



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

5173B-3

Willow Run Farms FLP
41545 285th St
Hancock MN 56244

Dear Sirs:

Enclosed is your reissued Water License No. 5173B-3. Based on the "Notice of Transfer of Ownership" received from Steve Schaefer, 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

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:

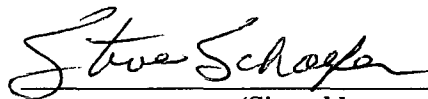
302 acres - SW 1/4, W 1/2 SE 1/4 Section 21 and NW 1/4 Section 28, T120N, R51W

✕ 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.

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 5173B-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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,300'S and 1,500'E of the NW corner of Section 28, T120N, R51W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

(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 28, T120N, R51W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	March 3, 1987 priority date
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	March 3, 1987 priority date
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	March 3, 1987 priority date
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	March 3, 1987 priority date
136 acres			

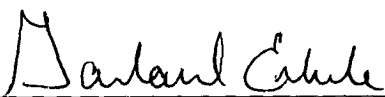
continued

Water License No. 5173B-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Willow Run Farms FLP, 41545 285th St., Hancock MN 56244 the holders and/or owners of Water Right No. 5173B-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Antelope Valley Aquifer) with a priority date of March 3, 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.



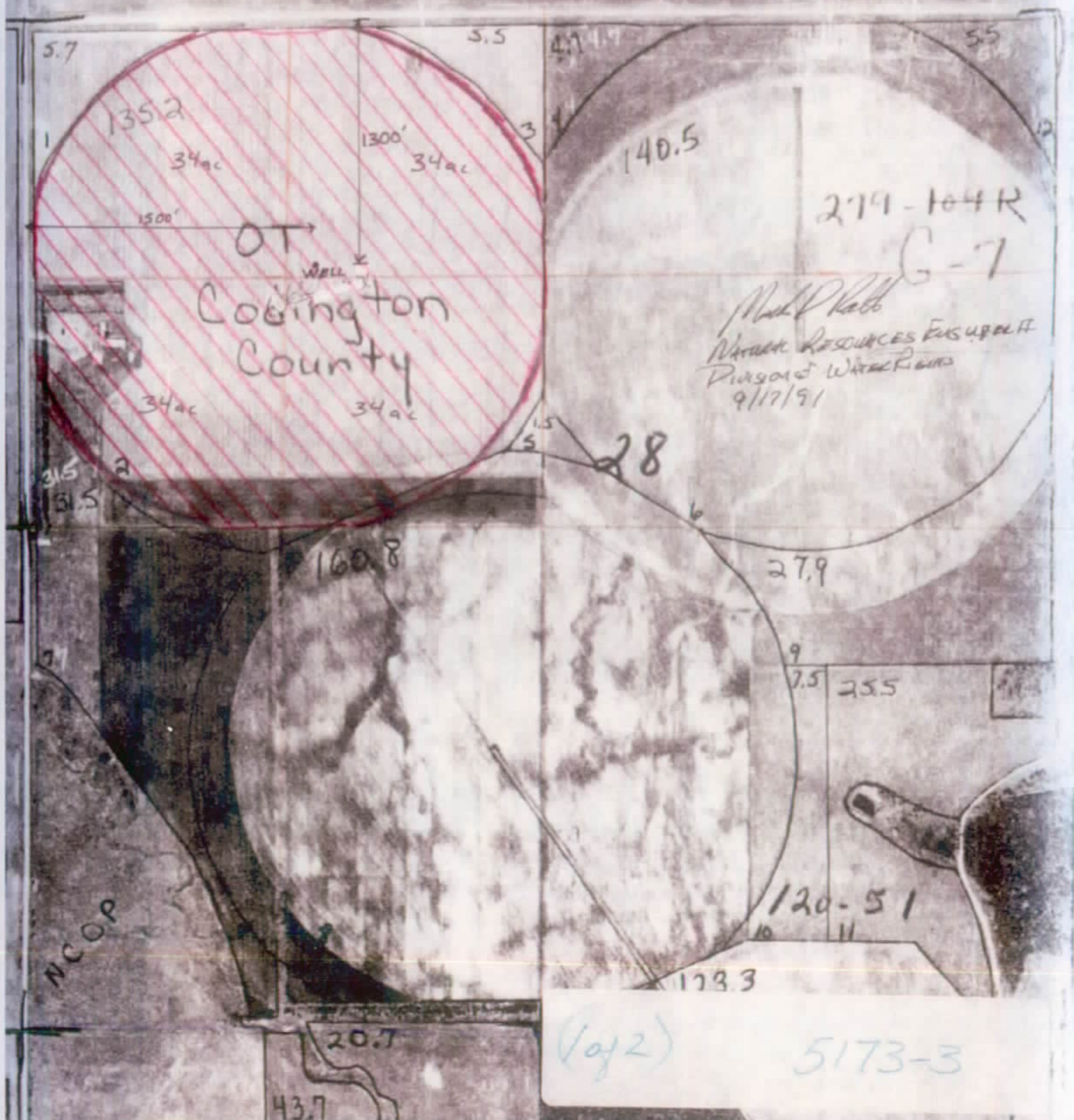
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 03 2008

date



NOT TO SCALE



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-R51W

Section 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

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 ☒ 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 ELECTRICAL
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 1280 feet
- 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
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- | | | |
|----------|--|---|
| <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 IRRI GATION SUPPLY ^{MOL}
Kaizer 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 <u>VALLEY CORNER SYSTEM</u>
2) nozzle size	2) number of towers <u>9</u>
3) capacity (GPM)	3) distance between towers
4) hose size inches	4) overall length <u>1440</u> feet
5) hose length feet	5) end gun (Y/N) <u>Y</u>



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

5173B-3

August 9, 2016

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

Dear Mr. Schaefer:

On July 20, 2016, a staff member from the Department of Environment and Natural Resources (DENR) observed overspray from the irrigation system located in the NW 1/4 Section 28-T120N-R51W onto the adjacent east/west road (see attached photo). This irrigation system is covered by Water Right No. 5173B-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Although the overspray in this instance is minor, please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Overspray Report

Date of Picture: 7/20/2016

County: Grant

Water Right/Permit No.: 5173B-3

Reported by: Watertown Seasonal Observation Well Technician



Description from summer help: slight overspray just east of 462ave and 152st the picture is facing west

