

SOUTH DAKOTA
WATER PERMIT NO. 5658A-3 FOR IRRIGATION

Water Permit No. 5658-3, for Don Emmick, was issued by the Chief Engineer on behalf of the Water Management Board authorizing 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. 5658-3 appropriated 5.90 cubic feet of water per second (cfs) from two wells (Missouri: Elk Point Aquifer) 125 feet deep located in the center of the SE ¼ Section 9 and the center of the S ½ Section 10 to irrigate 414 acres located in the SE ¼ Section 9 and the SW ¼ and SE ¼ Section 10, all in T93N, R53W.

On April 2, 1999, Water Permit No. 5658-3 was transferred from Don Emmick to Robert Emmick.

On April 12, 2007, a transfer of ownership was received for a portion of land described in the water permit. To reflect separate ownership, Water Permit No. 5658-3 is being divided and reissued as follows:

Water Permit No. 5658A-3, Robert Emmick, 45345 311th St, Meckling, SD 57044: authorizing diversion of 2.00 cfs from one well (approximately 125 feet deep) located in the center of the SE ¼ Section 9 to irrigate 140 acres in the SE ¼ Section 9, all in T93N, R53W.

Water Permit No. 5658B-3, J Robert Wardin, One Eagle Ridge Rd, North Oaks, MN 55127: authorizing diversion of 3.90 cfs from one well (approximately 125 feet deep) located in the center of the S ½ Section 10 to irrigate 274 acres in the S ½ Section 10, all in T93N, R53W.

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 31.
3. The date from which applicant may claim right is April 21, 1992.
4. The date of approval of Water Permit No. 5658-3 was August 5, 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

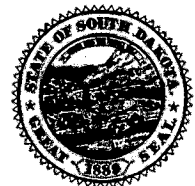
1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells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

WATER MANAGEMENT BOARD

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

APR 30 2007

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

APR 30 2007

5658A-3

Robert Emmick
45345 311th St
Meckling SD 57044

Dear Mr. Emmick:

Enclosed is your Water Permit No. 5658A-3. Based on the transfer of ownership received for a portion of land described in Water Permit No. 5658-3, the permit was divided and reissued to reflect separate ownership as follows:

Water Permit No. 5658A-3, Robert Emmick, 45345 311th St, Meckling, SD 57044: authorizing diversion of 2.00 cfs from one well (approximately 125 feet deep) located in the center of the SE ¼ Section 9 to irrigate 140 acres in the SE ¼ Section 9, all in T93N, R53W.

Water Permit No. 5658B-3, J Robert Wardin, One Eagle Ridge Rd, North Oaks, MN 55127: authorizing diversion of 3.90 cfs from one well (approximately 125 feet deep) located in the center of the S ½ Section 10 to irrigate 274 acres in the S ½ Section 10, all in T93N, R53W.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Permit No. 5658A-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.

If you have any questions concerning the enclosed water permit, please contact us.

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

enclosure



5658A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: ROBERT EMMICK, 45345 311TH ST, MECKLING, SD 57044

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658A-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5658A-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5658A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

5658A-3

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Label/Receipt Number: 2303 2160 0000 0802 2823
Status: **Delivered**

Your item was delivered at 9:49 AM on January 23, 2008 in
VERMILLION, SD 57069. The item was signed for by A EMMICK.

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FOIA

U.S. Postal Service™ Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 2823

ROBERT EMMICK
45345 311TH ST
MECKLING SD 57044

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

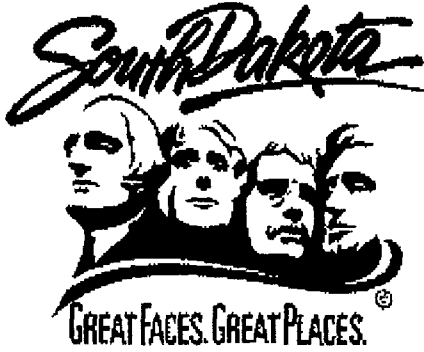
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PS Form 153, May 2002

(See Reverse)



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and NATURAL RESOURCES**

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

March 10, 2008

5658A-3

Robert Emmick
45345 311th St
Meckling SD 57044

Dear Mr. Emmick:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5658A-3.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



5658A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: ROBERT EMMICK, 45345 311TH ST, MECKLING, SD 57044

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658A-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5658A-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5658A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

5658A-3

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Label/Receipt Number: 2303 2160 0000 0802 6647

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- Delivered, February 20, 2009, 7:14 am, PIERRE, SD 57501
- Processed, February 18, 2009, 10:11 pm, SIOUX FALLS, SD 57104
- Unclaimed, February 18, 2009, 4:38 pm, VERMILLION, SD
- Notice Left, January 30, 2009, 10:00 am, VERMILLION, SD 57069
- Notice Left, January 24, 2009, 8:42 am, VERMILLION, SD 57069

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6647

ROBERT EMMICK
45345 311TH ST
MECKLING SD 57044

ling.

Waiver of Signature ☐ YES ☐ NO

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 20, 2009

NOTICE

TO: Robert Emmick, 45345 311th St, Meckling SD 57044

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Division

SUBJECT: Unclaimed Mail Concerning Violation of Water Permit No. 5658A-3

The attached notice was sent by "Signature Confirmation" on January 23, 2009. The post office has returned the "Signature Confirmation" mail to our office marked "unclaimed". The box indicated the post office notified you twice to pick up and sign for the mail.

If you have any questions, please contact Genny McMath, (605) 773-3352.

enclosure

CERTIFICATION

I hereby certify that on February 20, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 20, 2009 regarding delinquent irrigation questionnaires addressed as stated below:

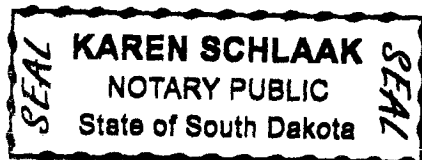
Gary L Larson, PO Box 337, Bison SD 57620 **984-1**
Robert Emmick, 45345 311th St., Meckling SD 57044 **5658A-3**

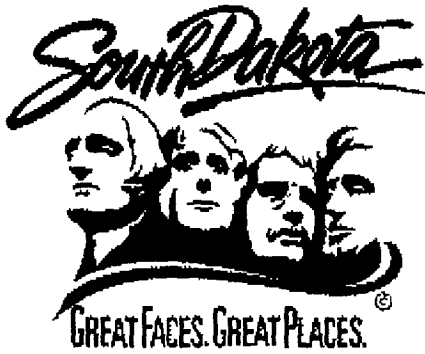

Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of February, 20 09.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2009

5658A-3

Robert Emmick
45345 311th St
Meckling SD 57044

Dear Mr. Emmick:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit No. 5658A-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 16, 2009

5658A-3

Brad Dirksen
37376 Hwy 3
LeMars IA 51031

Dear Mr. Dirksen:

Thank you for calling concerning the ownership change for Water Permit No. 5658A-3.

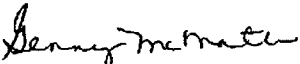
Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a set of water permit application forms for use in filing for a permit for the land you indicated currently had a system but no water permit on it.

Please be advised that the Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases will become effective July 1, 2009. The fee increase for an ownership change will be raised from \$2.50 to \$50.00. We will be required to assess the increased fee of \$50.00 for any ownership change filed after July 1st. The fees for applications are going up substantially too. In order to avoid paying the higher fees, please return the necessary forms and fees prior to July 1st.

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 11 2009

WATER RIGHTS
PROGRAM

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

No. 5658A-3

Date: _____

I/We request that Water Permit No. 5658A-3

formerly owned by: Robert Emmick

be transferred to: (name & address) Bradley W. Dirksen

37376 Hwy 3

Le Mars, Ia 51031

Telephone No. 712-540-3757 (cell)

712-546-8661 (office)

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

140 acres in the SE ¼ Section 9, T93N, R53W

I/We understand that the validity of Water Permit No. 5658A-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 Brad Dirksen, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/11, 20 09

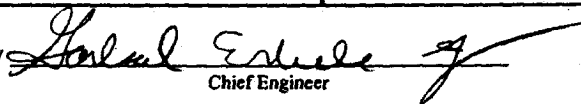
RECEIVED OF Dirksen Ag Enterprises Inc 37376 Hwy 3 LeMars IA 51031

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>5658A-3</u>	2	50
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. 04131

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2009

Bradley W Dirksen
37376 Hwy 3
LeMars IA 51031

Dear Mr. Dirksen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of the NE ¼ Section 9-T93N-R53W. The application is being returned because it needs to be signed and notarized where indicated on the bottom portion of the application.

Also, enclosed is your receipt for payment of the Notice of Transfer of Ownership. Water Permit No. 5658A-3 formerly listed in the name of Robert Emmick is now listed in your name.

Upon receipt of the signed and notarized application, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

5658A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: BRADLEY W DIRKSEN, 37376 HWY 3, LEMARS, IA 51031
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5658A-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5658A-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5658A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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



5658A-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 8702

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:00 PM on January 26, 2010 in LE MARS, IA 51031. The item was signed for by M DIRKSEN.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 26, 2010, 2:00 pm, LE MARS, IA 51031
- Notice Left, January 25, 2010, 12:33 pm, LE MARS, IA 51031
- Out for Delivery or Available at PO Box, January 25, 2010, 8:41 am, LE MARS, IA 51031
- Sorting Complete, January 25, 2010, 8:11 am, LE MARS, IA 51031
- Arrival at Post Office, January 25, 2010, 8:03 am, LE MARS, IA 51031

Notification Options

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No FEAR Act EEO Data

FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8702

BRADLEY W DIRKSEN
37376 HWY 3
LEMARS IA 51031

before mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
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**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2010

5658A-3

Bradley W Dirksen
37376 Hwy 3
Le Mars IA 51031

Dear Mr. Dirksen:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 5658A-3.

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

If you have any questions, please contact me.

Sincerely,

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

5658A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 29, 2013

5658A-3
7152-3

Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

I am writing in follow-up to your phone conversation with Eric Gronlund in our program concerning Water Permit Nos. 5658A-3 and 7152-3. It is our understanding that you have purchased the land described in the permits from Bradley Dirksen. I have included copies of both water permits for you to keep for your records.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water permit. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). 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 cursive script that reads "Genny McMath".

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

enclosures

RECEIVED

AUG 15 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5658A-3

Date: 8/6/2013

I/We request that Water Permit No. 5658A-3

formerly owned by: Bradley W Dirksen

be transferred to: (name & address) Marquardt Family Limited Partnership,
A South Dakota Limited Partnership, 137 Golf View Lane, P.O. Box 1040
Yankton, SD 57078 Telephone No. 605-665-1053

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

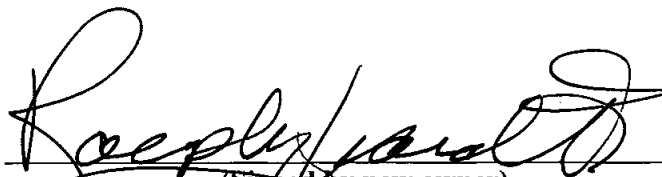
140 acres – SE ¼ Section 9, T93N, R53W

I/We understand that the validity of Water Permit No. 5658A-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.

Ralph Marquardt on behalf of
I/We Marquardt Family Limited Partnership, the new owner, certify that the above information is true and correct.


(Signed by new owner)
Marquardt Family Limited Partnership

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 8/12, 20 13

RECEIVED OF Marquardt Farms PO Box 1040 Yankton SD 57078

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>5658A-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. **06403**

By *Jeannine Goodman*
Chief Engineer *JD*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 15, 2013

5658A-3
7152-3

Ralph Marquardt
Marquardt Family Limited Partnership
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

I am writing to acknowledge receipt of the ownership changes and filing fees submitted for transferring Water Permit Nos. 5658A-3 and 7152-3.

The ownership changes have been completed. Water Permit Nos. 5658A-3 and 7152-3 formerly held by Bradley W Dirksen are now listed in the name of Marquardt Family Limited Partnership.

Enclosed for your records are Receipt Nos. 06403 and 06404 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

encl



5658A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: MARQUARDT FAMILY LTD PARTNERSHIP, PO BOX 1040, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

5658A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2019

Marquardt Family Ltd Partnership
PO Box 1040
Yankton SD 57078

RE: Water Permit/Right Nos. 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3,
7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3

Dear Sir:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program - File Documentation

NAME: Marquart Family LTD Partnership

ADDRESS: Yankton

DATE: 8-4-22

RE: Overspray

COMMENTS:

Justin Orr called and talked with Eric. Justin indicated there was overspray on the north and east roads adjacent to irrigation located in the E 1/2 Section 9-T93N-R53W. The water permits for these systems are No. 7152-3 and 5658A-3, Marquardt Family LTP Partnership.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

7152-3
5658A-3

August 4, 2022

Marquardt Family LTD Partnership
c/o Ralph Marquardt
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

The irrigation season is in full swing. This has led to the Department of Agriculture and Natural Resources (DANR) fielding inquiries regarding end gun overspray on to roads. This is a reminder that 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.

DANR received an inquiry alleging the irrigation systems located in the E 1/2 Section 9-T93N-R53W had irrigation water from the end gun hitting the roads to the north and east. The water permits for these systems are held in your name under Water Permit Nos. 7152-3 and 5658A-3.

Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road. If you don't believe your irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

c: Dave Husby (email)

Schlaak, Karen

From: Dave Husby <Daveh@marqcompanies.com>
Sent: Thursday, August 4, 2022 3:18 PM
To: Schlaak, Karen
Subject: RE: [EXT] Overspray Complaint

The end guns will be adjusted either later today or no later than tomorrow. Thank you for letting us know.

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Thursday, August 4, 2022 11:39 AM
To: Dave Husby <Daveh@marqcompanies.com>
Subject: Overspray Complaint

Attached is a letter being sent today. We received a call concerning overspray in the location of these two permits.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



5658A-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

SEP 21 2022

5658A-3
7152-3

Marquardt Family Ltd Partnership
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

Enclosed is Water License No. 7152-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The investigation of the water use system found the well located in the approximate center of the SE ¼ Section 9, T93N, R53W to be abandoned and left open. Under South Dakota Water Law, 46-6-27, the well owner shall plug an abandoned well **OR** seal/cap the well at the surface to prevent contamination. **You will need to work with a well driller to plug the well or at a minimum cap or seal the well within 30 days. Contact our office as soon as the work is completed.**

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 use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Permit No. 5658A-3 were incorporated into Water License No. 7152-3.