

1. Considered 5-28 19 81
2. Name of Applicant L. K. STODDARD
3. Post Office Address PARKER 57053
4. Amount of Water Claimed .97
5. Source of Water Supply 32' ± WELL
6. Water to be used for IRR.
7. Acres to be irrigated 68 maximum acre feet
8. Water to be diverted and used in TURNER County about 5N. 3 miles EAST of HURLEY
9. PROOF OF PUBLICATION Received (initials) 5-21-81
Not Received

APPLICATION

Approved

5/27/81

Subject to

WI-10

Not Approved

Action deferred

Priority

Date

Received 4-7-81

Application Complete yes

no

FEE 225⁰⁰

Remarks LOG & WQ

Date information and/or

fee or corrected Application received

Period of Annual use APRIL - NOVEMBER

WATER
QUALITY

Received yes 5/8/81 no (APPROVED) CONDITIONAL (Circle one)

WI-1 Description same as application yes (circle) no Remarks

Disapproved

Returned

Diversion Point

SW⁴ SW⁴ 31-99-52

Lands to be irrigated

S¹/₂ SW⁴ SEC. 31 -

T99N - R52W

Remarks

Old Logs were on file in this office

Driller

Unknown

Licensed yes

no

Depth

32' ±

WELL
LOG

MAP Map No. 3948-3 Map located in Water Right 4737-3 Map file _____

Type of Map AERIAL Prepared by Rezer, DC

+++++

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 5-8-81.

Billy Westlund
(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.

4737-3

Map No.

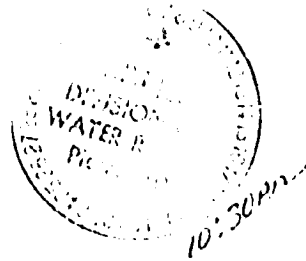
3948-3

Water Division No.

3 VERMILLION 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 L. K. Stoddard Phone No. 297-3221Post Office Address Parker State S. D. 57053
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____ n/s

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Stoddard Irrigation System #34. Amount of water claimed (cubic feet per second) 600 gpm (needed to run big gun) 97 (Max Allow)5. Source of water supply well6. Location of point of diversion: 45 rods, 8°E of the SW corner Sec. 31-99-52County Turner7. Annual period or periods during which water is to be used April-November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 68

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 31-99-52	28		
SE 1/4 SW 1/4 30-99-52	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hurley, S.D. Hurley Leader

12. Principal Features of the Proposed Water Supply System.

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

Diesel Pump

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

Flexible line and buried pipeline

C. Works proposed to apply water to beneficial use.

Gun SprinklerEstimated Total Cost \$ 35,000.00

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, L. K. Stoddard 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 L. K. StoddardSubscribed and sworn to before me this 6/24 day of June, 19 81

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4737-3

L.K. STODDARD

(Applicant)

PARKER

(Post Office Address)

SOUTH DAKOTA 57053

(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 7, 19 81
 Date of return to applicant for correction, amendments or changes required April 8, 19 81
 Date of receipt of corrected application May 8, 19 81
 Approved May 27, 19 81, Recorded in Book 22, Page 192

WATER RIGHT PERMIT NO. 4737-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4737-3 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 7, 19 81
2. The equivalent of at least one-tenth of the work above specified is to be completed on or before May 27, 19 82
3. The whole of said work is to be completed on or before May 27, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 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 .97 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 ($\frac{1}{70}$) 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 27, 19 86, said water to be used during the following described annual period: April - November

Witness my hand this 2nd day of June, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
 Chief Engineer Water Rights

JOHN HATCH

Certificate of Construction Issued NOVEMBER 2, 19 81

Water License Issued NOVEMBER 24, 19 81

D Well Information

(1) Drill Hole, Diameter 18", Depth 45'
 (2) Casing, Type Asbestos-Cement, Diameter 14", Thickness 1 1/2"
 (wood, concrete, steel, etc.)
 (3) Screen, Type Slotted A-C, Diameter 14", 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) no log available

Depth to top of water bearing material 3'

Depth to bottom of water bearing material 45'

Depth to water (ground surface to water level) 10'

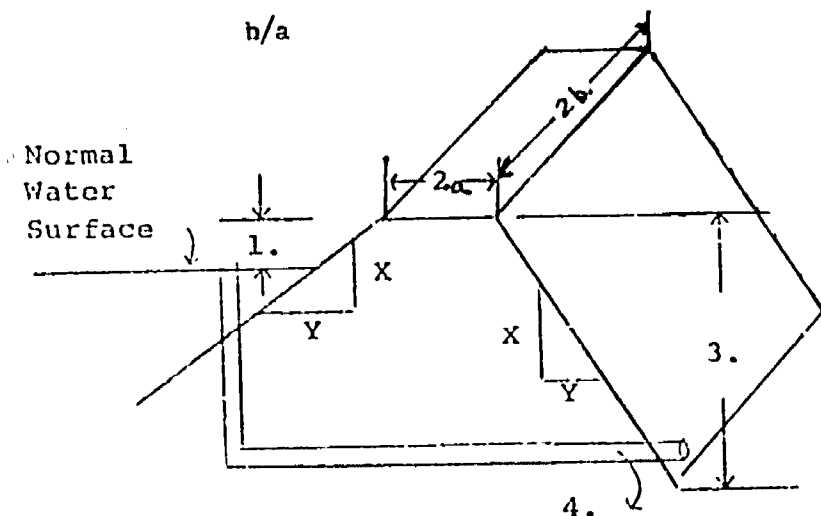
(2) Distance to nearest existing household or livestock watering well.

On same owner's property none rds.

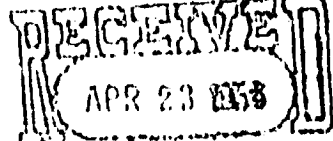
On property owned by others 220 rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, 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 _____



DRILLER'S LOG OF WELL

STRATIFIED RESOURCES CO. INC.
FEDS COIN BUREAU

Location of Well: *Center* S. *1/4* SW *1/4*, Section *31*, Township *99*, Range *52*

Well to be drilled for:

L. R. Stoddard
(Name)

(Address)

Owner of land (if other than above)

(Name)

Robert S. M.
(Address)

Date well drilling started

3/30/56

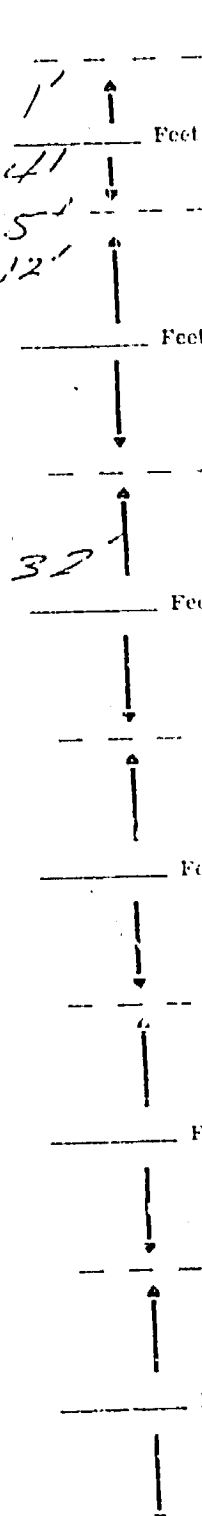
finished

Purpose of well

Irrigation
(domestic, irrigation, municipal, industrial, other)

Diameter

inches



top soil
fine sand
coarse sand

Describe
kind of
materials
drilled
through
(add
layers
on back
of form
if
necessary)

Sharp
Sand

Blue Clay

Ground Surface Elevation: (If Available)

Kind and thickness of casing to be installed:

Size of casing to be installed:

..... feet of inches diameter
..... feet of inches diameter
..... feet of inches diameter

Type of seal between casing sizes:

Kind of perforated screen to be installed:

Material (steel, wood, concrete, etc.)

Size of screen:

Diameter inches

Length feet

Size openings inches

Water
bearing
material

Depth below ground surface to which water rises

in well feet

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4737-3

(1) WHEREAS, On the 7th day of April A. D. 19 81

L.R. Scodare

made Water Right Application No. 4737-3 for a permit to use 0.97 cubic feet per second of the waters of groundwater (one well)

County of Turner, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 27th day of May A. D. 19 81

Permit No. 4737-3 with a date of priority of April 7, 1981 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 27th day of May A. D. 19 83 and for the application to beneficial use of said water on or before the 27th day of May A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 0.97 cubic feet per second of water for beneficial use and,

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

to irrigate 63 acres in S. 34, Section 31, T39N, R52W (CC/D)

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to L. K. Stoddard

_____ of Parker, South Dakota

the holder _____ and owner _____ of said permit No. 4737-2 a water right, dating from April 7, 1981

_____ to use of 0.00 cubic feet per second of the waters

of groundwater (no well)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted at a point 800' North and 60 feet east of the

SW corner, Section 31, T99N, R52W (CC)

and conducted to and upon irrigate 63 acres in the SW 1/4, Section 31, T99N, R52W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4737-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 24th day of November A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By: John Hatch

Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 4737-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That L.K. Stoddard

the holder of
Permit No. 4737-3, issued upon Application No. 4737-3, bearing date of priority of April 7, 1981

authorizing the diversion of 0.97 cu. ft. per second of the waters of
groundwater (one well) County of Turner, State of South Dakota at
a point 800' north and 60 feet west of SW corner, Section 31, T99N, R52W

for irrigation

purpose, has ^B complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 0.88 cu. ft. per second of water.

Date November 24, 1991


JOHN HATCH, Chief Engineer
Water Rights Division

No. 4737-3

Publish first publication, on or before May 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that L K Stoddard whose post office address is Parker, 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 .97 cubic feet of water per second of time from ground water (one well) through the Stoddard Irrigation System #3 the point (box) of diversion of which is (cross) to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 31, Twp. 99N, Range 52W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 31, T99N, R52W

This Application No. 4737-3 will be considered by the Water Management Board at Meeting Room #1, Knelp Building Church & Illinois, Pierre, SD upon the 27th 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: L K Stoddard
Parker, SD 57053

~~XXXXXXXXXXXX~~ BURTON F JONES
Water Rights Specialist

No. 4737-3

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 May 14, 1981

Thursday May 21, 1981

James E. Wipf
(Signature)

Publisher
(Title)

5-21-81
(Date Signed)

James E. Wipf
My Commission Expires 2-1-84



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

No. 4737-3

Pierre, S. D. 57501

May 8, 1981

Notice is hereby given that
L. K. Stoddard whose post of-
fice address is Parker, South
Dakota, has made an ap-
plication 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 .97 cubic feet of
water per second of time from
ground water (one well)
through the Stoddard
Irrigation System No. 3, the
point of diversion of which is to
be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 31, Twp. 99N, Range
52W. Said water to be used for
the purpose of providing
irrigation on portions of the
following described land:
S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T99N,
R52W.

This Application No. 4737-3
will be considered by the Water
Management Board at
Meeting Room No. 1, Kneip
Building, Church & Illinois,
Pierre, S. D., upon the 27th day
of May, 1981 at 10:00 a.m. The
Board is authorized to make a
determination on this ap-
plication at the hearing. All in-
terested 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 Rights
Division, DWRN, Joe Foss
Building, Pierre, S. D., prior to
the hearing date for assistance
to assure access to the hearing.

—Water Management Board,
Burton F. Jones,
Water Rights Specialist.
Pub. May 14, 21, 1981

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8134

PIERRE, April 7, 19 81

RECEIVED OF L. K. Stoddard, Parker, SD 57053

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

Fee for Application for Permit to Appropriate Water No. 4737-3 (examination, processing, recording and filing)	22.00
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	22.00

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Office
V JONH HATCH / (dy)

Permit No. 4737-3Water Division 3 VERMILION RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by L.K.STODDARD of PARKER holderof Permit No. 4737-3, bearing date of priority of APRIL 7, 1981authorizing the diversion of .97 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in TURNER County.

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

The Water Use System consists of,

- A. Works used to divert the water:
32' DEEP WELL - 14" ASBESTOS CEMENT CASING - 20' SLOPED SCREEN
VALLEY 6" PUMP 10 M H 5. POWERED BY CHRYSLER INDUSTRIAL
#431 PROPANE ENGINE, ALSO OPERATES ELECTRIC GENERATOR
TO POWER PIVOT SYSTEM
- B. Works used to transport water to place of use,
600' OF 6" BURIED PVC TO W PIVOT PAD
1060' OF 6" BURIED PVC TO E PIVOT PAD
- C. Works used to apply water to beneficial use.
VALLEY 3 TOWER CENTER PIVOT WITH NELSON #100 END GUN

The system is in the following condition: GOODThe point of diversion is located 800' N & 60' E OF THE SW CORNER,SECTION 31, T49N, R52WThe works are capable of diverting and conveying to the place of use .88 (400 GPM)cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING 6.3 ACRES IN THE S²SW⁴ SECTION 31,
T49N, R52Wcomprising a total of 6.3 acres of land.Date NOVEMBER 15, 1981
Burton J. Jones
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8547

PIERRE, November 16, 1931

RECEIVED OF L. K. Stoddard, Parker, SD 57053

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 4737-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4737-3		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / (Lt)



Department of Water & Natural Resources

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

February 17, 1989

Orville Jenter
RR 2, Box 67
Centerville, SD 57014

Dear Mr. Jenter:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3100

February 19, 1992

4737-3

Audrae Bailey
407 W 30th
Sioux Falls, SD 57105

Dear Ms. Bailey:

I am contacting you in regard to ownership of land described in Water Right No. 4737-3, currently listed in the name of L K Stoddard. Bill Stoddard has notified our office that you now own the land described in the water right.

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4737-3. The transfer form should be checked over for accuracy and signed by in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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 me.

Sincerely,

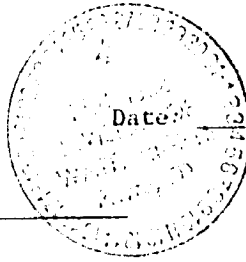
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4737-3



Date: _____

I/~~We~~ request that Water Right No. 4737-3

formerly owned by: L K Stoddard

be transferred to: (name & address) Charles B. Stoddard, 4737-3, 523 E. Capitol

(Telephone No.) 338-2114

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

S 1/2 SW 1/4 Section 31, T99N, R52W

I/~~We~~ understand that the validity of Water Right No. 4737-3 has not been determined by this transfer action. If I/~~We~~ have any questions on validity, I/~~We~~ understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA:)

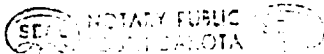
County of Minnehaha)

I/~~We~~ Charles B. Stoddard 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.

(Signed)

Subscribed and sworn to before me this 24 day of February, 19 93.

BARBARA LOWE



Barbara Lowe
Notary Public

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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

RECEIVED OF _____

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

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

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

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

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

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

By _____
Chief Engineer



February 27, 1992

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

No. 4737-3

Audrae Bailey
407 W. 30th St.
Sioux Falls, SD 57105

Dear Ms. Bailey:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4737-3.

Our records now show you as the owner of Water Right No. 4737-3.

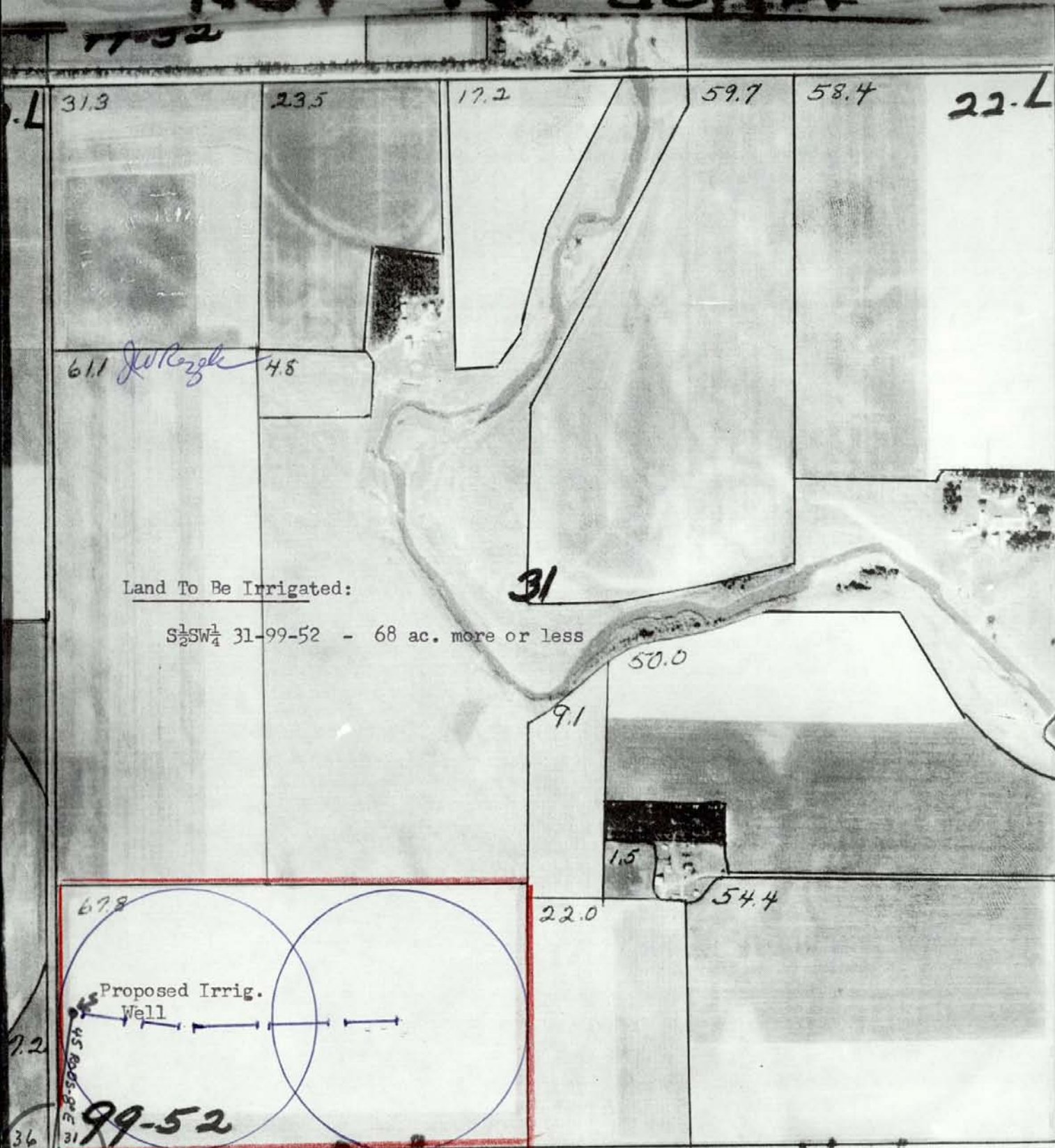
Sincerely,

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

enclosure

NOT TO SCALE

MAP NO. 39483 APPL NO. 4737-3



Land To Be Irrigated:

$S\frac{1}{2}SW\frac{1}{4}$ 31-99-52 - 68 ac. more or less



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 2, 2015

4737-3

Audrae Bailey
310 W 21st St #7
Sioux Falls SD 57105

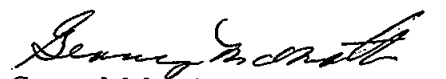
Dear Ms. Bailey:

We have received the 2015 irrigation questionnaire from you and need to return it to you for completion.

Please complete both sides of the form and return it to us by December 1st. If you have any questions or need assistance with it, give me a call and I will help in any way I can.

If you no longer own the land and I need to be contacting someone else, please let me know. Thank you in advance.

Sincerely,


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

enclosures



**Moore Heffernan
Moeller Johnson
& Meis LLP**

WRITER'S E-MAIL
RMeis@MooreHeffernanLaw.com

RECEIVED
JUL 02 2018
**WATER RIGHTS
PROGRAM**

4737-3
DAN A. MOORE *
MAUREEN B. HEFFERNAN +
RICHARD H. MOELLER +
JEFFREY A. JOHNSON *+
ROBERT F. MEIS *+
ANGIE J. SCHNEIDERMAN *
KARRIE R. HRUSKA *
JASON GANN +
NIKKI K. NOBBE +
KAITLIN T. BOETTCHER

+ Also admitted in Nebraska
* Also admitted in South Dakota

June 27, 2018

PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

Re: Water Right/Permit No. 4737-3

Dear Sir or Madam:

I have enclosed a Notice of Transfer of Ownership of Water Right/Permit No. 4737-3 to Rus Farms Real Estate, L.L.C.

I have also enclosed a check in the amount of \$50.00 to cover the filing fee.

Please return a file-stamped copy of this Notice in the envelope provided.

Thank you for your assistance and please let me know if you have any questions or comments.

Sincerely,

Robert F. Meis
For the Firm

RFM/maj
Enclosures
cc: Marion Rus w/ enc.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 02 2018

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 4737-3Date: 6/19/2018

I/We request that Water Right/Permit No. 4737-3 formerly owned by:
Audrae L. Bailey be transferred to:

New Owner Name: Rus Farms Real Estate, L.L.C.Address: 3283 Dogwood Ave.City, State, Zip Rock Valley IA 51247 Telephone No. (712) 540-2134

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

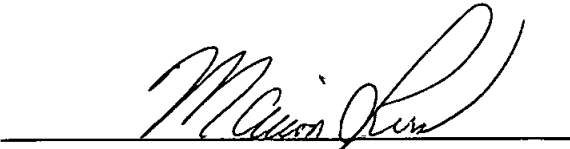
The South Half of the Southwest Quarter (S ½ SW ¼) of Section Thirty One (31), Township Ninety Nine (99), Range Fifty Two (52), West of the 5th P.M., Turner County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 4737-3 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, Marion Rus/Mgr., Rus Farms Real Estate, L.L.C., the new owner, certify that the above information is true and correct.


(signed by new owner)

Marion Rus, Manager of Rus Farms Real Estate, L.L.C

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 July 3

2018

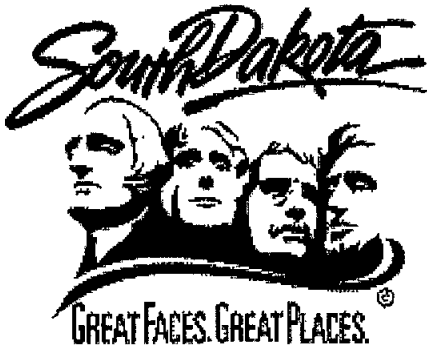
RECEIVED OF Moore, Heffernan, Moeller, Johnson & Meis, LLP PO Box 3207 Sioux City IA 51102-3207

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	50	00
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>4737-3</u>		
Fee for _____	50	00
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 00

No. **08711**

By Jeanne Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 3, 2018

4737-3

Marion Rus
Rus Farms Real Estate LLC
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

I am writing to acknowledge receipt of the transfer form and filing fee submitted on your behalf by Moore, Heffernan, Moeller, Johnson and Meis LLP for Water Right No. 4737-3.

The ownership change has been completed. Water Right No. 4737-3, formerly held by Audrae Bailey is now listed in the name of Rus Farms Real Estate LLC.

The receipt for the filing fee is being forwarded with a copy of this letter to the law firm. If I can answer any questions for you, please contact me.

Sincerely,

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

c: Robert F Meis w/Moore, Heffernan, Moeller, Johnson and Meis LLP with Receipt No 08711
& stamped copy of transfer form



4737-3
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 23, 2020

NOTICE

TO: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY, IA 51247

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4737-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 4737-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 4737-3 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: DRZHFS**

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.

4737-3

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70191120000129106901

Remove X

Your item was delivered at 10:58 am on January 28, 2020 in ROCK VALLEY, IA 51247.

 **Delivered**

January 28, 2020 at 10:58 am
Delivered
ROCK VALLEY, IA 51247

Get Updates ✓

Text & Email Updates

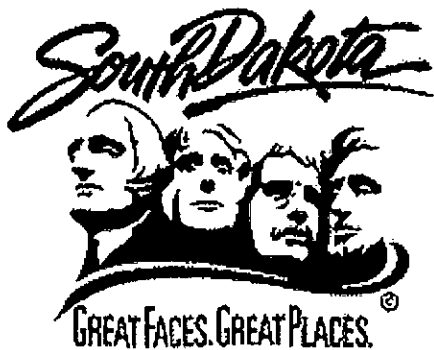
Tracking History

Product Information

See Less ^

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	<i>Delivered</i> 1-28-2020 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
RUS FARMS REAL ESTATE LLC 3283 DOGWOOD AVE ROCK VALLEY IA 51247	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1120 0001 2910 6901



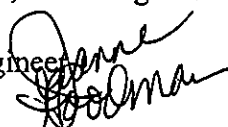
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 4737-3

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right No. 4737-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 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 (605) 773-3352, if you have any questions.

4737-3

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembrook Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

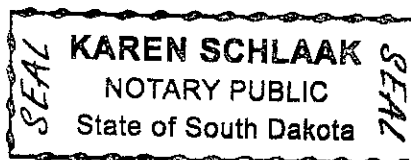
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2020

4737-3

Marion Rus
Rus Farms Real Estate LLC
3283 Dogwood Ave
Rock Valley IA 51247

Dear Mr. Rus:

On February 26th the Water Management Board ordered Water Right No. 4737-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information for your water right was submitted by Brett Peterson with PBP Farms.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

As you requested, future irrigation questionnaires will be directed to PBP Farms in Hurley SD since they farm the land for you. If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

4737-3



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: PBP FARMS, OPERATOR, 45610 282ND ST, HURLEY, SD 57036

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) 3500-3 & 3501-3 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3500-3 & 3501-3 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: PDUVFL**

C: JAY W PARSONS, PO BOX 177, VIBORG SD 57070-0177

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.

4737-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

Brett or Paul Petersen
PBP Farms
45610 282nd St
Hurley SD 57036

RE: Water Right/Permit Nos. 3500-3, 3501-3, 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3

Dear Sirs:

I am writing to acknowledge receipt of the 2020 irrigation questionnaires for PBP Farms.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Genny McMath". The signature is fluid and cursive.

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



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: PBP FARMS, BRETT PETERSEN, 45610 282ND ST, HURLEY SD 57036

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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 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: WKAPQX**

**cc: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY IA 51247
BUZZ WILSON LLC, 44220 271ST ST, MARION SD 57043
ALLTHATISLEFT LLC, 8787 LOCUST AVE 14, FONTANA CA 92336**

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

4737-3, 6563-3, 6571-3, 6813-3,
6815A-3, 7001-3, 8557-3, 8558-3

PBP Farms
c/o Brett Peterson
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

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). 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. 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

cc: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY IA 51247
cc: BUZZ WILSON LLC, 44220 271ST ST, MARION SD 57043
cc: ALLTHATISLEFT LLC, 8787 LOCUST AVE 14, FONTANA CA 92336