



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 03 2008

5173A-3

Steve & Pam Schaefer
383 Pearl Ave
Hancock MN 56244

Dear Mr. & Mrs. Schaefer:

Enclosed is your reissued Water License No. 5173A-3. Based on the "Notice of Transfer of Ownership" received from you, Water Right No. 5173-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 5173A-3: Steve & Pam Schaefer, 383 Pearl Ave., Hancock MN 56244** – authorizing diversion of 2.44 cfs for irrigation of 166 acres in the SW ¼ and W ½ SE ¼ Section 21, all in T120N, R51W.
- **No. 5173B-3: Willow Run Farms FLP, 41545 285th St., Hancock MN 56244** – authorizing diversion of 1.78 cfs for irrigation of 136 acres in the NW ¼ Section 28, all in T120N, R51W.

Each year, we mail out irrigation questionnaires to irrigators in South Dakota. The information supplied by the irrigators is one of the tools we use to manage the water resources of the state. Enclosed is a copy of a past irrigation questionnaire for this property. This will give you an idea of what type of records to keep track of during the irrigation season. The actual form that will need to be completed and returned to us will be mailed out in October, 2008. As requested, irrigation questionnaires for both water rights will be directed to Willow Run Farms.

Also enclosed is a "Summary of South Dakota Water Laws and Rules" prepared by the Water Rights Program. More information about on water rights can be found at our internet home page: <http://www.state.sd.us/denr/des/waterrights/waterprg.htm>

As long as you use the water beneficially as stated in the Water License, State Water Laws provide that you have a continuing right to the use of the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 5173A-3
DIVISION OF NO. 5173-3 INTO 5173A-3 AND 5173B-3

(1) Robert Carr was issued Water License No. 5173-3, August 6, 1992 for a water right to divert 4.22 cubic feet (cfs) of water per second from ground water (two wells – Antelope Valley Aquifer), Grant County, South Dakota for irrigation purposes. Permit No. 5173-3, with priority dates of March 3, 1987 and December 15, 1987 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The original water right authorizes diversion of 4.22 cfs from two wells located in the SW $\frac{1}{4}$ Section 21 and NW $\frac{1}{4}$ Section 28, T120N, R51W to irrigate 302 acres in portions of Section 21 and 28, all in T120N, R51W.

On February 25, 2008, an ownership change was filed with the water right transferring and dividing the water right.

The water right is being divided and reissued to reflect separate ownership as follows:

- **No. 5173A-3: Steve & Pam Schaefer, 383 Pearl Ave., Hancock MN 56244** – authorizing diversion of 2.44 cfs (1100 gallons per minute) from the well in Section 21 to irrigate 166 acres in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21, all in T120N, R51W. Priority dates of March 3 and December 15, 1987 are retained.
- **No. 5173B-3: Willow Run Farms FLP, 41545 285th St., Hancock MN 56244** – authorizing diversion of 1.78 cfs (800 gallons per minute) from the well in Section 28 to irrigate 136 acres in the NW $\frac{1}{4}$ Section 28, all in T120N, R51W. A priority date of March 3, 1987 is retained.

(2) It is certified that the water right holder 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 2.44 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet N and 1,320 feet E of the SW corner of Section 21, T120N, R51W (center of the SW $\frac{1}{4}$).

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

Section 21, T120N, R51W	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	March 3, 1987 priority date
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	March 3, 1987 priority date
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres	March 3, 1987 priority date
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres	March 3, 1987 priority date
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	9 acres	December 15, 1987 priority date
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9 acres	December 15, 1987 priority date
166 acres			

continued

Water License No. 5173A-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steve and Pam Schaefer, 383 Pearl Ave., Hancock MN 56244 the holders and/or owners of Water Right No. 5173A-3 are issued a license to appropriate water, the right to use 2.44 cubic feet of water per second from ground water (one well – Antelope Valley Aquifer) with priority dates of March 3, 1987 and December 15, 1987 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5173-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his 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.

APR 03 2008

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

Garland Erbele

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 08

RECEIVED OF Steven Schaefer 383 Pearl Ave Hancock MN 56214

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5173-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

63047

By

Donald Erskine
Chief Engineer

RECEIVED

FEB 25 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5173-3

Date: 2-21-08

I/We request that Water Right No. 5173-3

formerly owned by: Robert L Carr

be transferred to: (name & address) THE SW 1/4 & W 1/2 SE 1/4 SEC 21 TO STEVE & PAM
SCHAEFER AT 383 PEARL AVE, HANCOCK, MN. 56244. THE NW 1/4 SEC 28 TO
WILLOW RUN FARMS FLP 41545 285TH ST Telephone No. (320) 392-5299
HANCOCK, MN. 56244

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

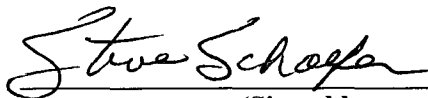
302 acres – SW 1/4, W 1/2 SE 1/4 Section 21 and NW 1/4 Section 28, T120N, R51W

I/We understand that the validity of Water Right No. 5173-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We STEVE & PAM SCHAEFER, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

5130 - 5173

NOT TO SCALE

120-51

NCOP

179-H-L

H-7

T1465

8.9

53.3

13.0
13.0

T2756

106.1

11.8

36ac

38ac

1320'

9ac

T2755

29.9
59.2

36ac

1320'

35ac

9ac

20.7

120-51

Mark
Harold Resnick, Foreman II
Division of Wildlife
9/17/91
11.8

(292)

5173-3

Permit No. 5130-3 & 5173-3Minnesota/Whetstone Creek Water District

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

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

I have this day made a thorough examination of the water use system constructed by Robert L. Carr of Marshall, MN holder of Permit No. 5130-3 & 5173-3, bearing the priority of 3/20/1987 & 12/15/1987 authorizing the diversion of 4.57 & 0.34 cu. ft. per second of the waters of ground water for irrigation purposes, in Grant County.

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

A. Works used to divert the water:

A Fairbanks Morse 12" pump with a 1100 gpm capacity and a Fairbanks Morse pump with an 800 gpm capacity.

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

200 feet of 8 inch alluminum pipe and 100 feet of 8" steel pipe.

C. Works used to apply water to beneficial use:

A 1280' Valley center pivot and a 1440' Valley center pivot with corner system.

The system is in the following condition good. The point of diversion is located Well #1, from the SW corner of Section 21-T120N-R51W, 1320'N 1320'E. Well #2, from the NW corner of Section 28-T120N-R51W 1300'S 1500'E. The works are capable of diverting and conveying to the place of use 4.22 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:

3/3/1987 priority:Section 21-T120N-R51WSection 28-T120N-R51W

NW1/4 SW1/4 - 36 ac NE1/4 SW1/4 - 38 ac NW1/4 NW1/4 - 34 ac NE1/4 NW1/4 - 34 ac

SW1/4 SW1/4 - 36 ac SE1/4 SW1/4 - 38 ac SW1/4 NW1/4 - 34 ac SE1/4 NW1/4 - 34 ac

12/15/1987 priority:

NW1/4 SE1/4 - 9 ac SW1/4 SE1/4 - 9 ac in Section 21-T120N-R51W

comprising a total of 302 acres of land and the license should be issued for 4.22 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none

Date 7/16/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

- e) gated pipe: 6) high or low pressure HIGH
1) length feet 7) make and size of nozzles:
2) diameter inches RAINBIRD, NELSON
3) spacing of gates inches 8) capacity (GPM) 1100

1. Legal location of wells: South center pivot: From the NW corner of Section 28-T120N-R51W, 1300' S 1500' E

2. Well Information: Well Drilling Firm Irrigation Supply Co.

Completion Report? Yes x No No. of Wells 1 Depth(s) 68 feet

Casing a) diameter 14 inches Screen a) type STAINLESS STEEL

b) length 43 feet b) length 25 feet

c) type STEEL Static Water Level 24 feet

Pump a) make FAIRBANKS MORSE Motor a) make US ELECTICAL

b) model b) model no. 326TP

c) size 12" c) horsepower rating 50

d) capacity 800 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI 45

3. Distribution lines or canals

a) size 8 inches

b) type STEEL

c) length 200 feet

5. System Type

c)gun:

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

e) gated pipe:

- 1) length feet
- 2) diameter inches
- 3) spacing of gates inches

d) center pivot:

- 1) make VALLEY
- 2) number of towers 7
- 3) distance between towers
- 4) overall length 1280feet
- 5) end gun (Y/N) Y
- 6) high or low pressure HIGH
- 7) make and size of nozzles:
RAINBIRD, NELSON
- 8) capacity (GPM) 800

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

Indicate any other permit(s) which are associated with project 5173-3

Yes	No	Check Items
-----	----	-------------

- | | | |
|----------|--|--|
| <u>Y</u> | | 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit? |
| <u>Y</u> | | 2. Special qualifications to permit being abided by? |
| <u>Y</u> | | 3. All structures, wells and lands on map? |
| <u>Y</u> | | 4. Irrigation Questionnaires checked to determine if permit
owner started irrigation by end of construction period? |
| <u>Y</u> | | 5. Is chemigation used? |
| <u>Y</u> | | 6. If yes, does equipment comply with chemigation rules? |

REMARKS:

LICENSE FOR PERMIT NUMBER 5130-3

1. Legal location of wells: North center pivot: From the SW corner of Section
21-T120N-R51W, 1320' N 1320' E

Dams and Structures

2. Well Information: Well Drilling Firm IRRIGATION SUPPLY ^{MOR}
Keizer Well Drilling ^{3/8/93}

Completion Report? Yes ☒ No ☒ No. of Wells 1 Depth(s) 65 feet

Casing a) diameter 14 inches Screen a) type SS

b) length 43 feet b) length 25 feet

c) type STEEL Static Water Level 24' feet

Pump a) make Fairbanks Morse

Motor a) make GE

b) model

b) model no. 5K6258XH1A

c) size 12"

c) horsepower rating 75

d) capacity 1100 GPM

d) serial no.

e) turbine pump - no. of stages

f) operating PSI 50

3. Distribution lines or canals

a) size 8 inches

b) type ALUMINUM

c) length 100 feet

5. System Type

c) gun:

d) center pivot:

1) make

1) make VALLEY CORNER SYSTEM

2) nozzle size

2) number of towers 9

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 1440 feet

5) hose length feet

5) end gun (Y/N) Y



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2013

5173A-3

Steve Schaefer
383 Pearl Ave
Hancock MN 56244

Dear Mr. Schaefer:

I am writing in follow up on our phone conversation of January 10th concerning the need for an ownership change on Water Right No. 5173A-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

JAN 17 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5173A-3

Date: _____

I/We request that Water Right No. 5173A-3

formerly owned by: Steve and Pam Schaefer

be transferred to: (name & address) WILLOW RUN FARMS FLP

Telephone No. (320) 392-5299

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

166 acres – SW ¼ and W ½ SE ¼ Section 21, T120N, R51W

I/We understand that the validity of Water Right No. 5173A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We WILLOW RUN FARMS FLP, the new owner, certify that the above information is true and correct.

Steve Schaefer (TRUSTEE)
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/17, 20 13

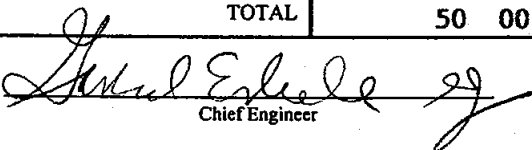
RECEIVED OF Willow Run LP 41545 285th St Hancock MN 56244

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>5173A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 0597

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2013

5173A-3

Steve Schaefer
Willow Run Farms FLP
41545 285th St
Hancock MN 56244

Dear Mr. Schaefer:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for changing ownership on Water Right No. 5173A-3.

The ownership change has been completed. Water Right No. 5173A-3 formerly listed in the names of Steve and Pam Schaefer is now listed under Willow Run Farms FLP.

Enclosed for your records is Receipt No. 05973 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure