

Considered: _____

WATER PERMIT NO. 5586-3

Phone: 886-2577

Name of Applicant: CSS Company

Post Office Address: RR 3, Box 138B, Watertown SD 57201

Amount of Water Claimed: 0.53 add'l (1.88) Total Acres: 169 (37 add'l)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Grant

About 7 S miles _____ of Marvin

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 9-25-91 Fee: \$150 Remarks Add'l acres &

water on Permit No. 5586-3

Corrected Application Received _____ Period of Annual Use April 1- Oct 1

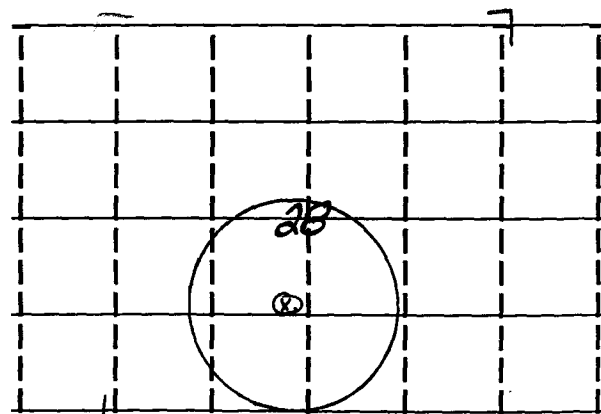
WATER QUALITY APPROVAL RECEIVED 10-28-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: NE 1/4 SW 1/4 Sec 28-T120N-R51W

Land to be Irrigated: SE 1/4 NW 1/4, SW 1/4 NE 1/4,

SW 1/4, W 1/2 SE 1/4 Sec 28-T120N-R51W



Well Log: Driller: Kaiser Well Works Licensed YES _____ NO _____

Depth of Well: 72' REMARKS _____

Type of Map: aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 10-23-91 By Karen Schlaak

(See instructions)

No. 5586-3 Hydrologic Unit 07020001
Basin Minnesota-Whetstone
Newspaper Grant Co Review, Box 390, Milbank

(Wed) 57252



Application for Soil/Water Compatibility Permit and Permit To Appropriate Water

- ☐ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☒ Increase diversion rate ☐ Other _____

1. Name of Applicant CSS COMPANY Phone No. 886-2572
 Post Office Address RR 3 Box 138B WATERTOWN State SD Zip Code 57201
 (Street, RR or Box) (City)
 2. Amount of water claimed (c.f.s.) 0.53 ADD'L Total acres irrigated 169 (37 add'l)
 3. Source of Water supply WELL
 4. Location of point of diversion NE 1/4 SW 1/4 SECTION 28-T120N-R51W
 _____ County GRANT
 5. Counties where water will be used GRANT
 6. Annual period during which water is to be used APRIL 1 - OCTOBER 1
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE 1/4 NW 1/4 S 28-T120N-R51W	7 ac
SW 1/4 NE 1/4 "	4 ac
NW 1/4 SW 1/4 "	10 ac
NE 1/4 SW 1/4 "	40 ac

Attach sheet if more space is needed

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 S 28-T120N-R51W	34 ac
SW 1/4 SW 1/4 "	7 ac
SE 1/4 SW 1/4 "	37 ac
SW 1/4 SE 1/4 "	30 ac

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
 9. Crops to be Irrigated: POTATOES, CORN, NAVY BEANS
 10. Give a description of proposed project. (Attach sheet if more space is needed)
 THIS APPLICATION PROPOSES TO INCREASE ACREAGE AND INCREASE THE DIVERSION RATE FOR AN IRRIGATION PROJECT COVERED BY WATER PERMIT NO. 5263-3. THE TOTAL ACREAGE IS TO INCREASE FROM 132 ACRES TO 169 ACRES AND THE DIVERSION RATE IS TO INCREASE FROM 1.88 cfs TO 2.41 cfs.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Codington) ss

I, Randy Sovak, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Randy Sovak

Subscribed and sworn to before me this 24th day of September 19 91

[Signature]
Notary Public

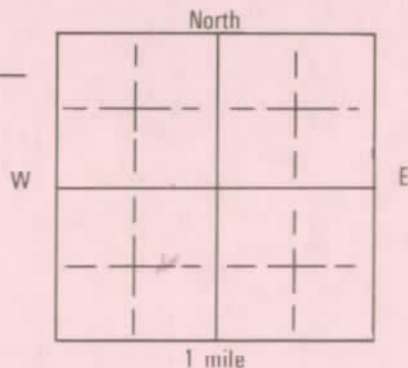
Expires: 4/30/98

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

10-85

Location 1/4 4 Sec 22 Twp 120 Rg 57-52County Grant

Please mark well location with an "X"



Well Owner:

Name Casco IncAddress Water town, S.D.Plugging completion Date 9/27/88

CHECK APPROPRIATE BOX

EXISTING WELL ☐TEST HOLE ☒

Well depth _____

Casing material _____

Casing size(s) _____

Casing condition _____

Hole depth 80'Hole size 6 1/4"

Describe plugging procedure:

Run drill 5' then remove hole without bit and pump in Bentonite slurry. 10'

Describe grout or plugging material:

Bentonite slurry. 1/2" to 1 gal water, using approx. 1 gal (Rever+) polymer to keep Bentonite from hydrating too soon.

Type of non-slip plug: _____

This well or test hole was plugged under license # 386 And this report is true and accurate.

Drilling firm

Signature of Licensed Representative

Signature of Well Owner

Date

12/14/88

SOUTH DAKOTA
WATER PERMIT No. 5586-3 FOR IRRIGATION

Date of first receipt of application September 25, 1991.

Date Soil/Water Compatibility Permit received October 28, 1991.

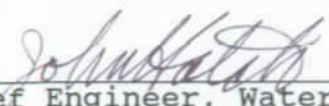
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5586-3 to CSS Company, RR 3, Box 138B, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5586-3 appropriates 0.53 cubic feet of water per second (cfs) from one well (Antelope Valley Aquifer) authorized by Water Permit No. 5263-3 and to irrigate 37 additional acres. Water Permit No. 5263-3 appropriates 1.88 cfs from one well located in the NE 1/4 SW 1/4 to irrigate 132 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, SW 1/4, W 1/2 SE 1/4; all in Section 28-T120N-R51W. The additional 37 acres are located in the same legally described area listed above. Water Permit No. 5263-3 and this permit, combined, may not exceed 1 cfs for each 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 1.
3. The date from which applicant may claim right is September 25, 1991.
4. The date of approval of Permit No. 5586-3 is February 4, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

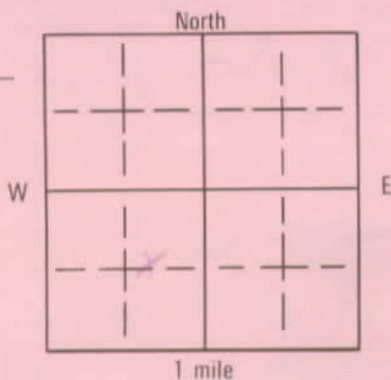
WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 12 1992
date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location S 1/4 W 1/4 Sec 28 Twp 120 Rg 57-52County GrantPlease mark well
location with
an "X"

Well Completion Date _____

PROPOSED USE:

☐ Domestic ☐ Municipal ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Direct Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 30 FEETWhat is grouting material? Granular Bentonite

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? 10 # LB/GALSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Cosco Inc.Address Water Tower, S.D.

Well Log:

Depth

Formation

From

To

Top soil	0	2'
gravel dirty	2'	21'
gravel + sand	21'	30'
gray + yellow sand mixed	30'	40'
fine sand, medium	40'	60'
Too low water level	60'	72'
med sand - gravel clean		
Blue clay	72'	80'

STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 386

And this report is true and accurate.

Drilling firm Kaimwell Works

Signature of License Representative:

RE Kaimwell

Signature of Well Owner:

Date 12/14/88

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412843

Pierre, September 25, 19 91

RECEIVED OF Casco Corporation, RR 3, Box 138B, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5586-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150	00

By

John Hatch (CF)

Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 1991

CSS Company
Randy Spevak
RR 3, Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

This letter is in regard to the inspection I made of Water Permit No. 5263-3 on July 16, 1991. At that time, I found that you had developed more acres and were appropriating more water than is allowed under the water permit. Because of this you will need to submit a new application to include this additional acreage and water under a water permit. I have enclosed an instruction sheet and two copies of the partially completed application form. Please, carefully review, complete, sign before a notary public and submit the application to this office, along with a \$150 fee. I spoke with Jim Stukel from the Division of Conservation. He said that the water sample that was taken in 1988 for Water Permit No. 5263-3 can be used for this new application.

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

Sincerely,



Mark D. Rath
Natural Resources Engineer II
Division of Water Rights
(605) 773-3352

enclosures

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4652

WR#

OWNERS NAME: CSS COMPANY OWNERS ADDRESS: RR 3, BOX 138B
WATERTOWN, SD 57201-9539

COUNTY LAND LOCATED IN: GRANT PHONE: 886-2477

LEGAL DESCRIPTION:

☒ Well☐ Surface

1. LOCATION NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T120N-R51W
Depth: _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T120N-R51W	7	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 28-T120N-R51W	34
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T120N-R51W	4	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T120N-R51W	7
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T120N-R51W	10	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T120N-R51W	37
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28-T120N-R51W	40	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 28-T120N-R51W	30

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: POTATOES, CORN, NAVY BEANS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0567 7. ADJUSTED (SAR): 0.33
5. SALINITY (EC X 10⁶): 750 8. PERCENT SODIUM: 3.46
6. SODIUM (SAR): 0.14

Requirements:



XXX APPROVED _____ REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Director, Division of Conservation

OCTOBER 21, 1991

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Report on Water Permit Application No. 5586-3
CSS Company
November 4, 1991

Application No. 5586-3, CSS Company, proposes to increase the number of acres and diversion rate covered under Water Permit No. 5263-3. An inspection of Water Permit No. 5263-3 on July 16, 1991 found that the system was irrigating an additional 37 acres located in the SE1/4 NW1/4, SW1/4 NE1/4, SW1/4, W1/2 SE1/4 of Section 28. Application No. 5596-3 requests the diversion rate for the well located in the NE1/4 SW1/4 to be increased to by 0.53 cubic feet of water per second (cfs) to 2.41 cfs, which is equivalent to 1 cfs per 70 acres. The site for the application is approximately 8 miles SW of Twin Brooks SD in western Grant County.

Water Source - Antelope Valley (AV)

The Antelope Valley (AV) Aquifer is a Pliocene outwash (sand and gravel) under water table conditions. The Antelope Valley aquifer contains an estimated 32,630 acre-feet of recoverable water in Grant County.

The Division of Water Rights maintains two observation wells into the Antelope Valley aquifer in Grant County. Water level records for GT-76D and GT-77G show a clear correlation between wet and dry climatic conditions. Pumping from the the aquifer does not have a significant affect on water levels. Included in this report are hydrographs for these observation wells.

Review of Existing Water Permits

There are several existing water rights located within the immediate area. Interference from this project with existing water rights should not be a problem since the aquifer is under water table conditions and significant drawdowns do not extend very far from high capacity wells.

Conclusions

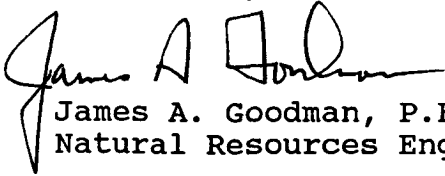
1. An inspection of Water Permit No. 5263-3 found an irrigation system using more water and irrigating more land than was allowed by the permit.
2. The source of water for this application is from the Antelope Valley Aquifer. Historical water levels from observation wells indicate a correlation between wet and dry climatic conditions. Pumping from this aquifer does not obviously affect water levels.

3. Interference with existing water rights would not be expected.



Mark D. Rath
Natural Resources Engineer II

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer IV

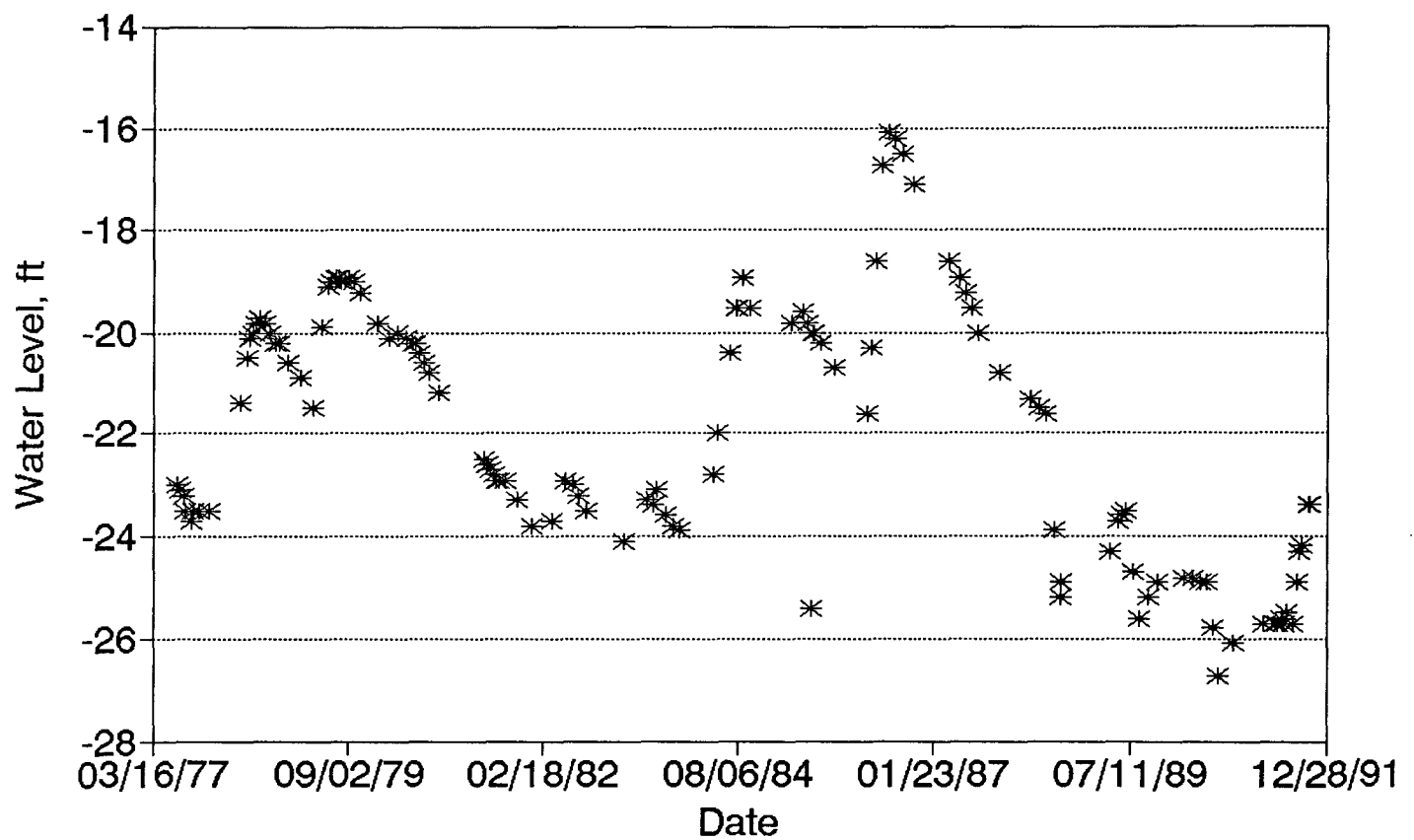
References

Hedges, L.S., Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069

Goodman, J.A., Report on Application No. 5263-3, SDDENR, Division of Water Rights, 1989.

Observation Well Water Levels

Observation Well GT-76D



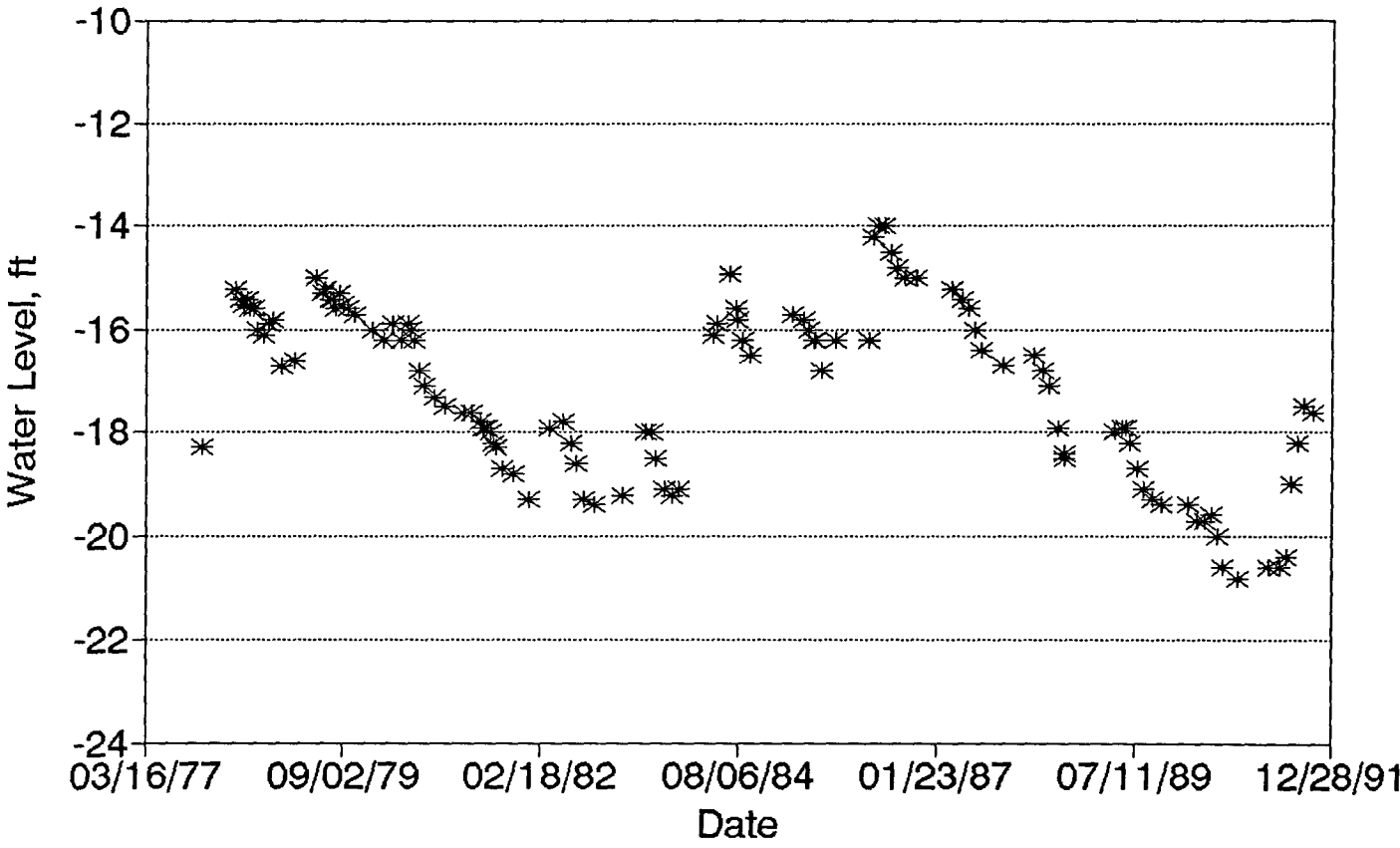
Obs Well	Location	Date	Level
GT-76D	120N-51W-28BAAA	06-Jul-77	-23
GT-76D	120N-51W-28BAAA	20-Jul-77	-23.1
GT-76D	120N-51W-28BAAA	03-Aug-77	-23.2
GT-76D	120N-51W-28BAAA	16-Aug-77	-23.5
GT-76D	120N-51W-28BAAA	07-Sep-77	-23.7
GT-76D	120N-51W-28BAAA	20-Sep-77	-23.5
GT-76D	120N-51W-28BAAA	18-Oct-77	-23.5
GT-76D	120N-51W-28BAAA	01-Dec-77	-23.5
GT-76D	120N-51W-28BAAA	01-May-78	-21.4
GT-76D	120N-51W-28BAAA	23-May-78	-20.5
GT-76D	120N-51W-28BAAA	07-Jun-78	-20.1
GT-76D	120N-51W-28BAAA	20-Jun-78	-20
GT-76D	120N-51W-28BAAA	08-Jul-78	-19.8
GT-76D	120N-51W-28BAAA	18-Jul-78	-19.7
GT-76D	120N-51W-28BAAA	16-Aug-78	-19.8
GT-76D	120N-51W-28BAAA	07-Sep-78	-20
GT-76D	120N-51W-28BAAA	27-Sep-78	-20.2
GT-76D	120N-51W-28BAAA	17-Oct-78	-20.2
GT-76D	120N-51W-28BAAA	29-Nov-78	-20.6
GT-76D	120N-51W-28BAAA	23-Jan-79	-20.9
GT-76D	120N-51W-28BAAA	22-Mar-79	-21.5
GT-76D	120N-51W-28BAAA	02-May-79	-19.9
GT-76D	120N-51W-28BAAA	31-May-79	-19.1
GT-76D	120N-51W-28BAAA	13-Jun-79	-19
GT-76D	120N-51W-28BAAA	03-Jul-79	-18.9
GT-76D	120N-51W-28BAAA	17-Jul-79	-18.9
GT-76D	120N-51W-28BAAA	31-Jul-79	-19
GT-76D	120N-51W-28BAAA	14-Aug-79	-19
GT-76D	120N-51W-28BAAA	05-Sep-79	-18.9
GT-76D	120N-51W-28BAAA	26-Sep-79	-19
GT-76D	120N-51W-28BAAA	25-Oct-79	-19.2
GT-76D	120N-51W-28BAAA	17-Jan-80	-19.8
GT-76D	120N-51W-28BAAA	05-Mar-80	-20.1
GT-76D	120N-51W-28BAAA	17-Apr-80	-20
GT-76D	120N-51W-28BAAA	30-May-80	-20.1
GT-76D	120N-51W-28BAAA	23-Jun-80	-20.2
GT-76D	120N-51W-28BAAA	11-Jul-80	-20.2
GT-76D	120N-51W-28BAAA	25-Jul-80	-20.4
GT-76D	120N-51W-28BAAA	19-Aug-80	-20.6
GT-76D	120N-51W-28BAAA	10-Sep-80	-20.8
GT-76D	120N-51W-28BAAA	30-Oct-80	-21.2
GT-76D	120N-51W-28BAAA	28-May-81	-22.5
GT-76D	120N-51W-28BAAA	03-Jun-81	-22.6
GT-76D	120N-51W-28BAAA	10-Jun-81	-22.6
GT-76D	120N-51W-28BAAA	24-Jun-81	-22.7
GT-76D	120N-51W-28BAAA	08-Jul-81	-22.8
GT-76D	120N-51W-28BAAA	22-Jul-81	-22.9
GT-76D	120N-51W-28BAAA	06-Aug-81	-22.9
GT-76D	120N-51W-28BAAA	01-Sep-81	-22.9
GT-76D	120N-51W-28BAAA	20-Oct-81	-23.3
GT-76D	120N-51W-28BAAA	29-Dec-81	-23.8
GT-76D	120N-51W-28BAAA	01-Apr-82	-23.7
GT-76D	120N-51W-28BAAA	09-Jun-82	-22.9
GT-76D	120N-51W-28BAAA	09-Jul-82	-23

GT-76D	120N-51W-28BAAA	04-Aug-82	-23.2
GT-76D	120N-51W-28BAAA	02-Sep-82	-23.5
GT-76D	120N-51W-28BAAA	01-Mar-83	-24.1
GT-76D	120N-51W-28BAAA	08-Jun-83	-23.3
GT-76D	120N-51W-28BAAA	07-Jul-83	-23.4
GT-76D	120N-51W-28BAAA	02-Aug-83	-23.1
GT-76D	120N-51W-28BAAA	08-Sep-83	-23.6
GT-76D	120N-51W-28BAAA	12-Oct-83	-23.8
GT-76D	120N-51W-28BAAA	09-Nov-83	-23.9
GT-76D	120N-51W-28BAAA	10-Apr-84	-22.8
GT-76D	120N-51W-28BAAA	03-May-84	-22
GT-76D	120N-51W-28BAAA	27-Jun-84	-20.4
GT-76D	120N-51W-28BAAA	25-Jul-84	-19.5
GT-76D	120N-51W-28BAAA	31-Jul-84	-19.5
GT-76D	120N-51W-28BAAA	22-Aug-84	-18.9
GT-76D	120N-51W-28BAAA	26-Sep-84	-19.5
GT-76D	120N-51W-28BAAA	08-Apr-85	-19.8
GT-76D	120N-51W-28BAAA	28-May-85	-19.6
GT-76D	120N-51W-28BAAA	25-Jun-85	-19.8
GT-76D	120N-51W-28BAAA	09-Jul-85	-25.4
GT-76D	120N-51W-28BAAA	17-Jul-85	-20
GT-76D	120N-51W-28BAAA	23-Jul-85	-20
GT-76D	120N-51W-28BAAA	18-Aug-85	-20.2
GT-76D	120N-51W-28BAAA	23-Oct-85	-20.7
GT-76D	120N-51W-28BAAA	26-Mar-86	-21.6
GT-76D	120N-51W-28BAAA	09-Apr-86	-20.3
GT-76D	120N-51W-28BAAA	06-May-86	-18.6
GT-76D	120N-51W-28BAAA	03-Jun-86	-16.7
GT-76D	120N-51W-28BAAA	01-Jul-86	-16.1
GT-76D	120N-51W-28BAAA	31-Jul-86	-16.2
GT-76D	120N-51W-28BAAA	04-Sep-86	-16.5
GT-76D	120N-51W-28BAAA	29-Oct-86	-17.1
GT-76D	120N-51W-28BAAA	09-Apr-87	-18.6
GT-76D	120N-51W-28BAAA	27-May-87	-18.9
GT-76D	120N-51W-28BAAA	24-Jun-87	-19.2
GT-76D	120N-51W-28BAAA	23-Jul-87	-19.5
GT-76D	120N-51W-28BAAA	20-Aug-87	-20
GT-76D	120N-51W-28BAAA	19-Nov-87	-20.8
GT-76D	120N-51W-28BAAA	12-Apr-88	-21.3
GT-76D	120N-51W-28BAAA	19-May-88	-21.5
GT-76D	120N-51W-28BAAA	16-Jun-88	-21.6
GT-76D	120N-51W-28BAAA	29-Jul-88	-23.9
GT-76D	120N-51W-28BAAA	25-Aug-88	-24.9
GT-76D	120N-51W-28BAAA	31-Aug-88	-25.2
GT-76D	120N-51W-28BAAA	13-Apr-89	-24.3
GT-76D	120N-51W-28BAAA	17-May-89	-23.7
GT-76D	120N-51W-28BAAA	31-May-89	-23.6
GT-76D	120N-51W-28BAAA	27-Jun-89	-23.5
GT-76D	120N-51W-28BAAA	27-Jul-89	-24.7
GT-76D	120N-51W-28BAAA	23-Aug-89	-25.6
GT-76D	120N-51W-28BAAA	04-Oct-89	-25.2
GT-76D	120N-51W-28BAAA	15-Nov-89	-24.9
GT-76D	120N-51W-28BAAA	14-Mar-90	-24.8
GT-76D	120N-51W-28BAAA	25-Apr-90	-24.8
GT-76D	120N-51W-28BAAA	30-May-90	-24.9
GT-76D	120N-51W-28BAAA	26-Jun-90	-24.9

GT-76D	120N-51W-28BAAA	24-Jul-90	-25.8
GT-76D	120N-51W-28BAAA	20-Aug-90	-26.7
GT-76D	120N-51W-28BAAA	31-Oct-90	-26.1
GT-76D	120N-51W-28BAAA	01-Nov-90	-26.1
GT-76D	120N-51W-28BAAA	21-Mar-91	-25.7
GT-76D	120N-51W-28BAAA	07-May-91	-25.7
GT-76D	120N-51W-28BAAA	22-May-91	-25.7
GT-76D	120N-51W-28BAAA	04-Jun-91	-25.6
GT-76D	120N-51W-28BAAA	18-Jun-91	-25.7
GT-76D	120N-51W-28BAAA	02-Jul-91	-25.5
GT-76D	120N-51W-28BAAA	30-Jul-91	-25.7
GT-76D	120N-51W-28BAAA	15-Aug-91	-24.9
GT-76D	120N-51W-28BAAA	27-Aug-91	-24.3
GT-76D	120N-51W-28BAAA	12-Sep-91	-24.2
GT-76D	120N-51W-28BAAA	08-Oct-91	-23.4
GT-76D	120N-51W-28BAAA	17-Oct-91	-23.4

Observation Well Water Levels

Observation Well GT-77G



Observation Well Water Levels			
Obs Well	Location	Date	Level
GT-77G	120N-51W-34CCCC	01-Dec-77	-18.3
GT-77G	120N-51W-34CCCC	02-May-78	-15.2
GT-77G	120N-51W-34CCCC	23-May-78	-15.4
GT-77G	120N-51W-34CCCC	08-Jun-78	-15.5
GT-77G	120N-51W-34CCCC	20-Jun-78	-15.4
GT-77G	120N-51W-34CCCC	08-Jul-78	-15.6
GT-77G	120N-51W-34CCCC	18-Jul-78	-15.6
GT-77G	120N-51W-34CCCC	14-Aug-78	-16
GT-77G	120N-51W-34CCCC	07-Sep-78	-16.1
GT-77G	120N-51W-34CCCC	27-Sep-78	-15.9
GT-77G	120N-51W-34CCCC	17-Oct-78	-15.8
GT-77G	120N-51W-34CCCC	29-Nov-78	-16.7
GT-77G	120N-51W-34CCCC	23-Jan-79	-16.6
GT-77G	120N-51W-34CCCC	02-May-79	-15
GT-77G	120N-51W-34CCCC	31-May-79	-15.3
GT-77G	120N-51W-34CCCC	13-Jun-79	-15.2
GT-77G	120N-51W-34CCCC	03-Jul-79	-15.4
GT-77G	120N-51W-34CCCC	17-Jul-79	-15.4
GT-77G	120N-51W-34CCCC	31-Jul-79	-15.6
GT-77G	120N-51W-34CCCC	14-Aug-79	-15.3
GT-77G	120N-51W-34CCCC	05-Sep-79	-15.5
GT-77G	120N-51W-34CCCC	27-Sep-79	-15.6
GT-77G	120N-51W-34CCCC	25-Oct-79	-15.7
GT-77G	120N-51W-34CCCC	17-Jan-80	-16
GT-77G	120N-51W-34CCCC	05-Mar-80	-16.2
GT-77G	120N-51W-34CCCC	17-Apr-80	-15.9
GT-77G	120N-51W-34CCCC	30-May-80	-16.2
GT-77G	120N-51W-34CCCC	23-Jun-80	-15.9
GT-77G	120N-51W-34CCCC	11-Jul-80	-16
GT-77G	120N-51W-34CCCC	25-Jul-80	-16.2
GT-77G	120N-51W-34CCCC	19-Aug-80	-16.8
GT-77G	120N-51W-34CCCC	10-Sep-80	-17.1
GT-77G	120N-51W-34CCCC	30-Oct-80	-17.3
GT-77G	120N-51W-34CCCC	09-Dec-80	-17.5
GT-77G	120N-51W-34CCCC	10-Mar-81	-17.6
GT-77G	120N-51W-34CCCC	15-Apr-81	-17.6
GT-77G	120N-51W-34CCCC	28-May-81	-17.8
GT-77G	120N-51W-34CCCC	03-Jun-81	-17.9
GT-77G	120N-51W-34CCCC	08-Jun-81	-17.9
GT-77G	120N-51W-34CCCC	24-Jun-81	-17.9
GT-77G	120N-51W-34CCCC	03-Jul-81	-18
GT-77G	120N-51W-34CCCC	22-Jul-81	-18.2
GT-77G	120N-51W-34CCCC	06-Aug-81	-18.3
GT-77G	120N-51W-34CCCC	01-Sep-81	-18.7
GT-77G	120N-51W-34CCCC	20-Oct-81	-18.8
GT-77G	120N-51W-34CCCC	29-Dec-81	-19.3
GT-77G	120N-51W-34CCCC	01-Apr-82	-17.9
GT-77G	120N-51W-34CCCC	09-Jun-82	-17.8
GT-77G	120N-51W-34CCCC	09-Jul-82	-18.2
GT-77G	120N-51W-34CCCC	04-Aug-82	-18.6
GT-77G	120N-51W-34CCCC	02-Sep-82	-19.3
GT-77G	120N-51W-34CCCC	26-Oct-82	-19.4
GT-77G	120N-51W-34CCCC	01-Mar-83	-19.2
GT-77G	120N-51W-34CCCC	08-Jun-83	-18

GT-77G	120N-51W-34CCCC	07-Jul-83	-18
GT-77G	120N-51W-34CCCC	02-Aug-83	-18.5
GT-77G	120N-51W-34CCCC	08-Sep-83	-19.1
GT-77G	120N-51W-34CCCC	12-Oct-83	-19.2
GT-77G	120N-51W-34CCCC	09-Nov-83	-19.1
GT-77G	120N-51W-34CCCC	10-Apr-84	-16.1
GT-77G	120N-51W-34CCCC	03-May-84	-15.9
GT-77G	120N-51W-34CCCC	27-Jun-84	-14.9
GT-77G	120N-51W-34CCCC	25-Jul-84	-15.6
GT-77G	120N-51W-34CCCC	31-Jul-84	-15.8
GT-77G	120N-51W-34CCCC	22-Aug-84	-16.2
GT-77G	120N-51W-34CCCC	26-Sep-84	-16.5
GT-77G	120N-51W-34CCCC	08-Apr-85	-15.7
GT-77G	120N-51W-34CCCC	28-May-85	-15.8
GT-77G	120N-51W-34CCCC	25-Jun-85	-16
GT-77G	120N-51W-34CCCC	17-Jul-85	-16.2
GT-77G	120N-51W-34CCCC	23-Jul-85	-16.2
GT-77G	120N-51W-34CCCC	18-Aug-85	-16.8
GT-77G	120N-51W-34CCCC	23-Oct-85	-16.2
GT-77G	120N-51W-34CCCC	26-Mar-86	-16.2
GT-77G	120N-51W-34CCCC	09-Apr-86	-14.2
GT-77G	120N-51W-34CCCC	06-May-86	-14
GT-77G	120N-51W-34CCCC	03-Jun-86	-14
GT-77G	120N-51W-34CCCC	01-Jul-86	-14.5
GT-77G	120N-51W-34CCCC	31-Jul-86	-14.8
GT-77G	120N-51W-34CCCC	04-Sep-86	-15
GT-77G	120N-51W-34CCCC	29-Oct-86	-15
GT-77G	120N-51W-34CCCC	09-Apr-87	-15.2
GT-77G	120N-51W-34CCCC	27-May-87	-15.4
GT-77G	120N-51W-34CCCC	24-Jun-87	-15.6
GT-77G	120N-51W-34CCCC	23-Jul-87	-16
GT-77G	120N-51W-34CCCC	20-Aug-87	-16.4
GT-77G	120N-51W-34CCCC	19-Nov-87	-16.7
GT-77G	120N-51W-34CCCC	12-Apr-88	-16.5
GT-77G	120N-51W-34CCCC	19-May-88	-16.8
GT-77G	120N-51W-34CCCC	16-Jun-88	-17.1
GT-77G	120N-51W-34CCCC	29-Jul-88	-17.9
GT-77G	120N-51W-34CCCC	25-Aug-88	-18.4
GT-77G	120N-51W-34CCCC	31-Aug-88	-18.5
GT-77G	120N-51W-34CCCC	13-Apr-89	-18
GT-77G	120N-51W-34CCCC	17-May-89	-17.9
GT-77G	120N-51W-34CCCC	31-May-89	-17.9
GT-77G	120N-51W-34CCCC	27-Jun-89	-18.2
GT-77G	120N-51W-34CCCC	27-Jul-89	-18.7
GT-77G	120N-51W-34CCCC	23-Aug-89	-19.1
GT-77G	120N-51W-34CCCC	04-Oct-89	-19.3
GT-77G	120N-51W-34CCCC	15-Nov-89	-19.4
GT-77G	120N-51W-34CCCC	14-Mar-90	-19.4
GT-77G	120N-51W-34CCCC	25-Apr-90	-19.7
GT-77G	120N-51W-34CCCC	30-May-90	-19.7
GT-77G	120N-51W-34CCCC	26-Jun-90	-19.6
GT-77G	120N-51W-34CCCC	24-Jul-90	-20
GT-77G	120N-51W-34CCCC	20-Aug-90	-20.6
GT-77G	120N-51W-34CCCC	01-Nov-90	-20.8
GT-77G	120N-51W-34CCCC	21-Mar-91	-20.6
GT-77G	120N-51W-34CCCC	07-May-91	-20.6

GT-77G	120N-51W-34CCCC	04-Jun-91	-20.4
GT-77G	120N-51W-34CCCC	02-Jul-91	-19
GT-77G	120N-51W-34CCCC	29-Jul-91	-18.2
GT-77G	120N-51W-34CCCC	27-Aug-91	-17.5
GT-77G	120N-51W-34CCCC	08-Oct-91	-17.6

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5586-3, CSS Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5586-3, CSS Company, RR 3 Box 138B, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5586-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
November 5, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

December 30, 1991

Randy Spevak
CSS Company
RR 3 Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

Water Permit Application No. 5586-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant County Review printed at Milbank, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1991

Grant County Review
Box 390
Milbank, SD 57252

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5586-3 to be published twice. Please publish the first notice on January 8, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is CSS Company, RR 3 Box 138B, Watertown, SD 57201.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5586-3 to Appropriate Water

Notice is given that CSS Company, RR 3 Box 138B, Watertown, SD 57201 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from one well (Antelope Valley Aquifer) authorized by Water Permit No. 5263-3 and to irrigate 37 additional acres. Water Permit No. 5263-3 appropriates 1.88 cfs from one well located in the NE 1/4 SW 1/4 to irrigate 132 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, SW 1/4, W 1/2 SE 1/4; all in Section 28-T120N-R51W. The additional 37 acres are located in the same legally described area listed above. The diversion rate from Water Permit No. 5263-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5586-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5586-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Grant) ss.

I, Nina Beilke

certify that the attached printed Notice
 from the Grant County Review

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City _____ of Milbank

County of Grant and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

January 8, 1992

January 15, 1992

Nina Beilke
 (Signature)

Bookkeeper
 (Title)

January 15, 1992
 (Date Signed)

Cost of Printing: First Publication

122 lines @ .2978 36.33

Second publication

80% of above 29.06

Total \$65.39

NOTICE OF HEARING **On Application No. 5586-3** **To Appropriate Water**

Notice is given that CSS Company, RR 3 Box 138B, Watertown, SD 57201 has filed an application for a water permit to appropriate 0.53 cubic feet of water per second (cfs) from one well (Antelope Valley Aquifer) authorized by Water Permit No. 5263-3 and to irrigate 37 additional acres. Water Permit No. 5263-3 appropriates 1.88 cfs from one well located in the NE¼ SW¼ to irrigate 132 acres located in the SE¼ NW¼, SW¼ NE¼, SW¼, W½ SE¼; all in Section 28-T120N-R51W. The additional 37 acres are located in the same legally described area listed above. The diversion rate from Water Permit No. 5263-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5586-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5586-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class

Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Jan. 8

Jan. 15



AUG 12 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Randy Spevak
CSS Company
RR 3 Box 138B
Watertown, SD 57201

Dear Mr. Spevak:

Enclosed is Water Permit No. 5586-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

Permit No. 5586-3
Minnesota-Whetstone River - Water District

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

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

On, August 14, 1996, I made a thorough examination of the water use system constructed by CSS Company of 3334 9th Ave SW, Watertown, SD holder of Permit No. 5263-3 & 5586-3, bearing the priority of December 22, 1988 authorizing the diversion of 1.88 cu. ft. per second and the priority of September 25, 1991 authorizing the diversion of 0.53 cu. ft. per second of the waters of groundwater-Antelope Valley Aquifer 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 Pump with a 1150 gpm capacity
- B. Works used to transport water to place of use:
200 feet of 8 inch PVC
- C. Works used to apply water to beneficial use:
A Valley center pivot.

The system is in the following condition good the point of diversion is located from the SW corner of Section 28 T120N-R51W: 1500 ft North and 2500 ft East. The works are capable of diverting and conveying to the place of use 2.56 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:

All land located in Section 28 T120N-R51W:

SE1/4 NW1/4 - 7 ac SW1/4 NE1/4 - 4 ac NW1/4 SW1/4 - 10 ac NE1/4 SW1/4 - 40 ac
NW1/4 SE1/4 - 34 ac SW1/4 SW1/4 - 7 ac SE1/4 SW1/4 - 37 ac SW1/4 SE1/4 - 29 ac
comprising a total of 169 acres of land and the license should be issued for 2.41 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath

Natural Resources Engineer
DENR, Water Rights Program

8/29/96

Date

REPORT ON INSPECTION OF PERMIT NO. 5586-3

DATE OF INSPECTION: 8/14/1996

Other permit(s) associated with the project: 5263-3

Contact Person & Address: Milt Carter, 3334 9th Ave SW, Watertown, SD 57201

**DIVERSION POINT LEGAL LOCATION: From the SW corner of Sec 28 T120N-R51W:
1500 ft North and 2500 ft East**

WATER SUPPLY Source: groundwater- Antelope Valley Aquifer

Well Information:

- | | |
|--------------------------------------|--|
| 1) Well Drilling Firm: <u>Kaiser</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>70</u> feet | 4) Well log is available <u>no, test hole only</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>50</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>stainless</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>22</u> feet | |

Pump:

- | | |
|--------------------------------|-----------------------------|
| 1) Make <u>Fairbanks-Morse</u> | 2) Model <u>?</u> |
| 3) Size <u>10</u> | 4) Capacity <u>1150</u> GPM |

Motor:

- | | |
|-----------------------------------|--------------------------------|
| 1) Make <u>GE</u> | 2) Model No. <u>5K6238XH1A</u> |
| 3) Horsepower rating <u>75</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>200</u> feet |
|--------------------|-------------------------|---------------------------|

SYSTEM TYPE:

Center pivot:

- | | |
|-----------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>3000</u> feet |
|-----------------------|------------------------------------|

- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 1200 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) Comments : none

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5586-3

(1) CSS Company, 3334 9th Ave SW, Watertown SD 57201 made Application No. 5586-3, September 25, 1991 for a water permit to divert 0.53 cubic feet of water per second (cfs) from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 5586-3, with a priority date of September 25, 1991 was approved February 4, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On September 19, 1996, Water Permit No. 5586-3 was transferred to Robert L. Carr.

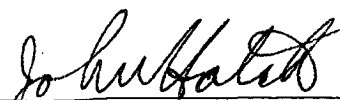
Water Permit No. 5586-3 authorizes irrigation of additional acreage that was developed but not permitted under Water Permit No. 5263-3. A priority date of December 22, 1988 (established by No. 5263-3) is retained for irrigation of 132 acres. The remaining 37 acres retains a priority date of September 25, 1991 (established by No. 5586-3). The applicable portions of Water Permit No. 5263-3 have been incorporated into this Water License No. 5586-3.

(2) It is certified that the applicant 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 2.41 cubic feet of water per second for beneficial use. The location of the diversion point is 1,500 feet north and 2,500 feet east from the southwest corner of Section 28-T120N-R51W (NE 1/4 SW 1/4).

(3) The applicant 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 1/4 SW 1/4	10 acres
	NE 1/4 SW 1/4	40 acres
	SW 1/4 SW 1/4	7 acres
	SE 1/4 SW 1/4	37 acres
	NW 1/4 SE 1/4	34 acres
	SW 1/4 SE 1/4	29 acres
	SE 1/4 NW 1/4	7 acres
	SW 1/4 NE 1/4	4 acres
	Total	169 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert L. Carr, Box 1215, Marshall MN 56258 the holder and/or owner of Incorporated Water Permit No. 5586-3 is issued a license to appropriate water, the right to use 2.41 cubic feet of water per second from groundwater (one well) with priority dates of December 22, 1988 (1.88 cfs) and September 25, 1991 (0.53 cfs) 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 Incorporated Water Permit No. 5586-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Pursuant to our phone conversation this morning, enclosed are two partially completed *Notice of Transfer of Ownership* forms. The form for Water Permit No. 5378-3 transfers the permit to CSS Farms. The other form will transfer Water Permit No. 5586-3 to Robert Carr. Each form needs to be signed by the owner and notarized. The filing fee for each transfer is \$2.50.

Mark Rath, engineer with this office, completed the inspections of several of CSS Farms water use systems. The final water right document, the Water License, can now be issued for the following permits:

- 5376-3 (SW 1/4 Sec 18-T118N-R52W),
- 5378-3 (N 1/2 SW 1/4 Sec 18-T118N-R52W),
- 5723-3 (E 1/2 NW 1/4, W 1/4 NE 1/4 Sec 10-T122N-R52W)
- 5724-3 (SE 1/4 Sec 3-T122N-R52W)
- 5586-3 (SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Sec 28-T120N-R51W) will incorporate 5263-3 [listed in the name of Robert Carr] after 5586-3 has been transferred to Robert Carr.

Statutes require a \$50.00 fee for each inspection and issuance of the Water Licenses. The total amount due for the two *Notice of Transfer of Ownership* forms and the five water licenses will be \$255.00. Upon receipt fees and transfer forms, the water licenses will be issued. If you have any questions, please contact me.

Please send fee to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

RECEIPT

415097

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 13 _____, 19 96

RECEIVED OF CSS Farms, Inc., 3334 9th Ave SW, Watertown SD 57201

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 _____		
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>5586-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (ks)

RECEIPT

415099

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 13, _____, 19 96

RECEIVED OF CSS Farms, Inc., 3334 9th Ave SW, Watertown SD 57201 for Robert Carr

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 _____		
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>No. 5263-3 5586-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ks)

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5586-3



Date: _____

I/We request that Water Permit No. 5586-3

formerly owned by: CSS Company

be transferred to: (name & address) Robert L. Carr,

Marshall, Mn. 56258

Telephone No.

507-532-2291

Box 1215

Title to the following described lands/property has been transferred as described above:

37 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, SW 1/4, W 1/2 SE 1/4, SW 1/4 Section 28-T120N-R51W (Grant County)
same area as 5263-3 (132 acres) - the two permits will be incorporated after transferred to same owner

I/We understand that the validity of Water Permit No. 5586-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

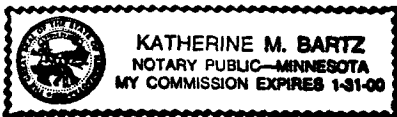
STATE OF SOUTH DAKOTA)

County of _____)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Robert L. Carr
(Signed)

Subscribed and sworn to before me this 16th day of September, 19 96.



Katherine M. Bartz
(Notary Public)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

CSS Farms
Milt Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Enclosed are the Water License Nos. 5376-3, 5378-3, 5723-3, 5724-3 and 5586-3. These are the final documents which complete the process of obtaining a water right.

Water License No. 5378-3 has been transferred to CSS Farms. Water License No. 5586-3 has been transferred to Robert L. Carr. The applicable portions of Water Permit No. 5263-3 have been incorporated into Water License No. 5586-3. The receipts for the water licenses and transfers fees are enclosed.

As long as CSS Farms uses the water beneficially, as stated in the Water Licenses, State Water Laws a continuing right to use the water.

Very truly yours,

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

ks

enclosures



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181
NOTICE
TO: CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201

FROM: Ron Duvall, Natural Resources Engineer
 for John Hatch, Chief Engineer
 Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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 on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation**.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2008

3782-3
5173-3
5586-3

Steve Schaefer
41545 285th St
Hancock MN 56244

Dear Mr. Schaefer:

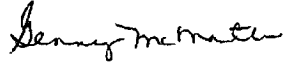
I am writing in follow-up to your phone conversation with Jim Goodman with our program. Jim requested that I send you transfer forms for filing ownership changes for water rights held by Robert Carr.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes on Water Right Nos. 3782-3, 5173-3 and 5586-3. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

Currently, the annual irrigation questionnaires are directed to Greg Endres in Watertown. If you wish a change to be made with respect to the irrigation questionnaire mailing, please let me know.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Steve's cell # 320-287-1800

2-21-08

GENDY,

REMEMBER IT LOOKED LIKE 5586-3 WAS COVERED 3782-3? I WOULD PREFER TO CONSOLIDATE THESE TWO & ALSO ADD TO THIS THE ~~NE 1/4~~ NW 1/4 SEC 28 FROM PERMIT 5173-3. THIS WOULD ALL THEN BE IN WILLOW RUN FARMS FLP. THAT WOULD LEAVE THE SW 1/4 & THE W 1/2 SE 1/4 SEC 21 TO BE PUT INTO STEVE & PAM SCHAEFER. I DO NOT UNDER ANY CIRCUMSTANCES GIVE UP ANY AMOUNT OF WATER RIGHTS. IF THIS MEANS LEAVING IT LIKE IT IS NOW, WE'LL HAVE TO DO THAT. IS THERE ANY LIMIT (OR IF THERE IS, WHAT IS IT) ON THE AMOUNT OF WATER WE CAN PUMP? THANKS SO MUCH FOR YOUR EFFORT!

SINCERELY, STEVE SCHAEFER



www.agcountry.com

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. 5586-3
Date: 2-21-08

I/We request that Water Right No. 5586-3

formerly owned by: Robert L Carr

be transferred to: (name & address) WILLOW RUN FARMS FLP
41545 285TH ST
HANCOCK, M.N. 56244 Telephone No. (820) 392-5299

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

169 acres – SW ¼, W ½ SE ¼, SE ¼ NW ¼ and SW ¼ NE ¼ Section 28, T120N, R51W

I/We understand that the validity of Water Right No. 5586-3 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 WILLOW RUN FARMS FLP, the new owner, certify that the above information is true and correct.

Steve Scheffer 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 2/25, 20 08

RECEIVED OF Steven Schaefer 383 Pearl Ave 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	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>5586-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

63045

By

Donald E. Eide

Chief Engineer

Water Right Nos. 3782-3 and 5586-3 Willow Run Farms FLP

On February 25, 2008, Water Right Nos. 3782-3 and 5586-3 were transferred to from Robert L Carr to Willow Run Farms FLP. Based on an inquiry from the new owner, the two water rights were reviewed and found to cover most of the same land.

In an effort to clarify the files and eliminate the overlap in coverage, an investigation was done to determine the actual number of acres irrigated and the diversion rate for each of the three wells.

The following information was obtained during a July 23, 2008 on-site visit (with information provided by the operator of the irrigation systems):

NE well: located 2,345 feet S & 2,410 feet W of the NE corner of Section 28, T120N, R51W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
& pivot GPS location: Lat: 45.17310 Long: -96.95414
#152 800 gallons per minute
 46 psi
 Valley center pivot - length of pivot with end gun - 1,399 feet

S $\frac{1}{2}$ pivot: 1,495 feet N & 2,520 feet W of the SE corner of Section 28, T120N, R51W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
#153 GPS location: Lat: 45.16897 Long: -96.95460
 950 gallons per minute
 Valley center pivot

S well: 425 feet S & 1,320 feet W of the NE corner of Section 33, T120N, R51W (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
NE $\frac{1}{4}$ pivot GPS location: Lat: 45.16264 Long: -96.95005
#151 950 gallons per minute
 35 psi
 Valley center pivot - length with end gun 1,387 feet

A total of **420 acres** are irrigated as follows: *(grouped according to pivots)*

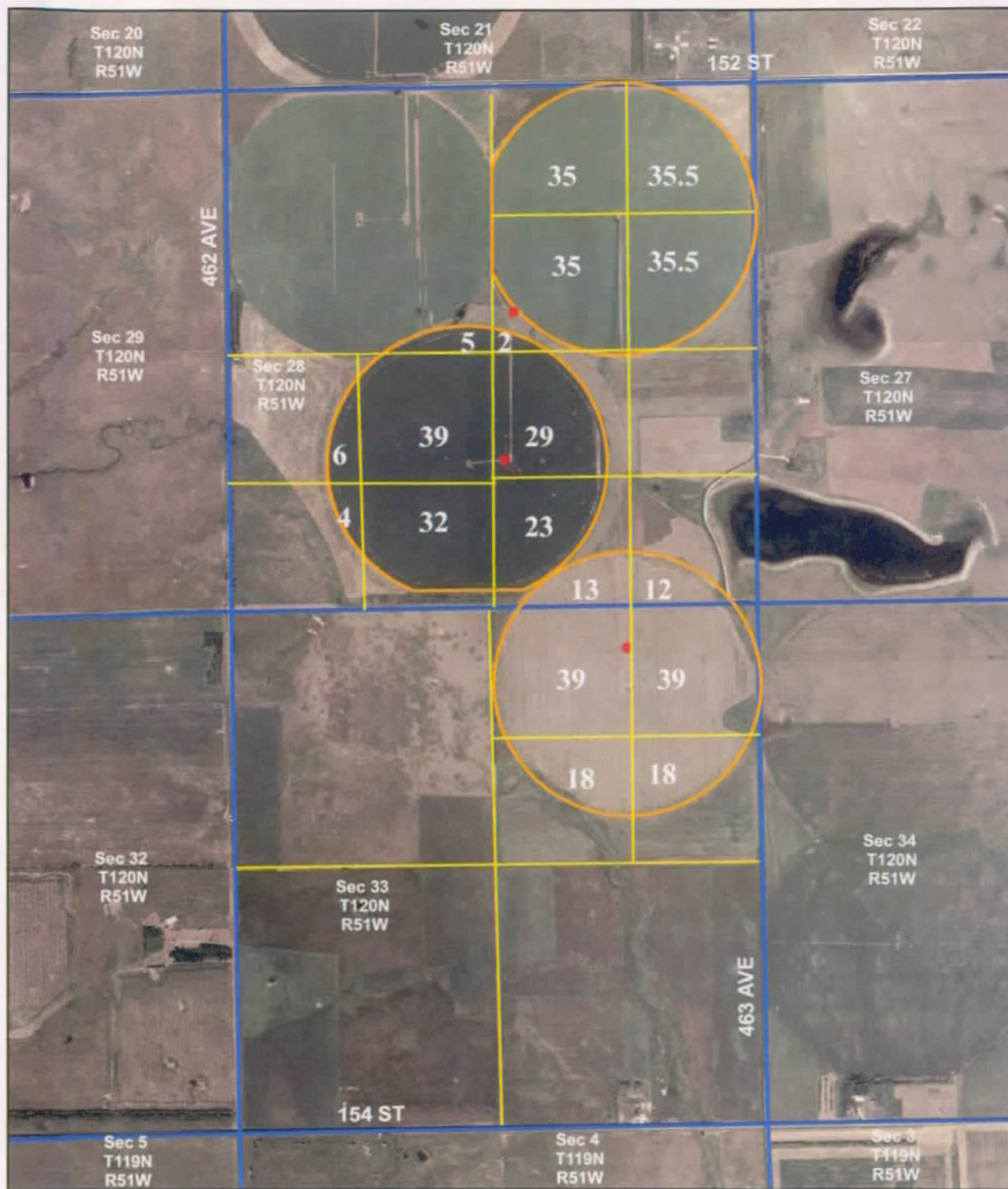
Section 28, T120N, R51W	Section 28, T120N, R51W	Section 28, T120N, R51W
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.0 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.5 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 acres	Section 33, T120N, R51W
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.5 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 acres
Sub total 141 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18.0 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18.0 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 23.0 acres	Sub total 139 acres
	Sub total 140 acres	



Mike DeFea - Natural Resources Engineer - DENR - Water Rights Program

Willow Run Farms, FLP

Steve Schaefer



Mike DeFea

0 500 1,000 2,000 3,000 4,000 Feet

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 13, 2008



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 13 2008

3782-3
5586-3

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

Dear Mr. Schaefer:

Enclosed is your Reissued Water License No. 5586-3. Water Right Nos. 3782-3 and No. 5586-3 were incorporated into one license (No. 5586-3) to eliminate the double coverage of land reflected in the individual licenses. A map of the area has been included with the license and shows the entire area irrigated along with the locations of the three wells.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right No. 5586-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Also enclosed with the license are Receipt Nos. 03545 and 03546 in the amount of \$2.50 each. These are for the filing fees you paid for the ownership changes of the water rights. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink, reading "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 5586-3

(1) Robert L Carr was issued Water License No. 5586-3, October 17, 1996 for a water right to divert 2.41 cubic feet of water per second (cfs) from ground water (one well – Antelope Valley Aquifer), Grant County, South Dakota for irrigation purposes. Water License No. 5586-3, with priority dates of December 22, 1988 (1.88 cfs) and September 25, 1991 (0.53 cfs) was issued to the permit holder for diversion of water with construction water supply system and the application to beneficial use of water completed.

A majority of the acres authorized under No. 5586-3 were already covered under Water Right No. 3782-3. The license was issued in error since it did not include the remainder of the irrigation system authorized by Water Right No. 3782-3 and allowed double coverage of a majority of the acres.

Water License No. 5586-3 is being reissued to incorporate the applicable portions of Water Right No. 3782-3. The reissued license will eliminate the double coverage of lands reflected in the individual licenses. Priority dates will be assigned to diversion rates rather than acres irrigated.

On February 25, 2008, Water Right Nos. 3782-3 and 5586-3 were transferred to Willow Run Farms FLP, Steve Schaefer, Trustee, 41545 285th St, Hancock MN 56244.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and the application of water to beneficial use and is entitled to divert 6.00 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 2,345 feet S & 2,410 feet W of the NE corner of Section 28, T120N, R51W (SW ¼ NE ¼ **Section 28**);
- 1,495 feet N & 2,520 feet W of the SE corner of Section 28, T120N, R51W (NW ¼ SE ¼ **Section 28**);
- 425 feet S & 1,320 feet W of the NE corner of Section 33, T120N, R51W (NW ¼ NE ¼ **Section 33**).

A total of **420 acres** are irrigated as follows: *(grouped according to pivots)*

Section 28, T120N, R51W	Section 28, T120N, R51W	Section 28, T120N, R51W
NW ¼ NE ¼ 35.0 acres NE ¼ NE ¼ 35.5 acres SW ¼ NE ¼ 35.0 acres SE ¼ NE ¼ 35.5 acres Sub total 141 acres	SE ¼ NW ¼ 5.0 acres SW ¼ NE ¼ 2.0 acres NW ¼ SW ¼ 6.0 acres SW ¼ SW ¼ 4.0 acres NE ¼ SW ¼ 39.0 acres SE ¼ SW ¼ 32.0 acres NW ¼ SE ¼ 29.0 acres SW ¼ SE ¼ 23.0 acres Sub total 140 acres	SW ¼ SE ¼ 13.0 acres SE ¼ SE ¼ 12.0 acres Section 33, T120N, R51W NW ¼ NE ¼ 39.0 acres NE ¼ NE ¼ 39.0 acres SW ¼ NE ¼ 18.0 acres SE ¼ NE ¼ 18.0 acres Sub total 139 acres

Page 2

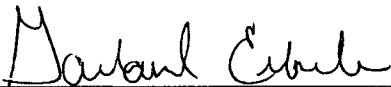
Reissued Water License No. 5586-3

Willow Run Farms FLP

(4) Pursuant to South Dakota Water Law 46-5-30.1 Willow Run Farms FLP, Steve Schaefer, Trustee, 41545 285th St, Hancock MN 56244 the holder and/or owner of Incorporated Water Right No. 5586-3 is issued a license to appropriate water, the right to use 6.00 cubic feet of water per second from ground water (three wells – Antelope Valley Aquifer) with priority dates of February 18, 1975 (4.00 cfs); December 22, 1988 (1.88 cfs) and September 25, 1991 (0.12 cfs) from the locations specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 5586-3 and subject to the following qualifications:

- The wells authorized under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is subject to the irrigation water use questionnaire being submitted each year.



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

AUG 13 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 2009

5338A-3
5586-3

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

Dear Mr. Shafer:

I appreciate your call concerning the ownership change for Water Right No. 5338A-3 and also updating us on where the questionnaire should be mailed for Water Right No. 5586-3.

Enclosed are the following:

- **The 2009 irrigation questionnaire for Water Right No. 5586-3** (originally sent to Greg Endres);
- **"Notice of Transfer of Ownership" form for Water Right No. 5338A-3** (Milton Allison);
- **Copy of No. 5338A-3** (Since this one doesn't have to be reissued, I'm sending you a copy of it for your records prior to when its transferred);
- **Application forms and the instruction sheet** for applying for a permit for the new well and pivot you want to add to you current system.

If I have forgotten anything or if you have any questions, please contact me.

Sincerely,

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

enclosures