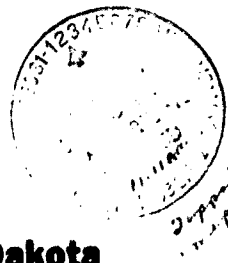


No. 715-3Map No. 3425-3 Water Division No. 3 MINNESOTA RIVER District
Above for Office Use

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☒ REFERENCE PERMIT NOS.
 Change in Diversion ☐ Additional Diversion ☐ 3561-3 & 4406-3
 Change in Acreage ☐ Additional Acreage ☒

1. Name of Applicant RUSSELL W. WIESE Phone No. 432-6371
 Post Office Address RR TWIN BROOKS State SD 57269
 (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) _____

3. Name of diversion work SEE RELATED PERMITS4. Amount of water claimed (cubic feet per second) 0.86 CFS ADDITIONAL

5. Source of water supply _____

6. Location of point of diversion SEE RELATED PERMITS
SW⁴ NE¹ 10-120.50 2620' N 148° W OF NE CORNER SEC. 10-T120N-R50W
 County GRANT

7. Annual period or periods during which water is to be used APRIL THRU OCTOBER

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

9. For Irrigation use, Total number of acres to be irrigated 60 EXTRA

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

Land Description	No. Acres Irr.
NW ¹ 4, SW ¹ 4, SEC. 10, T120N, R50W	30
NE ¹ 4, " " " "	30

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 CANTERTON

12. Principal Features of the Proposed Water Supply System.

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

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

BURIED PIPE LINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT

Estimated Total Cost \$ _____

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, RUSSELL WIESE, 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 Russell WieseSubscribed and sworn to before me this 27th day of MARCH 19 87

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4715-3

RUSSELL L. WIESE

(Applicant)

R.R. TWIN BECKS

(Post Office Address)

SOUTH DAKOTA 57269

(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 April 2, 19 81
Date of return to applicant for correction, amendments or changes required April 3, 19 81
Date of receipt of corrected application April 10, 19 81
Approved May 1, 19 81, Recorded in Book 22 Page 152

WATER RIGHT PERMIT NO. 4715-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4715-3 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 April 2, 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 .86 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 _____

CONSERVATION COMMISSION

W/1 FORM

3/80

Office Use Only

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4709-3
4715-3OWNERS NAME: RUSSELL W. WIESEOWNERS ADDRESS: RRTWIN BROOKS, SDCOUNTY LAND LOCATED IN: GRANTPHONE: 432-637157269

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

THIS IS FOR ADDITIONAL ACRES

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: SEE PERMITS 3561-3 & 4406-3

2. SURFACE WATER SOURCE: _____

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>N 1/2, S 1/4, SEC 10, T120N R20W</u>	<u>60 ac.</u>		

4. TYPE OF IRRIGATION: GRAVITY TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____

(Specify)

5. CROPS TO BE IRRIGATED: ALFALFA

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

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 76-17798. SALINITY (EC X 10⁶): 16049. SODIUM (SAR): 2.7110. ADJUSTED (SAR): 7.34 (SAR)

RECEIVED

APR 07 1981

South Dakota
Division of Conservation

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: SEE PERMITS 76-1779 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

27 DAY OF MARCH, 1981.

(NOTARY PUBLIC)

Russell W. Wiese

APPLICANT'S SIGNATURE

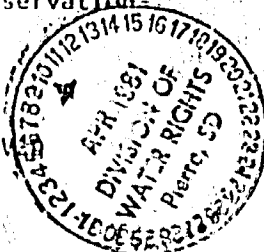
Jack M. Hill
Director, Division of Conservation

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

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8136

April 8, 1981

PIER 2,

RECEIVED OF Russell W. Wiese, RR, Twin Brooks, SD 57269

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

Fee for Application for Permit to appropriate Water No. 4715-3 (examination, processing, recording and filing)	150 00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filling	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	150 00

WATER RIGHTS COMMISSION
By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / 68

N C O I

150
140

51
60
40
147

APPL NO 4715-3

22.1

OUT

120.50

9.8 10.5 11.0 19.5

93B

NCOP

13.0

FLAX

NCOP

9.4

FLAX

FLAX

ALFA

all

96.8

82

51.9

OUT FLAX

IRRIGATED AREA

ADDITIONAL ACREAGE FOR
WIESE IRRIGATION PROJECT
PERMIT NOS. 3561-3 & 4406-3

oats

10

58.5

ADDITIONAL IRRIGATED ACRES

ADDITIONAL WATER CLAIMED

IRRIGATED AREA

40.4

60 AC.

0.86 CFS

N¹/₂, SW¹/₄, SEC 10
T120N, R50W

20.2

FLAX

FLAX

FLAX

72.6

FLAX

55.6

10.2

120.50

oats

P 3/4

Harrell W. DeBar
March 28, 1981

NOT TO SCALE

4715

120-50

33.3
33.3

18.8
18.8

160.5

160.5

179-12 R

74.2

74.2

58.5

10

57.5

93.9

93.9

10.2

120-50

No. 4715-3

Publish first publication, on or before April 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Russell W. Wlase whose post office address is Twin Brooks 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 .86 cubic feet of water per second of time from groundwater (existing well) through the Russell Wlase Irr. Project, the point of diversion of which is ~~(xxx)~~ to be located in the SW 1/4

of Section 10, Twp. 120N Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

1/4 SW, Section 10, T120N, R50W, to add additional acreage on an existing permit

This Application No. 4715-3 will be considered by the Water Management Board at Civil Defence Room, State Capitol Bldg., Pierre SD 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 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

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

WATER MANAGEMENT BOARD

cc: Russell W. Wlase
RR
Twin Brooks SD 57269

BETTY WESTLUND
Water Rights Specialist

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

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

Post Office Pierre, S.D.

Date 2/11/81

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

Dear Sirs:

This , 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.

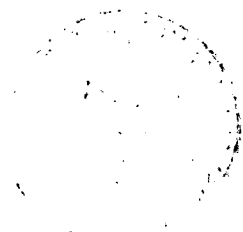
4406-3 . 4715-3

Water Right Permit No. 4715-3 states that the diversion system is to be constructed by June 1981 , and that the water is put to beneficial use by June 1981 .

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

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.

Russell Lewis
(Signature)



February 16, 1967

4406-3
4715-3

Wiese Brothers
Twin Brooks, South Dakota 57249

Gentlemen:

This will acknowledge the receipt of your Irrigation questionnaire for Permit Nos. 4406-3 and 4715-3. You indicated on the data sheet pertaining to Permit No. 4406-3 there was an ownership change, - Wilfred Wiese to Wiese Brothers. Are both Permits, 4406-3 and 4715-3, to be transferred to Wiese Brothers or just Permit No. 4406-3?

Enclosed please find transfer forms for each Water Permit. Please check over, date, sign and have notarized before returning them to this Office with a \$2.50 filing fee for each one. If only one permit is to be transferred, submit that form and indicate the other permit is not left in the current owner's name.

If you have any questions, please contact this Office.

Sincerely,

Conny Young
Water Rights Specialist
Water Rights Division

Enclosures

c21603ny:ar



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

March 22, 1983

Water Rights Division
605 773-3352

4709-3 4715-3
Russell W Wiese
RR
Twin Brooks SD 57269

Dear Sir:

4709-3
Water Permit No. *4715-3* was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

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

January 29, 1988

RUSSELL W WITSE
WR
TWIN BROOKS, SD 57260

NOTICE

Re: Violation of Water Permit No(s). 4709-3, (4715-3)

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4709-3, 4715-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit 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 Water Permit No(s). 4709-3, 4715-3 qualification:

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

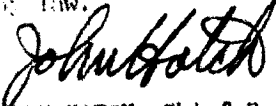
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Suspend Permit No(s). 4709-3, 4715-3 until either the 1987 Questionnaire 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3362

NOTE: If the questionnaire(s) is received in this office before the March 2 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
Department of
Water & Natural Resources

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

February 9, 1988

3561-3
4709-3
4715-3

Russell Wiese
RR
Twin Brooks

Dear Mr. Wiese:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 3561-3, 4709-3 & 4715-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

3561-3
4406-3
4715-3

August 3, 1988

Wiese Brothers Farms
PO Box 10
Twin Brooks, SD 57269

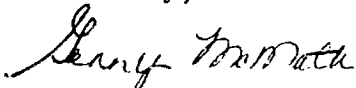
Dear Sirs:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 3561-3, 4406-3 and 4715-3. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The water permits will then be transferred to your name.

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 us.

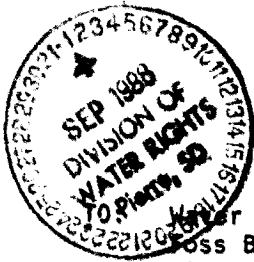
Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure





NO. 4715-3

NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Post Building
Pierre, SD 57501

Date: August 30, 1988

This is to notify you that the title to the lands described as follows:
60 acres - N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10, T120N, R50W

formerly owned by Russell Wiese
Wiese Brothers Farms, PO Box 10, Twin Brooks SD 57269
has been transferred to

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4715-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Grant) ss.

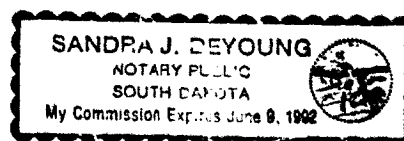
I, Russell Wiese, being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

WIESE BROTHERS FARMS

By Russell Wiese
Parnter (Signed)

Subscribed and sworn to before me this 30 Day of August, 1988.

Sandra J. DeYoung
(Notary Public)



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

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

3561-3
4406-3
4715-3

September 1, 1988

Wiese Brothers Farms
%Russell Wiese, Partner
PO Box 10
Twin Brooks, SD 57269

Dear Mr. Wiese:

This will acknowledge receipt of the "Notice of Transfer" forms you submitted for use in filing an ownership change on Water Permit Nos. 3561-3, 4406-3 and 4715-3. The forms were completed properly, however, they can not be filed for record in our office without the required \$2.50 filing fee for each (total of \$7.50).

Please remit the \$7.50 in filing fees as soon as possible. Upon receipt of the filing fees from you, the permits will be transferred to Wiese Brothers Farms.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre September 7, 1941

RECEIVED OF Miss Mrs. F. B. PO Box 17, Twin Brooks, S. D.
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 4715-1</u>	2	50
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	2 50

By John Hatch
Chief Engineer **JOHN HATCH JR.**

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

3561-3

4406-3

4715-3

September 7, 1988

Wiese Brothers Farms
PO Box 10
Twin Brooks, South Dakota 57269

Dear Mr. Wiese:

Enclosed are receipt Nos. 411396, 411397 and 411398 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3561-3, 4406-3 and 4715-3.

Our records now show Wiese Brothers Farms as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3



4715-3

GREAT FACES. GREAT PLACES.

NOV 24 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5482-3

Russell Wiese
Wiese Brothers Farms
RR 1, Box 36A
Twin Brooks, SD 57269-9801

Dear Mr. Wiese:

Enclosed is Water License No. 5482-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413276 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. 5482-3, 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

NOTE: The applicable portions of Water Permit Nos. 3561-3, 4406-3 and 4715-3 have been incorporated into this Water License No. 5482-3.