



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

5658B-3

J Robert Wardin
One Eagle Ridge Rd
North Oaks MN 55127

Dear Mr. Wardin:

Enclosed is your Water Permit No. 5658B-3. Based on the transfer of ownership you submitted, 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. 5658B-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.

Enclosed is your Receipt No. 03029 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records. If you have any questions concerning the enclosed water permit, please contact us.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/12, 20 07

RECEIVED OF J ROBERT WARDEN 1 EAGLE RIDGE RD NORTH OAKS MN 55127

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>56581-3</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.

0320

By

Laurel E. White
Chief Engineer

RECEIVED

APR 12 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5658B-3

Date: APR - 7 - 2007

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

formerly owned by: Robert Emmick

be transferred to: (name & address)

J ROBERT WARDIN

ONE EAGLE RIDGE ROAD

NORTH OAKS, MN 55127

Telephone No. 612-868-8909

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

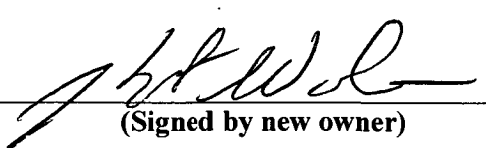
274 acres - S ½ Section 10, T93N, R53W

I/We understand that the validity of Water Permit No. 5658B-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~~ _____, 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.

SOUTH DAKOTA
WATER PERMIT NO. 5658B-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





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and NATURAL RESOURCES**

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www.state.sd.us/denr

December 10, 2009

5658B-3
6610-3
6611-3

Brian Peterson
Whiskey Creek Partnership
1739 Charles Ave
Lawton IA 51030-8077

Dear Mr. Peterson:

Enclosed as we discussed are the 2009 irrigation questionnaires for land you farm for Robert Wardin. I have included copies of the water permits and also a copy of one of the questionnaires that Ken Less sent in last year.

The yellow questionnaires will need to be completed and returned to us as soon as possible. Typically, they are sent out in October and are due by December 1st. The forms were originally sent to Ken Less and he returned them to us December 9th indicating he no longer farmed the property.

The forms can be submitted by any of the following methods:

- on-line: <http://denr.sd.gov/iq.aspx>
- fax: 605 773-4068
- by regular mail in the envelope provided; or
- by phone at 605 773-3352

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

c: J Robert Wardin, 1 Eagle Ridge Rd, North Oaks, MN 55127-6409 (without attachments)



5658B-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 22, 2010

NOTICE

TO: WHISKEY CREEK PARTNERSHIP, BRIAN PETERSON - RENTER, 1739 CHARLES AVE,
LAWTON, IA 51030

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) 5658B-3, 6610-3 & 6611-3. 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) 5658B-3, 6610-3 & 6611-3 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) 5658B-3, 6610-3 & 6611-3 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/asp>

c: J ROBERT WARDIN, 1 EAGLE RIDGE RD, NORTH OAKS, MN 55127-6409

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.



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www.state.sd.us/denr

February 2, 2010

Brian Peterson
Whiskey Creek Partnership
1739 Charles Ave
Lawton IA 51030

RE: 2009 Irrigation Questionnaires for Water Permit Nos. 5658B-3, 6610-3 & 6611-3

Dear Mr. Peterson:

I am writing to acknowledge receipt of the 2009 irrigation questionnaires for land you farm for Robert Wardin. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 5658B-3, 6610-3 & 6611-3.

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

c: Robert Wardin

File documentation**Water Permit Nos. 5658B-3, 7050-3 and 7051-3**

On September 23, 2014, Bracken Capen conducted an inspection of the water use system described in Water Permit Nos. 5658B-3, 7050-3, 7051-3 and 7703-3 constructed by J Robert Wardin.

Upon licensing, the applicable portions of Water Permit Nos. 5658B-3, 7050-3 and 7051-3 were incorporated into Water License No. 7703-3. Water License No. 7703-3 now covers the entire system for diversion of 3.90 cfs from two wells into the Missouri Elk Point Aquifer for irrigation of 534 acres in Section 10, T93N, R53W.