuben Nicolai
4800 S 33rd St
LaCrosse WI 54601

Dear Mr. Nicolai:

I am writing to acknowledge receipt of the information for your 2015 irrigation questionnaires for Water Right Nos. 2211A-3, 3386-3 and 4648-3. The information was submitted by Troy Rasmussen.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for these water rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Troy Rasmussen (email)



4648-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: REUBEN NICOLAI, 4800 S 33RD ST, LACROSSE, WI 54601

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 3386-3 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) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 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 before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

4648-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2019

Reuben Nicolai
4800 S 33rd St
Lacrosse WI 54601

RE: Water Permit/Right Nos. 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3

Dear Mr. Nicolai:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires. Troy Rasmussen returned the forms to our office on February 26th.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

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

4648-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 3386-3 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) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RRWSUL**

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.

4648-3



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

Reuben Nicolai
RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

RE: Water Right or Permit Nos. 1504B-3, 1723-3, 2211A-3, 3386-3, 3390-3A, 4295-3A, 4648-3, 8189-3
& 8190-3

Dear Mr. Nicolai:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. They were submitted January 26th by Troy Rasmussen.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

4648-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: REUBEN NICOLAI, 4535 MORMAN COULEE RD, LACROSSE, WI 54601

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 3386-3 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) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2211A-3, 4295-3A, 4648-3, 8189-3 & 8190-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3386-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: BVDYUP**

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.

4648-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2022

RHN LLC
4535 Morman Coulee Rd
LaCrosse WI 54601

Dear Audra:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for Reuben Nicolai and RHN LLC. The forms were returned by Troy Rasmussen on January 27th and the last one on February 9th.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for the following water permits & water rights:

- Reuben Nicolai: 2211A-3, 3386-3, 4295-3A, 4648-3, 8189-3 & 8190-3 and
- RHN LLC: 1504B03, 1723-3 and 3390-3A

The information was received in our office prior to the Water Management Board meeting and is no longer on the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Troy Rasmussen (email)

4648-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date January 17, 2023

RECEIVED OF Nicolai Apartments 4535 Mormon Coulee Rd., LaCrosse WI 54601

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>4648-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By *Eric Gronlund*
Chief Engineer
me

PAID

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

JAN 17 2023
Ck# 016750

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

Water Right/Permit No. 4648-3

Date: 1/9/23

Rec'd#

RECEIVED

JAN 17 2023

I/We request that Water Right/Permit No. 4648-3 formerly owned by:

Reuben & Steven Nicolai

be transferred to **OFFICE OF WATER**

New Owner Name:

Steven M. Nicolai

Address:

4535 Mormon Creek Rd.

mobile:

605 788 7962

City, State, Zip

La Crosse, WI 54601

email:

AndraC.Nicolaiapartments.com

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

Deed

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

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

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

I, Steven M. Nicolai, the new owner, certify that the above information is true and correct.

Steven M. Nicolai
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

EXHIBIT A

LEGAL DESCRIPTION

Steven M. Nicolai

Turner County, South Dakota

1. THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2SE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETY-SIX (96) NORTH, RANGE FIFTY-THREE (53) WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA, and

THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2SE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETY-SIX (96) NORTH, RANGE FIFTY-THREE (53) WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA, EXCEPT PARCELS B, C, D, E, F, AND H THEREOF, AND EXCEPT LOCKWOODS ADDITION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SAID SECTION THIRTY-ONE (31), and

PARCELS E AND F OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETY-SIX (96) NORTH, RANGE FIFTY-THREE (53) WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF, and

COUNTY AUDITOR'S SUBDIVISION #1 OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP NINETY-SIX (96) NORTH, RANGE FIFTY-THREE (53) WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA, EXCEPT THE WEST 17 RODS THEREOF AND EXCEPT PARCELS A AND G THEREOF, ACCORDING TO THE RECORDED PLAT THEREOF.
2. THE NORTHEAST QUARTER (NE1/4) EXCEPT THE EAST SIX HUNDRED THIRTY FEET (E630') OF THE SOUTH EIGHT HUNDRED TWENTY FEET (S820') THEREOF, IN SECTION 12, TOWNSHIP 97, RANGE 53, TURNER COUNTY, SOUTH DAKOTA.
3. THE NORTHWEST QUARTER (NW1/4) EXCEPT RASUMUSSEN'S ADDITION AND LOT H-2 IN GOVERNMENT LOT 2 AND LOT H-2 IN GOVERNMENT LOT 4 THEREOF, IN SECTION 6, TOWNSHIP 97, RANGE 52 WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA.

Filed on 12/02/2022 8:30 AM

Document # 93447 Type: TRUSTEE'S DEED

Book: 120 of DEED

Page: 985 # of Pages: 5

By Amanda J. Rand
Amanda J. Rand, Register of Deeds 117963

Fee \$ 30.00

Return To: Myers Billion LLP
Po Box 1085
Sioux Falls, SD 57101

Document Prepared By:

James R. Myers, P.C.
MYERS BILLION, LLP
Attorneys at Law
230 S. Phillips Avenue, Suite 300
P.O. Box 1085
Sioux Falls, SD 57101-1085
(605) 336-3700



Alpha	☒	
Num	☒	Comp ☒
Margin	☒	Comp ☒
Scan	☒	Comp ☒

TRUSTEE'S DEED

Steven M. Nicolai and Ronald Helstad, Co-Trustees of the Reuben Nicolai Revocable Trust, restated as of March 8, 2019, of 4535 Mormon Coulee Road, LaCrosse, Wisconsin 54601 and 3317 Mormon Coulee Road, LaCrosse, Wisconsin 54601, respectively, Grantor, for and in consideration of One Dollar and other good and valuable consideration, hereby convey unto Steven M. Nicolai, a married person as individual property, Grantee, of 4535 Mormon Coulee Road, LaCrosse, Wisconsin 54601, the following described real estate in the County of Turner in the State of South Dakota:

SEE ATTACHED EXHIBIT A

Exempt from Transfer fee pursuant to SDCL 43-4-22(15): Transfer between fiduciary and beneficiary.

A Certificate of Trust signed by the Co-Trustees is attached hereto.

Dated this 30th day of November, 2022.

REUBEN NICOLAI REVOCABLE TRUST

By Steven M. Nicolai
Steven M. Nicolai, Its Co-Trustee; and,

By Ronald Helstad
Ronald Helstad, Its Co-Trustee

McMath, Genny

From: audra@nicolaiapartments.com
Sent: Tuesday, February 21, 2023 1:34 PM
To: McMath, Genny
Subject: RE: [EXT] Deed
Attachments: Trustee's Deed - Turner County-Steven-recorded.pdf; Trustee's Deed - Clark County-Steven-recorded.pdf; Trustee's Deed - Hutchinson County-Steven-recorded.pdf

Genny-

The following deeds are attached:

- Permit 4648-3 (Turner County)
 - This paperwork should now be completed by and sent to the farmer.
 - L & L Feeders
28681 459th Avenue
Davis, SD 57021
605-238-5652
- Permit 8189-3 & 8190-3 (Clark County)
 - This paperwork should now be completed by and sent to the farmer.
 - Chris Lamb
43116 182nd St.
Vienna, SD 57271-5421
605-625-5082
- Permit 5392A-3 (Hutchinson County)
 - This paperwork should now be completed by and sent to the farmer.
 - Daniel Ulmer
159 Crestview Drive
Yankton, SD 57078
605-660-0485 & 605-760-3948 (Linda)
- Permits 1723-3, 1504B-3, & 3390-3A (Spink County)
 - This deed was not received with the others, so I've requested it be sent.
 - Will forward as soon as we receive it.
 - This paperwork should now be completed by and sent to the farmer.
 - Matt VanBuskirk
Box 98
Hitchcock, SD 57348
605-690-0100

Let me know if you need anything else from me.

And again, thank you for all of your help with this.

Audra B.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

4648-3

February 23, 2023

4648-3
8189-3
8190-3

Steven M Nicolai
4535 Morman Coulee Rd
LaCrosse WI 54601

Dear Mr. Nicolai:

Thank you for sending in the transfer forms and filing fees for changing ownership on Water Permits or Rights held by Reuben Nicolai or RHN LLC.

The ownership changes have been completed for three of them. Water Right No. 4648-3 and Water Permit Nos. 8189-3 and 8190-3 formerly held by Reuben Nicolai are now listed in your name. We are waiting for the deeds for the remaining water permits or rights. Once those are received, the remaining ownership changes will be processed.

As requested, the annual irrigation questionnaires will be directed to the operators as follows:

- Water Right No. 4648-3 (Turner County) – L & L Feeders
- Water Permit Nos. 8189-3 & 8190-3 (Clark County) – Chris Lamb

If you change operators in the future, please notify our office so we can update the records.

Enclosed are receipts for the filing fees you paid for the ownership changes. If you have any questions, please let me know.

Sincerely,

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

enclosures