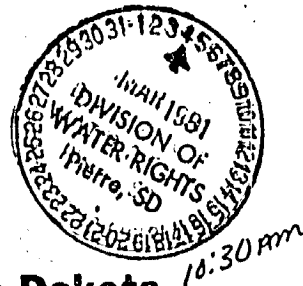


No. 4697-3
 Map No. 3907-3 Water Division No. 3 BIG SIOUX RIVER District
 Above for Office Use



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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant DEAN A. DUFF Phone No. 693-4177
 Post Office Address RFD 2 BROOKINGS State SD 57006
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work DEAN A. DUFF IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 4.57 CFS5. Source of water supply 4 WELLS

6. Location of point of diversion WELL #1 - 3500 FT. N 140° W OF NE CORNER OF SEC. 18;
WELL #2 - 2575 FT N 4° E OF SW CORNER OF SEC. 8; WELL #3 - 2840 FT
N 156° W OF NE CORNER OF SEC. 8; WELL #4 - 3500 FT County BROOKINGS
N 131° W OF NE CORNER OF SEC. 8, T111N, R47W

7. Annual period or periods during which water is to be used APRIL - OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 320 ac

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.
<u>SEE ATTACHED</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water BROOKINGS REGISTER

12. Principal Features of the Proposed Water Supply System.

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

TURBINE PUMPS

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

BURIED PIPE LINES

C. Works proposed to apply water to beneficial use.

CENTER PLOTSEstimated Total Cost \$ 144,000

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

STATE OF SOUTH DAKOTA)

County of BROOKINGS) ss.

I, DEAN A. DUFF 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 Dean A. DuffSubscribed and sworn to before me this 25th day of FEBRUARY, 19 81Harrell W. DeGroot
Notary Public (or other qualified officer)

DEAN A. DUFF
LAND DESCRIPTION

NW ¹ / ₄ , SE ¹ / ₄ , SEC 18, T111N, R49W)	33 ac
NE ¹ / ₄ , " " " "	30
SE ¹ / ₄ , " " " "	24
SW ¹ / ₄ , " " " "	<u>33</u>
	120 ac

NW ¹ / ₄ , SW ¹ / ₄ , SEC 8, T111N, R49W)	38 ac
NE ¹ / ₄ , " " " "	38
SE ¹ / ₄ , " " " "	22
SW ¹ / ₄ , " " " "	<u>22</u>
	120 ac

NW ¹ / ₄ , NE ¹ / ₄ , SEC 8, T111N, R49W)	30 ac
SE ¹ / ₄ , " " " "	20
SE ¹ / ₄ , " " " "	5
SW ¹ / ₄ , " " " "	<u>25</u>
	80 ac

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4697-3

DEAN A DUFF
(Applicant)

RT #2, BROOKINGS
(Post Office Address)

SOUTH DAKOTA 57006
(State)

With the following qualifications.

The irrigation wells 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 March 4, 19 81
Date of return to applicant for correction, amendments or changes required March 9, 19 81
Date of receipt of corrected application April 10, 19 81
Approved May 1, 19 81, Recorded in Book 22 Page 138

WATER RIGHT PERMIT NO. 4697-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4607-3 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 March 4, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 1, 19 83
3. The whole of said work is to be completed on or before May 1, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 1, 19 86
5. The water appropriated shall be used for the purpose of Irrigation
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 4.57 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 May 1, 19 86; said water to be used during the following described annual period: April - October

Witness my hand this 19th day of May, 19 81

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

D. Well Information

- WELL #1 63'
#2 54'
#3 31'
#4 17'
- (1) Drill Hole, Diameter 20 IN., Depth _____
- (2) Casing, Type STEEL (wood, concrete, steel, etc), Diameter 14 IN., Thickness _____
- (3) Screen, Type STAINLESS STEEL, Diameter 14 IN., Length _____
- (4) Gravel Pack, Thickness 3 IN., Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

SEE ATTACHED

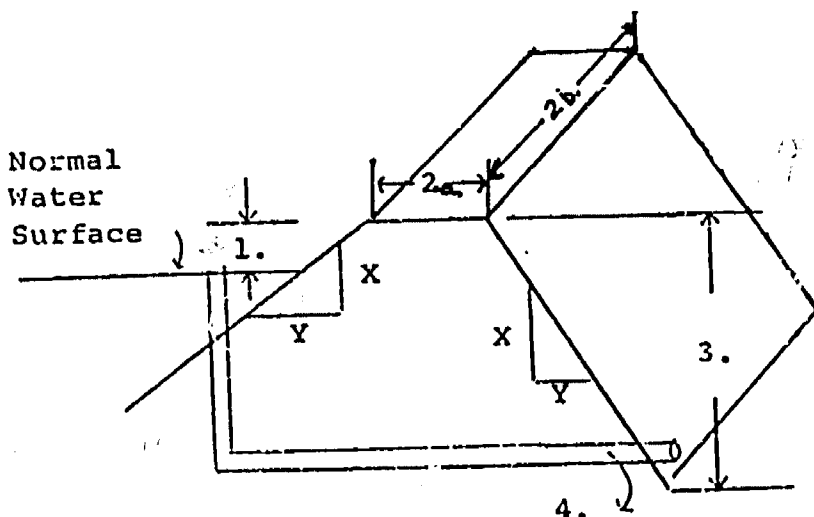
- Depth to top of water bearing material _____
- Depth to bottom of water bearing material _____
- Depth to water (ground surface to water level) _____

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

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

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

RECEIVED
4697-3
MAR 13 1981
South Dakota
Division of Conservation

OWNERS NAME: DEAN A. DUFF. OWNERS ADDRESS: R12 2
COUNTY LAND LOCATED IN: BROOKINGS. PHONE: 693-4177. BROOKINGS, SD.
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

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

1. WELL LOCATION OR DIVERSION POINT: 4 WELLS - SEE SOILS MAP
2. SURFACE WATER SOURCE _____
3. LOCATION OF AREA TO BE IRRIGATED: SE 1/4, SEC 18; SW 1/4, SEC 8; NE 1/4, SEC 8, T11N, R49W
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc)
5. TYPE OF IRRIGATION: (Show approximate acres under each type of system)
6. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____
7. CROPS TO BE IRRIGATED CORN
8. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
- LAND: _____
- IN WHAT NAME: _____

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

SAMPLE NUMBER:	81-173 (NE Sec. 8)	81-174 (NE Sec. 8)	81-175 (SW Sec. 8)	81-176 (SE Sec. 8)
SALINITY (EC X 10 ⁶)	660	700	240	620
SODIUM (SAR)	0.17	0.20	0.40	0.41
ADJUSTED (SAR)	0.18	0.18	0.28	0.32

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on FEBRUARY 24, 1981, at the following location: SEE ITEM #1
by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

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

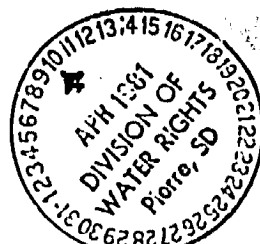
SUBSCRIBED AND SWORN BEFORE ME THIS
25th DAY OF FEBRUARY, 1981.

Harold W. McPhee
(NOTARY PUBLIC)

Dean A. Duff
APPLICANT'S SIGNATURE

Harold W. McPhee
Director, Division of Conservation

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED



IMPORTANT

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

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

4697-3

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Dean A. Duff

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

THESE SOILS CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

The red hatch marks indicate drainage ways that should be left in permanent vegetation.

RECOMMENDED MANAGEMENT:



Affidavit of Publication

State of South Dakota

County of Brookings

Dennis D. Koenders

ss

of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal No. 223

64 lines x .367

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for Two

successive week.s., to-wit:

April 17, 19 81

April 24, 19 81

19.....

19.....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fee charged for the publication thereof are:

Twenty-three dollars and forty-eight cents

[Signature]

Subscribed and sworn to before me this

24th

April, 19 81

Notary Public in and for the County of Brookings, South D.

My Commission expires

September 6, 19 88

Exhibit "A"

Legal No. 223, 2x, April 17, 24

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Dean A. Duff whose post office address is Brookings, 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 4.57 cubic feet of water per second of time from groundwater (four wells) through the Duff Irrigation Project No. 1, the point(s) of diversion of which are to be located in the NW¼ SE¼, Section 18; NW¼ SW¼; SW¼ NE¼ and SE¼ NE¼, Section 8, all in Twp. 111N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE¼ and SW¼, Section 8 and SE¼, Section 18, all in T111N, R49W.

This Application No. 4697-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 1st day of May 1981 at 10 A.M.

The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-28 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

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

WATER MANAGEMENT BOARD

-s-Betty Westlund

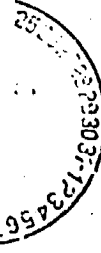
BETTY WESTLUND

Water Rights Specialist

cc: Dean A. Duff

14FD 2

Brookings, SD 57006



South Dakota Department of
Water & Natural Resources

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

May 31, 1990

4697-3A

Dean A Duff
RR #2 Box 76
Brookings, SD 57006

Dear Mr. Duff

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4697-3 been completed. Your final water right document, the Water License, can now be issued.

Upon licensing, Water Permit No. 4697-3 will be split into 4697-3A and 4697-3B to reflect the separate ownership. Water License No. 4697-3A will be issued in your name and Water License No. 4697-3B will be issued under Workman Brothers.

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

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

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

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

Permit No. 4697A-3BIG SIOUX RIVER Water District

10170202 BS:HC

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

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

I have this day made a thorough examination of the water use system constructed by DEAN A.DUFF of BROOKINGS holder ofPermit No. 4697A-3, bearing the priority of MARCH 4, 19 81 authorizingthe diversion of 2.86 cu. ft. per second of the waters of GROUNDWATER (1 WELL)for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

A 50 FOOT DEEP WELL WITH 16" DIAMETER STEEL CASING + 10' OF 5" WELLS STEEL SCREEN VALLEY PUMP; HEAD-164; 800 GPM CAPACITY; 1760 RPM; SERIAL #12MME.3814.11179
A 50 HP GENERAL ELECTRIC INDUCTION MOTOR; MODEL #5K6252X4502E; TYPE-K; SERIAL #1765RPM; ETJ506306

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

1615 FEET OF 8" UNDERGROUND PVC PIPE

C. Works used to apply water to beneficial use:

A 7 TOWER VALLEY (CORNER SYSTEM) CENTER PIVOT WITH NELSON 100 END GUN LOW PRESSURE SYSTEM (35 PSI); 800 GPM CAPACITY

The system is in the following condition GOODThe point of diversion is located 2600' N and 50' E of the SW corner Section 8, T11N, R44W 1340' EAST + 1630' NORTH OF THE SOUTH-WEST CORNER OF SECTION 8, T11N, R44W.The works are capable of diverting and conveying to the place of use 1.78 (800 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 8, T11N, R44WNW 1/4 SW 1/4 - 38 ACRESNE 1/4 SW 1/4 - 38 "SE 1/4 SW 1/4 - 22 "SW 1/4 SW 1/4 - 22 "comprising a total of 120 acres of land and the license should be issued for 1.71 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date 8-18-88Thomas M. Brander
(signature)

#2

LICENSE FOR PERMIT NUMBER 4697-3

1. Legal location of wells: NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T11N, R49W.
 dams & structures: 1 Center Pivot near center of SW $\frac{1}{4}$ of Sec. 8, 111-49.

2. Well Information: Well Drilling Firm Kaiser
 (* Sent 12-14-86)

Completion Report Yes ☒ No ☒ No. of Wells 1 Depth 50'
 Casing a) diameter _____ Screen a) type _____
 b) length _____ b) length _____
 c) type _____ Static Water Level 6'
 Pump a) make _____ Motor a) make _____
 b) model _____ b) model No. _____
 c) size _____ c) horsepower rating _____
 d) capacity _____ gpm
 e) turbine pump - no. of stages _____
 f) operating PSI _____

3. Distribution lines or canals

a) size 8"
 b) type PVC (Underground)
 c) length See Map

(See examination report
 for rest of the information)

4. Dam Information:

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

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

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

f) portable boom

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

b) towline:

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

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTES:

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

Indicate any other permit(s) which are associated with project Permit 4647-3 encompassed lands in 2 different sections and now has 2 owners. The permit will have to be split.

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? (No rules in effect at the time)

REMARKS:

L

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4697A-3

(1) Dean A Duff of RR 2, Box 76, Brookings SD # 57006 made Application No. 4697-3, March 4, 1981 for a water permit to appropriate 4.57 cubic feet of water per second from groundwater, Brookings County, South Dakota for irrigation purposes. Permit No. 4697-3 with a priority date of March 4, 1981 was approved May 1, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 1, 1986 and for the application to beneficial use of said water on or before May 1, 1986.

Water Permit No. 4697-3 was approved for irrigation of 320 acres in the SE 1/4 Section 18 and the SW 1/4 & NE 1/4 Section 8, T111N, R49W. The land in Section 18 has been transferred from Dean Duff to Workman Brothers. The land in Section 8 is still owned by Dean Duff.

Water License No. 4697A-3, Dean Duff and Water License No. 4697B-3, Workman Brothers will be issued for the land actually developed for irrigation under Permit No. 4697-3. A priority date of March 4, 1981 is retained for both licenses.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.71 cubic feet of water per second for beneficial use. The location of the diversion point is: 2600'N and 50'E of the SW corner of Section 8, T111N, R49W (NW 1/4 SW 1/4).

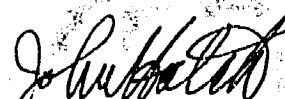
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T111N, R49W Section 8

NW 1/4 SW 1/4	38 acres
NE 1/4 SW 1/4	38 "
SE 1/4 SW 1/4	22 "
SW 1/4 SW 1/4	22 "

TOTAL 120 acres

(4) Pursuant to Section 46-5-30.1 Dean A Duff of RR 2, Box 76, Brookings SD the holder(s) and/or owner(s) of Water Permit No. 4697A-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from groundwater (one well) with a priority date of March 4, 1981 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 Water Permit No. 4697-3 and subject to South Dakota State Law.



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

JUN 21 1990

RECEIPT

412255

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 6, 1990, 19 90

RECEIVED OF Dean A. Duff, RR #2 Box 76 Brookings, SD 57006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____ Water Right No. 4697-3A	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 Hatch*
Chief Engineer

South Dakota
Department of
Water & Natural Resources

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

JUN 21 1990

4697A-3

Dean A Duff
RR 2, Box 76
Brookings SD 57006

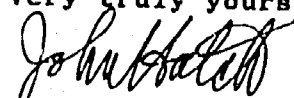
Dear Mr. Duff:

Enclosed is Water License No. 4697A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412255 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. 4697A-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) 773-3352

enclosures



4697A-3

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

January 9, 1998

NOTICE**TO: DEAN DUFF, RR 2 BOX 76, BROOKINGS SD 57006****FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program****RE: Requirement to Report 1997 Chemical Use**

The first notice to file chemigation report(s) for Permit No(s) 4697A-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 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, February 25, 1998, 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). 4697A-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 February 20, 1998, 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 February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



4697A-3

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

January 9, 1998

NOTICE**TO:** DEAN DUFF, RR 2 BOX 76, BROOKINGS, SD 57006 9333**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4697A-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 4697A-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, February 25, 1998 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) 4697A-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 20, 1998, 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:

DEAN DUFF
RR 2 BOX 76
BROOKINGS SD 57006 9333

84697A-3

4a. Article Number

119 141 209

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Dean Duff*

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

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

4697A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 1998

4697A-3

Dean Duff
RR 2 Box 76
Brookings, SD 57006

Dear Mr. Duff:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and chemical reporting form. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 4697A-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 cursive script that reads 'Genny McMath'.

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



4697A-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: DEAN DUFF, RR 2 BOX 76, BROOKINGS, SD 57006 9333
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) 4697A-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) 4697A-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) 4697A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

4697A-3

SENDER: COMPLETE THIS 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:

DEAN DUFF
RR 2 BOX 76
BROOKINGS SD 57006 9333

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Dean Duff B. Date of Delivery 1-15-00

C. Signature X Dean G. Duff ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2227670447



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2000

4697A-3

Dean Duff
RR 2 Box 76
Brookings, SD 57006

Dear Mr. Duff:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 4697A-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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 25, 2000

4697A-3

Burlage - Peterson Realty
317 4th St
Brookings, SD 57006

Dear Sirs:

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 4697A-3. The water right is currently listed in the name of Dean Duff.

Please the form and complete as needed. The form will need to be signed in the presence of a notary public by the new owner. Upon completion, please return the transfer form to us with a required filing fee of \$2.50. The check or money order may be made payable to the "Water Rights Program."

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4697A-3

Date: 5-5-00



I/We request that Water Right No. 4697A-3

formerly owned by: Dean A Duff

be transferred to: (name & address) MARK PETERSON 404 ROBIN
ROAD - ALBERT LEON HUN Telephone No. 507-373-1199

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

120 acres - SW 1/4 Section 8, T111N, R49W

I/We understand that the validity of Water Right No. 4697A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

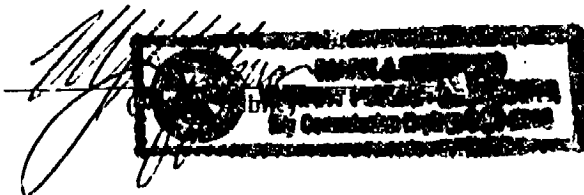
STATE OF SOUTH DAKOTA)

County of _____)

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

Mark Peterson
(Signed)

Subscribed and sworn to before me this 5th day of May, 2000.



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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416504

Pierre, _____ May 5, 2000

RECEIVED OF Crossroads Motors-Toyota Chrysler-Plymouth-Dodge Jeep (Mark Peterson), P.O. Box 770,
the following amount in fees for services rendered as provided for by law: Albert Lea, MN 56007

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

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

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

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

Fee for Filing Transfer Form Water Right No. 4697A-3

Fee for Filing Extension Request _____

Fee for _____

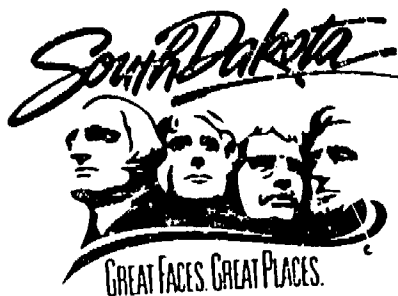
(Any Other Work Provided by Law)

Total

2 50

2 50

By Michael E. [Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 9, 2000

4697A-3

Mark Peterson
404 Robin Rd
Albert Lea, MN 56007

Dear Mr. Peterson:

Thank you for following up on the "Notice of Transfer of Ownership" for Water Right No. 4697A-3, formerly owned by Dean Duff. The transfer has been completed and the water right is now listed in your name.

Enclosed is your Receipt No. 416504 in the amount of \$2.50 which you paid for filing the ownership change.

I am also enclosing a sample copy of the yearly irrigation questionnaire. I am sending this to you for informational purposes only. It will give you an idea of what type of information to keep track of during the irrigation season. The actual form that will need to be completed and returned to us will be mailed to you in October.

If you have any questions concerning the water right or the irrigation questionnaire requirements, please get in touch with me.

Sincerely,

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

enclosures

4697A-3

SENDER: COMPLETE THIS 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 PETERSON
404 ROBIN RD
ALBERT LEA MN 56007

COMPLETE THIS SECTION ON P. 1-4757

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

C. Signature

X *Valinda Peterson*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2102



4697A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: MARK PETERSON, 404 ROBIN RD, ALBERT LEA, MN 56007
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) 4697A-3. The request for the Questionnaire was dated October 20, 2000. The Water 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) 4697A-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) 4697A-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 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.

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

January 29, 2001

4697A-3

Mark Peterson
404 Robin Rd
Albert Lea, MN 56007

Dear Mr. Peterson:

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. 4697A-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 you requested, I contacted Ray Rennick concerning the irrigation data. He indicated he did not irrigate on your land during 2000. I completed a questionnaire for you based on my conversation with Mr. Rennick.

Future irrigation questionnaires will be sent directly to Mr. Rennick as operator/lessor of the system. If in the future you sell or lease the land to someone else, please let me know so I can update our records.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 2004

4697A-3

Jim Peterson
Peterson – Burlage Realty
317 4th St
Brookings SD 57006

Dear Mr. Peterson:

Thank you for your call concerning the pending ownership change for land described in Water Right No. 4697A-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner(s) will need to sign and complete the form. Upon completion, the form should be returned 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. The new owner may want this for their records. If I can answer any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4697A-3

Date: Jan. 11th, 2005

I/We request that Water Right No. 4697A-3

formerly owned by: Mark Peterson, 404 Robin Rd, Albert Lea, MN 56007

be transferred to: (name & address) Western Trust Company - P.O. Box 1052
Watertown, South Dakota 57201
Winter (Phone No.): 480-354-5445 Summer Telephone No. 605-874-2903

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

120 acres - SW ¼ Section 8, T111N, R49W

I/We understand that the validity of Water Right No. 4697A-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.

Western Trust Company
I/We Gary G. Hoffman, Trustee, the new owner, certify that the above information is true and correct.

Western Trust Company
Gary G. Hoffman, Trustee
Gary G Hoffman trustee

(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.

RECEIVED
JAN 18 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 18, 20 05

RECEIVED OF Western Trust Company, PO Box 1052, Watertown SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>4697A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	\$ 50

No.

616703

By

Darlene E. Eide
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2005

4697A-3

Gary Hoffman, Trustee
Western Trust Company
PO Box 1052
Watertown SD 57201-1052

Dear Mr. Hoffman:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring ownership on Water Right No. 4697A-3. The transfer has been completed. The water right, formerly held by Mark Peterson is now listed in the name of "Western Trust Company".

Enclosed is your Receipt No. 001638 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you concerning the water right, please contact me.

Sincerely,

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

enclosure

NOT TO SCALE

4697A-3

111-49

86.3

93.7

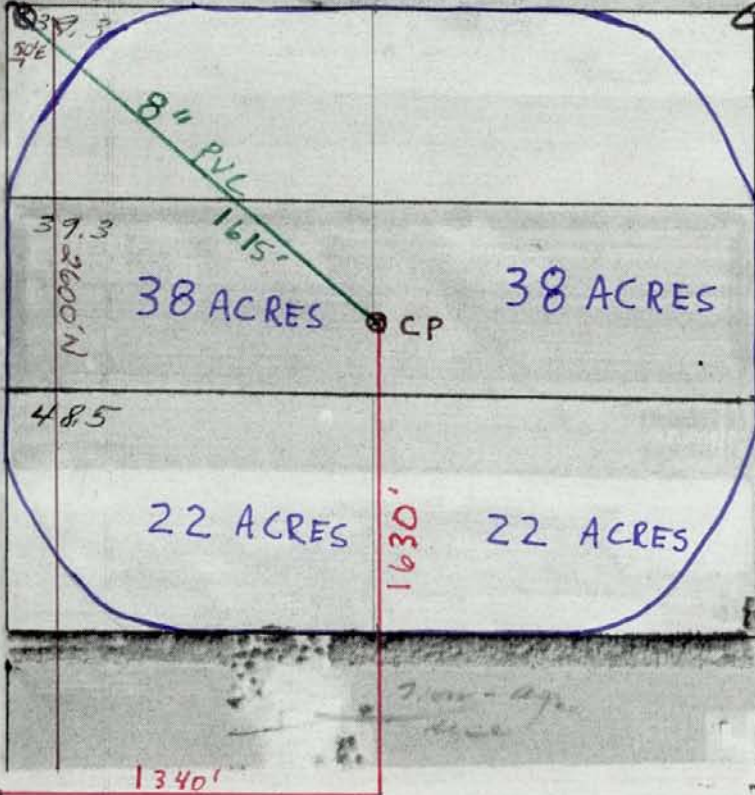
50L

31.6

6.6

4.1

WELL



Thomas M. Brandon
8-18-88

Water Right
No. 4697A-3



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

January 14, 2025

NOTICE

TO: WESTERN TRUST CO, GARY HOFFMAN, PO BOX 1052, WATERTOWN SD 57201

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4697A-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4697A-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 4697A-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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HBFWDR**

cc: GARY HOFFMAN, PO BOX 2393, APACHE JUNCTION AZ 85117

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4697A-3

Western Trust Co
c/o Gary Hoffman
PO Box 1052
Watertown SD 57201

Dear Mr. Hoffman:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4697A-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 29th, 2025

4697A-3

Gary Hoffman, Trustee
Western Trust Company
PO Box 1052
Watertown, SD 57201

Dear Mr. Hoffman:

I am writing to you today in response to the 2025 Irrigation Questionnaire information submitted to us online for Water Right No. 4697A-3.

Water Right No. 4697A-3 (copy enclosed) authorized diversion of 1.71 cubic feet of water per second (770 gpm) from ground water, one well. For the use of irrigation purposes of 120 acres located in Section 8, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 SW1/4, T111N, R49W.

On this year's questionnaire you reported the irrigation of 400 acres. If an additional 280 acres has been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2025 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewell
Water Rights Program
Amanda.dewell@state.sd.us
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 4697A-3

Date: 2-16-26

I/We request that Water Right/Permit No. 4697A-3 formerly owned by:
WESTERN TRUST COMPANY-WATERTOWN SD be transferred to:

New Owner Name: CDH Holdings LLC
Address: PO Box 1024 mobile: 605-880-0870
City, State, Zip Clear Lake, SD 57226 email: Brittoney.Serie@gmail.com

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

120 acres located in: SW 1/4 Section 8-T111N-R49W

☒ I understand that the validity of Water Right/Permit No. 4697A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

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

Carey Hoffman
(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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 19th, 2026

4697A-3

CDH Holdings
PO Box 1024
Clear Lake, Sd 57226

To Whom it May Concern,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fee you submitted for Water Right No. 4697A-3. Enclosed is a receipt of payment for your records.

Water Right No. 4697A-3, previously held by Western Trust Company, is now listed under CDH Holdings LLC. I have also updated your contact information in our system.

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

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No.4697A-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure

RECEIPT

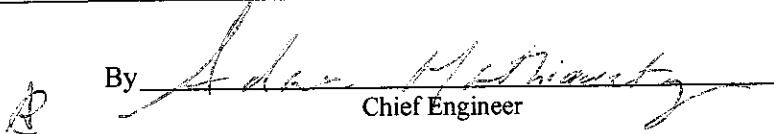
WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 06, 2026

RECEIVED OF CDH Holdings LLC PO Box 1024 Clear Lake, SD 57226

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>#4697A-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 

Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 5, 2026

4697A-3

CDH Holdings LLC
C/O Carey Hoffman
PO Box 1024
Clear Lake, SD 57226

Dear Carey Hoffman:

I am writing to you today in response to the 2025 Irrigation Questionnaire submitted to us online for Water Right No. 4697A-3, for overuse of acreage and water use.

Water Right No. 4697A-3 (copy enclosed) authorized diversion of 1.71 cubic feet of water per second (767 gpm) from groundwater for irrigation of 120 acres in the SW $\frac{1}{4}$ of Section 8-T111N-R49W.

On this year's questionnaire (copy enclosed), you reported the irrigation of 400 acres. If an additional 280 acres have been developed for irrigation, additional permitting would be required.

Please contact Amanda Dewell – Permitting Administrator (605) 910-5187.

Sincerely,

Shannon Konst
Water Rights Program
Shannon.konst@state.sd.us
(605) 773-3352

enclosure