

1. Considered: Feb. 15, 1984 Water Right No. 4986-3
2. Name of Applicant Robert E. Moberg
3. Post Office Address RR #1, Box 41. Bruce. SD 57220
4. Amount of Water Claimed No add'l (2.10) maximum acre feet
5. Source of Water Supply 31' deep well - add'l diversion on 3969-3
6. Water to be used for IRR acres to be irrigated no add'l
7. County Brookings about 15N 1 miles east of Brookings (147)
8. PROOF OF PUBLICATION: Received 1-11-84 Not Received
- APPLICATION: Approved Subject to
- Not Approved Action Deferred

PRIORITY Dated Received 10/13/83 Application complete-yes^x no FEE 50.00
May 4, 1977 Remarks additional diversion on 3969-3

Corrected Application received Period of Annual Use 4/1 - 10/31

WATER Received yes no APPROVED/CONDITIONAL (Circle one)
 QUALITY WI-1 Description same as application-yes no Remarks
not required within their rules and regs. Called 10/17/83 to notify
the SCC office and will send copy of this Buck Sheet
 Disapproved Returned

					6
					X

Diversion Point
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6-112-49

Land to be irrigated
SE $\frac{1}{4}$ Sec 6-112-49

WELL LOG Driller Ed Lacey Licensed - yes XX no
 Depth 31 feet

Remarks I Big Sioux Aquifer, North Deer Creek Management Unit

MAP Map No. 4980-3 Map located in Water Right X Map file _____
 Type of Map aerial Prepared by Gale Selken HYDRO

+++++

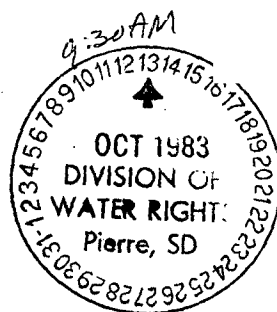
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
10/17/83

Gale Selken
 (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 was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4980-3Map No. 4980-3 Water Division No. 3 SIoux RIVER District
Above for Office Use 10170202

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

Check one of the following:

New X Vested Right _____ Future Use _____Change in Diversion _____ Additional Diversion X 3969-3

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Robert E. Moberg Phone No. _____
 Post Office Address RR 1 Box 41 Bruce State South Dakota 57220
 (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) Direct Labor3. Name of diversion work Robert E. Moberg Irrigation Project #24. Amount of water claimed (cubic feet per second) No Additional 6.11 10025. Source of water supply Big Sioux Aquifer - North Deer Creek Management Unit6. Location of point of diversion 2599 Ft. N 73°W of SE Cor 6 T112N R49W
(SW 4 SE 4)County Brookings7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated No Additional 147List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each. 147

*Corrections
Do
10/17/83*

Land Description	No. Acres Irr.
<u>No Additional</u>	<u>147</u>
<u>SE 4 Sec 6 T112N R49W</u>	<u>147</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 15 30 15 years. Additional time required to complete application of water to the proposed beneficial use 15 " 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.

wellThis is an additional point of diversion for permit

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

pipeline3220-3
3969-3 AWB BW

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, ROBERT E. MOBERG 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 Robert E. MobergSubscribed and sworn to before me this 11th day of October, 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4981-3

Robert Moberg
(Applicant)

RT. 1 Box 41 Bruce
(Post Office Address)

South Dakota
(State)

With the following qualifications.

The irrigation well approved under this Permit is located near domestic wells and other 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 adequate 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 October 13, 1983
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved February 15, 1984, Recorded in Book Page

WATER RIGHT PERMIT NO. 4981-3

The Water Management Board hereby grants and issues this Water Right Permit No. 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 May 4, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before , 19
3. The whole of said work is ~~to be completed on or before~~ , 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is , 19
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 No add'l 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 February 15, 1984; said water to be used during the following described annual period: April 1st thru October 31

Witness my hand this 15 day of March, 1984

THE WATER MANAGEMENT BOARD

By: John H. Bates
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

D. Well Information

- (1) Drill Hole, Diameter _____, Depth 31
- (2) Casing, Type steel (wood, concrete, steel, etc.), Diameter 12", Thickness 1/4"
- (3) Screen, Type Stainless Steel, Diameter 12", Length 8'
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, N/A, Depth _____

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

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

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 31'

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

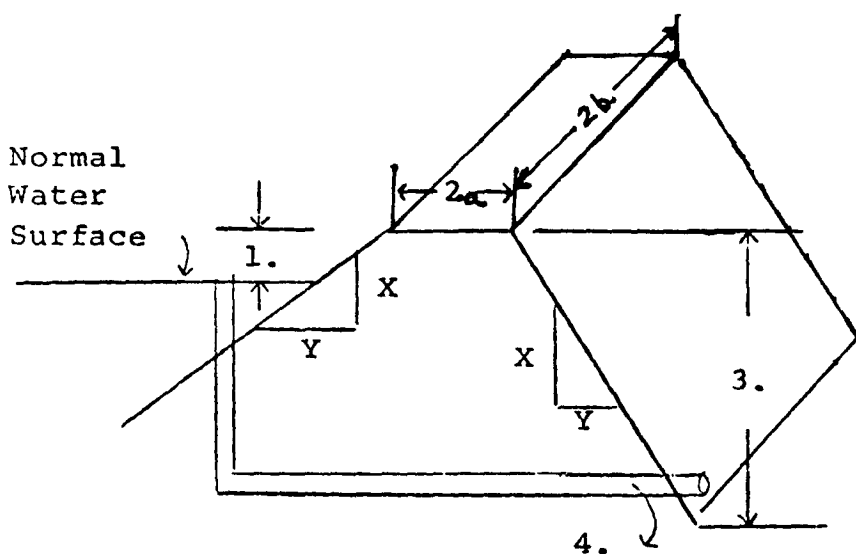
- (2) Distance to nearest existing household or livestock watering well.

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 _____

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SE 1/4 SW 1/4 S42 Sec. 16 Township 112-N Range 99-W

Well owner Bob Marberg Estrellita, S.D.
(Name) (Address)

Date well drilling completed 5-22-74 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Depth to top of water producing aquifer 10' ft.

Depth to static water level 10 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole _____ 31 _____ ft.

Depth to bottom of casing 31' ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

2" x 12" x 3/4" Steel Casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

8'x12"x.120 Johnson
Stainless Steel

If a flowing well, flow of completed well _____ G.P.M.

Ed. H. Lorenz & Son
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION
Company name and size of pump Western Land Roller HP 30

Type of pump turbine Capacity of installed pump 300 G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.



Ed H. Lacey & Sons
Name of Pump Installation Contractor

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SW 1/4 SW 1/4 SE Section 6 Township 112-N Range 49-W

Well owner Bob Mosberg Bryce, S.D.
(Name) (Address)

Date well drilling completed 5-19-78 Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
		14'	ft.

0-1 Topsoil Depth to static water level 14 ft.

1-14 Ch. Creek Basin Name of producing aquifer (if known) _____

Total depth of drill hole 35 ft.

Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per

306-33	6000 Grade	diameter, etc., for production casing and surface casing, if used.
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266" x 12" x 1/4" Steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

8'x12"x-100 SS HQ Johnson
Screen

If a flowing well, flow of completed well _____ 6.P.M.

Attach sheet if more space is needed

Ed H. Looney & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Roller HP 20

Type of pump turbine Capacity of installed pump 200 G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____.

tube material: _____

Ed H. Hoegstrom
Name of Pump Installation Contractor



NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

#2 Location of well: NW 1/4 SW 1/4 SE Section 6 Township 12-D Range 47-W

Well owner Bob Mayberg Bruce S. O.
(Name) (Address)

Date well drilling completed 5-22-78 Purpose of well 7-000-10
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-1	Topsoil	Depth to static water level _____ 13' _____ ft.
1-5	Yellow Clay	Name of producing aquifer (if known) _____
5-32	Rusty Coarse Gravel	Total depth of drill hole _____ 34'6" _____ ft.
32-34'6"	White Coarse Gravel	Depth to bottom of casing _____ 36' _____ ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		28' x 12" x 1/4" Steel casing
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		8' x 12" x .100 SS H.A. Johnson Screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Ed H. Lowe & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Roller HP 25

Type of pump turbines Capacity of installed pump 300 G.P.M.

Depth of pump placement 34' ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____.

Ed H. Lovey + Sons
Name of Pump Installation Contractor



NOTICE OF WELL CONSTRUCTION

(I) WELL CONSTRUCTION

#3 Location of well: SE 1/4 SW 1/4 SE Section 6 Township 2-N Range 49-W
 Well owner: Bob Maiberg Bryce S. P.
 (Name) (Address)
 Date well drilling completed 5-23-78 Purpose of well Domestic
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-1	Topsoil	Depth to static water level _____ 10' ft.
1-10	Clay Sand Gravel	Name of producing aquifer (if known) _____
10-31	Good Gravel	Total depth of drill hole _____ 31' ft.
		Depth to bottom of casing _____ 32' ft.
		Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
		24' x 12" x 1/4" steel Casing
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		8' x 12" x .120 ss HQ Johnson Screen
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Ed H. Lopez + Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Western Land Roller HP. 30
Type of pump turbine Capacity of installed pump 420 G.P.M.
Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material: _____.

Ed H. Lacey & Sons
Name of Pump Installation Contractor



Water Rights Division
605 773-3352

September 23, 1983

Robert E Moberg
RR 1 Box 41
Bruce SD 57220

Dear Mr. Moberg:

On August 2, 1983 I inspected Permit No. 3969-3 for final inspection before licensing pursuant to South Dakota State Statutes. During the inspection I found an additional well which was not covered under permit. To bring your irrigation system into compliance with statutes a permit must be obtained for the additional well. I have filled out the necessary papers to apply for the permit, please sign, have them notarized and return to this office. This office will then proceed with the process to bring the application before the Water Management Board. A \$50 filing fee will be required with the application.

If you have any questions, please contact this office.

Sincerely,

GALE N SELKEN
Hydrologist

GNS:ks

enclosures

RECEIPT

Division of Water Rights

No 4 9380

South Dakota Department of Water and Natural Resources

Pierre, October 13, 19 83

RECEIVED OF Robert E. Moberg, RR#1, Box 41, Bruce, South Dakota 57220

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 _____	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 _____		
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

JOHN HATCH/ms

REPORT ON APPLICATION NO. 4981-3

ROBERT E MOBERG

December 19, 1983

Application No. 4981-3, Robert E Moberg, is for an additional point of diversion on Permit No. 3969-3. This application is for no additional water and no additional acres. Permit No. 3969-3 was originally approved for two wells; however, three wells were constructed. All three wells were constructed during 1978. During that time period, if a permit holder requested an additional well (where the original cfs limit was not exceeded) the permit holder was told (verbally) that the additional point of diversion would be taken care of at the time of licensing. Rules and regulations which are presently in effect address this issue, but were not adopted until 1983. This writer believes that this application should be granted with the original priority date as the system was constructed and water put to beneficial use within the five year construction period. All three wells withdraw water from the Big Sioux-North Deer Creek management unit.

The North Deer Creek Unit is a glacial sand and gravel aquifer which is under both artesian and water table conditions. This aquifer has a gradient from northwest to southwest and discharges into the Big Sioux aquifer. A review of the six observation wells in the North Deer Creek unit shows the seasonal fluctuations due to precipitation and irrigation.

Hedges (1983) reported that the Big Sioux - North Deer Creek unit had an areal coverage of 5,700 acres with 6,840 acre feet of recoverable water. This assumed a saturated thickness of 8 feet and a specific yield of 0.15. The boundaries used were the same as for Koch (1980) (the area is blue on attached map). Thru drilling of observation wells and plotting existing irrigation well data this writer believes that the area for BS:NDC should be the combination of the blue and red areas on attached map and that a minimum of 15 feet be used for a saturated thickness.

This would give an areal average of 5700 acres + 9600 acres = 15,300 acres and an amount of recoverable water of 15,300 acres x .15 x 15 feet = 34,425 acre feet.

Using the above values water available vs appropriated would be as follows:

Appropriated	% available appropriated
5404 ac ft	16

Conclusions

1. The affects from pumping of this diversion point will have no additional affects on the management unit.
2. A review of observation well files indicates water is available for this application.
3. The values for the Big Sioux - North Deer Creek management unit as reported in Hedges (1983) are substantially larger in reality.

Gale N Selken

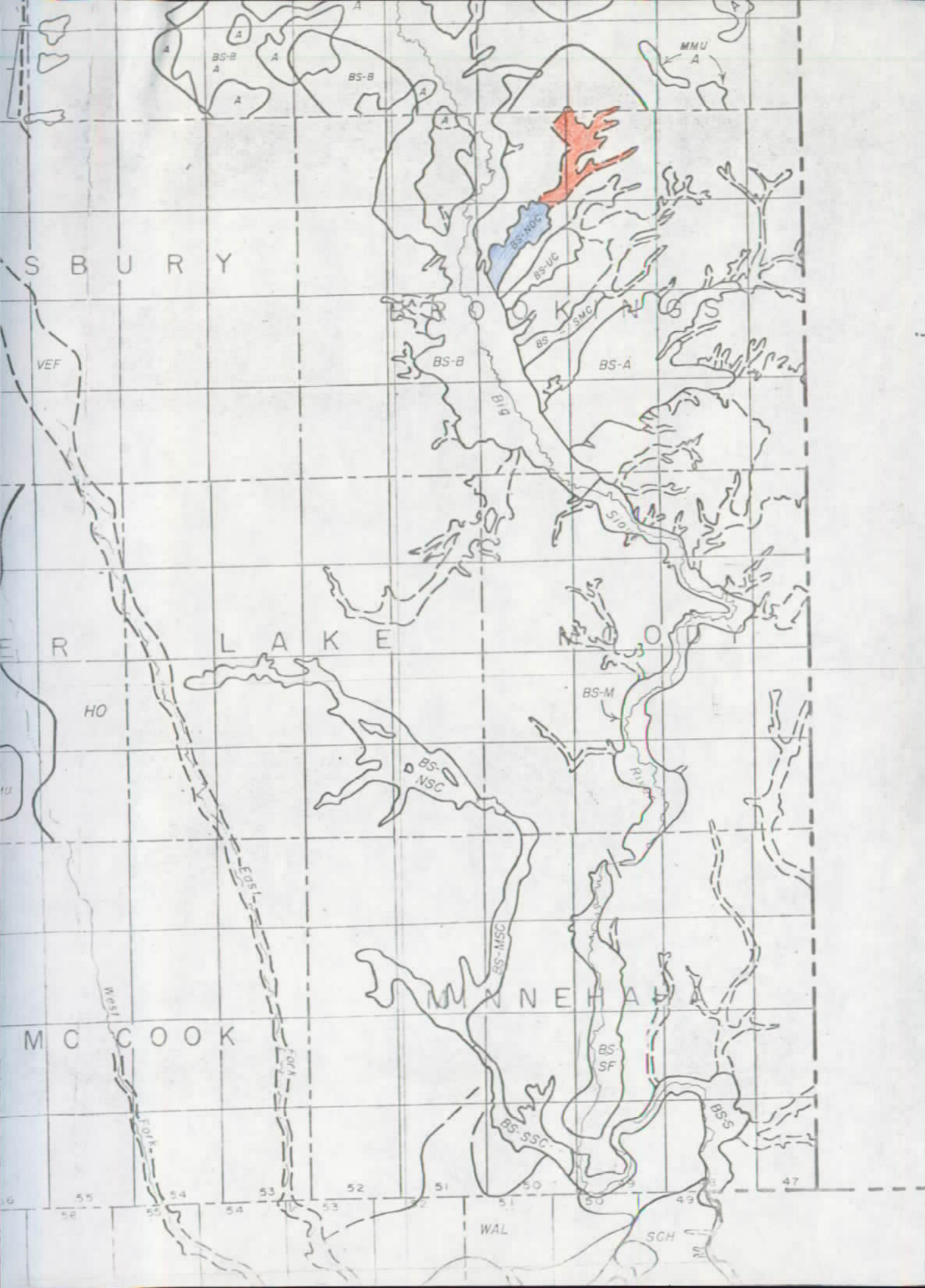
GALE N SELKEN
Hydrologist

Hedges, Lynn, 1983, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River, South Dakota and Iowa.

1979, 1980, 1981, Irrigation Report Eastern South Dakota, Prepared for the Division of Water Rights by the South Dakota Geological Survey.

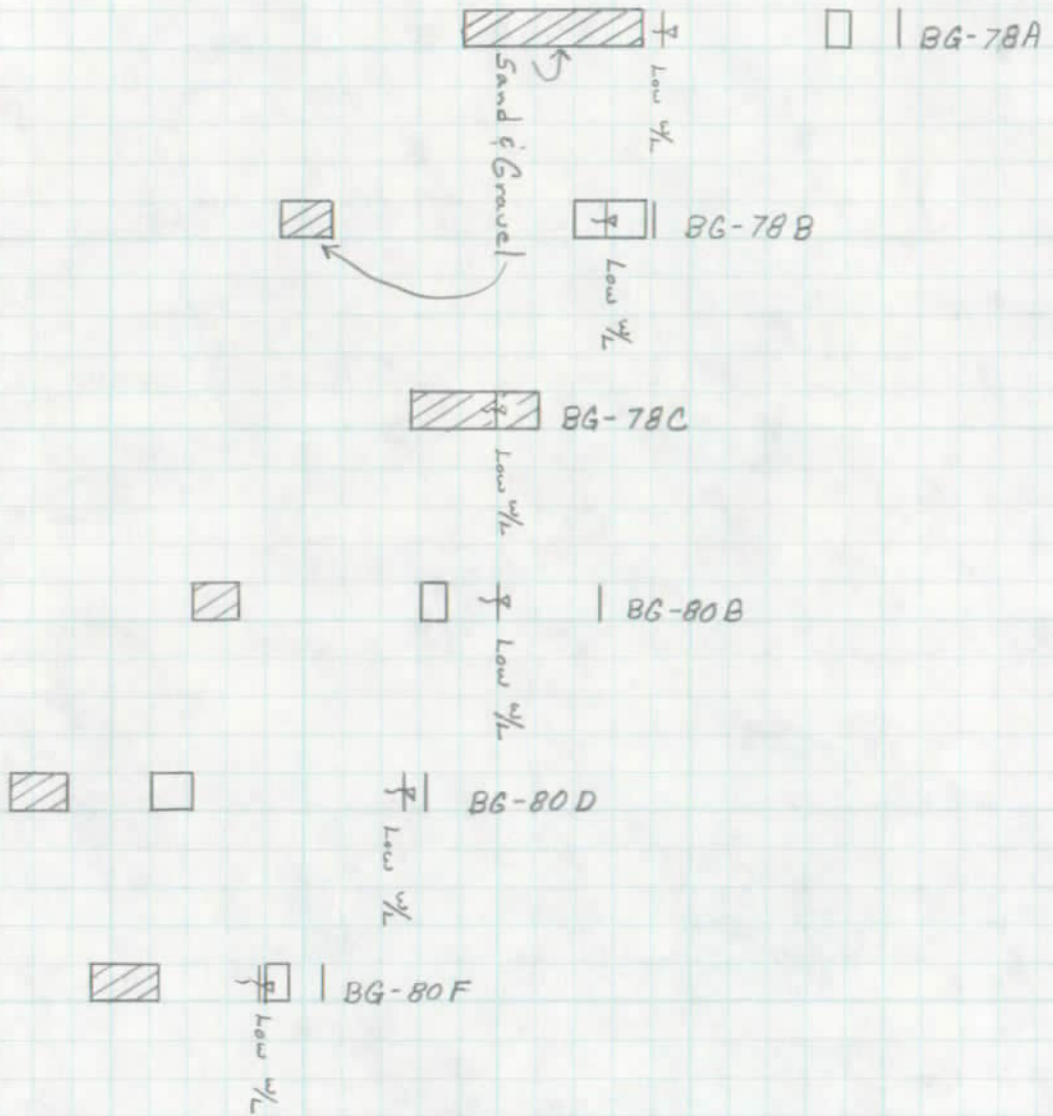
Koch, Neil, Appraisal of the Water Resources of the Big Sioux Aquifer Brookings, Deuel and Hamlin Counties, SD. U.S. Geological Survey, Water Resources Investigation 80-100, 1980.

DWNR, Division of Water Rights: Observation well files and water right files; unpublished.



Elevation (MSL)

1800
1750
1700
1650
1600
1550



BS:NDG
19 Dec 83
GNS

COMPUTATION SHEET

BY	DATE	PROJECT	SHEET	OF
CHKD BY	DATE	FEATURE		
DETAILS				

3969-3 Robert Moberg

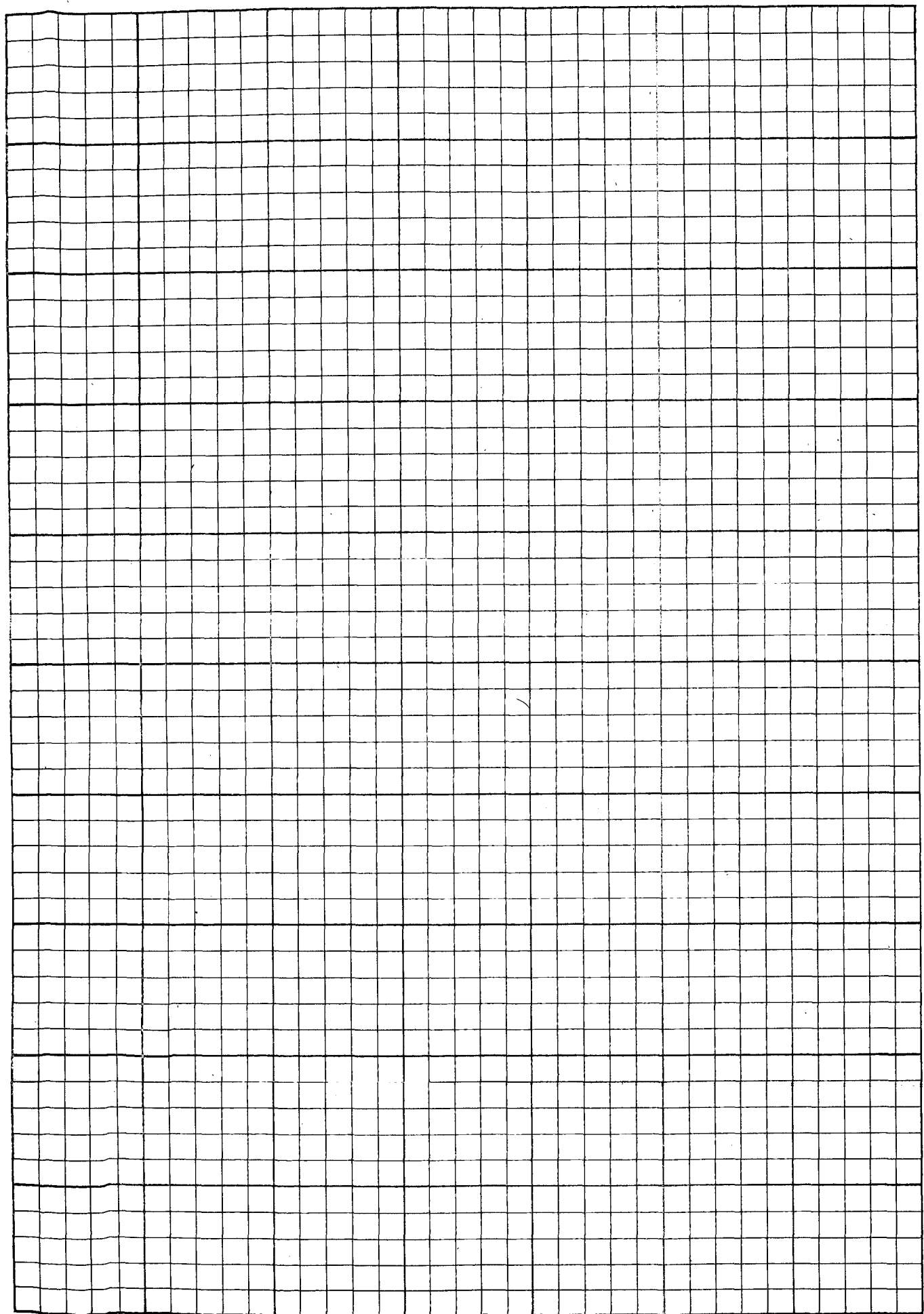
Irrigate SE $\frac{1}{4}$ 6-112-49

2 wells #1 1980' N 88°W SE Cor. 6
 #2 1320' N 87°W SE Cor. 6

Presently has 3 wells.

#1 2516' N 85°W SE Cor.
#2 2104' N 87°W SE Cor.
#3 2599' N 73°W SE Cor.

Needs permit for well #3



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4981-3, Robert E. Moberg

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4981-3, Robert E. Moberg, RR 1 Box 41, Bruce SD.

The Chief Engineer is recommending APPROVAL of Application No. 4981-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit is located near domestic wells and other 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 adequate wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

The attached report is a part of this recommendation.

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
December 28, 1983

DENHOLM & GLOVER

Attorneys and Counselors at Law

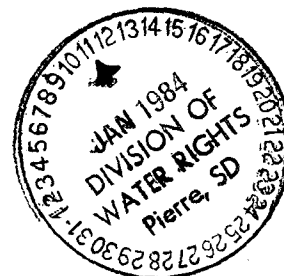
FRANK E. DENHOLM
ALAN F. GLOVER

STEVEN J. BRITZMAN



MAIN OFFICE AND LIBRARY—418 FOURTH STREET
POST OFFICE BOX 686
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE (605) 692-2111
BRANCH OFFICE: VOLGA, SOUTH DAKOTA 57071

January 9, 1984



Mr. Kevin C. Larson, Engineer
Department of Water and Natural Resources
523 East Capitol
Pierre, South Dakota 57501

Reurlet 12/29/83 App. No. 4981-3

Dear Mr. Larson:

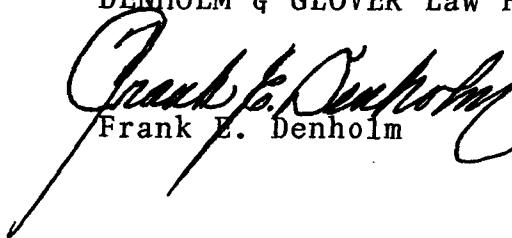
The original Affidavit of Publication is enclosed for your file. Mr. MOBERG has paid the publisher \$42.63 for the cost of publication.

Your cooperation is appreciated and Mr. MOBERG has requested that you promptly inform him of any further requirements necessary to perfect the application on file with your office.

Thank you very much.

Sincerely,

DENHOLM & GLOVER Law Firm


Frank E. Denholm

FED/med

(3)

Enclosure

cc: Mr. Robert E. Moberg, Pres. (info)
Moberg Farms, Inc.

Instruction to Newspaper - Publish first publication of the following Notice on or before January 4, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4981-3 to Appropriate Water
and/or to Amend Water Permit ~~on Water Rights~~ No. 3969-3

Notice is hereby given that Robert E. Moberg whose mailing address is
RR#1, Box 41, Bruce,, South Dakota has made an application for a permit

to appropriate no additional cubic feet per second from groundwater for an additional
31 foot well on Water Permit No. 3969-3. The new point of diversion to be located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T-112N, Range 49W. Said water to be used for the purpose of
providing irrigation on 147 acres of land previously covered under water permit No. 3969-3
located in the SE $\frac{1}{4}$, Section 6, T0112N, Range 49 W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 4981-3 because 1) unappropriated water is available,
2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense
Room, basement Capitol Building, Pierre, SD, February 15 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984.
The petition may be informal, but it must include a statement describing the petitioners
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal
counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24,
46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use) 46-5-38 thru 46-5-40; (transfer lands)~~
~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD~~
~~74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA)~~
~~74:02:01:15:02 thru 74:02:01:15:05~~

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance
prior to the hearing date. The time of the hearing will be automatically extended for
at least twenty days upon written request of the applicant or any person who has filed
a petition to oppose or support the application. The request for extension must be filed
with the Chief Engineer by February 3, 1984.

Affidavit of Publication

State of South Dakota

County of Brookings

Douglas Anstaett

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. 5

98 lines x .435

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:

January 4, 19 84

January 11, 19 84

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 fees charged for the publication thereof are:

Forty-two dollars sixty-three cents

Dollars

Subscribed and sworn to before me this _____ 11th _____ day of

January, 19 84

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

My Commission expires _____ September 6, 19 85

Legal No. 5, 2x, Jan. 4, 11
NOTICE OF HEARING
on Application No.
4981-3 to

Appropriate Water
and to Amend Water
Permit No. 3969-3

Notice is hereby given to Robert E. Moberg whose mailing address is R.R. 1, Box 41, Bruce, South Dakota has made an application for a permit to appropriate no additional cubic feet per second from groundwater for an additional 31 foot well on Water Permit No. 3969-3. The new point of diversion to be located in the SW 1/4 SE 1/4, Section 6, T-110N Range 49W. Said water to be used for the purpose of providing irrigation on 147 acres of land previously covered under Water permit No. 3969-3 located in the SE 1/4, Section 6, T112N, Range 49W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4981-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, basement Capitol Building, Pierre, SD, February 15, 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-3-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31, 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

4981-3

March 15, 1984

Robert E. Moberg
RR#1, Box 41
Bruce, South Dakota 57220

Dear Sir:

Enclosed herewith is your Water Permit No. 4981-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 4981-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

LICENSE FOR PERMIT NUMBER 3969-3; 4981-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Lacey

No. of wells 3 Depth 31; 34.5, 31

Casing a) diameter 12" Screen a) type stainless steel

b) length 23; 26.5; 23 b) length 8, 8, 8

c) type steel Static Water Level _____

Pump #1 a) make Western Land Roller Motor a) make #1 US Electric Unidlosed

b) model serial #1 A7842; #2 C78381; #3 A7848 b) model no. R-8962-06-376 R2119213 NRRS

c) size _____ c) horsepower rating 20

d) capacity _____ GPM d) motor efficiency rating

e) turbine pump 60 HZ 230V 54AMP 1750RPM S.F. 1.5

no. of stages _____

Head No. 6M 1084 M

3. Distribution lines:

a) size of lines 6"

b) type Aluminum

c) length _____

#2 USE Electric

R2987-03-381 R2119448

30 HP 60 HZ 230AMP 1750RPM 1.15 SF

#3 U.S. Electric

R2983-03-385-R2119651

25 HP 60 HZ 230Volts 62AMP

1760 RPM S.F. 1.15.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

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 _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make Zimmatic Corner
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1
- 5) End gun (Y/N) Y
- 6) high or low pressure 70
- 7) make & size of nozzles 4 per tower
- 8) PSI reading while system is running 70
- 9) GPM 900
serial L08840 type 7 Model 1307

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | |
|----------|-----|---|
| <u>X</u> | ___ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>X</u> | ___ | 2. Special Qualifications to permit being abided by. |
| <u>X</u> | ___ | 3. All Structures, wells and lands on map. |

REMARKS:

4981-3 for additional well not covered by 3969-3.
System has McCrometer Flow meter in line
total gallons Aug 2, 1983 2:45 PM system off 86070000
serial number 78 8783

Jack H. Silken

Permit No. 4981-3Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Robert E. Moberg
 of RAI Box 41, BRUCE SD holder of
 Permit No. 4981-3; 3969-3, bearing the priority of May 4, 1 19 77 authorizing
 the diversion of 2.1 cu. ft. per second of the waters of Big Sioux-North Deer Creek Management Unit
 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: 3 wells

- 1- 31 ft. 12" steel cased with 8' Johnson stainless steel screen; 20 HP Electric motor
- 1- 34.5 ft 12" steel cased with 8' " " " " ; 25 HP Electric motor
- 1- 31 ft. 12" steel cased with 8' " " " " ; 30 HP Electric motor

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

6" pipeline from wells to pivot

C. Works used to apply water to beneficial use:

Zimmatic Corner System serial L08840 type 7 Model 307The system is in the following condition good

The points of diversion ^{are} located 2516 ft. N. 85°W; 2104 ft N 87°W; 2599 ft. N 73°W;
all from SE corner section 6 T112N-R49W

The works are capable of diverting and conveying to the place of use 2.0cu. 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:

NW 1/4 SE 1/4 35 acres All in section 6 T112N R49WNE 1/4 SE 1/4 39 acresSW 1/4 SE 1/4 35 acresSE 1/4 SE 1/4 38 acrescomprising a total of 147 acres of land and the license should be issued for 2.0 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are:

Permit 4981-3 is for an additional point of diversion not covered under
 the original permit (3969-3)

State M. Silken 14 Feb 85
 (signature)

SECOND NOTICE

March 20, 1985

Permit No. 4981-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Robert E. Moberg
RR #1, Box 41
Bruce, South Dakota 57220

Dear Mr. Moberg:

March 15, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 4981-3 can be issued. As of this date, the fee has not been received.

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

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

Very truly yours,

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

SS08.WR

4981-3

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☒ Show to whom and date delivered —¢ ☐ Show to whom, date, and address of delivery.. —¢	
2. ☐ RESTRICTED DELIVERY —¢ (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Robert E Moberg RR 1, Box 41 Bruce SD 57220	
4. TYPE OF SERVICE: ☒ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER P404 786 635
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent <i>Darin Moberg</i>	
5. DATE OF DELIVERY 3-22-85	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

RECEIPT

Division of Water Rights

No 4 9985

South Dakota Department of Water and Natural Resources

Pierre, March 28, 1985

RECEIVED OF Robert E. Moberg, Route #1, Box 41, Bruce, SD 57220

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. <u>4981-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
JOHN HATCH/ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4981-3

APR 29 1985

Robert E. Moberg
RR#1, Box 41
Bruce, South Dakota 57220

Dear Mr. Moberg:

Enclosed herewith is, Water License No. 4981-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Applicable portions of Water Permit No. 3969-3 have been incorporated into this Water License No. 4981-3. A May 4, 1977 priority date is retained for all lands and water.

State of South Dakota
Water License No. 4981-3

(1) Robert E. Moberg
of RR#1, Box 41, Bruce, South Dakota
made Application No. 4981-3, October 13, 1983 for a water permit to appropriate
no add'l cubic feet per second of water from groundwater (one well),
Brookings County, South Dakota for Irrigation purposes.
Permit No. 4981-3, with a priority date of May 4, 1977
was approved February 15, 1984 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed.

The applicable portions of Water Permit No. 3969-3 have been incorporated into this
Water License No. 4981-3. A May 4, 1977 priority date is retained for all lands
and water.

and

(2) It is certified that the application 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 2.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are 2516'N85°W; 2104'N87°W; and 2599'N73°W;
all from the SE Corner of Section 6, T112N, R49W

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in Section 6,

T112N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 Acres (DB)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39 Acres (DA)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 Acres (DD)

TOTAL 147 ACRES

(4) Pursuant to §46-5-30.1 Robert E. Moberg

of RR#1, Box 41, Bruce, South Dakota

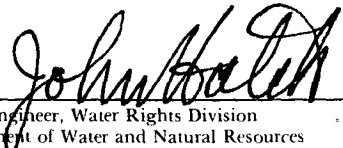
the holder(s) and/or owner(s) of Water Permit No. 4981-3 is issued a license to appropriate water, the right to use

2.0 cubic feet per second of water from groundwater (three wells) with a priority date

of May 4, 1977 from the location specified in (2) of this license. The water 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. 4981-3 and subject to South Dakota State Law.


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

JOHN HATCH

APR 29 1985

WATER RIGHTS DIVISION
(605) 773-3352

January 29, 1986

John Weiderach, Attorney
310 South 1st Avenue
Sioux Falls, South Dakota 57702

Dear Mr. Weiderach:

Enclosed is a copy of Water License No. 4981-3, Robert Moberg and a partially completed transfer form. As you will note, the license authorizes irrigation of 147 acres in the SE $\frac{1}{4}$ Section 6, T112N, R49W from 3 wells.

The transfer form should be completed and returned to this 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.

Also enclosed is a copy of Water Permit No. 2800-3 which authorized irrigation of 513 acres in portions of Sections 1 and 12, T112N, R50W. This permit was cancelled October 5, 1983 for non-construction. I have included some of the correspondence concerning the cancellation of the permit.

Irrigation of the lands described under Permit No. 2800-3 is no longer authorized. However, this does not prohibit someone from making a new application for this project in the future. Application forms and instructions are available from this office by request.

I hope the above information and enclosed data has been of some help to you. If I can be of further assistance, please let me know.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

WOODS, FULLER, SHULTZ & SMITH P.C.

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
TIMOTHY J. NIMICK
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THIMSEN
BRADLEY C. GROSSENBURG
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. McDOWELL III
ROGER W. DAMGAARD
BARBARA JO ANDERSON

LAWYERS

310 SOUTH FIRST AVENUE
SIOUX FALLS, SOUTH DAKOTA 57102

336-3890
AREA CODE 605

MELVIN T. WOODS (1899-1983)
HOWELL L. FULLER (1909-1981)
JOHN B. SHULTZ (1912-1975)

February 7, 1986

Ms. Genny McMath
South Dakota Department of Water
and Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Prudential vs. Moberg Farms, Inc.

Dear Ms. McMath:

Enclosed please find a Notice of Transfer of Water Permit from Moberg Farms, Inc., and Robert E. Moberg. Also enclosed please find a check in the sum of \$2.50 for the transfer.

Please send confirmation of the transfer to Mr. Stephen C. Parker, 1431 Opus Place, Suite 665, Downers Grove, Illinois 60515. I would appreciate receiving a copy of that notice.

If you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Jim
James M. Wiederrich

Enclosure
cc: Mr. Stephen C. Parker

no check enclosed



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date February 4, 1986

This is to notify you that the title to the lands described as follows:

147 Acres - SE $\frac{1}{4}$ Section 6, T112N, R49W formerly owned by Moberg Farms,

Inc. and the water permit No. 4981-3

formerly owned by Robert E. Moberg

The Prudential Insurance Company of America
has been transferred to /1431 Opus Place, Suite 665, Downers Grove, IL 60515
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4981-3 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)
) ss.
County of Brookings)

I, Robert E. Moberg 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 I know of my own personal knowledge that the information herein stated is true.

Robert E. Moberg
(Signed)

Subscribed and sworn to before me this 4th Day of February, 1986.

Steve J. B. [Signature]
(Notary Public)

WATER RIGHTS DIVISION
(605) 773-3352

February 10, 1986

James M. Wiederrich
Woods, Fuller, Schultz & Smith, P.C.
310 South First Avenue
Sioux Falls, South Dakota 57102

Dear Mr. Wiederrich:

This will acknowledge receipt of the "Notice of Transfer" you submitted for transferring Water Permit No. 4981-3 to Prudential Insurance Company of America. The transfer form was completed properly, however, before the transfer can be executed, a \$2.50 filing fee is required.

Please remit the fee to our office as soon as possible. Thank you for your assistance in this matter.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

310 SOUTH FIRST AVENUE

SIOUX FALLS, SOUTH DAKOTA 57102

336-3890

AREA CODE 605

MELVIN T. WOODS (1899-1983)
HOWELL L. FULLER (1909-1981)
JOHN B. SHULTZ (1912-1975)

FRANCIS M. SMITH
MERLE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
TIMOTHY J. NIMICK
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THIMSEN
BRADLEY C. GROSSENBERG
JAMES M. WIEDERRICH
COMET H. HARALDSON
RICHARD J. CORCORAN
J.G. SHULTZ
PIERCE H. McDOWELL III
ROGER W. DAMGAARD
BARBARA JO ANDERSON

4981-3

February 13, 1986

Ms. Genny McMath
South Dakota Department of
Water & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Prudential vs. Moberg Farms, Inc.

Dear Ms. McMath:

Enclosed please find our check in the sum of \$2.50 in payment of the transfer fee with regard to the above matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

James M. Wiederrich
(wp)
James M. Wiederrich

Enclosures



WATER RIGHTS DIVISION
(605) 773-3352

February 14, 1986

James M. Wiederrich
Woods, Fuller, Schultz & Smith, P.C.
310 South First Avenue
Sioux Falls, South Dakota 57102

RE: Prudential vs: Moberg Farms Inc.

Dear Mr. Wiederrich:

Enclosed is receipt No. 4-10323 in the amount of \$2.50 which you paid for transfer of Water Right No. 4981-3.

Our records now show Prudential Insurance Company of America as the owner of Water Right No. 4981-3.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

Enc.

cc: Stephen C. Parker
Prudential Ins. Co. of America
1431 Opus Place - Suite 665
Downers Grove, IL 60515

RECEIPT

No 410323

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

(James M. Wiederrich) Pierre, February 14, 1986
Woods, Fuller, Shultz & Smith PC, 310 S. First Ave., Sioux Falls SD 57102

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 <u>4981-3 (Prudential Ins. of America)</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

Chief Engineer

JOHN HATCH (INS)

WATER RIGHTS DIVISION
(605) 773-3352

February 21, 1986

Larry Nelson
Woods, Fuller, Shultz & Smith, P.C.
310 S. First Avenue
Sioux Falls, South Dakota 57102-0898

RE: Water Right No. 4981-3, Prudential Insurance Company of America

Dear Mr. Nelson:

I am contacting you in response to your inquiry about transfer of the soil/water compatibility permit as it relates to the transfer of the Water Right. The soil/water compatibility permit is a part of the water permit application. When a water right is transferred to a new owner, the soil/water compatibility permit is in effect, transferred also.

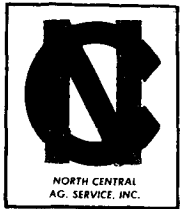
You further inquired as to whether or not the transfer needs to be filed with the County Register of Deeds. Transfer of water permits or water rights are not required to be filed with the County.

If you have any further questions, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms



REALTORS®

NORTH CENTRAL®

AGRICULTURAL SERVICE, INC.

P.O. Box 26 • 815 E. DePue • Olivia, Minnesota 56277 • (612) 523-1951

*file to file
mailed 2-9-87*

February 6, 1987

Divisions of Water Natural Resources
Water Rights Division
Foss Building
Pierre, SD 57501

To Whom It May Concern:

I am enclosing a "Notice of Transfer of Water Permit" for Water Right Permit No. 4981-3.

If you have any questions, please feel free to contact me.

Sincerely,

Leon Carlson
Farm Manager

LC/pk

Enclosure



SALES • EXCHANGES • MANAGEMENT

Members of the Farm and Land Institute of National Association of Realtors, and
The American Society of Farm Managers and Rural Appraisers



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 6, 1987

This is to notify you that the title to the lands described as follows:

The Southeast Quarter (SE 1/4) of Section Six (6), except Lot H-3
in Township 112N, Range 49W.

formerly owned by Prudential Insurance Company of America
has been transferred to Mr. Jerald A. Peterson RR 1 Bruce, South Dakota 57220
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4981-3 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.

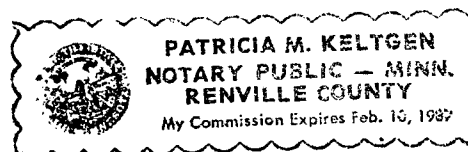
STATE OF Minnesota
STATE OF SOUTH DAKOTA)
County of Renville) ss.

I, LEON CARLSON being first duly sworn on my oath and say
That my relation to the above described undertaking is that of Agent, that I know the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Leon L. Carlson, Notary Central Ag. Lewis
(Signed)

Subscribed and sworn to before me this 6th Day of February, 1987.

Patricia M. Keltgen
(Notary Public)





Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

February 12, 1987

North Central Ag Service
PO Box 26
Olivia, Minnesota 56277

Dear Sir:

Enclosed is receipt No. 410740 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4981-3.

Our records now show ~~XXX~~ **Jerald A. Peterson** as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 12, 19 87

RECEIVED OF North Central Ag Service, Inc., PO Box 26, Olivia, MN 56277

the following amount in fees for services rendered as provided for by law: (for Jerald A. Peterson, RRI
Bruce, SD 57220)

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 4981-3

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

2 50

By

Chief Engineer

JOHN HATCH

MS

NOT TO SCALE 3969-3

15.7

62.0

28.1

26.6

7.5

107.7

Harle N. Selkin
Hydrologist - DWNR

13.7

164.5

31R

147.5

3969-3

Cornev system

Q = 900
PSI = 70

#3
x Lacey

112-49

87.4

map #Appl# 4980-3

map 3220-3 Appl. 3969-3

31R

3.1

6.7
also



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 20, 2017

NOTICE

TO: JERALD A PETERSON, 46727 197TH ST, BRUCE, SD 57220

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 2437A-3, 3556-3A, 3556B-3 & 4362-3 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) 4940-3, 4981-3, 5170-3 & 5443-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 4940-3, 4981-3, 5170-3 & 5443-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2437A-3, 3556-3A, 3556B-3 & 4362-3 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



4981-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 14, 2017

Jerald A Peterson
46727 197th St
Bruce SD 57220

RE: Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 2437A-3, 3556-3A, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3. 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
Water Rights Program
(605) 773-3352
email: 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

November 12, 2024

2437A-3, 3556A-3, 3556B-3,
4362-3, 4940-3, 4981-3, 5170-3 & 5443-3

Jerald A Peterson
46727 197th St
Bruce SD 57220

Dear Mr. Peterson:

Enclosed are the 2024 Irrigation Questionnaires for Water Right/Permit Nos. 2437A-3, 3556A-3, 3556B-3, 4362-3, 4940-3, 4981-3, 5170-3 & 5443-3.

The questionnaires were originally mailed to you on October 23, 2024. However, based on your telephone call to our office notifying us that you had not received the forms, they have been re-mailed.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password **YATGQK**.

Sincerely,

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

enclosures