Considered: _____ WATER PERMIT NO. 5661-3

Phone: _____

Name of Applicant: Oaklane Colony

Post Office Address: RR2, Box 54, Alexandria, SD 57311

Amount of Water Claimed: No Add'l Total Acres: 42.8 Add'l

Source of Water Supply: two wells

Water to be used for: irrigation County: Hanson

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4/16/92 Fee: $150 Remarks additional acres to Water Right No. 2812-3

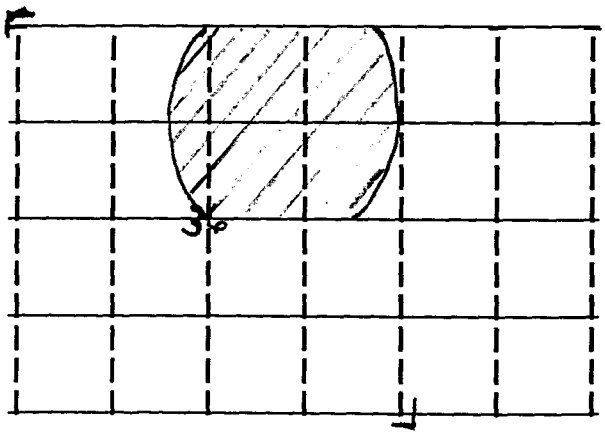
Corrected Application Received 4/21/92 Period of Annual Use April 1-November 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NE1/4 SE1/4, SW1/4 SE1/4 Section 25, T101N, R58W

Land to be Irrigated: E1/2 NE1/4 Section 36, T101N R58W



Well Log: Driller: _____ Licensed YES ____ NO ____

Depth of Well: 183' & 159" REMARKS _____

Type of Map: ASCL PREPARED BY: Dave Paulson Reviewed and the Number Assigned on 5/4/92 By Eric Gronlund

SOUTH DAKOTA
WATER PERMIT No. 5661-3 FOR IRRIGATION

Date of first receipt of application April 16, 1992.
Date Soil/Water Compatibility Permit received May 4, 1992.
Date of return to applicant for corrections, amendments or changes April 20, 1992.
Date of receipt of corrected application April 21, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5661-3 to Oaklane Colony, RR 2, Box 54, Alexandria SD 57311 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. 5661-3 authorizes irrigation of an additional 42.8 acres and changes irrigated acres authorized by Water Right No. 2812-3. Water Right No. 2812-3 appropriates 3.6 cubic feet of water per second from two wells (Plum Creek Aquifer) located in the NE 1/4 SE 1/4, SW 1/4 SE 1/4 Section 25 to irrigate 252 acres located in the SE 1/4 Section 25 and the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 36; all in T101N-R58W. This permit authorizes irrigation of an additional 42.8 acres located in the E 1/2 NE 1/4 Section 36-T101N-R58W and some minor changes in the irrigated acres authorized by Water Right No. 2812-3 by shifting the center pivot approximately 1,000 feet to the east. Irrigation in the SE 1/4 of Section 25 remains unchanged. This permit does not authorize any increase in the diversion rate.

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 - November 30.

3. The date from which applicant may claim right is April 16, 1992.

4. The date of approval of Permit No. 5661-3 is August 5, 1992.

5. One-fifth of the construction is to be completed on or before February 5, 1995.

6. All construction is to be completed on or before August 5, 1997.

7. Water is to be put to beneficial use on or before August 5, 2001.

8. 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 wells 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.

(continued)

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

WATER MANAGEMENT BOARD

By: _____ NOV 3 0 1992
John Hatch, Chief Engineer, Water Rights Division — date
Department of Environment and Natural Resources

FORM 2: Application for irrigation (type or print) in South Dakota

(See instructions)

No. 5661-3 Hydrologic Unit 10160011
Basin James River
Newspaper Alexandria Herald, Box 450

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

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

Type of Application: ☐ 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 Oaklana Colony Phone No. _____
   Post Office Address RR2 Alexandria Box (Street, RR or Box) (City) State S. Dak Zip Code 57311
2. Amount of water claimed (c.f.s) No additional Total acres irrigated 170.8 total (~~37.8 Add~~ 42.8 Add'l)
3. Source of Water supply well
4. Location of point of diversion Township 101 N Range 58 W Sec. 25 SE ¼ #1 NE¼ SE¼ Sec 25, T101N, R58W
   #2 SW¼ SE¼ Sec 25, T101N, R58W County Hanson
5. Counties where water will be used Hanson
6. Annual period during which water is to be used April 1 – November 30
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.	Land Description	No. Acres Irr.
NE NW Sec 36, T101N, R58W	14.5	NE NE Sec 36, T101N, R58W	32.0
SE NW "	13.3	SE NE "	31.0
NW NE "	40.0		
SW NE "	40.0		

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ✓ Gun: _____ Other: (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)
    we want to add ~~37.8~~ 42.8 A Plus to Move thy center Pivot and go to Low Pressur

RECEIVED APR 1992 South Dakota Division of Conservation

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

STATE OF SOUTH DAKOTA)
County of _____)ss

I, Jake Wipf, 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 Jake D Wipf

Subscribed and sworn to before me this 15th day of April 1992

Janet Ihrig 6-29-97
Notary Public

4-87

N½ & NW¼ SW¼ 36-101-58 OAK LINE FARM # 925

NW¼ & W½ NE¼ & NW¼ SW¼ 36-101-58 280' MAX LENGTH W TAIL

294' " " Z

Appl. No. 56613

NOT TO SCALE

The SE¼ 25-101-58

&

E2 of NW¼ & W2 of NE¼ (36-101-58)

The above are under center pivots

Dale Fahr, CFD

Hanson co.

APR 1992
RECEIVED
South Dakota
Division of
Conservation

RECEIPT

413166

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 24, 1992

RECEIVED OF Jake Wipf (Oak Lane Colony) Box 54, Alexandria, SD 57311

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

Fee for Application for Permit No. 5661-3 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/omic
Chief Engineer

5661-3

Department of Agriculture
WI#1
5-87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4701

WR#

MAY 1992 DIVISION OF WATER RIGHTS Pierre, SD

OWNERS NAME: OAKLANE COLONY

OWNERS ADDRESS: RR 2 BOX 54
ALEXANDRIA, SD 57311-9253

COUNTY LAND LOCATED IN: HANSON PHONE:

LEGAL DESCRIPTION: ☒ Well ☐ Surface

1. LOCATION #1 NE¼ SE¼ 25-T101N-R58W

Depth #2 SW¼ SE¼ 25-T101N-R58W

Legal Description	Acres	Legal Description	Acres
NE¼ NW¼ 36-T101N-R58W	14.5	SE¼ NW¼ 36-T101N-R58W	13.3
NW¼ NE¼ 36-T101N-R58W	40.0	SW¼ NE¼ 36-T101N-R58W	40.0
NE¼ NE¼ 36-T101N-R58W	32.0	SE¼ NE¼ 36-T101N-R58W	31.0

2. **TYPE OF IRRIGATION:** GRAVITY: ____ TOWLINE: ____ CENTER PIVOT: XX GUN: ____ OTHER: (Specify) ____

3. CROPS TO BE IRRIGATED: ____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-576
5. SALINITY (EC X 10^6): 1946
6. SODIUM (SAR): 1.22
7. ADJUSTED (SAR): ____
8. PERCENT SODIUM 15.08

Requirements:

As required under Soil and Wter Compatibility Permit #4265.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.

Russell T Stone
Director, Division of Conservation

APRIL 30, 1992
Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

COPY

April 20, 1992

Oaklane Colony
attn: Jake Wipf
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

I am writing in response to your recently submitted application to add acreage and change acreage currently covered by Water Right No. 2812-3. During our most recent phone conversation, I indicated that I would assist you in determining how many irrigated acres were outlined on the map for each 40 acre parcel. You indicated the pivot will irrigate a total of 170.8 acres. I have enclosed a copy of your application with the acreages for each 40 acres parcel highlighted in red.

Upon review of your application, there are the following items that need to be clarified:

1. An application filing fee of $150 must be submitted.

yes 2. Water Right No. 2812-3 also authorizes irrigation of the SE1/4 Section 25, T101N, R58W. I assume that this acreage is still be irrigated.

yes 3. Water Right No. 2812-3 states 128 acres are irrigated in the N1/2 Section 36, T101N, R58W. Since you indicate you now want to irrigate 170.8 acres in the N1/2, this would be <u>42.8 additional acres</u> not the 37.8 acres listed on the application you submitted.

will provide 4. The outlined area on the map shows that the center pivot will not extend into any portion of the SE1/4 of Section 36 or the SE1/4 of Section 25. Does the pivot have stops that prohibit it from irrigating these area while making a rotation?

yes 5. Am I correct that the same wells authorized by Water Right No. 2812-3 located in the NE1/4 SE1/4 and SW1/4 SE1/4 of Section 25, T101N, R58W will be used?

Please contact me as to whether the acreages I have listed are correct and address the above listed items. This water permit application can not be processed until it is complete and the necessary Soil/Water Compatibility Permit is obtained.

If you have any questions, feel free to contact me

Sincerely,

Eric Gronlund

Eric Gronlund
Water Rights Division
605 773-3352

COPY

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: **Oaklane Colony - Jake Wipf**

ADDRESS: _____ COUNTY: **Hanson**

DATE: **4/21/92** TELEPHONE: _____

RE: _____

COMMENTS:

Mr. Wipf called in response to the letter I sent, dated 4/20/92, in regards to their pending application. His specific response to the items in the letter are:

1. Mr. Wipf said he'd send in the $150 application fee tomorrow.

2. Yes

3. Yes - 42.8 additional acres

4. Yes - they will prohibit any irrigation in the SE1/4 Section 36 or the SE1/4 Section 25

5. Yes - the same wells are to be used.

Mr. Wipf stated he will be submitting a water sample.
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hamlund

REPORT ON APPLICATION NO. 5661-3
for Oaklane Colony
June 10, 1992

Application No. 5661-3 proposes to authorize irrigation of an additional 42.8 acres and change irrigated acres authorized by Water Right No. 2812-3. Water Right No. 2812-3 appropriates 3.6 cfs from two wells located in the NE 1/4 SE 1/4 and the SW 1/4 SE 1/4 of section 25 to irrigate 252 acres located in the SE 1/4 of section 25 and the E 1/2 NW 1/4, W 1/2 NE 1/4 of section 36; all in T101N R58W in Hanson County. This application proposes to add an additional 42.8 acres to be located in the E 1/2 NE 1/4 of section 36, T101N R58W and some minor changes in the irrigated acres authorized by Water Right No. 2812-3 by shifting the center pivot approximately 1000 feet to the east. Irrigation in the SE 1/4 of section 25 will remain unchanged. This application, if approved, does not authorize any increase in the diversion rate.

AQUIFER - PLUM CREEK (PC)

The Plum Creek is a confined glacial outwash (sand and gravel) under artesian conditions. The aquifer underlies 28,400 acres and contains an estimated 76,880 acre feet of recoverable water in storage in Hanson County (Hedges, 1982). The aquifer can be as much as 75 feet thick, but is generally less than 25 feet thick and the ground water moves to the southeast with a gradient of about 20 feet/mile (Hansen, 1983).

The Division of Water Rights monitors two observation wells in this immediate area (HS-79G and HS-79H). HS-79G is completed into the Plum Creek aquifer and HS-79H appears to be completed into the Codell sandstone. The water levels for these wells and the irrigation wells and the cross sections shown on pages 22 and 23 of the Hansen report indicate these aquifers are probably hydraulically connected in this area. Hydrographs for these two wells show response to climatic conditions, that is, rising water levels due to wet years (recharge) and gradually declining water levels during dry years. Also the hydrographs appear to show fluctuation due to pumping. The hydrographs indicate that the aquifer is sustaining existing withdrawals (Water Rights, 1991).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit/right in this area (Water Permit No. 2813-3). This permit is located approximately 1 1/2 miles southeast of this application. Interference is not expected to be a concern. These are existing diversions and have been in use for many years. This application will not increase diversion rates or add any wells so no change in drawdown caused by pumping is expected.

CONCLUSIONS

1. Water is available from the Plum Creek aquifer.

2. The aquifer is under confined (artesian) conditions and drawdown due to pumping is expected. This application should not change the existing conditions and interference is not expected to be a concern.

3. This application will add 42.8 acres located in the E 1/2 NE 1/4 of section 36, T101N R58W. There is no increase in diversion rate authorized by this application.

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1983, Water Resources of Hanson and Davison Counties, South Dakota, USGS WRI 83-4108, USGS, Huron, SD, 57350.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished Observation Well Records for Hanson County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5661-3, Oaklane Colony

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. 5661-3, Oaklane Colony, c/o Jake Wipf, RR 2 Box 54, Alexandria, SD 57311.

The Chief Engineer is recommending APPROVAL of Application No. 5661-3 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) it is in the public interest with the following qualifications:

1. The wells 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
June 15, 1992

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.

June 30, 1992

Jake Wipf
Oaklane Colony
RR 2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

Water Permit Application No. 5661-3 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 Alexandria Herald printed at Alexandria, SD (Ph # 239-4521). 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

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.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 30, 1992

Alexandria Herald
Box 450
Alexandria, SD 57311

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5661-3 to be published twice. Please publish the first notice on July 9, 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 Oaklane Colony, RR 2 Box 54, Alexandria, SD 57311.

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 July 9, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5661-3 to Appropriate Water and to Amend Water Right No. 2812-3

Notice is given that Oaklane Colony, RR 2 Box 54, Alexandria, SD 57311 has filed an application for a water permit to authorize irrigation of an additional 42.8 acres and change irrigated acres authorized by Water Right No. 2812-3. Water Right No. 2812-3 appropriates 3.6 cubic feet of water per second from two wells (Plum Creek Aquifer) located in the NE 1/4 SE 1/4, SW 1/4 SE 1/4 Section 25 to irrigate 252 acres located in the SE 1/4 Section 25 and the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 36; all in T101N, R58W. This application proposes an additional 42.8 acres to be located in the E 1/2 NE 1/4 Section 36, T101N-R58W and some minor changes in the irrigated acres authorized by Right No. 2812-3 by shifting the center pivot approximately 1000 feet to the east. Irrigation in the SE 1/4 of Section 25 will remain unchanged. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5661-3 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 July 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. 5661-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 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 August 5, 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 August 5, 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 July 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, 46-2A-20, 46-2A-21; 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)
) ss.
County Hanson)

OK

I, David L Stoltz

certify that the attached printed Notice was taken from the Alexandria Herald

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 Alexandria

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

July 9, 1992
July 16, 1992

(Signature)

Publisher
(Title)

7-17-92
(Date Signed)

Cost of Printing: $61.49

JUL 1992
DIVISION OF
WATER RIGHTS
Pierre, SD

NOTICE OF HEARING

ON APPLICATION NO. 5661-3 TO APPROPRIATE WATER AND TO AMEND WATER RIGHT NO. 2812-3

Notice is given that Oaklane Colony, RR 2 Box 54, Alexandria, SD 57311 has filed an application for a water permit to authorize irrigation of an additional 42.8 acres and change irrigated acres authorized by Water Right No. 2812-3. Water Right No. 2812-3 appropriates 3.6 cubic feet of water per second from two wells (Plum Creek Aquifer) located in the NE 1/4 SE 1/4, SW 1/4 SE 1/4 Section 25 to irrigate 252 acres located in the SE 1/4 Section 25 and the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 36; all in T101N, R58W. This application proposes an additional 42.8 acres to be located in the E 1/2 NE 1/4 Section 36, T101N-R58W and some minor changes in the irrigated acres authorized by Right No. 2812-3 by shifting the center pivot approximately 1000 feet to the east. Irrigation in the SE 1/4 of Section 25 will remain unchanged. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5661-3 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 July 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. 5661-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, S.D. If this application is opposed or the recommendation is contested, the August 5, 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 August 5, 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 persons opposing the application. The request for an automatic delay must be filed by July 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 [illegible] access to the hearing by the handi[illegible]

This application is m[illegible] 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 [illegible] 46-2A-1 thru 46-2A-10 [illegible] 14, 46-2A-1[illegible] 2A-20, 46-2[illegible] 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 [illegible] 10, 46-6-1[illegible] 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 3 0 1992

Jake Wipf
Oaklane Colony
RR 2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

Enclosed is Water Permit No. 5661-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

5661-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 30, 1996

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, RR #2 BOX 54, ALEXANDRIA, SD 57311

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

SUBJECT: Violation of Water Permit No(s) 5661-3, 2812-3 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5661-3, 2812-3. The request for the Questionnaires was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 2812-3 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) 5661-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 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 March 1, 1996, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

OAKLANE COLONY
JAKE D WIPF
RR #2 BOX 54
ALEXANDRIA SD 57311

4a. Article Number

Z 161 984 123

4b. Service Type

☐ Registered
☐ Express Mail
☐ Return Receipt for Merchandise
☒ Certified
☐ Insured
☐ COD

7. Date of Delivery

1-31-96

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*

X Mike D Wipf

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 22, 1996

2812-3
5661-3

Jake D Wipf
Oaklane Colony
RR 2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, **Notice of Violation of Water Permit No. 5661-3 and Violation of the Requirement to Submit the 1995 Irrigation Questionnaire for Water Permit No. 2812-3.**

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

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

5d61-3

Print Key Output

5763SS1 V3R1M0 940909 ICE 11/28/95 15:43:24

Display Device . . . . . : DSP12
User . . . . . : LONDA

11/27/95 15:43:16 ELECTRIC Demand History by Account BL0008S5

6709-003 OAKLANE COLONY
Rate 302 Loc 18-25-430
Serv Addr

Of Estimates
Meter 3195 Mult 40.0000
Serv Desc
To Bill Demand Reading

Mo Used	Usage	Monthly Charges	Kw Billed	Kw Used	Demand Charges	Billed Codes
11/95		26.65				
10/95		26.65				
9/95	1720	1318.70	128.40	128.40	1219.80	
8/95	7800	1679.70	129.60	129.60	1231.20	
7/95	40	66.90	6.80	6.80	64.60	
6/95		30.40	3.20	3.20	30.40	
5/95		26.65				
4/95		26.65	.40	.40	3.80	
3/95		26.65	.40	.40	3.80	
2/95		26.65				
1/95		26.65				
12/94		26.65				
TOTAL	9560	3308.90				
AVERAGE	797	275.74				

800 gpm
90 psi
160' - 180'

5661-3

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 9, 1998

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5661-3, 2812-3 & 2813-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 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) 5661-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 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) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 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 20, 1998, 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

OAKLANE COLONY
JAKE D WIPF
26730 423RD AVE
ALEXANDRIA SD 57311 7110

4a. Article Number
Z 179 157 155

4b. Service Type
☐ Registered
☐ Express Mail
☐ Return Receipt for Merchandise
☑ Certified
☐ Insured
☐ COD

5. Received By: *(Print Name)*

7. Date of Delivery
1-10-98

6. Signature: *(Addressee or Agent)*
X Kathryn Wipf

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 22, 1998

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria, SD 57311-7110

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2812-3, 2813-3 and 5661-3.

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

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

c: Loren Bittner

5661-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5661-3, 2812-3 & 2813-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit Nos. 2812-3 & 2813-3 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. 5661-3 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 7, 2001 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. 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 2812-3 & 2813-3 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 March 2, 2001, 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 57501-3182
www.state.sd.us/denr

January 30, 2001

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria, SD 57311-7110

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 2812-3, 2813-3 and 5661-3.

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

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

5661-3

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: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 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) 5661-3 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) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 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 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

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.

5661-3

UNITED STATES POSTAL SERVICE

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 4810**
Status: **Delivered**

Your item was delivered at 12:26 PM on January 19, 2008 in ALEXANDRIA, SD 57311. The item was signed for by R WIPF.

Track & Confirm

Enter Label/Receipt Number.

Additional Details > | Return to USPS.com Home >

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Get current event information or updates for your item sent to you or others by email. Go >

Proof of Delivery

Verify who signed for your item by email, fax, or mail. Go >

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4810

OAKLANE COLONY
JAKE D WIPF
26730 423RD AVE
ALEXANDRIA SD 57311 7110

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
☐ First-Class Mail® parcel
☐ Package Services parcel

5661-3

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 31, 2008

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 5661-3 and Water Right Nos. 2812-3 and 2813-3.

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

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

c: Gregg Magera, Attorney at Law

5661-3

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: OAKLANE COLONY, JAKE D WIPF, 26730 423RD AVE, ALEXANDRIA, SD 57311 7110

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2812-3 & 2813-3 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) 5661-3 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) 5661-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2812-3 & 2813-3 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 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

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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

January 27, 2009

2812-3
2813-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2812-3, 2813-3 and 5661-3.

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

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

c: Gregg Magera

5661-3

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

July 24, 2012

2812-3
5661-3

Jake D Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311 7110

Dear Mr. Wipf:

I am contacting you in regard to Water Right No. 2812-3 and Water Permit No. 5661-3. They collectively authorize diversion of ground water from two wells in Section 25 to irrigate portions of land in Section 25 and 36, all in T101N, R58W.

On last year's irrigation questionnaires, you indicated there was no pivot in Section 36. I note from the annual questionnaires that the land has not been irrigated since 2001 however some of those years you reported no irrigation was necessary due to adequate rainfall.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

As noted in the excerpts, adequate rainfall is legal excuse for not irrigating. Have you made a decision to abandon irrigation on Section 36 or will you be putting up another pivot? Prior to doing anything with Water Right No. 2812-3 and Water Permit No. 5661-3, we need something in writing from you indicating the colony's intent towards irrigation in Section 36. Please fill in the attached sheet of questions and return it to our office. I have enclosed a postage paid envelope for your convenience.

Sincerely,

Genny McMath

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

enclosures

5661-3

RECEIVED
AUG 03 2012
WATER RIGHTS PROGRAM

WATER PERMIT NO. 5661-3 AND WATER RIGHT NO. 2812-3

Land authorized for irrigation:

Water Permit No. 5661-3:

- E ½ NE ¼ Section 36, T101N, R58W

Water Right No. 2812-3:

- SE ¼ Section 25, T101N, R58W
- E ½ NW ¼ Section 36, T101N, R58W
  W ½ NE ¼ Section 36, T101N, R58W

---

1. The land Section 36, T101N, R58W has been abandoned and will no longer be irrigated:

   Yes_____

   No ___X___

* If yes – Water Permit No. 5661-3 will be scheduled for cancellation. The land in Section 36 authorized under Water Right No. 2812-3 will be scheduled for cancellation and the license reissued to authorize irrigation of land in the SE ¼ Section 25, T101N, R58W.

*If no – please indicate if a new system will be installed and when you anticipate irrigation of the land in Section 36.

We are thinking about put new system on Maybe next year. We want to keep the permit.

2. Does Oaklane Colony still own the land in Section 36, T101N, R58W?

   Yes ___X___

   No _____

* If no, please list name and mailing address of the owner(s) of the property

Signature Jake Hofer

5661-3

2013 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2013**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.
Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352
or send your form(s) electronically over the internet at http://denr.sd.gov/iq.aspx

Permit No. 5661-3
JAKE D WIPF
OAKLANE COLONY
26730 423RD AVE
ALEXANDRIA SD 57311 7110

Any address/ownership corrections?

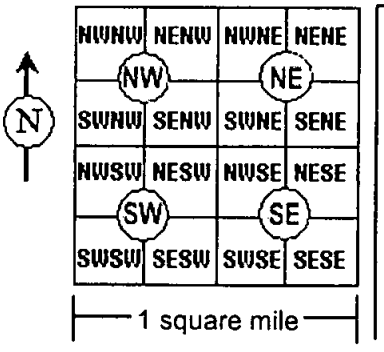
Email Jmwipf@oaklanecolony.com
Phone

1. Did you irrigate in 2013? *yes ☐ **no ☐
   *If yes, number of acres irrigated? _____
   **If no, check reason(s) for not irrigating acres covered by Permit No. 5661-3
   sufficient moisture ☐ no water available ☐
   system not constructed ☐ use abandoned ☐
   enrolled in CRP ☐, through what year? _____
   other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.
3. Did you apply chemicals or fertilizer through the system in 2013? yes ☐ no ☐
4. If more than one water source is listed below, circle each source used. **A. GROUNDWATER**
5. Provide your water use on the back of this form.

Comment Box

Dear Sir
We will not use this Permit any more we have Building a Dairy on thease Acres.



Office use only

RECEIVED
DEC - 6 2013
WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 5661-3 **(see above section map for help reading legal descriptions)**

sec 36-T101N-R58W, E1/2NE1/4 - 42.80 acres

Please provide your 2013 water use to irrigate the above acreage on the REVERSE side of this form.

5661-3

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Oaklane Colony (Jake Wipf) **File No:** 5661-3 and 2812-3
Address: 26730 423rd Ave, Alexandria, SD 57311
County: Hanson
Date: March 14, 2014
Telephone: 825-4296, 770-8900 (cell)
RE: Permits Nos. 5661-3 and 2812-3

Comments:
On March 14, 2014, I contacted Jake Wipf from Oaklane Colony regarding their 2013 Irrigation Questionnaire. The questionnaire for Permit No. 5661-3 indicated they would not use the permit because they had built a dairy on the land covered under this permit. In our conversation, he said they had constructed a dairy and would no longer need the permit in Section 36-T101N-R58W for irrigation.

I also asked him about the 2013 Irrigation Questionnaire they sent in for Water Right No. 2812-3 in which it was indicated they wanted the land also covered by this permit in Section 36 be removed from the permit for the same reason as Permit No. 5661-3 in which they had constructed a dairy of the land and would not be doing any irrigation.

I am recommending cancellation of Permit No. 5661-3 due to non-construction and recommend the acreage in Section 36-T101N-R58W be removed from Water Right No. 2812-3.

Mike DeFea

Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

5661-3

DEPARTMENT OF ENVIRONMENT and NATURAL RESOURCES

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

March 26, 2014

NOTICE OF CANCELLATION

TO: Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 5661-3 and portions of Water Right No. 2812-3

Water Right No. 2812-3 authorizes diversion of 3.61 cubic feet of water per second (cfs) from two wells to irrigate 252 acres in portions of the SE ¼ Section 25 and N ½ Section 36, T101N R58W. Water Permit No. 5661-3 authorized irrigation of an additional 42.8 acres in the N ½ Section 36, T101N, R58W with no increase in the developed diversion rate.

On March 14, 2014, Mike DeFea with our program spoke with you regarding the land in Section 36 authorized under both Water Right No. 2812-3 and Water Permit No. 5661-3. You confirmed the land in Section 36 will no longer be irrigated because the colony constructed a dairy at that site. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 5661-3 and that portion Water Right No. 2812-3 located in the N ½ Section 36, T101N, R58W due to abandonment.

The Water Management Board will consider cancellation of Water Permit No. 5661-3 and portions of Water Right No. 2812-3 at **10:00 a.m., May 7, 2014 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD** *(the agenda time is an estimate and the actual time of hearing may be later)*. If the Board cancels the portions of Water Right No. 2812-3 located in the N ½ Section 36, T101N, R58W, the water license will be reissued for diversion of 1.77 cfs (approximately 795 gallons per minute) for irrigation of 124 acres in the SE ¼ Section 25, T101N, R58W.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action based upon facts presented at the public hearing. Our records show Oaklane Colony to be the owner of property covered by Water Permit No. 5661-3 and Water Right No. 2812-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 28, 2014. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by April 28, 2014.

Prior to April 28, 2014, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds $2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2014.

DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 5661-3 AND PORTIONS OF WATER RIGHT NO. 2812-3
OAKLANE COLONY

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 5661-3 and portions of Water Right No. 2812-3.

The Chief Engineer is recommending cancellation of the above due to abandonment. On the 2013 irrigation questionnaires, Mr. Wipf indicated they were no longer going to be irrigating land in Section 36, T101N, R58W because a dairy was built at that location. During a March 14, 2014 phone conversation with Mike DeFea, Mr. Wipf confirmed they are no longer going to irrigate the land in Section 36, T101N, R58W covered under Water Permit No. 5661-3 and portions of No. 2812-3.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
March 26, 2014

Note:

Cancellation consideration <u>does not</u> pertain to the remaining portions of Water Right No. 2812-3 located in Section 25, T101N, R58W. Upon cancellation of the land in Section 36, Water Right No. 2812-3 will be reissued for 124 acres in Section 25 and allow diversion of 1.77 cfs from the wells located in SE ¼ Section 25, T101N, R58W.

5661-3

CERTIFICATION

I hereby certify that on March 26, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 26, 2014 regarding cancellations addressed as stated below:

Water Permit No. 1718-2: Patty Ulmen, Finance Officer, City of Kadoka, PO Box 58, Kadoka SD 57543

Water Right No. 3896-3: Doug Johnson, Aberdeen Parks & Rec Dept, 225 3rd Ave SE, Aberdeen SD 57401
Karl Alberts, Finance Officer, City of Aberdeen, 123 S Lincoln St, Aberdeen SD

Water Right No. 3996-3: Maynard Willman, Willman Brothers, 22829 368th Ave., Wessington Springs SD 57382

Water Right No. 5406-3: Joseph W Ellwein Inc., Dennis Ellwein, President, 25045 410th Ave, Mitchell SD 57301 6310

Water Permit No. 6884-3: Thomas Dreesen, 31250 457th Ave, Meckling SD 57069

Water Permit No. 6885-3: Victor Maag, PO Box 63, Florence SD 57235 0063

Water Permit No. 6896-3: Gary J & Amy Freeburg, PO Box 188, Gayville SD 57031

Water Permit No. 5661-3 and Portions of Water Right No. 2812-3: Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311

Gail Jacobson
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 2014.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL

5661-3

DEPARTMENT OF ENVIRONMENT and NATURAL RESOURCES

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

May 8, 2014

2812-3
5661-3

NOTICE

Jake Wipf
Oaklane Colony
26730 423rd Ave
Alexandria SD 57311

Dear Mr. Wipf:

This will notify you that the Water Management Board cancelled Water Permit No. 5661-3 and portions of Water Right No. 2812-3 on May 7, 2014. The action to cancel was taken under the conditions outlined in our notice to you dated March 26, 2014.

Water Right No. 2812-3 authorized irrigation of land in the SE ¼ Section 25 and N ½ Section 36, T101N, R58W. Only the land in Section 36 was cancelled and will be removed from the water right. Water Right No. 2812-3 will be reissued to allow for continued irrigation of the land in the SE ¼ Section 25, T101N, R58W. The reissued water license will be sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

5661-3

CERTIFICATION

I hereby certify that on May 8, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated May 8, 2014 regarding cancellations addressed as stated below:

Water Right No. 1428-1 and Water Permit No. 1834-1
Martin Bonato, 19137 BBCR Rd, Belle Fourche SD 57717
Water Permit No. 1853-1
Ryan Kaski, JKRK Properties LLC, 1935 Samco Rd, Rapid City SD 57702
Water Right No. 951-2
Phyllis Fravel, 18485 Minneconjou Rd., Ft Pierre SD 57532
Water Permit No. 1718-2
Patty Ulmen, Finance Officer, City of Kadoka, PO Box 58, Kadoka SD 57543
Water Right Nos. 415-3, 2656-3 & 2679A-3
Randy & Shirley Schultz, 18431 370th Ave., Tulare SD 57476-5705
Water Right No. 2812-3 & 5661-3
Jake Wipf, Oaklane Colony, 26730 423rd Ave., Alexandria SD 57311
Water Right No. 3896-3
Doug Johnson, Aberdeen Parks & Rec Dept, 225 3rd Ave SE, Aberdeen SD 57401
Karl Alberts, Finance Officer, City of Aberdeen, 123 S Lincoln St, Aberdeen SD 57401
Water Right No. 3996-3
Maynard Willman, Willman Brothers, 22829 368th Avenue, Wessington Springs SD 57382
Water Right No. 5406-3
Dennis Ellwein, President, Joseph W Ellwein Inc., 25045 410th Ave, Mitchell SD 57301 6310
Water Right No. 5587-3
David Mendel, 40724 182nd St, Doland SD 57436-7403
Water Right Nos. 6256-3 and 6422-3
Louie Schoenfelder, Physical Plant Director, Dakota Wesleyan University, 1200 W University Ave., Mitchell SD 57301
Water Permit No. 6884-3
Thomas Dreesen, 31250 457th Ave., Meckling SD 57069
Water Permit No. 6885-3
Victor Maag, PO Box 63, Florence SD 57235-0063
Water Permit No. 6896-3
Gary J & Amy Freeburg, PO Box 188, Gayville SD 57031-0188
Water Permit No. 6995-3
Steve LaFave, 30752 446th Ave., Mission Hill SD 57046

Gail Jacobson
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of May, 2014.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL