

WATER PERMIT NO. 5795-3

Phone: 337-3474

Name of Applicant: DeHaan Livestock and Grain Farms, Inc.

Post Office Address: RR 2, Box 59, Platte SD 57369

Amount of Water Claimed: no add'l Total Acres: 127 correction acres

Source of Water Supply: Missouri River & 100 AF storage dam

Water to be used for: irrigation County: Charles Mix

About 3 miles SW of Platte

PRIORITY Date Received: 9-21-93 Fee: \$50.00 Remarks: Corrects the

location of 127 acre authorized by No. 2326-3 & adds 100 AF storage dam

Corrected Application Received: 9-21-93 Period of Annual Use: June 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED: 11-16-93 APPROVED/CONDITIONAL (Circle one)

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

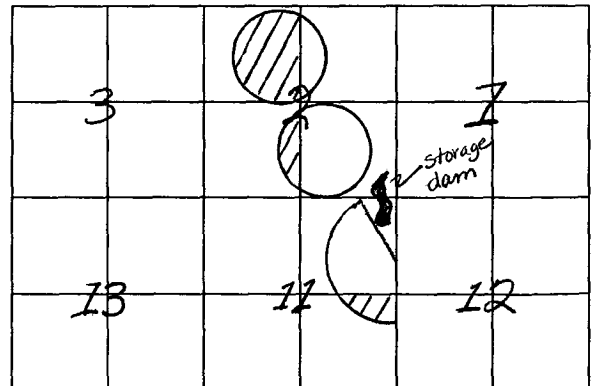
Diversion Point: Missouri River - NE 1/4 SW 1/4

Sec 3-T98N-R68W Storage dam - NE 1/4 NE 1/4

Sec 11-T97N-R68W

Land to be Irrigated: NW 1/4, E 1/2 SW 1/4 Sec 2;

NE 1/4 SE 1/4 Sec 11; all lin T97N-R68W



Well Log: Driller: NA Licensed YES ☐ NO ☐

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Barry McLaury Reviewed and the Number

Assigned on: 11-19-93 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5795-3 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Platte Enterprise
(office use only)



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

Type of Application: New Vested Right X Amendment/Correction to Permit No. 2326-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Correction of irrigated acreage, Add dry draw dam.

- Name of Applicant De Haan Livestock and Grain Farms, Inc. Phone 337-3474
(check one) Owner Tenant/lessee
- Mailing Address RR2 Box 59 Platte State SD 57369
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed NO ADD'L *CFS or **GPM 100 ***AF Total Acreage 156
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout if applicable (Correction acres)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Section 3 T97N-R68W
(NE1/4 SW1/4) Storage dam - NE1/4 NE1/4 Section 11-T97N-R68W
- County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used June 1 through October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Location	Land Description	Correction
NW1/4 NW1/4	Section 2 T97N-R68W	
NE1/4 NW1/4	" " "	
SW1/4 NW1/4	" " "	
SE1/4 NW1/4	" " "	

Acres
4
37
3
38

Land Description
NE1/4 SW1/4 Section 2 T97N-R68W
SE1/4 SW1/4 " " "
NE1/4 SE1/4 Section 11 T97N-R68W
NW1/4 SW1/4 Sec 25-T98N-R68W
NE1/4 SW1/4 " " "

Acres
19
13
13
11
18

- Type of Irrigation: Gravity: Towline: Center Pivot: X Gun: Other (Specify):
- Crops to be irrigated: Corn, beans, Alfalfa
- Give a description of the project. (Attach sheet if more space is needed) 156

This application proposes to correct the location of ~~156~~ acres incorrectly described on water Permit NO. 2326-3. The total corrected acreage is located in the W1/2 of section 2 and in the NE1/4 SE1/4 of Section 11, both in T97N-R68W. The land description is described above by 40 acre tracts. This application also proposes to add a 100 AL-FT. dam located in Section 11 T97N-R68W (NE1/4 NE1/4).

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

STATE OF SOUTH DAKOTA)

County of Charles Mix)^{SS}

I, Andrew De Haan, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Andrew De Haan

Subscribed and sworn to before me this 20th day of September 1993

Sharon J. Fischer
10/30/93 Notary Public

NOT TO SCALE

98-68

98-68

T6435
(221-R)
192 (Q 12)

T3243
(221-R)
NC (Q 12)

T3229

7.0 40.8

T3243

59.2

NW¹SE⁴
34 Acres

NE¹SE⁴
34 Acres

NW¹SW⁴
34 Acres

NE¹SW⁴
34 Acres

Pivot 7

Pivot 8

SW¹SE⁴
34 Acres

SE¹SE⁴
34 Acres

SW¹SW⁴
34 Acres

SE¹SW⁴
34 Acres

98-68

98-68

T4380

(221-L)
(P 12)

T3229

T3227

(221-L)
562 (P 12)

NW¹NE⁴
34 Acres

NE¹NE⁴
34 Acres

Pivot 6

SW¹NE⁴
39 Acres

SE¹NE⁴
34 Acres

Pivot 5

Pivot 4

NE¹SW⁴
40 Acres

NW¹SE⁴
36 Acres

NW¹SE⁴
39 Acres

NE¹SE⁴
4 Acres

SW¹SW⁴ SE¹SW⁴
12 Acres 40 Acres

SW¹SE⁴
36 Acres

SW¹SE⁴
32 Acres

SE¹SE⁴
2 Acres

98-68

98-68

T3261

T3232
(221-L)
(P 12)

T6442
NW¹NW⁴ NE¹NW⁴
28 Acres 39 Acres

(221-L)
NW¹NE⁴ NE¹NE⁴
(36 Acres)

Pivot 11

Pivot 2
SE¹NW⁴
40 Acres

SW¹NE⁴
40 Acres

SE¹NE⁴
37 Acres

SW¹NW⁴
39 Acres

NE¹SW⁴
18 Acres

T3240
88.1

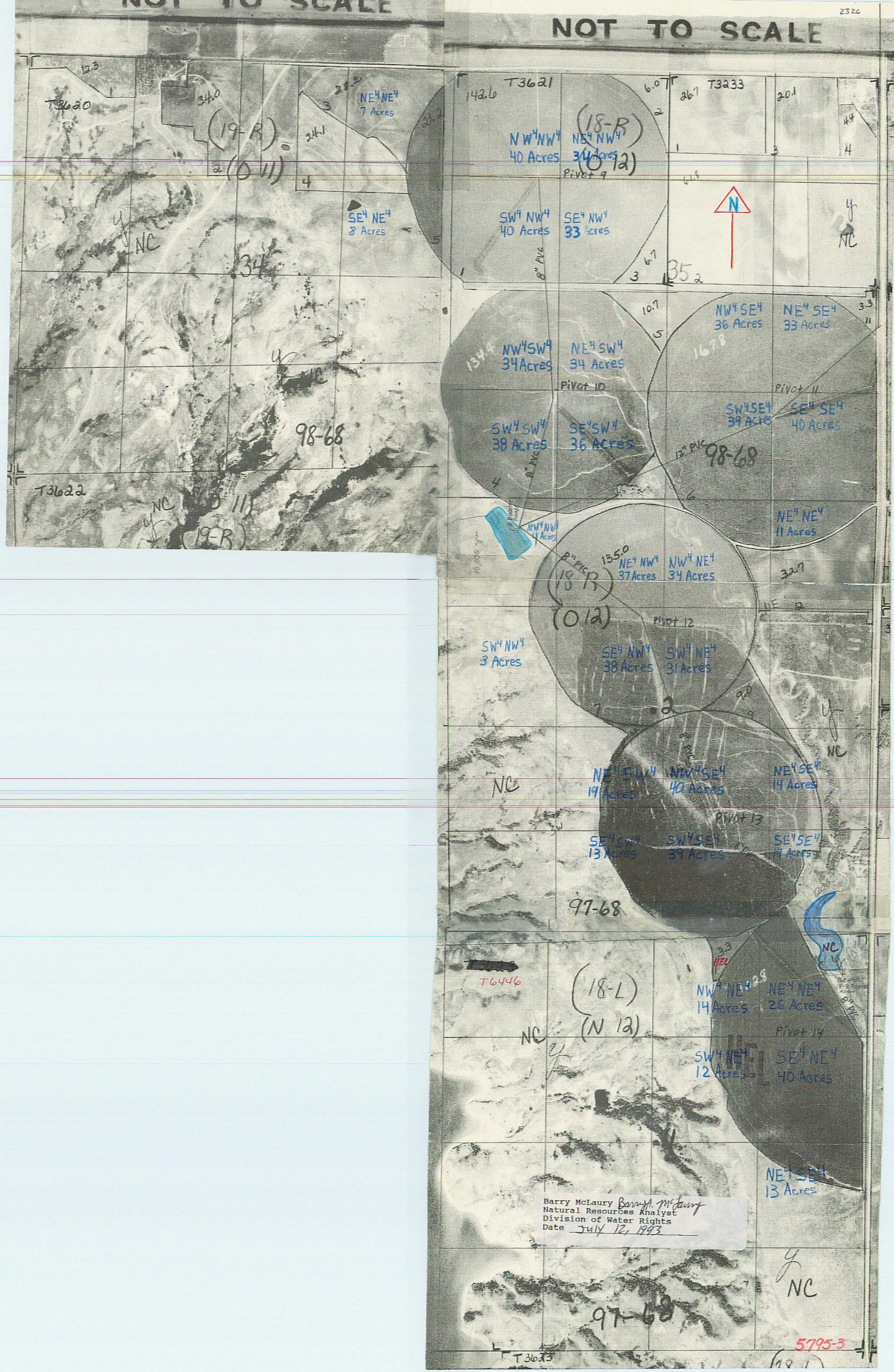
NO BOOSTER AT POND SITE

HOLDING POND

Barry McLaury
Natural Resources Analyst
Division of Water Rights
Date July 12, 1993

98-68

5795-3



SOUTH DAKOTA WATER PERMIT NO. 5795-3

Date of first receipt of application September 21, 1993.

Date Soil/Water Compatibility Permit received February 8, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5795-3 to DeHaan Livestock and Grain Farms, Inc., RR 2, Box 59, Platte SD 57369-9343 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. 5795-3 authorizes a 100 acre-feet storage dam with water supplied from runoff and the Missouri River and specifies the correct location of the irrigated acreage. Water Permit No. 2326-3 appropriates 13.7 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NE 1/4 SW 1/4 Section 3-T97N-R68W to irrigate 960 acres located in the E 1/2 Section 2-T97N-R68W, NE 1/4 Section 34, NW 1/4, S 1/2 Section 35; all in T98N-R68W. Water Permit No. 2999-3 appropriates 14.2 cfs from the Missouri River to irrigate 1005 acres located in the NE 1/4 Section 11-T97N-R68W, SW 1/4 Section 13, SE 1/4 Section 14, S 1/2 Section 23, E 1/2 Section 24, NW 1/4 Section 25; all in T98N-R68W. The irrigated acreage located in the NE 1/4 Section 11-T97N-R68W was published incorrectly on September 20 and 27, 1976 in the Mitchell Daily Republic as being located in the NE 1/4 Section 11-T98N-R68W. Water Permit No. 4630-3 appropriates 3.42 cfs from the Missouri River to irrigate 240 acres located in the NE 1/4 Section 25-T98N-R68W and NW 1/4 Section 30-T98N-R67W. An inspection of Permit Nos. 2326-3, 2999-3 and 4630-3 found 1926 acres being irrigated. The correct location of 156 acres of the 1926 acres is the NW 1/4, E 1/2 SW 1/4 Section 2; NE 1/4 SE 1/4 Section 11; all in T97N-R68W and the N 1/2 SW 1/4 Section 25-T98N-R68W. Permit No. 5795-3 includes a holding pond located in the NW 1/4 SW 1/4 Section 25-T98N-R68W and in the NW 1/4 NW 1/4 Section 2-T97N-R68W. This permit adds the existing 100 acre-feet storage dam located in the NE 1/4 NE 1/4 Section 11 with water also impounded in the SE 1/4 SE 1/4 Section 2; all in T97N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
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: June 1 - October 31.
3. The date from which applicant may claim right is September 21, 1993 (100 acre-feet storage dam).
4. The date of approval of Permit No. 5795-3 is April 11, 1994.
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. Approval of Water Permit No. 5795-3 authorizes a 100 acre-foot storage dam.

(continued)

Water Permit No. 5795-3
DeHaan Livestock and Grain Farms, Inc.
Page 2

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

WATER MANAGEMENT BOARD

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

OCT 4 1994
date



July 12, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DeHaan Livestock and Grain Farms, Inc.
Andy DeHaan
RR 2, Box 59
Platte, SD 57369

Dear Mr. DeHaan:

After an inspection of your Water Permit Nos. 2326-3, 2999-3, and 4630-3 on April 28, 1993, I found a few things that needed some attention.

The enclosed application is to identify the correct location of 103 acres developed outside of the area described on Permit No. 2326-3. Total area being irrigated is 1,926 acres. This application also adds the dry draw dam in Section 11 T97N-R68W (100 acre-feet storage capacity).

The inspection also found that chemigation has been used through the irrigation system. Prior to chemigating in the future, the chemigation standards must be met according to chapter 74:02:09 (copy enclosed). You may wish to apply for a variance (74:02:09:16) since the two regulating ponds (sections 2 T98N-R68W and 25 T98N-R68W) and the dam (section 11 T97N-R68W) appear to be higher in elevation than the pivots according to review of topographic maps. This means that chemicals (including fertilizer) can not siphon back into the water supply provided vacuum relief valves are installed on the mainline at each pond and the dam. The vacuum relief valves would remove the need to have a check valve and inspection port in the water pipeline. However, this variance would also require that the chemigation pump and water pumps be interlocked so that if the water pump shuts off, then the chemical pump shuts off. This could be accomplished by installing pressure switches in the water line so that a pressure drop turns off the chemical pump.

Please fill out question No. 9 and the bottom of the enclosed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$50.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division
605-773-3352

enclosure

RECEIPT

414454

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 4, 19 95

RECEIVED OF Alice DeHaan, DeHaan Livestock & Grain Farms, Inc., RR 2 Box 59, Platte, SD
the following amount in fees for services rendered as provided for by law: 57369

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. 5795-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4793

WR#

2326-3

OWNERS NAME: DeHAAN LIVESTOCK & GRAIN FARMS, INC. OWNERS ADDRESS: RR 2 BOX 59
PLATTE SD 57369

COUNTY LAND LOCATED IN: CHARLES MIX PHONE: 337-3474

LEGAL DESCRIPTION:

☐ Well

MISSOURI RIVER

☒ Surface

1. LOCATION NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T97N-R68W, STORAGE DAM LOCATED IN 11-T97N-R68W

Depth _____

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2-T97N-R68W	4	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2-T97N-R68W	19
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2-T97N-R68W	37	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2-T97N-R68W	13
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2-T97N-R68W	3	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11-T97N-R68W	13
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2-T97N-R68W	38		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:



Clark B. Johnson
Director, Division of Conservation

FEBRUARY 7, 1994
Date

APPROVED

DISAPPROVED
XXX WAIVER

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

2326-3

WR#

OWNERS NAME: DeHAAN LIVESTOCK & GRAIN FARMS, INC. RR 2 BOX 59

OWNERS ADDRESS:

PLATTE SD 57369

COUNTY LAND LOCATED IN: CHARLES MIX PHONE: 337-3474

LEGAL DESCRIPTION:

☐ Well

☒ MISSOURI RIVER
Surface

1. LOCATION NE 1/4 SW 1/4 3-T98N-R68W

Depth Storage dam - NE 1/4 NE 1/4 Sec 11-T97N-R68W KS

Legal Description	Acres	Legal Description	Acres
NW 1/4 NW 1/4 2-T97N-R68W	4	NE 1/4 SW 1/4 2-T97N-R68W	19
NE 1/4 NW 1/4 2-T97N-R68W	37	SE 1/4 SW 1/4 2-T97N-R68W	13
SW 1/4 NW 1/4 2-T97N-R68W	3	NE 1/4 SE 1/4 11-T97N-R68W	13
SE 1/4 NW 1/4 2-T97N-R68W	38		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, ALFALFA

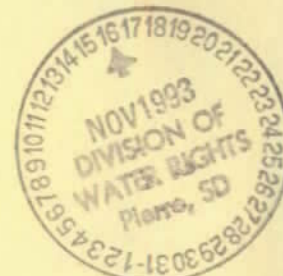
WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER 7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:



Russell J. Stone
Director, Division of Conservation

APPROVED

DISAPPROVED
XXX WAIVER

REQUIREMENTS

NOVEMBER 15, 1993
Date

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

FROM: Stukel, James

TO: Schlaak, Karen

DATE: 11-18-93

TIME: 08:41

CC:

SUBJECT: S/W FOR DEHAAN LIVESTOCK

PRIORITY: R

ATTACHMENTS:

Karen,

We were very much aware of the storage dam and we did consider it in our permitting action. We didn't forget it. For us it was more a question of if it was an additional source or just storage.

For clarification and to avoid future confusion add the storage dam to the water source on your copy of the S/W comp. permit.

You may want to add this E-mail to your file.

JLS

REPLY FROM: Stukel, James

FROM: Schlaak, Karen

TO: Stukel, James

DATE: 11-17-93

TIME: 16:51

CC:

SUBJECT: S/W FOR DEHAAN LIVESTOCK

PRIORITY: R

ATTACHMENTS:

I was drafting up the publication notice for the DeHaan Livestock and Grain Farms application. I'm not sure you were aware that this application included a 100 AF storage dam located in the NE 1/4 NE 1/4 Section 11-T97N-R68W, since it wasn't included on the S/W permit. It was described on Item #10 of the application. It should have been included in Item #4 but it wasn't. How do you want to proceed? Should it be added to the S/W permit? If you have questions, give me a call on Friday. I'll be out of the office tomorrow.

=====

Storage Dam NE 1/4 NE 1/4 Sec. 11-T97N-R68W, Charles Mix Co.

19 ft. high
 15 ft. to Spillway - 100' wide w/ 4' freboard
 200 ft. Crest length
 Normal Storage Capacity 100 Ac-Ft.
 Max. Storage Capacity 130 Ac-Ft.

Cat. 3 - Small Size - Built before 1986 $\therefore$ No Spillway Requirement

$$Q_{15} = 83.4 A^{.60} S^{.44} S_i^{-.72}$$

$$= 83.4 (2.16)^{.60} 40^{.44} 3.33^{-.72}$$

$$= 83.4 (1.59) (5.07) (0.42)$$

$$= \underline{283 \text{ cfs}}$$

$$DA = 2.16 \text{ mi.}^2$$

$$S = 40 \text{ ft./mi.}^2$$

$$S_i = 3.33$$

$$Q_{19} = 132 A^{.65} S^{.46} S_i^{-.67}$$

$$= 132 (2.16)^{.65} 40^{.46} 3.33^{-.67}$$

$$= 132 (1.65) (5.46) (0.45)$$

$$= \underline{530 \text{ cfs}}$$

$$\text{Spillway Flow} - Q = CLH^{3/2} \quad L = 100$$

$$= 2.6 (100)^{1.5} H = 4 \quad C = 2.6$$

$$= \underline{2080 \text{ cfs}}$$

Surface Area approx 13 Ac.

$$\text{Normal Capacity} = 15 \times 13 \times .5 = 97.5 \text{ say } \underline{100}$$

$$\text{Max. Capacity} = 19 \times 13 \times .5 = 124 \text{ say } \underline{130}$$

REPORT ON
WATER PERMIT APPLICATION 5795-3
DeHAAN LIVESTOCK AND GRAIN FARMS, INC.
MARCH 2, 1994

Water Permit Application No. 5795-3 has been filed by DeHaan Livestock and Grain Farms, Inc. to amend Water Permit Nos. 2326-3, 2999-3 and 4630-3; to readvertise and correct the location of irrigated land; and to appropriate 100 acre-feet of water in an existing storage dam. The dam is located in the NE 1/4 NE 1/4 of Section 11-T97N-R68W, in Charles Mix County. The water in the dam is used for irrigation purposes and is a combination of local runoff and pumped Missouri River water.

Discussion:

Water Permit No. 2326-3 appropriates 13.7 cfs from the Missouri River to irrigate 960 acres located in the E 1/2 of Section 2-T97N-R68W, the NE 1/4 Section 34-T98N-R68W, the NW 1/4 and the S 1/2 of Section 35-T98N-R68W.

Water Permit No. 2999-3 appropriates 14.2 cfs from the Missouri River to irrigate 1005 acres located in the NE 1/4 Section 11-T97N-R68W; the SW 1/4 of Section 13, the SE 1/4 of Section 14, the S 1/2 of Section 23, the E 1/2 of Section 24 and the NE 1/4 of Section 25 all in T98N-R68W. The land in the NE 1/4 of Section 11-T97N-R68W was incorrectly advertised on September 20 and 27, 1976 in the Mitchell Daily Republic as being in the NE 1/4 of Section 11-T98N-R68W.

Water Permit No. 4630-3 appropriates 3.42 cfs from the Missouri River to irrigate 240 acres located in the NE 1/4 of Section 25-T98N-R68W and the NW 1/4 of Section 30-T98N-R67W.

Water Permit Nos. 2326-3, 2999-3, and 4630-3 all appropriate water from the Missouri River at a diversion point located in the NE 1/4 SW 1/4 of Section 3-T97N-R68W.

An inspection of these permits found 1926 acres being irrigated. Water Permit Application No. 5795-3 has been filed to correct the location of 156 of the 1926 acres being irrigated. The correct location of the 156 acres is the NW 1/4 and the E 1/2 SW 1/4 of Section 2-T97N-R68W, the NE 1/4 SE 1/4 of Section 11-T97N-R68W, and the N 1/2 SW 1/4 of Section 25-T98N-R68W. Water Permit Application No. 5795-3 also corrects the advertising error of the land in the NE 1/4 of Section 11-T97N-R68W.

Water Permit Application No. 5795-3 includes 2 holding ponds. The holding ponds are located in the NW 1/4 NW 1/4 of Section 2-T97N-R68W and the NW 1/4 SW 1/4 of Section 25-T98N-R68W. These ponds are diked and only receive pumped Missouri River water. Water Permit Application No. 5795-3 also includes a 100 acre-foot storage dam located in the NE 1/4 NE 1/4 of Section 11-T97N-R68W.

The storage dam is 19 feet high with a normal storage capacity of 100 acre-feet with the reservoir level at the spillway elevation, and a maximum storage capacity of 130 acre-feet with a reservoir level at the top of dam elevation. The dam has a 100 foot wide earthcut spillway with 4 feet of freeboard and a 2.16 square mile drainage area.

This dam will be classified as a small size Category 3, Low Hazard dam. A dam of this size and classification would be required to have a minimum spillway design capable of passing a 25 year frequency event. A 25 year frequency event for the 2.16 square mile drainage area would produce a peak of approximately 280 cfs, a 100 year frequency event would produce a peak of approximately 580 cfs. However, since this dam was constructed prior to our Safety of Dams Rules, Chapter 74:02:08 it is exempt from spillway requirement. Although, it has the spillway capacity to safely pass 2000 cfs.

The annual yield for this drainage with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be approximately 115 acre-feet.

The storage dam is located on a tributary of Campbell Creek about 5 miles upstream of the confluence of Campbell Creek and the Missouri River. There are no existing Water Permits/Rights on Campbell Creek. There is a small storage dam on Campbell Creek about 1 mile downstream, located in the SW 1/4 SW 1/4 of Section 7-T97N-R67W. Approval of Water Permit Application No. 5795-3 should have little effect on this dam.

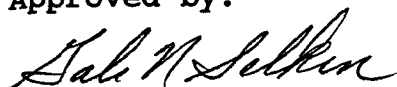
Conclusion:

1. Water Permit Application No. 5795-3 should be approved since unappropriated water is available for the storage dam and approval will not have any adverse effects on existing Water Permits/Rights.
2. Approval of Water Permit Application No. 5795-3 does not authorize any increase in the developed diversion rate from the Missouri River or the number of acres being irrigated.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5795-3, DeHaan Livestock and Grain Farms, Inc.**

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. 5795-3, DeHaan Livestock and Grain Farms, Inc., c/o Andrew DeHaan, RR 2, Box 59, Platte, SD 57369.

The Chief Engineer is recommending DEFERRAL of Application No. 5795-3 to allow additional time for a staff review of the application.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
January 12, 1994

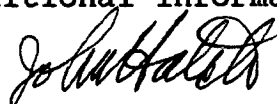
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5795-3, DeHaan Livestock and Grain Farms, Inc.

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. 5795-3, DeHaan Livestock and Grain Farms, Inc., c/o Andrew DeHaan, RR 2 Box 59, Platte, SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 5795-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Water Permit No. 5795-3 authorizes a 100 acre-foot storage dam.
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
March 14, 1994



**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.**

March 16, 1994

Andrew DeHaan
DeHaan Livestock and Grain Farms, Inc.
RR 2 Box 59
Platte, SD 57369

Dear Mr. DeHaan:

Water Permit Application No. 5795-3 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 Platte Enterprise printed at Platte, SD (Ph # 337-3101). 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

March 16, 1994

Platte Enterprise
Box 546
Platte, SD 57369

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5795-3 to be published twice. Please publish the first notice on March 24, 1994, 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 DeHaan Livestock and Grain Farms, Inc., RR 2 Box 59, Platte, SD 57369 (Ph # 337-3474).

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 March 24, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5795-3 to Appropriate Water
and Amend Water Permit Nos. 2326-3, 2999-3 and 4630-3

Notice is given that DeHaan Livestock and Grain Farms, Inc., RR 2 Box 59, Platte, SD 57369 has filed an application for a water permit to authorize a 100 acre-foot storage dam with water supplied from runoff and the Missouri River and to specify the correct location of the irrigated acreage. Water Permit No. 2326-3 appropriates 13.7 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NE 1/4 SW 1/4 Section 3-T97N-R68W to irrigate 960 acres located in the E 1/2 Section 2-T97N-R68W, NE 1/4 Section 34, NW 1/4, S 1/2 Section 35; all in T98N-R68W. Water Permit No. 2999-3 appropriates 14.2 cfs from the Missouri River to irrigate 1005 acres located in the NE 1/4 Section 11-T97N-R68W, SW 1/4 Section 13, SE 1/4 Section 14, S 1/2 Section 23, E 1/2 Section 24, NW 1/4 Section 25; all in T98N-R68W. The irrigated acreage located in the NE 1/4 Section 11-T97N-R68W was published incorrectly on September 20 and 27, 1976 in the Mitchell Daily Republic as being located in the NE 1/4 Section 11-T98N-R68W. Water Permit No. 4630-3 appropriates 3.42 cfs from the Missouri River to irrigate 240 acres located in the NE 1/4 Section 25-T98N-R68W and NW 1/4 Section 30-T98N-R67W. An inspection of Permit Nos. 2326-3, 2999-3 and 4630-3 found 1926 acres being irrigated. This application is to correct the location of 156 of the 1926 acres being irrigated. The correct location of the 156 acres is the NW 1/4, E 1/2 SW 1/4 Section 2; NE 1/4 SE 1/4 Section 11; all in T97N-R68W and the N 1/2 SW 1/4 Section 25-T98N-R68W. Permit No. 5795-3 includes a holding pond located in the NW 1/4 SW 1/4 Section 25-T98N-R68W and in the NW 1/4 NW 1/4 Section 2-T97N-R68W. This application also adds the existing 100 acre-foot storage dam located in the NE 1/4 NE 1/4 Section 11 with water also impounded in the SE 1/4 SE 1/4 Section 2; all in T97N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5795-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 April 11, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) ss

I, Ralph Nachitgal
certify that the attached printed Notice was

taken from the Platte
Enterprise

printed and published in Platte

County of Charles Mix and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

March 24, 1994

March 31, 1994

Cost of Printing: \$ 54.72

NOTICE OF APPLICATION NO. 5795-3 TO APPROPRIATE WATER AND AMEND WATER PERMIT NOS. 2326-3, 2999-3 AND 4630-3

Notice is given that DeHaan Livestock and Grain Farms, Inc. RR 2, Box 59, Platte, SD 57369 has filed an application for a water permit to authorize a 100 acre-foot storage dam with water supplied from runoff and the Missouri River and to specify the correct location of the irrigated acreage. Water Permit No. 2326-3 appropriates 13.7 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NE 1/4 SW 1/4 Section 3-T97N-R68W to irrigate 960 acres located in the E 1/2 Section 2-T97N-R68W, NE 1/4 Section 34, NW 1/4, S 1/2 Section 35; all in T98N-R68W. Water Permit No. 2999-3 appropriates 14.2 cfs from the Missouri River to irrigate 1005 acres located in the NE 1/4 Section 11-T97N-R68W, SW 1/4 Section 13, SE 1/4 Section 14, S 1/2 Section 23, E 1/2 Section 24, NW 1/4 Section 25; all in T98N-R68W. The irrigated acreage located in the NE 1/4 Section 11-T97N-R68W was published incorrectly on September 20 and 27, 1976 in the Mitchell Daily Republic as being located in the NE 1/4 Section 11-T98N-R68W. Water Permit No. 4630-3 appropriates 3.42 cfs from the Missouri River to irrigate 240 acres located in the NE 1/4 Section 25-T98N-R68W and NW 1/4 Section 30-T98N-R67W. An inspection of Permit Nos. 2326-3, 2999-2 and 4630-3 found 1926 acres being irrigated. This application is to correct the location of 156 of the 1926 acres being irrigated. The correct location of the 156 acres is the NW 1/4, E 1/2 SW 1/4 Section 2; NE 1/4 SE 1/4 Section 11; all in T97N-R68W and the N 1/2 SW 1/4 Section 25-T98N-R68W. Permit No. 5795-3 includes a holding pond located in the NW 1/4 SW 1/4 Section 25-T98N-R68W and in the NW 1/4 NW 1/4 Section 2-T97N-R68W. This application also adds the existing 100 acre-foot storage dam located in the NE 1/4 NE 1/4 Section 11 with water also impounded in the SE 1/4 SE 1/4 Section 2; all in T97N-R68W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5795-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 April 11, 1994.

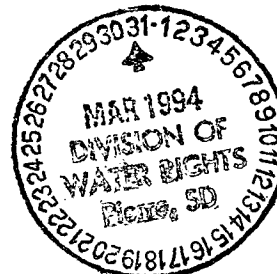
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

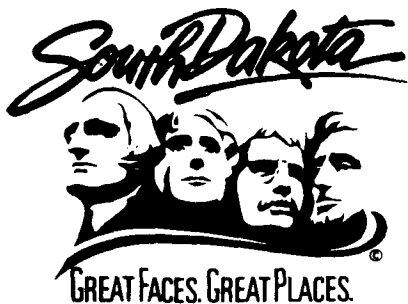
(March 24 & 31)

Ralph Nachitgal
(Signature)

Publisher
(Title)

March 31, 1994
(Date Signed)





OCT 4 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Andrew DeHaan
DeHaan Livestock and Grain Farms, Inc.
RR 2 Box 59
Platte, SD 57369-9343

Dear Mr. DeHaan:

Enclosed is Water Permit No. 5795-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1995

SECOND NOTICE
Permit No: 5795-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Andrew DeHaan
DeHaan Livestock and
Grain Farms, Inc.
RR 2, Box 59
Platte, SD 57369-9343

Dear Mr. DeHaan:

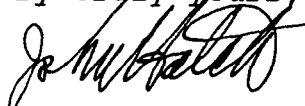
On October 4, 1994, you were notified the final inspection fee of \$50.00 is due before Water License No. 5795-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181**

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

5795-3

Andrew DeHaan
DeHaan Livestock and
Grain Farms, Inc.
RR 2, Box 59
Platte, SD 57369-9343

4a. Article Number

P 318 052 697

4b. Service Type

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

7. Date of Delivery

3-31-95

5. Signature (Addressee)

6. Signature (Agent)

Andrew DeHaan

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

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413899

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 21, 19 93

RECEIVED OF Andy DeHaan, RR 2 Box 59, Platte, SD 57369

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

Fee for Application for Permit No. <u>5795-3</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. **307-3B** — 5795-3
Missouri River - Water District

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

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

I have this day, March 29, 1995, made a thorough examination of the water use system constructed by DeHaan Livestock & Grain Farms, Inc. of RR 2 Box 59, Platte, SD 57369 holder of Permit No. 4630-3, 2999-3, 2326-3 & 307-3B, bearing priorities of January 9, 1981 (4630-3), August 13, 1976 (2999-3), August 12, 1975 (2326-3) & September 24, 1956 authorizing a total diversion of 31.32 cu. ft. of water per second and the storage of 100 acre-feet of water from the Missouri River for irrigation purposes, in Charles Mix County.

NOTE:

This Water Permit No. 307-3B allows pumping from either side of the bay in the NW1/4 of Section 1. Water License No. 307-3A is for a change in the original diversion point under 307-3 and allows pumping between 2 points along the east bank of the bay 420 feet S and 820 feet E to 2600 feet S and 1900 feet E. All the above described Water Permits/Licenses will be incorporated into 1 permit---Permit No. 5795-3, which is a new permit for a 100 ac-ft. storage dam which an earlier inspection found located in Sections 2 & 11 of T97N R68W. See aerial photos in permit file 5795-3 for pivot & pump locations.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

(5) 300 HP electric motors
7700 GPM capacity

B. Works used to transport water to place of use:

BOOSTER SITES:

Electric Motor
Model No. 6-333000-02

Berkeley Pump
Model No. B3TPM
Serial No. 8056000

Marathon
Frame No. 326TCZ
50 HP

Berkeley Pump
Model No. B6JPBM
Serial No. 8055998
Impeller 12 1/8"

General Electric
Model No. 5K254JL1012A
20 HP

Berkeley Pump
Model No. B3TPM
Serial No. 8056102
Impeller 6 3/8"

Century
Model No. 6-323059-0
40 HP

Berkeley Pump
(no ID plate)

General Electric
Model No. 5K284JL158A

Berkely Pump
Model No. B37PL

40 HP

Serial No. 8055999
Impeller 7 1/2"

U.S. Electrical
Frame No. 326JP
60 HP

Berkeley Pump
Model No. B4EPBL
Serial No. 7696099
Impeller 7 13/16"

Century
JSI 19935
50 HP

Berkeley Pump
Model No. B4EPBL
Serial No. 7697071

Baldor
Spec No. 40E48W65
25 HP

Berkeley Pump
Model No. B4JPBM
Serial No. 8263286
Impeller 10 3/8"

Century
Frame No. 444TCZ
150 HP

Berkeley Pump
Model No. B6EXPBH
Impeller 15 1/4"

Century
Frame No. 444TCZ
150 HP

Berkeley Pump
Model No. B6EPBH
Impeller 15 1/4"

Century
Frame No. 326TCZ
60 HP

Berkeley Pump
Model No. B4EPB2
Serial No. 7578277
Impeller 8 1/4"

Century
Frame No. 326TCZ
40 HP

Berkeley Pump
(no ID plate)

Century
Frame No. 324TOZ
40 HP

Berkeley Pump
Model No. B4JPBM
Impeller 12 3/8"

Century
Frame No. 286TCZ
40 HP

Berkeley Pump
Model No. B6JRM CW
Serial No. 6112360

Chevrolet
V-8 propane

Berkeley Pump
(no ID plate)

DISTRIBUTION LINES:

1) Type <u>PVC</u>	2) Size <u>22</u> inches	3) Length <u>5000</u> feet
1) Type <u>PVC</u>	2) Size <u>12</u> inches	3) Length <u>10700</u> feet
1) Type <u>PVC</u>	2) Size <u>10</u> inches	3) Length <u>1320</u> feet
1) Type <u>PVC</u>	2) Size <u>8</u> inches	3) Length <u>35640</u> feet
1) Type <u>PVC</u>	2) Size <u>6</u> inches	3) Length <u>600</u> feet

C. Works used to apply water to beneficial use:

CENTER PIVOTS: (14)

All are Valleys, High pressure with end guns
(2) 7 Towers

(2) 11 Towers

(1) 8 Tower
(6) 10 Towers

(2) 12 Towers
(1) 14 Tower

Can operate all systems at the same time.

The system is in the following condition Good. The point of diversion is located (#1) 725 feet E and 990 feet S (NW1/4 NW1/4); (#2) 925 feet E and 860 feet S (NW1/4 NW1/4); (#3) 1900 feet E and 2600 feet S (SE1/4 NW1/4); all from the NW corner of Section 1; T96N R68W. The works are capable of diverting and conveying to the place of use *17.11* cu. ft. of water per second and storing 100 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T97N-R68W	SECTION 2	NW1/4 NW1/4	4 acres
		NE1/4 NW1/4	37 acres
		SW1/4 NW1/4	3 acres
		SE1/4 NW1/4	38 acres
		NW1/4 NE1/4	34 acres
		NE1/4 NE1/4	11 acres
		SW1/4 NE1/4	31 acres
		NE1/4 SW1/4	19 acres
		SE1/4 SW1/4	13 acres
		NW1/4 SE1/4	40 acres
		NE1/4 SE1/4	14 acres
		SW1/4 SE1/4	39 acres
		SE1/4 SE1/4	17 acres
T97N-R68W	SECTION 11	NW1/4 NE1/4	14 acres
		NE1/4 NE1/4	26 acres
		SW1/4 NE1/4	12 acres
		SE1/4 NE1/4	40 acres
T98N-R67W	SECTION 30	NE1/4 SE1/4	13 acres
		NW1/4 NW1/4	16 acres
		NE1/4 NW1/4	31 acres
		SW1/4 NW1/4	34 acres
T98N-R68W	SECTION 13	SE1/4 NW1/4	34 acres
		NW1/4 SW1/4	34 acres
		NE1/4 SW1/4	34 acres
		SW1/4 SW1/4	34 acres
	SECTION 14	SE1/4 SW1/4	34 acres
		NW1/4 SE1/4	34 acres
		NE1/4 SE1/4	34 acres
		SW1/4 SE1/4	34 acres
	SECTION 23	SE1/4 SE1/4	34 acres
		NW1/4 SW1/4	12 acres
		SW1/4 SW1/4	12 acres
		NE1/4 SW1/4	40 acres
	SECTION 24	SE1/4 SW1/4	40 acres
		NW1/4 SE1/4	36 acres
		SW1/4 SE1/4	36 acres
		NW1/4 NE1/4	34 acres
	SECTION 25	NE1/4 NE1/4	34 acres
		SW1/4 NE1/4	39 acres
		SE1/4 NE1/4	34 acres
		NW1/4 SE1/4	39 acres
		NE1/4 SE1/4	4 acres
		SW1/4 SE1/4	32 acres
		SE1/4 SE1/4	2 acres
		NW1/4 NW1/4	28 acres
		NE1/4 NW1/4	39 acres
		SW1/4 NW1/4	39 acres

SECTION 34

SECTION 35

T98N-R68W

SECTION 35

SE1/4	NW1/4	40 acres
NW1/4	NE1/4	36 acres
SW1/4	NE1/4	40 acres
SE1/4	NE1/4	37 acres
NW1/4	SW1/4	11 acres
NE1/4	SW1/4	18 acres
NE1/4	NE1/4	7 acres
SE1/4	NE1/4	8 acres
NW1/4	NW1/4	40 acres
NE1/4	NW1/4	34 acres
SW1/4	NW1/4	40 acres
SE1/4	NW1/4	33 acres
NW1/4	SW1/4	34 acres
NE1/4	SW1/4	34 acres
SW1/4	SW1/4	38 acres
SE1/4	SW1/4	36 acres
NW1/4	SE1/4	36 acres
NE1/4	SE1/4	33 acres
SW1/4	SE1/4	39 acres
SE1/4	SE1/4	40 acres

comprising a total of 1,926 acres of land and the license should be issued for *27.11* CFS and 100 acre-feet of storage.

**** 17.11 CFS is diverted from the Missouri River. 27.11 CFS is diverted from two holding ponds and one dry draw dam which are filled by the river pumps.**

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date: 3-29-95

Barry A. McLaury
Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 307-3B

DATE: March 29, 1995

Other permit(s) associated with the project: 307-3A & 2326-3 & 2999-3 & 4630-3

DIVERSION POINT LEGAL LOCATION: (#1) 725 feet E and 990 feet S (NW1/4 NW1/4); (#2) 925 feet E and 860 feet S (NW1/4 NW1/4); (#3) 1900 feet E and 2600 feet S (SE1/4 NW1/4); all from the NW corner of Section 1; T96N R68W.

NOTE:

This Water Permit No. 307-3B allows pumping from either side of the bay in the NW1/4 of Section 1. Water License No. 307-3A is for a change in the original diversion point under 307-3 and allows pumping between 2 points along the east bank of the bay 420 feet S and 820 feet E to 2600 feet S and 1900 feet E. All of the above described Water Permits/Licenses will be incorporated into 1 permit--- Permit No. 5795-3, which is a new permit for a 100 ac-ft. storage dam which an earlier inspection found on April 28, 1993. See aerial photos in permit file 5795-3 for pivot & pump locations.

Motor: (Missouri River pump site)

Five 300 HP motors -- Not accessible with 2 wheel drive vehicle.

Capacity 7700 GPM

BOOSTER PUMP SITES:

Note: Booster pump sites are located at pivot centers unless otherwise specified. The sites are numbered in accordance with pivot numbers on the prepared maps.

1) Motor: Electric
Model 6-333000-02

Pump: Berkeley
Model B3TPM
Serial 8056000

2) Motor: Marathon
Frame 326TCZ
50 HP

Pump: Berkeley
Model B6JPBM
Serial 8055998
Impeller 12 1/8"

3) Motor: General Electric
Model 5K254JL1012A
20 HP

Pump: Berkeley
Model B3TPM
Serial 8056102
Impeller 6 3/8"

4) No booster at site.

5) Motor: Century
Model 6-323059-0
40 HP

Pump: Berkeley
(No plate)

6) Motor: General Electric
Model 5K284JL158A
40 HP

Pump: Berkeley
Model B37PL
Serial 8055999
Impeller 7 1/2"

7) Motor: U.S. Electrical
Frame 326JP
60 HP

Pump: Berkeley
Model B4EPBL
Serial 7696099
Impeller 7 13/16"

8) Motor: Century
JSI 19935
50 HP

Pump: Berkeley
Model B4EPBL
Serial 7697071
Impeller 7 13/16"

9) Motor: Baldor
Spec 40E48W65
25 HP

Pump: Berkeley
Model B4JPBM
Serial 8263286
Impeller 10 3/8"

Booster pumps (2) at holding pond in Section 2 T97N-R68W:

Motor: Century
Frame No. 444TCZ
150 HP

Pump: Berkeley
Model B6EXPBH
Impeller 15 1/4"

Motor: Century
Frame No. 444TCZ
150 HP

Pump: Berkeley
Model B6EXPBH

10) Motor: Century
Frame No. 326TCZ
60 HP

Pump: Berkeley
Model B4EPB2
Serial 7578277
Impeller 8 1/4"

11) Motor: Century
Frame No. 526TC7
60 HP

Pump: Berkely
(no plate)

12) Motor: Century
Frame No. 324TOZ
40 HP

Pump: Berkeley
Model B4JPBM
Impeller 12 3/8"

13) Motor: Century
Frame No. 286TCZ
40 HP

Pump: Berkeley
(no plate)

14) Motor: Chevrolet
8 cylinder
Propane gas

Pump: Berkeley
Model No. B6JRM CW
Serial No. 6112360

Booster pump at dam in Section 11:

Motor: Chevrolet
V-8 Propane

Pump: Berkeley
(no plate)

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|-----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>22</u> inches | 3) Length <u>5000</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>10700</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>1320</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>35640</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inches | 3) Length <u>600</u> feet |

SYSTEM TYPE:

Center pivots: 14 pivots

- 1) Make All Valley pivots, high pressure with end guns
- 2) Number of towers by pivot number (see maps)

Pivot1 - 7 towers

4 - 8 towers

7 - 10 towers

10 - 10 towers

13 - 10 towers

Pivot2 - 12 towers

5 - 12 towers

8 - 10 towers

11 - 11 towers

14 - 14 towers

Pivot3 - 7 towers

6 - 10 towers

9 - 11 towers

12 - 10 towers

NOTE: Pivot #14 is fed from a dam with a chevrolet propane motor (11-97-68).

DAM INFORMATION: (Section 11 T97N-R68W)

- 1) Height to crest 19 feet
- 2) Height to primary spillway 15 feet
- 3) Height to secondary spillway NA ft

- 4) Crest width 12 feet
- 5) Crest length 200 feet
- 6) Spillway length 250 feet
- 7) Spillway width 100 feet
- 8) Approx. storage 100 ac-ft
- 9) Approx. storage to crest 130 ac-ft

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Interlock type Electrical ?
- 3) Injection pump type piston (viewed one pump only)
- 4) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 5) Comments : Water is diverted from 2 regulating ponds and a dam to the irrigation project. After reviewing Topographic maps, I found that both regulating ponds (Section 25 T98N-R68W and Section 2 T97N-R68W) and the dam (Section 11 T97N-R68W) are higher in elevation than any center pivot; therefore, only vacuum relief valves at the ponds and dam are needed to comply with chemigation rules.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Permit No. 4630-3
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by DeHaan Livestock & Grain Farms, Inc. of RR 2 Box 59, Platte, SD 57369 holder of Permit No. 4630-3, 2999-3, 2326-3, bearing priorities of January 9, 1981 (4630-3), August 13, 1976 (2999-3), August 12, 1975 (2326-3) authorizing a total diversion of 31.32 cu. ft. of water per second and the storage of 100 acre-feet of water from the Missouri River for irrigation purposes, in Charles Mix County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

(5) 300 HP electric motors
7700 GPM capacity

B. Works used to transport water to place of use:

BOOSTER SITES:

Electric Motor
Model No. 6-333000-02

Berkeley Pump
Model No. B3TPM
Serial No. 8056000

Marathon
Frame No. 326TCZ
50 HP

Berkeley Pump
Model No. B6JPBM
Serial No. 8055998
Impeller 12 1/8"

General Electric
Model No. 5K254JL1012A
20 HP

Berkeley Pump
Model No. B3TPM
Serial No. 8056102
Impeller 6 3/8"

Century
Model No. 6-323059-0
40 HP

Berkeley Pump
(no ID plate)

General Electric
Model No. 5K284JL158A
40 HP

Berkely Pump
Model No. B37PL
Serial No. 8055999
Impeller 7 1/2"

U.S. Electrical
Frame No. 326JP
60 HP

Berkeley Pump
Model No. B4EPBL
Serial No. 7696099
Impeller 7 13/16"

Century
JSI 19935
50 HP

Berkeley Pump
Model No. B4EPBL
Serial No. 7697071

Baldor
Spec No. 40E48W65
25 HP

Berkeley Pump
Model No. B4JPBM
Serial No. 8263286
Impeller 10 3/8"

Century
Frame No. 444TCZ
150 HP

Berkeley Pump
Model No. B6EXPBH
Impeller 15 1/4"

Century
Frame No. 444TCZ
150 HP

Berkeley Pump
Model No. B6EPBH
Impeller 15 1/4"

Century
Frame No. 326TCZ
60 HP

Berkeley Pump
Model No. B4EPB2
Serial No. 7578277
Impeller 8 1/4"

Century
Frame No. 326TCZ
40 HP

Berkeley Pump
(no ID plate)

Century
Frame No. 324TOZ
40 HP

Berkeley Pump
Model No. B4JPBM
Impeller 12 3/8"

Century
Frame No. 286TCZ
40 HP

Berkeley Pump
Model No. B6JRM CW
Serial No. 6112360

Chevrolet
V-8 propane

Berkeley Pump
(no ID plate)

DISTRIBUTION LINES:

1) Type <u>PVC</u>	2) Size <u>22</u> inches	3) Length <u>5000</u> feet
1) Type <u>PVC</u>	2) Size <u>12</u> inches	3) Length <u>10700</u> feet
1) Type <u>PVC</u>	2) Size <u>10</u> inches	3) Length <u>1320</u> feet
1) Type <u>PVC</u>	2) Size <u>8</u> inches	3) Length <u>35640</u> feet
1) Type <u>PVC</u>	2) Size <u>6</u> inches	3) Length <u>600</u> feet

C. Works used to apply water to beneficial use:

CENTER PIVOTS: (14)

All are Valleys, High pressure with end guns

(2) 7 Towers	(2) 11 Towers
(1) 8 Tower	(2) 12 Towers
(6) 10 Towers	(1) 14 Tower

Can operate all systems at the same time.

The system is in the following condition Good. The point of diversion is located 595 feet S and 130 feet W from the center of Section 3 T97N-R68W (NE1/4 SW1/4). The works are capable of diverting and conveying to the place of use *17.11* cu. ft. of water per second and storing 100 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T97N-R68W

SECTION 2

NW1/4 NW1/4 4 acres
NE1/4 NW1/4 37 acres
SW1/4 NW1/4 3 acres
SE1/4 NW1/4 38 acres
NW1/4 NE1/4 34 acres
NE1/4 NE1/4 11 acres
SW1/4 NE1/4 31 acres
NE1/4 SW1/4 19 acres
SE1/4 SW1/4 13 acres
NW1/4 SE1/4 40 acres
NE1/4 SE1/4 14 acres
SW1/4 SE1/4 39 acres
SE1/4 SE1/4 17 acres

T97N-R68W

SECTION 11

NW1/4 NE1/4 14 acres
NE1/4 NE1/4 26 acres
SW1/4 NE1/4 12 acres
SE1/4 NE1/4 40 acres
NE1/4 SE1/4 13 acres

T98N-R67W

SECTION 30

NW1/4 NW1/4 16 acres
NE1/4 NW1/4 31 acres
SW1/4 NW1/4 34 acres
SE1/4 NW1/4 34 acres

T98N-R68W

SECTION 13

NW1/4 SW1/4 34 acres
NE1/4 SW1/4 34 acres
SW1/4 SW1/4 34 acres
SE1/4 SW1/4 34 acres

SECTION 14

NW1/4 SE1/4 34 acres
NE1/4 SE1/4 34 acres
SW1/4 SE1/4 34 acres
SE1/4 SE1/4 34 acres

SECTION 23

NW1/4 SW1/4 12 acres
SW1/4 SW1/4 12 acres
NE1/4 SW1/4 40 acres
SE1/4 SW1/4 40 acres
NW1/4 SE1/4 36 acres
SW1/4 SE1/4 36 acres

SECTION 24

NW1/4 NE1/4 34 acres
NE1/4 NE1/4 34 acres
SW1/4 NE1/4 39 acres
SE1/4 NE1/4 34 acres
NW1/4 SE1/4 39 acres
NE1/4 SE1/4 4 acres
SW1/4 SE1/4 32 acres
SE1/4 SE1/4 2 acres

SECTION 25

NW1/4 NW1/4 28 acres
NE1/4 NW1/4 39 acres
SW1/4 NW1/4 39 acres
SE1/4 NW1/4 40 acres
NW1/4 NE1/4 36 acres
SW1/4 NE1/4 40 acres
SE1/4 NE1/4 37 acres
NW1/4 SW1/4 11 acres
NE1/4 SW1/4 18 acres

SECTION 34

NE1/4 NE1/4 7 acres
SE1/4 NE1/4 8 acres

SECTION 35

NW1/4 NW1/4 40 acres
NE1/4 NW1/4 34 acres
SW1/4 NW1/4 40 acres
SE1/4 NW1/4 33 acres
NW1/4 SW1/4 34 acres

T98N-R68W

SECTION 35

NE1/4	SW1/4	34 acres
SW1/4	SW1/4	38 acres
SE1/4	SW1/4	36 acres
NW1/4	SE1/4	36 acres
NE1/4	SE1/4	33 acres
SW1/4	SE1/4	39 acres
SE1/4	SE1/4	40 acres

comprising a total of 1,926 acres of land and the license should be issued for *27.11* CFS and 100 acre-feet of storage.

**** 17.11 CFS is diverted from the Missouri River. 27.11 CFS is diverted from two holding ponds and one dry draw dam which are filled by the river pumps.**

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Date: 4-28-93


Barry K. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4630-3

DATE: April 28, 1993

Other permit(s) associated with the project: 2326-3 & 2999-3

DIVERSION POINT LEGAL LOCATION: 595 feet S and 130 feet W from the Center of Section 3 T97N-R68W (NE1/4 SW1/4).

Motor: (Missouri River pump site)

Five 300 HP motors -- Not accessible with 2 wheel drive vehicle.

Capacity 7700 GPM

BOOSTER PUMP SITES:

Note: Booster pump sites are located at pivot centers unless otherwise specified. The sites are numbered in accordance with pivot numbers on the prepared maps.

- | | |
|---|---|
| 1) Motor: Electric
Model 6-333000-02 | Pump: Berkeley
Model B3TPM
Serial 8056000 |
| 2) Motor: Marathon
Frame 326TCZ
50 HP | Pump: Berkeley
Model B6JPBM
Serial 8055998
Impeller 12 1/8" |
| 3) Motor: General Electric
Model 5K254JL1012A
20 HP | Pump: Berkeley
Model B3TPM
Serial 8056102
Impeller 6 3/8" |
| 4) No booster at site. | |
| 5) Motor: Century
Model 6-323059-0
40 HP | Pump: Berkeley
(No plate) |
| 6) Motor: General Electric
Model 5K284JL158A
40 HP | Pump: Berkeley
Model B37PL
Serial 8055999
Impeller 7 1/2" |
| 7) Motor: U.S. Electrical
Frame 326JP
60 HP | Pump: Berkeley
Model B4EPBL
Serial 7696099
Impeller 7 13/16" |

8) Motor: Century
JSI 19935
50 HP

Pump: Berkeley
Model B4EPBL
Serial 7697071
Impeller 7 13/16"

9) Motor: Baldor
Spec 40E48W65
25 HP

Pump: Berkeley
Model B4JPBM
Serial 8263286
Impeller 10 3/8"

Booster pumps (2) at holding pond in Section 2 T97N-R68W:

Motor: Century
Frame No. 444TCZ
150 HP

Pump: Berkeley
Model B6EXPBH
Impeller 15 1/4"

Motor: Century
Frame No. 444TCZ
150 HP

Pump: Berkeley
Model B6EXPBH

10) Motor: Century
Frame No. 326TCZ
60 HP

Pump: Berkeley
Model B4EPB2
Serial 7578277
Impeller 8 1/4"

11) Motor: Century
Frame No. 526TC7
60 HP

Pump: Berkely
(no plate)

12) Motor: Century
Frame No. 324TOZ
40 HP

Pump: Berkeley
Model B4JPBM
Impeller 12 3/8"

13) Motor: Century
Frame No. 286TCZ
40 HP

Pump: Berkeley
(no plate)

14) Motor: Chevrolet
8 cylinder
Propane gas

Pump: Berkeley
Model No. B6JRM CW
Serial No. 6112360

Booster pump at dam in Section 11:

Motor: Chevrolet
V-8 Propane

Pump: Berkeley
(no plate)

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|--------------------------|-----------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>22</u> inches | 3) Length <u>5000</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inches | 3) Length <u>10700</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>1320</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>35640</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inches | 3) Length <u>600</u> feet |

SYSTEM TYPE:

Center pivots: **14 pivots**

- 1) Make All Valley pivots, high pressure with end guns
- 2) Number of towers by pivot number (see maps)

Pivot1 - 7 towers

4 - 8 towers

7 - 10 towers

10 - 10 towers

13 - 10 towers

Pivot2 - 12 towers

5 - 12 towers

8 - 10 towers

11 - 11 towers

14 - 14 towers

Pivot3 - 7 towers

6 - 10 towers

9 - 11 towers

12 - 10 towers

NOTE: Pivot #14 is fed from a dam with a chevrolet propane motor (11-97-68).

DAM INFORMATION: (Section 11 T97N-R68W)

- 1) Height to crest 19 feet
- 2) Height to primary spillway 15 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 12 feet
- 5) Crest length 200 feet
- 6) Spillway length 250 feet
- 7) Spillway width 100 feet
- 8) Approx. storage 100 ac-ft
- 9) Approx. storage to crest 130 ac-ft

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Interlock type Electrical ?
- 3) Injection pump type piston (viewed one pump only)
- 4) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 5) Comments : Water is diverted from 2 regulating ponds and a dam to the Irrigation project. After reviewing Topographic maps, I found that both regulating ponds (Section 25 T98N-R68W and Section 2 T97N-R68W) and the dam (Section 11 T97N-R68W) are higher in

elevation than any center pivot; therefore, only vacuum relief valves at the ponds and dam are needed to comply with chemigation rules.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

NOT TO SCALE

98-68

T3622

NC (D 11)

(19-R)

T4077

y NC

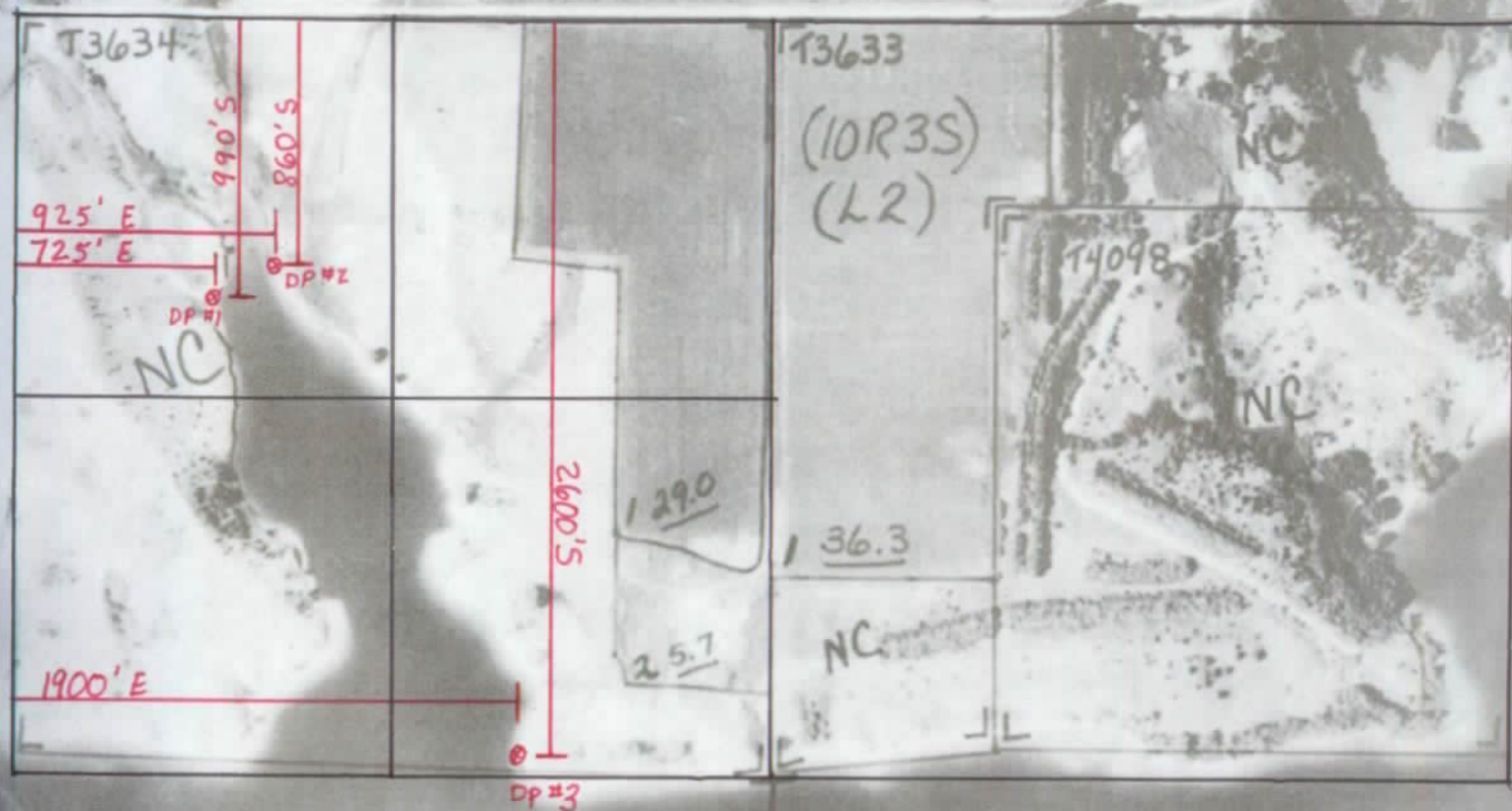
22" PVC

y NC

3
7700 GPM
(5) 300 HP MOTORS

y NC

NOT TO SCALE

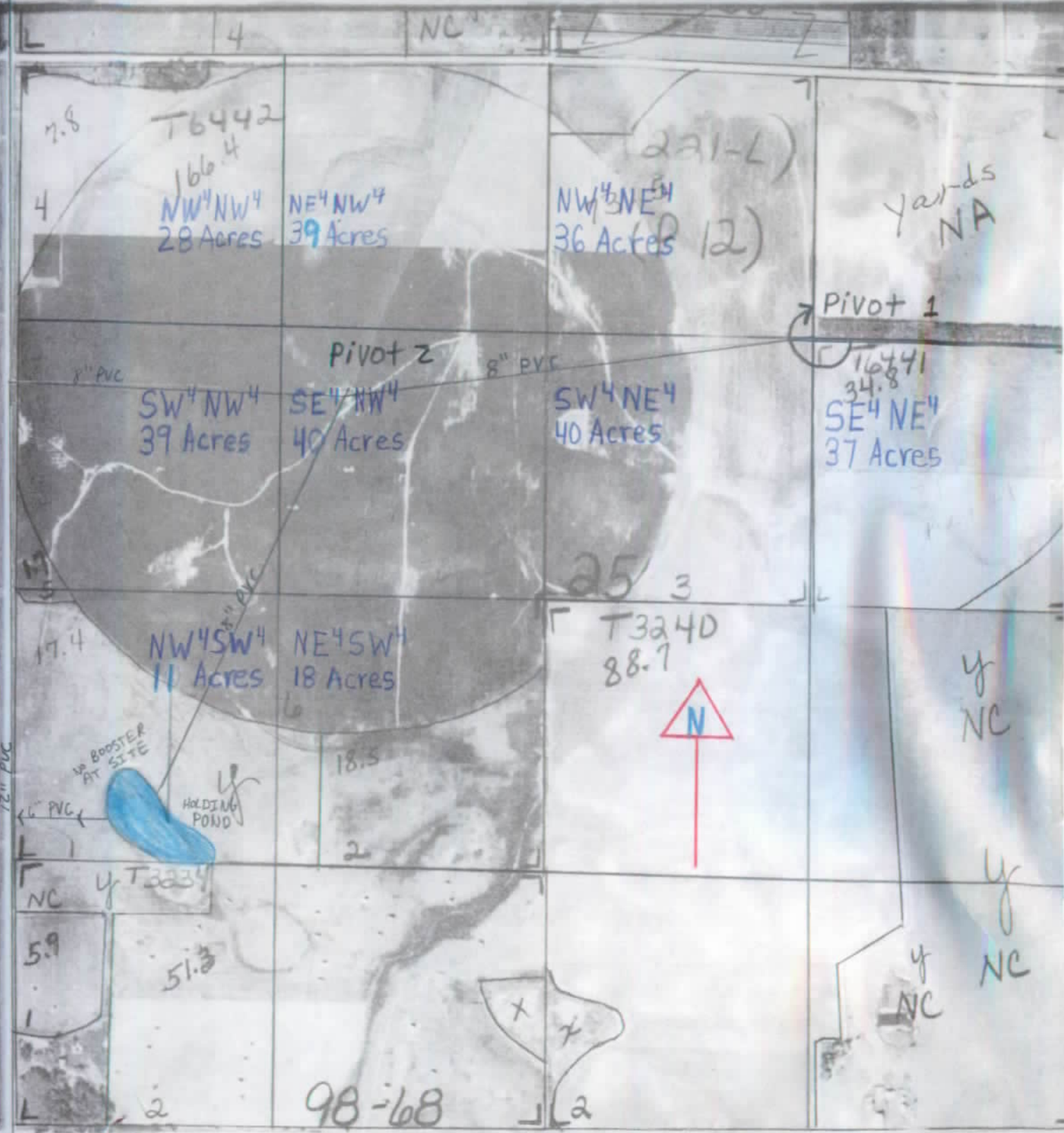


+

96-68

Barry McLaury *Barry A. McLaury*
 Environmental Scientist
 Division of Water Rights
 Date 8-9-95

NOT TO SCALE



NOT TO SCALE



Barry McLaury
Natural Resources Analyst
Division of Water Rights
Date 7-12-93

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5795-3

(1) DeHaan Livestock and Grain Farms, Inc., % Dennis DeHaan, RR 2 Box 60, Platte, SD 57369-9343 made Application No. 5795-3, September 21, 1993 for a water permit to correct the location of irrigated acres and authorize storage of 100 acre feet of water from runoff and the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 5795-3, with a priority date of September 21, 1993 was approved April 11, 1994 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Other permits associated with this irrigation project are as follows:

- Water Right No. 307-3, with a priority date of September 24, 1956, authorizes diversion of 4.69 cfs from the Missouri River in Section 1, T96N, R68W to irrigate 367 acres in portions of Section 1, T96N, R68W and Section 36, T97N, R68W;
- Water Right No. 307-3A, with a priority date of September 24, 1956, authorizes an additional point of diversion to in Section 1, T96N, R68W to irrigate the same lands described in No. 307-3;
- Water Permit No. 307-3B, with a priority date of September 24, 1956, allows pumping from either side of the bay in the NW¼ Section 1, T96N, R68W to irrigate land described in No. 307-3;
- Water Permit No. 2326-3, with a priority date of August 12, 1975, authorizes diversion of 13.7 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 960 acres in portions of Section 2, T97N, R68W, and Sections 34 & 35, T98N, R68W;
- Water Permit No. 2999-3, with a priority date of August 13, 1976, authorizes diversion of 14.2 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 1005 acres in portions of Section 11, T97N, R68W, and Sections 13, 14, 23, 24 & 25, T98N, R68W;
- Water Permit No. 4630-3, with a priority date of January 9, 1981, authorizes diversion of 3.42 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 240 acres in portions of Section 25, T98N, R68W and Section 30, T98N, R67W.

The applicable portions of Water Right Nos. 307-3, 307-3A and Water Permit Nos. 307-3B, 2326-3, 2999-3 and 4630-3 have been incorporated into this Water License No. 5795-3. The system is capable diverting 17.11 cfs directly from the Missouri River and applying 27.11 cfs to the land for irrigation purposes. The following priority dates are retained (based on direct diversion from the river):

- September 24, 1956 (Nos. 307-3, 307-3A & 307-3B) for 4.69 cfs;
- August 12, 1975 (No. 2326-3) for 12.42 cfs and
- September 21, 1993 (No. 5795-3) for the 100 acre-feet storage dam.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 17.11 cubic feet of water per second from the Missouri River for beneficial use. The system is capable of diverting 17.11 cfs from the river to two holding ponds and a 100 acre feet dry draw storage dam with application to the land at a rate of 27.11 cfs.

The location of the diversion points are #1) 725'E & 990'S (NW $\frac{1}{4}$ NW $\frac{1}{4}$); #2) 925'E & 860'S (NW $\frac{1}{4}$ NW $\frac{1}{4}$); #3) 1900'E & 2600'S (SE $\frac{1}{4}$ NW $\frac{1}{4}$) all from the NW corner of Section 1, T96N, R68W; #4) 595'S & 130'W of the center of Section 3, T97N, R68W (NE $\frac{1}{4}$ SW $\frac{1}{4}$); storage dam - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, with water also impounded in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, all T97N, R68W. The diversion points in Section 1 are existing diversion point locations, however, as authorized under No. 307-3B, pumping is allowed from either side of the bay in the NW $\frac{1}{4}$ Section 1, T96N, R68W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 1,926 acres listed below:

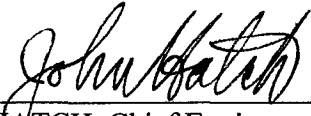
Section 2, T97N, R68W NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 37 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 11 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 31 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 13 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 14 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 17 acres	Section 30, T98N, R67W NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres	Section 24, T98N, R68W NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres	Section 34, T98N, R68W NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres
	Section 13, T98N, R68W NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres		Section 35, T98N, R68W NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres
	Section 14, T98N, R68W NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acres		NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36 acres
Section 11, T97N, R68W NW $\frac{1}{4}$ NE $\frac{1}{4}$ 14 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 26 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 13 acres	Section 23, T98N, R68W NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres E $\frac{1}{2}$ SW $\frac{1}{4}$ 80 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres	Section 25, T98N, R68W NW $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres

Page 3

Water License No. 5795-3

DeHaan Livestock and Grain Farms

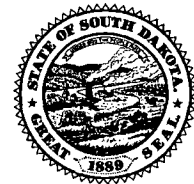
(4) Pursuant to South Dakota Water Law 46-5-30.1 DeHaan Livestock and Grain Farms, Inc., % Dennis DeHaan, RR 2 Box 60, Platte, SD 57369-9343 the holder and/or owner of Incorporated Water Permit No. 5795-3 is issued a license to appropriate water, the right to divert 17.11 cubic feet of water per second from the Missouri River into two holding ponds and a 100 acre feet dry draw storage dam. Water can be diverted from the holding ponds and storage dam at a rate of 27.11 cfs to irrigate lands described in (3) of this license. This license, carrying priority dates of September 24, 1956 August 12, 1975 and September 21, 1993, is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5795-3 and subject to South Dakota State Law.



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

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5795-3

DeHaan Livestock and Grain Farms, Inc.
%Dennis DeHaan
RR 2, Box 60
Platte, SD 57369-9343

Dear Mr. DeHaan:

Enclosed is Water License No. 5795-3 and Receipt No. 414454 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5795-3 is the final document which completes the process of obtaining a water right.

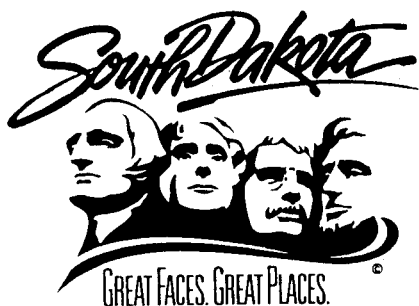
As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Right Nos. 307-3, 307-3A and Water Permit Nos. 307-3B, 2326-3, 2999-3 and 4630-3 have been incorporated into this Water License No. 5795-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 2003

No. 5795-3

Walter Soulek
38001 295th St
Lake Andes SD 57356

Dear Mr. Soulek:

In reference to your phone conversation with Genny McMath, enclosed is a copy of Water Right No. 5765-3. You indicated to Genny that you own portions of the land covered by this water right.

The water right can be divided and reissued to reflect separate ownership. Please circle or highlight the land you own on the enclosed license. If all diversion points will be used by both you and DeHaan's, make a notation to that affect. If the diversion points will be separated, please specify which ones you use. Any information you could add that will ensure the license is divided properly will be helpful (for example, diversion rates, diversion points, use of storage dams etc).

Please complete the enclosed transfer form. Upon completion, please sign the form and return it to us with a \$2.50 filing fee. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the copy of the license, transfer form and filing fee from you, the Water Right will be divided and reissued as 5795A-3 for DeHaan Livestock and Grain Farms and 5795B-3 to be listed in your name. If you have any questions, please contact Genny McMath at (605) 773-3352

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2004

5795-3

Walter Soulek
38001 295th St
Lake Andes SD 57356

Dear Mr. Soulek:

I am contacting you in regard to ownership of land described in Water Right No. 5795-3. It is my understanding that the water right should be transferred to your name.

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.

I have included a copy of the water right for your records. 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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV 09 2004

WATER RIGHTS
PROGRAM

No. 5795-3

Date:

11/17/04

I/We request that Water Right No. 5795-3

formerly owned by: DeHaan Livestock and Grain Farms Inc

be transferred to: (name & address)

WALTER J SOULEK
38001 295ST Box 120 LAKE ANDES
SOUTH DAKOTA 57356 Telephone No. 605 487 7279

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

1,926 acres – NW ¼, N ½ NE ¼, SW ¼ NE ¼, E ½ SW ¼ & SE ¼ Section 2, NE ¼ & NE ¼ SE ¼
Section 11, T97N, R68W; NW ¼ Section 30, T98N, R67W; SW ¼ Section 13, SE ¼ Section 14, SW ¼
& W ½ SE ¼ Section 23, E ½ Section 24, NW ¼, W ½ NE ¼, SE ¼ NE ¼ & N ½ SW ¼ Section 25, E ½
NE ¼ Section 34, W ½ & SE ¼ Section 35, T98N, R68W (more fully described in Water License)

I/We understand that the validity of Water Right No. 5795-3 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 WALTER J SOULEK, the new owner, certify that the above information is true and correct.

Walter J Soulek

(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 November 9, 2004

RECEIVED OF Walt Soulek, 38001 295th St, Lake Andes SD 57356-6850

L

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5795-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 0001158

By Dorland Ebeli
Chief Engineer *gme*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2004

5795-3

Walter J Soulek
38001 295th St
Lake Andes SD 57356-6580

Dear Mr. Soulek:

Thank you for following up on the ownership change for Water Right No. 5795-3. The transfer has been completed. The water right formerly listed in the name of DeHaan Livestock and Grain Farms Inc., is now listed in your name.

Enclosed is your Receipt No. 001458 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



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

January 19, 2024

NOTICE

TO: DEHAAN LIVESTOCK & GRAIN FARMS, DENNIS DEHAAN, 36543 284TH ST, PLATTE, SD 57369

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5795-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 5795-3 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, 2024 at 9:30 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) 5795-3 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, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LTKAMI**

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.

5795-3



RECEIVED

DEC - 1 2021

WATER RIGHTS
PROGRAM

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 30, 2021

5795-3

Dennis Dehaan
Dehaan Livestock & Grain Farms Inc
36543 284th St
Platte SD 57369

Dear Mr. Dehaan:

In April 2021, I spoke with you on the phone about ownership of land described in Water Right No. 5795-3. The water right was errantly transferred to Walter Soulek back in 2004.

Under SD Water Law, whoever owns the land, has the water right. Please review the enclosed water license and make notations or circle the portions of land you own. If you know some of the portions are owned by someone else, make those notations as well before returning the license back to our office.

As soon as we receive the information back from you, I'll send a partially completed transfer form to you for changing the water right back to you. No fee is necessary.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

De Haan Livestock
and Grain

DeHaan Land & Cattle

Dennis & Judy DeHaan

Lee Dettman

Tom ?

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5795-3

RECEIVED

DEC - 1 2021

WATER RIGHTS
PROGRAM

(1) DeHaan Livestock and Grain Farms, Inc., % Dennis DeHaan, RR 2 Box 60, Platte, SD 57369-9343 made Application No. 5795-3, September 21, 1993 for a water permit to correct the location of irrigated acres and authorize storage of 100 acre feet of water from runoff and the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 5795-3, with a priority date of September 21, 1993 was approved April 11, 1994 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Other permits associated with this irrigation project are as follows:

- Water Right No. 307-3, with a priority date of September 24, 1956, authorizes diversion of 4.69 cfs from the Missouri River in Section 1, T96N, R68W to irrigate 367 acres in portions of Section 1, T96N, R68W and Section 36, T97N, R68W;
- Water Right No. 307-3A, with a priority date of September 24, 1956, authorizes an additional point of diversion to in Section 1, T96N, R68W to irrigate the same lands described in No. 307-3;
- Water Permit No. 307-3B, with a priority date of September 24, 1956, allows pumping from either side of the bay in the NW¼ Section 1, T96N, R68W to irrigate land described in No. 307-3;
- Water Permit No. 2326-3, with a priority date of August 12, 1975, authorizes diversion of 13.7 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 960 acres in portions of Section 2, T97N, R68W, and Sections 34 & 35, T98N, R68W;
- Water Permit No. 2999-3, with a priority date of August 13, 1976, authorizes diversion of 14.2 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 1005 acres in portions of Section 11, T97N, R68W, and Sections 13, 14, 23, 24 & 25, T98N, R68W;
- Water Permit No. 4630-3, with a priority date of January 9, 1981, authorizes diversion of 3.42 cfs from the Missouri River in the center of Section 3, T97N, R68W to irrigate 240 acres in portions of Section 25, T98N, R68W and Section 30, T98N, R67W.

The applicable portions of Water Right Nos. 307-3, 307-3A and Water Permit Nos. 307-3B, 2326-3, 2999-3 and 4630-3 have been incorporated into this Water License No. 5795-3. The system is capable diverting 17.11 cfs directly from the Missouri River and applying 27.11 cfs to the land for irrigation purposes. The following priority dates are retained (based on direct diversion from the river):

- September 24, 1956 (Nos. 307-3, 307-3A & 307-3B) for 4.69 cfs;
- August 12, 1975 (No. 2326-3) for 12.42 cfs and
- September 21, 1993 (No. 5795-3) for the 100 acre-feet storage dam.

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DEC - 1 2021

WATER RIGHTS
PROGRAM

Page 2

Water License No. 5795-3

DeHaan Livestock and Grain Farms

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 17.11 cubic feet of water per second from the Missouri River for beneficial use. The system is capable of diverting 17.11 cfs from the river to two holding ponds and a 100 acre feet dry draw storage dam with application to the land at a rate of 27.11 cfs.

The location of the diversion points are #1) 725'E & 990'S (NW¼NW¼); #2) 925'E & 860'S (NW¼ NW¼); #3) 1900'E & 2600'S (SE¼ NW¼) all from the NW corner of Section 1, T96N, R68W; #4) 595'S & 130'W of the center of Section 3, T97N, R68W (NE¼ SW¼); storage dam - NE¼ NE¼ Section 11, with water also impounded in the SE¼ SE¼ Section 2, all T97N, R68W. The diversion points in Section 1 are existing diversion point locations, however, as authorized under No. 307-3B, pumping is allowed from either side of the bay in the NW¼ Section 1, T96N, R68W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 1,926 acres listed below:

DeH Land & Cattle

Section 2, T97N, R68W NW¼ NW¼ 4 acres NE¼ NW¼ 37 acres SW¼ NW¼ 3 acres SE¼ NW¼ 38 acres NW¼ NE¼ 34 acres NE¼ NE¼ 11 acres SW¼ NE¼ 31 acres NE¼ SW¼ 19 acres SE¼ SW¼ 13 acres NW¼ SE¼ 40 acres NE¼ SE¼ 14 acres SW¼ SE¼ 39 acres SE¼ SE¼ 17 acres	Section 30, T98N, R67W NW¼ NW¼ 16 acres NE¼ NW¼ 31 acres SW¼ NW¼ 34 acres SE¼ NW¼ 34 acres Section 13, T98N, R68W NW¼ SW¼ 34 acres NE¼ SW¼ 34 acres SW¼ SW¼ 34 acres SE¼ SW¼ 34 acres Section 14, T98N, R68W NW¼ SE¼ 34 acres NE¼ SE¼ 34 acres SW¼ SE¼ 34 acres SE¼ SE¼ 34 acres	Section 24, T98N, R68W NW¼ NE¼ 34 acres NE¼ NE¼ 34 acres SW¼ NE¼ 39 acres SE¼ NE¼ 34 acres NW¼ SE¼ 39 acres NE¼ SE¼ 4 acres SW¼ SE¼ 32 acres SE¼ SE¼ 2 acres Section 25, T98N, R68W NW¼ NW¼ 28 acres NE¼ NW¼ 39 acres SW¼ NW¼ 39 acres SE¼ NW¼ 40 acres NW¼ NE¼ 36 acres SW¼ NE¼ 40 acres SE¼ NE¼ 37 acres NW¼ SW¼ 11 acres NE¼ SW¼ 18 acres	Section 34, T98N, R68W NE¼ NE¼ 7 acres SE¼ NE¼ 8 acres Section 35, T98N, R68W NW¼ NW¼ 40 acres NE¼ NW¼ 34 acres SW¼ NW¼ 40 acres SE¼ NW¼ 33 acres NW¼ SW¼ 34 acres NE¼ SW¼ 34 acres SW¼ SW¼ 38 acres SE¼ SW¼ 36 acres NW¼ SE¼ 36 acres NE¼ SE¼ 33 acres SW¼ SE¼ 39 acres SE¼ SE¼ 40 acres
Section 11, T97N, R68W NW¼ NE¼ 14 acres NE¼ NE¼ 26 acres SW¼ NE¼ 12 acres SE¼ NE¼ 40 acres NE¼ SE¼ 13 acres	Section 23, T98N, R68W NW¼ SW¼ 12 acres SW¼ SW¼ 12 acres E½ SW¼ 80 acres NW¼ SE¼ 36 acres SW¼ SE¼ 36 acres		

*DeHaan
Livestock
& Grain*

*DeH
Land & Cattle*

*DeHaan
owned*

Page 3

Water License No. 5795-3

DeHaan Livestock and Grain Farms

(4) Pursuant to South Dakota Water Law 46-5-30.1 DeHaan Livestock and Grain Farms, Inc., % Dennis DeHaan, RR 2 Box 60, Platte, SD 57369-9343 the holder and/or owner of Incorporated Water Permit No. 5795-3 is issued a license to appropriate water, the right to divert 17.11 cubic feet of water per second from the Missouri River into two holding ponds and a 100 acre feet dry draw storage dam. Water can be diverted from the holding ponds and storage dam at a rate of 27.11 cfs to irrigate lands described in (3) of this license. This license, carrying priority dates of September 24, 1956 August 12, 1975 and September 21, 1993, is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5795-3 and subject to South Dakota State Law.



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

NOV 12 1997

date





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2021

5795-3

Dennis Dehaan
Dehaan Livestock & Grain Farms Inc
36543 284th St
Platte SD 57369

Dear Mr. Dehaan:

I am writing in follow-up to our phone conversation about Water Right No. 5795-3. Enclosed is a copy of the water license.

Back in 2004, Walter Soulek contacted us about a transfer for a piece of ground he purchased that was covered under this water right. I filled out a transfer form for him so all he had to do was sign it. In hindsight, I should have let him fill in the legal description because according to Paul Soulek, the land is still owned by Dehaan Livestock & Grain Farms.

Under SD Water Law, whoever owns the land, has the water right. Please review the enclosed water license and let me know if you own all the land. If so, the water right will be transferred back to the way it was before Mr. Soulek filed the transfer. No fee will be necessary.

Thank you in advance for the help.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

Dennis Dehaan

36543 284th St

Platte 337-3084

Soulek Farms
491-6817

Dehaan Livestock & Grain Farms Inc.

farmers side

ask if they know
Paul Soulek



531107854

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Business Corporation
SDCL 59-11-24, 24.1

2020
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

DF000798
BUSINESS ID

DEHAAN LIVESTOCK AND GRAIN FARMS, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address
36543 284TH ST
PLATTE, SD 57369

Mailing Address
36543 284TH ST
PLATTE, SD 57369

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **DENNIS L DEHAAN**

Actual Street Address in this State

36543 284TH ST
PLATTE, SD 57369

Mailing Address in this State

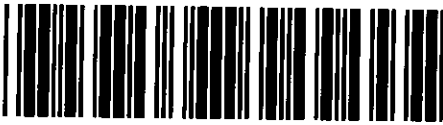
5. The names and business addresses of its principal officers.

Title	Name	Address
President	DENNIS DEHAAN	36543 284 ST, PLATTE, SD, 57369
Vice President	THOMAS DEHAAN	28543 367 TH AVE, PLATTE, SD, 57369
Secretary	LEE DEHAAN	28216 367TH AVE, PLATTE, SD, 57369

6. The names and business addresses of its directors (governors).

Name	Address
ROBBY DEHAAN	36804 283RD ST, PLATTE, SD, 57369

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.



10/29/2020

Dated

Email (Optional)

judy dehaan

Signature of an Authorized Person

judy dehaan

Printed Name

B0157-1777 10/29/2020 4:17PM Rec'd by SD SOS



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2020

Paul Soulek
PO Box 699
Spearfish SD 57783

Dear Mr. Soulek:

Enclosed as we discussed are 10 years' worth of questionnaires for water rights listed under Walter Soulek. Water Right No. 330-3 is still listed under "James Soulek. During our phone conversation you indicated the family was working on setting up a trust. Let us know when this occurs, and I can send you transfer forms to get everything under correct ownership.

With respect to Water Right No. 5795-3, I reviewed the file and found I had spoke with Walter in December 2003. At that time, he requested a transfer form because he said he owned portions of the land described in the water right (see enclosed copy of the letter).

A year went by and nothing was received from him. To make it easy for him, I filled out the form for him and sent it to him for signature. Unfortunately, I did not look far enough back in the file to notice he only requested part of the water right be transferred. I should have left the acreage description off the form. That was definitely my mistake. He signed the form I sent to him and returned it to our office.

My phone conversation and subsequent letters to Walter were a miscommunication. Thank you for letting us know about the error and I will go ahead and contact Dennis DeHaan to see about changing everything back to their name.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2024

5795-3

Dehaan Livestock & Grain Farms
c/o Robby Dehaan
285 367th Ave
Geddes SD 57342

Dear Mr. Dehaan:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 5795-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: It appears there has been a history of confusion over ownership of the 1,926 acres covered under Water Right No. 5795-3. I've enclosed a copy of the license issued in 1997 for your review, in hopes that you can verify whether Dehaan Livestock & Grain Farms owns all the land or operates for multiple owners.