

WATER PERMIT NO. 5914-3

Name of Applicant: Joel Berens

Address: 45603 274th St, Parker SD 57053

Phone: 605 297-5543

Amount of Water Claimed: 1.71 cfs

Total Acres: 120 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System: NA

Location: 2 miles east, 1/2 mile north of Parker

PRIORITY

Date Received: 2-29-96

Fee: \$225

Corrected Application Received: 3-8-96

Period of Annual Use: April 1 - September 30

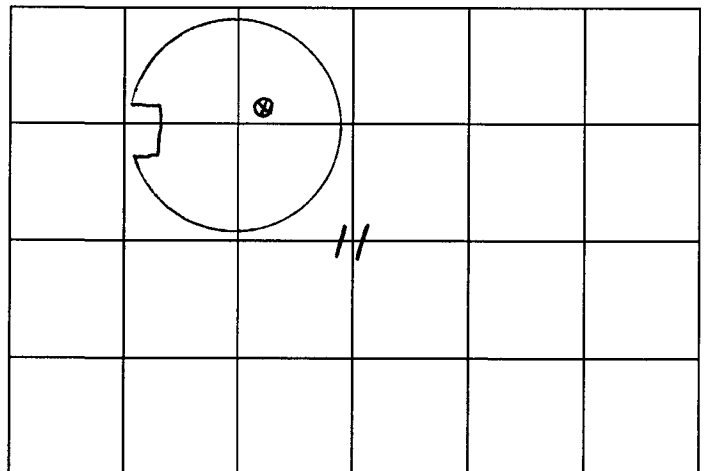
Remarks: portion of land covered by Permit No. 5389-3

Diversion Point: NE 1/4 NW 1/4 Sec 11-

T99N-R53W

Land to be Irrigated: NW 1/4 Sec 11-

T99N-R53W



Depth of Well: 39 feet

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Lorin Froehlich, CFSA

Reviewed and the Number Assigned on: 3-13-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5914-3**

Date of first receipt of application February 29, 1996.

Date of return to applicant for corrections, amendments or changes February 29, 1996.

Date of receipt of corrected application March 8, 1996.

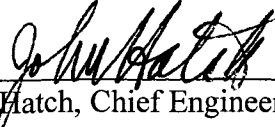
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5914-3 to Joel Berens, 45603 274th St, Parker SD 57053 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5914-3 appropriates 1.71 cubic feet of water per second from one well (Vermillion:East Fork Aquifer) 39 feet deep located in the NE 1/4 NW 1/4 Section 11 to irrigate 120 acres located in the NW 1/4 Section 11; all in T99N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is February 29, 1996.
4. The date of approval of Permit No. 5914-3 is April 22, 1996.
5. One-fifth of the construction is to be completed on or before October 22, 1998.
6. All construction is to be completed on or before April 22, 2001.
7. Water is to be put to beneficial use on or before April 22, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5914-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 Program
Department of Environment and Natural Resources

JUL 2 1996
date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5914-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The New Era, Parker, SD</u>



Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Joel Berens ☐ Owner
☒ Tenant/Lessee (check one) Phone 605-297-5543
Mailing Address 45603 274th St., Parker State SD 57053
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 1.71 *CFS or 770 **GPM ***AF Total Acreage 120
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 Well in NE 1/4 of NW 1/4 of
Section 11, Twn. 99 N, R-53-W County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used April thru September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11-T99N-R53W	25		
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11	25		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11	35		
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11	35		

8. Give a description of the project. (Attach sheet if more space is needed)
Pumping out of a 18" cased to a center pivot irrigation system watering about described land.

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

STATE OF SOUTH DAKOTA)

County of Turner ss

I, Joel Berens, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Joel Berens

Subscribed and sworn to before me this 27th day of February 19 96

Marianna J. Berens
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

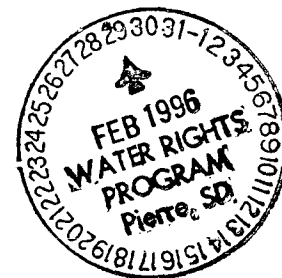
- a) Drill Hole Diameter _____ Depth 39'
- b) Casing Type Plastic Diameter 12" Thickness $\frac{1}{4}"$
- c) Screen Type Stainless Diameter 12" Thickness $\frac{1}{4}"$
- d) Gravel Pack Thickness 4" Length of Gravel Pack 24'
- e) Depth to Top of Water Bearing Material 15
- f) Depth to Water (ground surface to water level) 10
- g) Distance to nearest existing domestic well:
On applicants property 1000' On property owned by others 3200'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____



4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

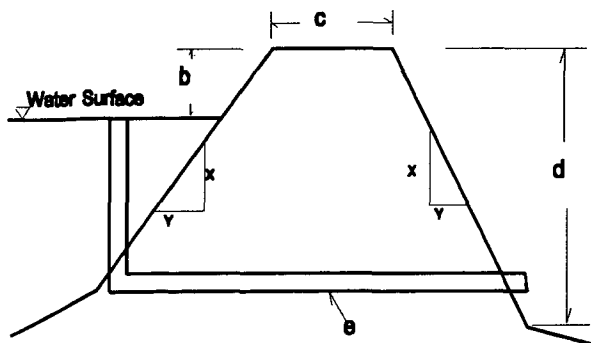
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



[illegible]

an official aerial map of Section
11 Parker Township from Turner
County FSA Office.

Loring I. Webb, C.E.D.

2-21-96

5914-3

RECEIPT

414825

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 29, 1996

RECEIVED OF Joel Berens, 27426 - 456th Ave., Parker, SD 57053

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

Fee for Application for Permit No. <u>5914-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John Hatch
Chief Engineer



South Dakota State University
Brookings, South Dakota 57007



Water Resources Research Institute
Telephone 605-688-4910

January 25, 1996

Joel Berens
RR 1 Box 78
Parker, SD 57053

Dear Mr. Berens:

Enclosed is a copy of the analysis of your water sample which you submitted to us for testing. We have identified the source of your water as taken from a Well at a depth of 40 ft in N 1/2 of NW 1/4 of Section 11, Township 99, Range 53. We have assigned it lab number 96-0015.

Your water, as represented by this sample, is classified as a medium salinity, low sodium hazard for irrigation usage. The electrical conductivity (EC) of this water is 590 micromhos/cm. The main ions in this water are: calcium (Ca) and bicarbonate (HCO_3). I have plotted your approximate water quality in red on the outside back cover of the enclosed pamphlet (AES 13). The range in the sodium hazard, from 0.07 to 0.16, is dependent upon the leaching fraction that may result if irrigation water is applied. The higher sodium hazard is associated with no leaching, and the lower sodium hazard is associated with normal leaching fractions (0.03-0.05). The leaching fraction is defined as the amount of water lost below the root zone annually, divided by the total amount received into the soil profile.

This water can be used for irrigation purposes for most normal soils which have adequate internal drainage. This means that if the water table is greater than 10 feet below ground surface the majority of the year and there are no tight impermeable layers within the root zone which may create a perched water table, the salts (ions) that do exist in the water will be able to be leached downward below the root zone where they do little or no harm to growing crops. The probability for soil salinization from this water is low when used on soils with good subsurface drainage.

The boron level 0.12 ppm for this water poses a low toxicity level for most normal crops in this area. I have enclosed a sheet that tells the boron toxicity levels for major crops. I am forwarding a copy of this letter and water analysis to the Division of Water Rights in Pierre for their information and/or action.

If you have further questions regarding this water analysis, please do not hesitate to call or write.

Sincerely,

John H. Bischoff, Assistant Professor
Water Resources Institute

Enclosures

cc: Division of Water Rights

REPORT OF WATER ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, SD 57007

01/25/1996
Turner

Bill To: Berens, Joel
RR 1 Box 78
Parker, SD 57053

Date Rec'd 01/17/1996
Lab Sample No 96-0015
Source Well
Depth 40
Legal ID: T 99N5 R 3W1 S 1b

cc:

Calcium (Ca)	73 ppm	3.65 me/l
Magnesium (Mg)	30 ppm	2.47 me/l
Sodium (Na)	3 ppm	0.13 me/l
Potassium (K)	3 ppm	0.08 me/l
Sulfate (SO4)	44 ppm	0.92 me/l
Nitrate as N (NO3)	13.12 ppm***	0.94 me/l
Organic Nitrogen as N	ppm	
Ammonia Nitrogen as N	ppm	
Nitrite as N (NO2)	ppm	
Ortho Phosphorus	ppm	
Total Phosphorus	ppm	
Chloride (Cl)	6 ppm	0.17 me/l
Bicarbonate (HCO3)	293 ppm	4.80 me/l
Carbonate (CO3)	0 ppm	me/l
Iron (Fe)	ppm	me/l
Fluoride (F)	ppm	me/l
Manganese (Mn)	ppm	
Boron (B)	0.12 ppm	
Hardness (EDTA as CaCO3)	306 ppm	17.89 gpg
Total Solids	ppm	
Total Cations		6.33 me/l
Total Anions		6.83 me/l
Alkalinity (Methyl Orange)	240 ppm(as CaCO3)	
Alkalinity (Phenolphthalein)	0 ppm(as CaCO3)	
Electrical Conductivity	588 micromhos per cm at 25°C	
Sodium Adsorption Ratio (SAR)	0.07 Adjusted SAR	0.16
Sodium	2.05 % of Cations	
Residual Sodium Carbonate	0.00 me/l	
pH	7.84	

gpg = grains per gallon
me/l = milliequivalents per liter

ppm = parts per million

COMMENTS:

***EPA Drinking Water Maximum Contaminate Level is 10 ppm.

Analysis By: Shirley Mittan

Service Performed:	Analysis Cost:	50.00	Amount Received:	.00
Irrigation Analysis	Sales Tax:	2.00	AMOUNT DUE:	52.00
	Total Cost:	52.00		

Make checks payable to: SDSU Water Quality Lab
Please write lab number on your check!
Lab Sample No. 96-0015

LACEY WELL DRILLING
RR 1 Box 24

T.H. in N² of NW⁴ // 99-N 53-W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

5914-3
07-92

Location NE 1/4 SW 1/4 Sec 11 Twp 9N Rg 53W

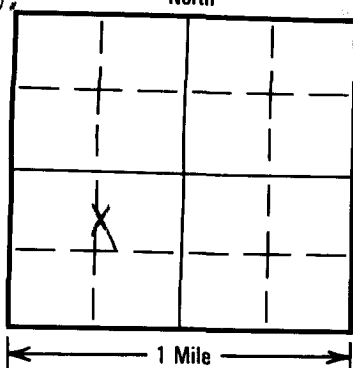
County TURNER CO.

North

Please mark well location with an "X"

W

E



1 Mile

Well Completion Date Aug 97

Well Owner: JOEL PERKINS

Business Name:

Address: 45403 274th St
VALLEY S. DAKOTA 57053

WELL LOG:

DEPTH

FORMATION

FROM

TO

TOP SOIL	0	1
CONCRETE GRAVEL + ROCKS	1	42

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1300 ft. from FEED LOT (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC40 40LB/FT</u>	<u>16 IN</u>	<u>11 FT</u>	<u>12 FT</u>	<u>28 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>25</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TURBIDE PILE

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 16 IN Length 30' FEET

Material PVC

Slot Size 081 Set From 12 Feet to 42 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: CHLORINE

NO, Why Not?

Laboratory sent to for water quality analysis

STATIC WATER LEVEL

17

Feet

If flowing: closed in pressure

PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe: TEST TURBINE PUMP

☐ Bailed

UNIT

☐ Other

Pumping Level Below Land Surface

35 ft. After 2 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate NO - WILL 600 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

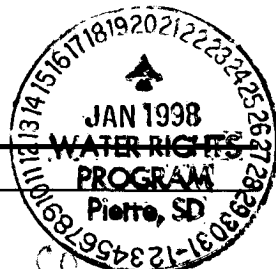
Drilling firm CHRISTENSEN WELL CO

Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Date:





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996



Joel Berens
45603 274th St
Parker SD 57053

Dear Mr. Berens:

Enclosed is the aerial photo map submitted with your Application for a Permit to Appropriate Water. On the map, please outline the 120 acres to be irrigated and show the location of the diversion point (place where the well is located).

On Item No. 2 of the application, you indicate the amount of water claimed to be 800 gallons per minute which equals 1.77 cubic feet of water per second (cfs). Under State Statutes you are allowed 1 cfs (450 gpm) for each 70 acres irrigated. This would mean that you are allowed 1.71 cfs (770 gpm) for the 120 acres to be irrigated. Please let us know if you concur with this change on your application.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure

*Yes I will concur with
the change on my application
from 800(gpm) to 770(gpm).*

Thank you

Joel Berens

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Joel Berens -- water permit application

ADDRESS: COUNTY: Turner

DATE: 3/12/96 TELEPHONE: 297-5543

RE: Acreage to be irrigated

COMMENTS:

Mr. Berens returned my phone call concerning his water permit application to irrigate the NW $\frac{1}{4}$ Section 11, T99N, R53W. I stated that the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11 is currently authorized for irrigation by Water Right No. 5389-3, held by Kenneth Plucker.

Mr. Berens explained that the land in the NW $\frac{1}{4}$ Section is currently owned by his grandmother. She has leased the land to Mr. Plucker for a number of years. However, that lease has expired and Mr. Berens is purchasing the property from his grandmother. Mr. Berens stated that Mr. Plucker owns the property in the SW $\frac{1}{4}$ Section 11 and to his knowledge still intends to operate that pivot in a half circle in the SW $\frac{1}{4}$. Mr. Berens stated that his application should be considered a new application.

Water Right No. 5389-3 may need to be investigated to reduce the water right to the reduced acreage.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hummel

REPORT ON WATER PERMIT APPLICATION NO. 5914-3
for Joel Berens
March 18, 1996

Application No. 5914-3 proposes to appropriate 1.71 cfs (770 gpm) from one well approximately 39 feet deep located in the NE 1/4 NW 1/4 of section 11 to irrigate 120 acres located in the NW 1/4 of section 11; all in T99N R53W in Turner County.

AQUIFER - VERMILLION EAST FORK (VEF)

The Vermillion East Fork is a surficial glacial outwash (sand and gravel) which is predominantly under unconfined or water table conditions. The aquifer underlies 3400 acres and contains an estimated 5100 acre feet of recoverable water in storage in Turner County (Hedges, 1982). The aquifer is hydraulically connected to the east fork of the Vermillion River, blends into the Vermillion West Fork aquifer and extends into the Parker Centerville aquifer about one mile south of this permit application. The USGS estimated the Vermillion East Fork aquifer underlies six square miles and contains an estimated 22,000 acre feet of water in storage (Lindgren, 1990). This later estimate is different for two reasons. First, better mapping of the aquifer is available and second, a larger storage coefficient was used to calculate water in storage.

The Water Rights Program monitors one observation well TU-770 which is completed into the Vermillion East Fork aquifer and is located about two miles north of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A hydrograph for this well is included with this report.

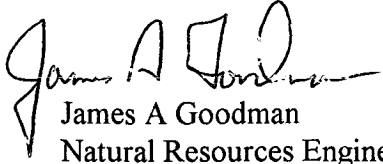
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 5389-3 which is located just to the south of this application. In fact, a portion of this application (S 1/2 NW 1/4) is already covered by the Water Right No. 5389-3. Apparently, there is a change in ownership of the land which will result in a change in the water license for Water Right No. 5389-3. The well for Water Right No. 5389-3 is located approximately 1600 feet southeast of the well location for this application. Interference is not a concern. Drawdown caused by pumping will not be significant and should not affect the existing right.

CONCLUSIONS

1. Water is available from the Vermillion East Fork aquifer.
2. The aquifer is under water table conditions. Drawdown caused by pumping should not be significant. Interference is not a concern.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Approval of this application will require the relicensing of Water Right No. 5389-3 to reflect the change in irrigated acreage.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

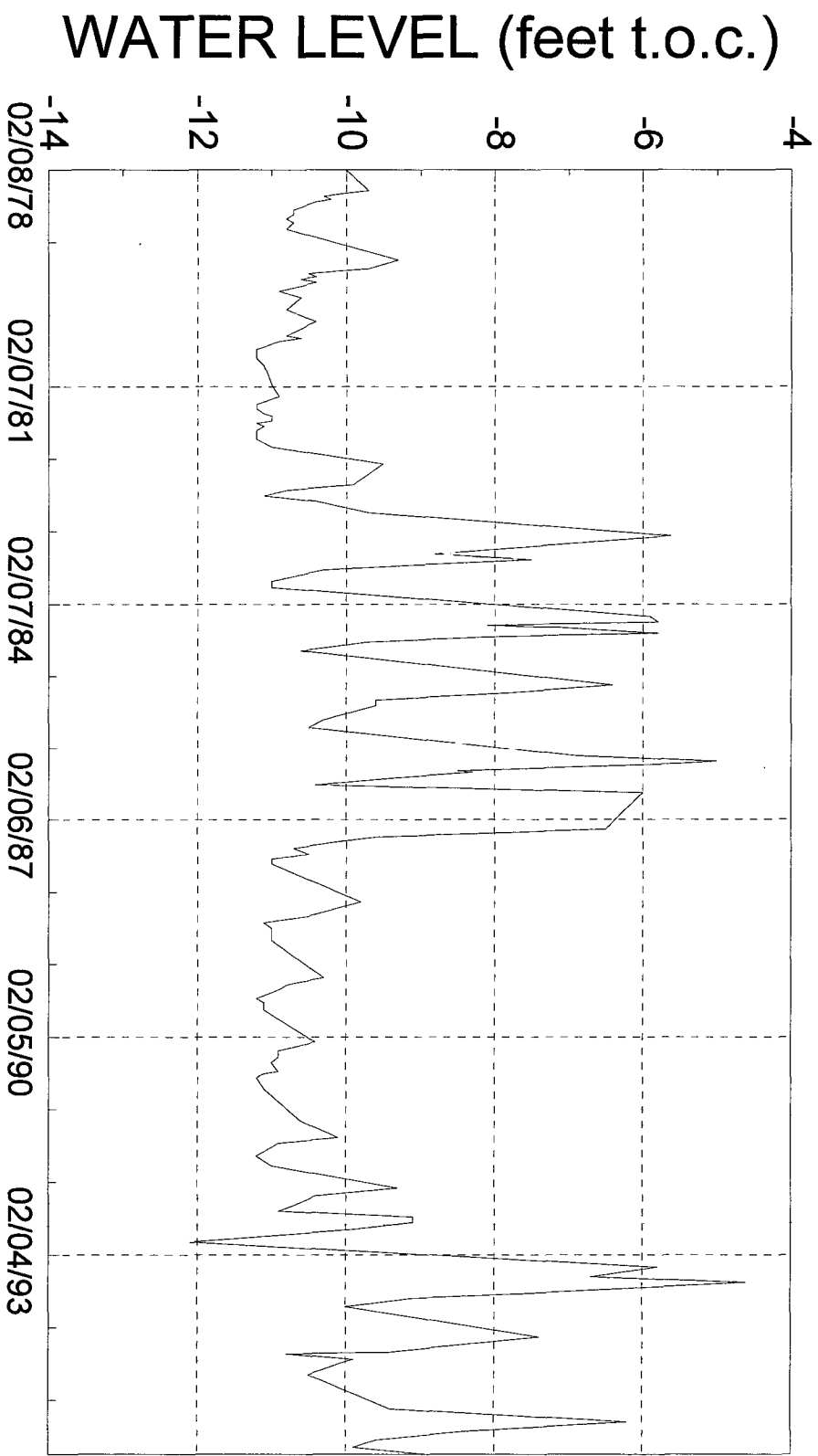
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Lindgren, R.J., D.S. Hansen, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for Turner County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

TU-770



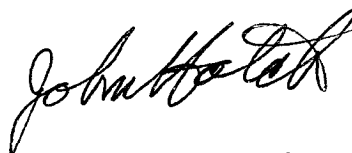
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5914-3, Joel Berens

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5914-3, Joel Berens, 45603 274th Street, Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 5914-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5914-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
March 27, 1996



**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 28, 1996

Joel Berens
45603 274th St.
Parker, SD 57053

Dear Mr. Berens:

Water Permit Application No. 5914-3 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 New Era printed at Parker, SD (Ph # (605) 297-4419). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

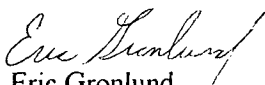
Enclosed is a Notice of Hearing on Application No. 5914-3 to be published twice. Please publish the first notice on April 4, 1996, with the second publication 7 days later.

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 Joel Berens, 45603 274th St., Parker, SD 57053 (Ph # (605) 297-5543).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 April 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5914-3 to Appropriate Water

Notice is given that Joel Berens, 45603 274th St., Parker, SD 57053 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well (Vermillion:East Fork Aquifer) 39 feet deep located in the NE 1/4 NW 1/4 Section 11 to irrigate 120 acres located in the NW 1/4 Section 11; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5914-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 Program, 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 22, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

I, Joe Mein

certify that the attached printed Notice was
taken from the New Era

printed and published in Parker

County of Turner and State of

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

4-4-96 + 4-11-96

Cost of Printing: \$31.57

Joe Mein
(Signature)

Editor
(Title)

4-16-96
(Date Signed)

OK

Notice of Application No. 5914-3 to Appropriate Water

Notice is given that Joel Berens, 45603 274th St., Parker, SD 57053 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well (Vermillion East Fork Aquifer) 98 feet deep located in the NE 1/4 NW 1/4 Section 11 to irrigate 120 acres located in the NW 1/4 Section 11, all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5914-3 because 1.) unappropriated water is available, 2.) existing rights will not be unlawfully impaired, 3.) it is a beneficial use of water, and 4.) it is in the public interest. 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 Program, First 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 22, 1996.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers,
Secretary, Department of Environment
and Natural Resources

#(25) 4-4, 4-11

Subscribe to
The New Era



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

Joel Berens
45603 274th St.
Parker, SD 57053

Dear Mr. Berens:

Enclosed is Water Permit No. 5914-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOEL BERENS, 45603 274TH ST, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5914-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5914-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

ed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JOEL BERENS
45603 274TH ST
PARKER SD 57053

4a. Article Number

119 141 193

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Maria C. Berens

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

Is your RETURN?

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1998

5914-3

Marianna Berens
27426 456th Ave
Parker, SD 57053

Dear Mrs. Berens:

I am writing to acknowledge receipt of the 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" directed to Joel Berens concerning reporting requirements for Water Permit No. 5914-3. I completed a questionnaire for Joel based on our January 26th telephone conversation. The information was received in our office prior to the Water Management Board meeting and Joel's name has been deleted from the agenda.

During our phone conversation you indicated you would like to see the water permit listed in both Ralph and Joel's names. In order to add a name to a water permit, a "Notice of Transfer of Ownership" form must be completed and filed with our office. Enclosed is a partially completed form. Please complete the form and have them sign it in the presence of a notary. A \$2.50 filing fee is required.

If I have misunderstood, and all you wanted done was to direct the yearly irrigation questionnaires to Joel and Ralph, this can be done without filing a transfer form. I can change the address correspondence goes to and add another name as a contact person without changing ownership of the water permit.

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

Sincerely,

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

encl



5914-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: JOEL & RALPH BERENS, 27426 456TH AVE, PARKER, SD 57053

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3 & 6075-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 5914-3 & 6075-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5914-3 & 6075-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

5914-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-18-02</u>	
1. Article Addressed to: JOEL & RALPH BERENS 27426 456TH AVE PARKER SD 57053		C. Signature X <u>Joel Berens</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
7001 2510 0004 4797 4586			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2002

5914-3
6075-3

Joel & Ralph Berens
27426 456th Ave
Parker SD 57053

Dear Sirs:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit Nos. 5914-3 and 6075-3.

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

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 5914-3

JAN 15 2003

Date: 01/13/2003

WATER RIGHTS
PROGRAM

I/We request that Water Permit No. 5914-3

formerly owned by: Joel Berens

be transferred to: (name & address) Berens Farms, Ralph G. Berens or Merianna J. Berens
27426 456th Ave., Parker, SD 57053 Telephone No. 605-297-3366

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

120 acres - NW¼ Section 11, T99N, R53W

I/We understand that the validity of Water Permit No. 5914-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Turner)

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

Ralph G. Berens
(Signed)

Subscribed and sworn to before me this 13th day of January, 2003.

Darla A. Luesgen
(Notary Public)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 21, 2033

RECEIVED OF James R. Rasmussen, 17426 45th Ave, Parker SD 57053

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>5914-3</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.

000555

By

David S. White

Chief Engineer

gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2003

5914-3

Ralph G or Merianna Berens
Berens Farms
27426 456th Ave
Parker SD 57053

Dear Mr. & Mrs. Berens:

I am writing to acknowledge receipt of the ownership change for Water Permit No. 5914-3. The transfer has been completed. The water permit formerly listed in the name of Joel Berens is now listed in the name of Berens Farms, % Ralph G or Merianna J Berens.

Enclosed is your Receipt No. 000565 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 ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 2005

5914-3
6075-3

Ralph or Joel Berens
27426 456th Ave
Parker SD 57053

Dear Mr. Berens:

On October 12, 2005 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5914-3, 6075-3 and 6434-3, were completed by Ron Duvall, a staff engineer with our program. The final water right document, the water license, can now be issued for each permit.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. The license fee for Water Permit No. 6434-3 has been submitted. Upon receipt of the \$100.00 fee, we will complete processing the water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

A licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permits, investigation of your water use systems or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 21, 20 05

RECEIVED OF Ralph Berens, 27430 456th Ave, Parker SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5914-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

002100

By

Darland Elbe

Chief Engineer

gm

Permit No. 5914-3
Vermillion River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, October 12, 2005, made a thorough examination of the water use system owned by Berens Farms, c/o Ralph G Berens or Merianna J Berens of 27426 456th Ave, Parker SD 57053 holder of Permit No. 5914-3, bearing the priority of February 29, 1996 authorizing the diversion of 1.71 cu. ft. per second of the waters of ground water (Vermillion East Fork aquifer) for irrigation purposes, in Turner County.

Inspection contact & relationship to permit holder, if applicable: **Joel Berens**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well Co
- 2) No. of Wells 1
- 3) Depth(s) 42 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 12 feet
- 3) Type Plastic

Screen:

- 1) Type Perforated
- 2) Length 30 feet
- 3) Static water level 17 feet

Pump:

- 1) Make Fairbanks Morse
- 2) Model N3R289887OX

Motor:

- 1) Make US Electrical
- 2) Frame 324 TP
- 3) Horsepower rating 40 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 575 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Gifford Hill
- 2) Number of towers 13
- 3) End gun Y
- 4) High pressure
- 5) Capacity 800 GPM

Report of Examination of Works

Permit No. 5914-3

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Yes with hose
- 6) Interlock type electrical
- 7) Injection pump type not at site
- 8) Injection check valve unknown
- 9) Injection line check valve or positive displacement pump unknown
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Yes – for equipment on site

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 1,375 feet S and 1,800 feet E from the NW corner section 11-T99N-R53W (Latitude 43.41278, Longitude -97.07574 -- SE $\frac{1}{4}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in section 11-T99N-R53W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29 acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31 acres

comprising a total of 120 acres of land and the license should be issued for 1.71 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **The S $\frac{1}{2}$ NW $\frac{1}{4}$ is also authorized for irrigation under No. 5389-3 from another well. Irrigation of this area is no longer occurring under No. 5389-3.**



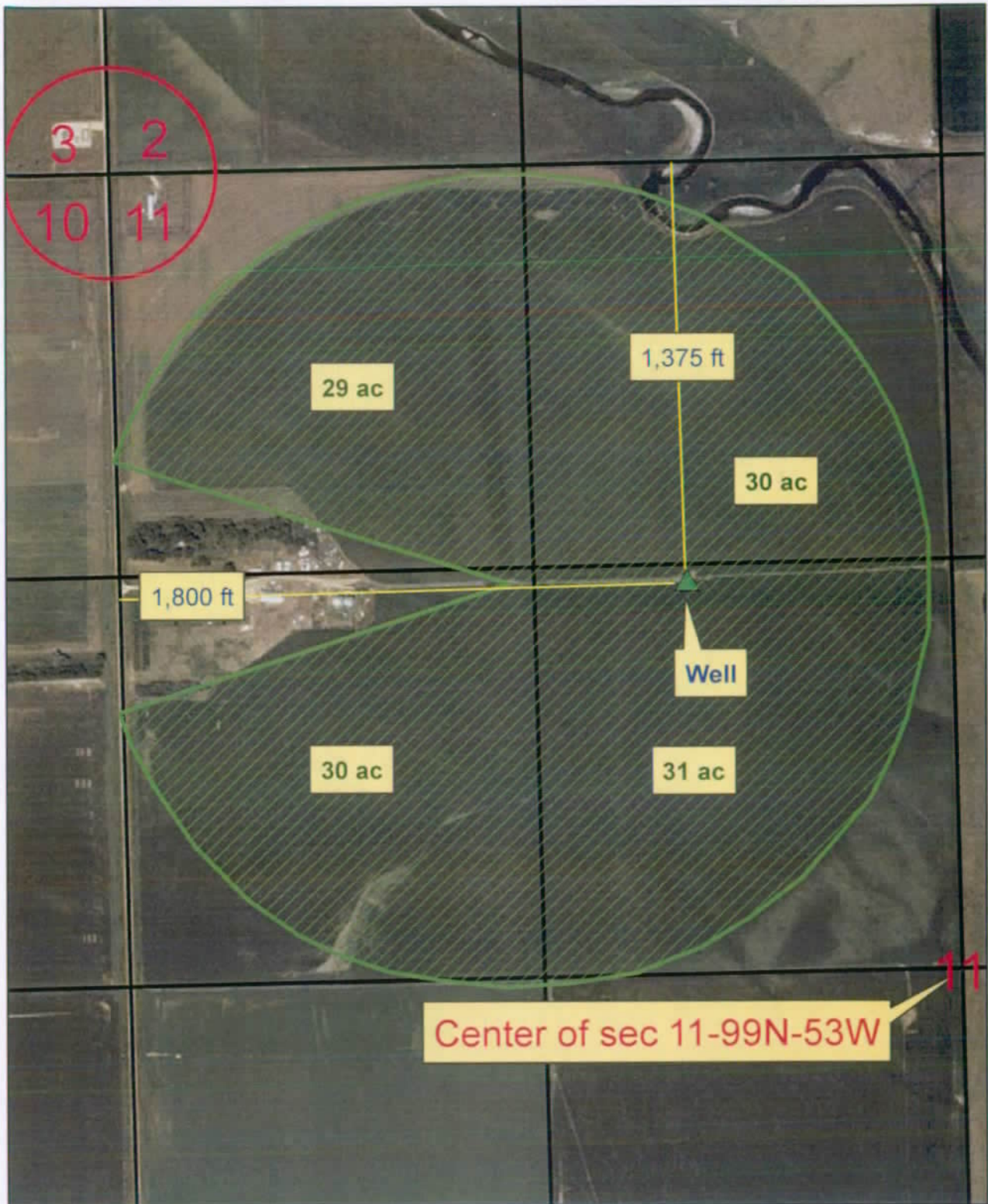
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: December 5, 2005

Scale: 1 inch equals 481 feet

690

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Dec 5, 2005

Water Right No. 5914-3

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Berens Farms c/o Ralph G Berens and Merianna J Berens

ADDRESS: 27426 456th Ave, Parker SD 57053

DATE: December 5, 2005 **COUNTY:** Turner

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Permit No. 5914-3 was approved for a 39 feet deep well to irrigate 120 acres in the NW¼ section 11-T99N-R53W. The well was to be located in the NE¼NW¼ of section 11. As constructed, the well is 42 feet deep located in the SE¼NW¼ of section 11 just across the boundary line separating the quarter-quarters. The water source remains unchanged and the licensed diversion rate will not be increased.

- **If irrigation, no new land is irrigated**

The acreage developed for irrigation is the same as the permitted number of acres – 120 acres

- **Review of Existing Diversions**

The nearest existing diversion in the same ground water source is located approximately 1,550 feet to the Southeast and is used for irrigation by Ken Plucker, Jr. under Water Right No. 5389-3. These two wells have both been in operation since 1998 with no reported interference between the wells.

RECOMMENDED ACTION

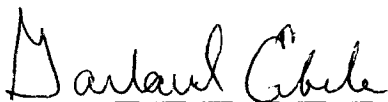
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5914-3

(1) Joel Berens, Parker SD made Application No. 5914-3, February 29, 1996 for a water permit to divert 1.71 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5914-3, with a priority date of February 29, 1996 was approved April 22, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 22, 2001 and for the application to beneficial use of water on or before April 22, 2005.

On January 15, 2003, Water Permit No. 5914-3 was transferred to Berens Farms, c/o Ralph G Berens or Merianna J Berens, 27426 456th Ave, Parker SD 57053.

An investigation conducted for licensing purposes found the well under Water Permit No. 5914-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

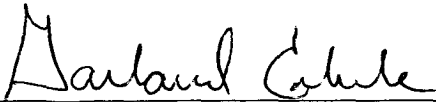
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5914-3 is issued a license, bearing a priority date of February 29, 1996 to appropriate 1.71 cubic feet of water per second from groundwater (one well) to irrigate 120 acres.

The diversion point is located: 1,375 feet south and 1,800 feet east from the northwest corner of Section 11-T99N-R53W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 11-T99N-R53W	NE ¼ NW ¼	30 acres
	NW ¼ NW ¼	29 acres
	SW ¼ NW ¼	30 acres
	SE ¼ NW ¼	31 acres
Total 120 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5914-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 5914-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

JAN 26 2006
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2006

5914-3
6434-3
6075-3

Berens Farms
% Ralph Berens
27426 456th Ave
Parker SD 57053

Dear Mr. Berens:

Enclosed are Water License Nos. 5914-3, 6434-3, 6075-3. The license is the final water right document completing your 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.

Sincerely,

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

enclosures

June 25, 2013

SD Department of Environment & Natural Resources
523 E. Capitol
Pierre, SD 57501-3182

Re: Water Permit# 5914-3

Eric Gronlund –

Please find attached a map of NW1/4 11-99-53, Turner Co., Parker Township showing the location of the existing well and an asterisk indicating the location of the proposed replacement well approximately 300' NE of the existing well. The depth of the proposed well will be approximately 50'-60'.

We certify that no additional water diversion rate over the existing permit is being requested.

No new acres will be irrigated. We are requesting permission to drill a replacement well.

Signed:

Ralph G. Berens

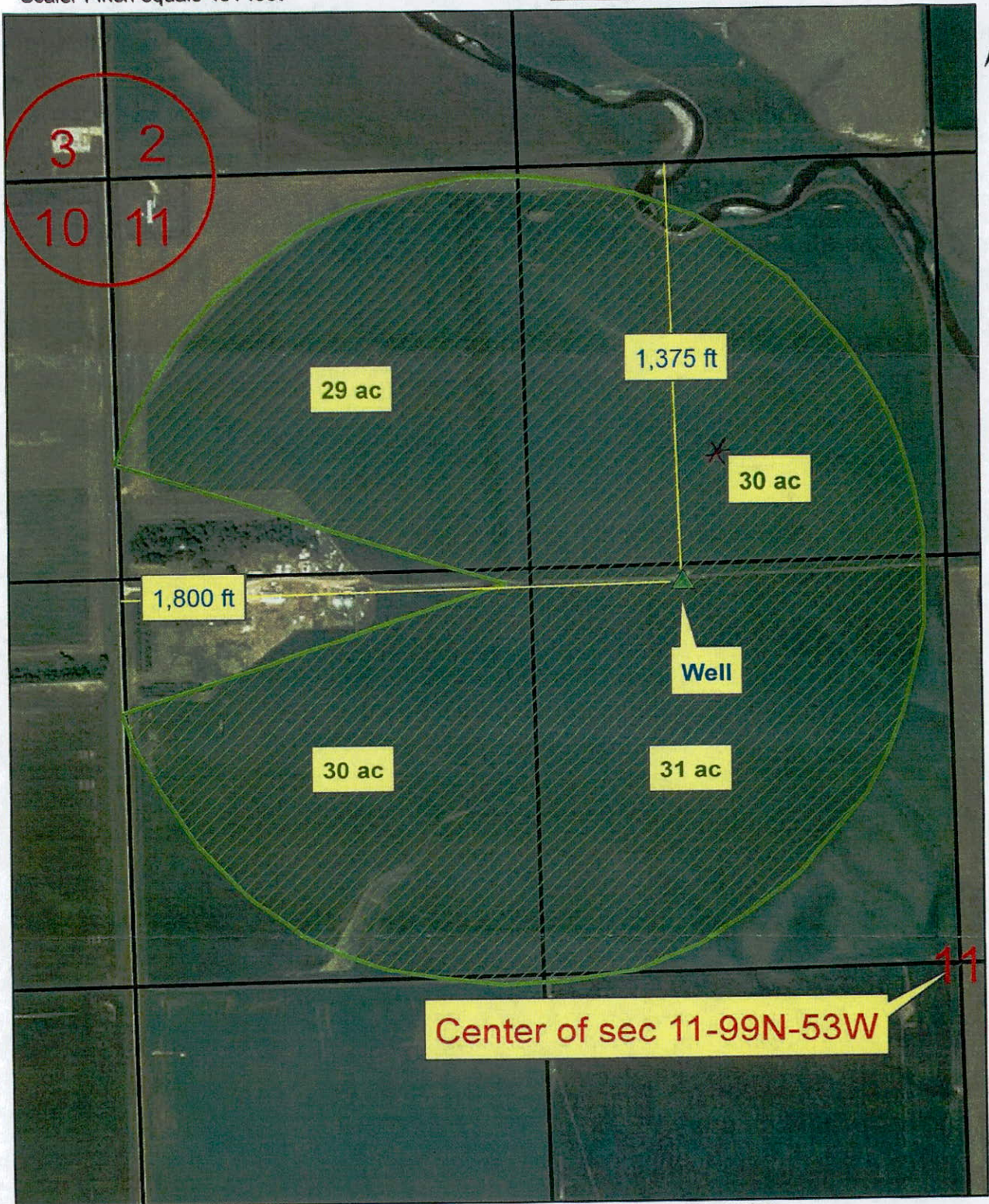
Merianna J. Berens

Ralph G. Berens Merianna J. Berens

Scale: 1 inch equals 481 feet

690

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Dec 5, 2005

Water Right No. 5914-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 2013

Ralph and Merianna Berens
27430 456th Ave
Parker, SD 57053

Subject: Request to Change Well Location

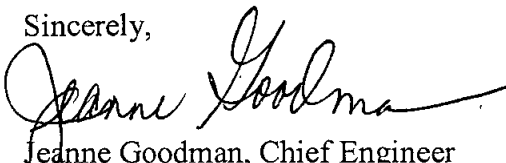
Dear Mr. and Mrs. Berens:

A request has been filed to change the location of the well authorized by Water Permit No. 5914-3. Water Permit No. 5914-3 appropriates 1.71 cubic feet per second from one well completed in the Vermillion: East Fork Aquifer (approximately 42 feet deep) and located in NW ¼ of Section 11, T99N, R53W in Turner Co., Parker Township. The permit has a February 29, 1996, priority date and is conditioned with the well interference, well construction and irrigation questionnaire qualifications.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location to 300 feet northeast of the existing well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate from the Vermillion: East Fork Aquifer is authorized.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

File No. 5914-3

Approval of a Change of Diversion Point

NAME: Berens Farms

ADDRESS: 27430 456th Ave

DATE: July 18, 2013

COUNTY: Turner

TELEPHONE: (506) 297-3366

BACKGROUND:

Water Permit No. 5914-3 appropriates 1.71 cubic feet per second (cfs) from one well completed into the Vermillion: East Fork Aquifer (approximately 42 feet deep) and located in NW ¼ of Section 11, T99N, R53W in Turner Co., Parker Township. The well has a February 29, 1996, priority date and is being used for irrigation.

Ralph and Merianna Berens have requested to replace the current well with a new well located approximated 300 feet to the NE of the existing well and will have a depth of 50 to 60 feet. Mr. and Mrs. Berens certify that the new well will not appropriate any additional water and that no new acres will be irrigated.

AUTHORITY

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be approved provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- The new point of diversion is from the same source of water, no additional water is appropriated, and no new land is to be irrigated.

The water source authorized by Water Permit No. 5914-3 is in the Vermillion: East Fork Aquifer. The original well was estimated to be 42 feet deep. The new well, with a depth of 50 to 60 feet will be completed within the Vermillion: East Fork Aquifer.

No additional appropriation of water is authorized, and no new land is to be irrigated.

Water Permit No. 5914-3 appropriates 1.71 cfs, and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water right databases were reviewed for the nearest domestic wells and commercial water rights on file. The nearest domestic and irrigation (Water Right No.

2734-3) wells are both located approximate 2000 feet to south from the original well location. The new location will place the irrigation well approximately 300 farther from the closest irrigation and domestic wells. Given the increase in distance between the new well location and the closest existing water right, pumping from this new location is not anticipated to affect existing rights.

Observation Well Data

The Water Rights Program monitors an observation well within the Vermillion: East Fork Aquifer about 1.6 miles northwest of the existing well. Monitoring of this well shows no long term drawdown of the water level as a result of pumping in the area.

CONCLUSION

- The change in well location does not propose to appropriate additional water.
- The well will be completed into the Vermillion: East Fork Aquifer.
- Given the distance from domestic and existing water rights, interference is not expected to be a concern.

RECOMMENDED ACTION

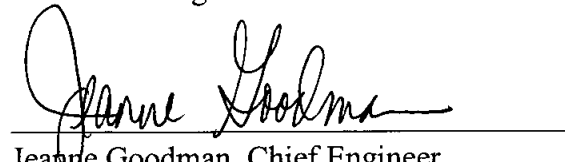
Based on the above criteria, it is recommended that the request for a change of diversion point location to a point located 300 feet to the northeast of the existing well be approved.



Bracken Capen
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that:

This change in the diversion point does not increase the potential for adverse effects to existing diversions.



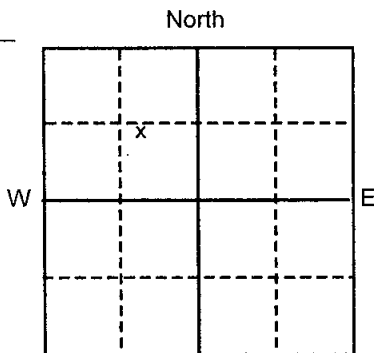
Jeanne Goodman, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se 1/4 nw 1/4 Sec 11 Twp 99n Rg 53wCounty Turner

Please mark well location with an "X"



Well Completion Date

4/14/15

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

1,300.0 ft. from feed lot (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	20.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
bent grout	10	9.4 Lb/gal	0.0 Ft	10.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial pvcSlot Size .085 Set From 20.0 Feet to 40.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? hth tabletsLab to which water ☐ No, Why Not?

quality sample sent for analysis

Well Owner: Ralph G. Berens or Merianna J BerensBusiness Name: Berens FarmsAddress: 27426 456 AveCity, State, Zip: Parker SD 57053

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, black	0	2
sand, medium	2	6
Gravel, many big rocks!!	6	40

STATIC WATER LEVEL 17.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

26.3 Ft. After 2.0 Hrs. pumped 500.0 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: 400.0 GPM

REMARKS

RECEIVED

JUN - 5 2015

WATER RIGHTS PROGRAM

This well was drilled under license # 810 and this report is true and accurate.Drilling firm: Heine Electric & Irr., Inc.

Signature of License Representative:

Ryan Hemmingson

Signature of Well Owner or Equitable Property Holder:

Date:

**WATER RIGHTS
PROGRAM**

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 October 12, 20 17

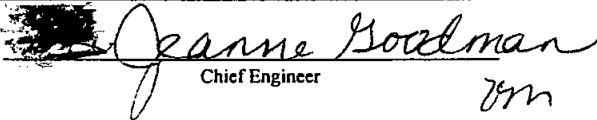
RECEIVED OF MDR Properties 46919 Cody Trail Suite 200 Tea 57064

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 5914-3		
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	50 00

No. **08358**

By


Chief Engineer
Jm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 12, 2017

5914-3

Mike Brown
MDB Properties
46919 Cody Trail Ste 200
Tea SD 57064

Dear Mr. Brown:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 5914-3. The ownership change has been completed.

Water Right No. 5914-3, formerly held by Berens Farms, Ralph or Merianna Berens, is now listed under "MDB Properties".

Each year we mail out irrigation questionnaires to irrigators in South Dakota for reporting water use. Submission of the questionnaire is required on an annual basis. To give you an idea of what type of information to keep track of during the irrigation season, I am enclosing a copy of a past irrigation questionnaire pertaining to Water Right No. 5914-3. As you requested, the form for 2017 will be directed to Berens Farms for completion.

Enclosed for your records is Receipt No. 08358 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



5914-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: MDB PROPERTIES, MIKE BROWN, 46919 CODY TRAIL, STE 200, TEA, SD 57064
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5914-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5914-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

5914-3

Mike Brown
MDB Properties
46919 Cody Trail Ste 200
Tea SD 57064

Dear Mr. Brown:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5914-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

5914-3



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

January 20, 2022

NOTICE

TO: MDB PROPERTIES, MIKE BROWN, 46919 CODY TRAIL, STE 200, TEA, SD 57064
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 5914-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 5914-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZXAETT**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 22, 2022

5914-3

Mike Brown
MDB Properties
46919 Cody Trail Ste 200
Tea SD 57064

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5914-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
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

January 20, 2023

NOTICE

TO: MDB PROPERTIES, MIKE BROWN, 46919 CODY TRAIL, STE 200, TEA, SD 57064

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 5914-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 5914-3 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 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KXZZBB**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2023

5914-3

Mike Brown
MDB Properties
46919 Cody Trail Ste 200
Tea SD 57064

Dear Mr. Brown:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 5914-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
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

January 19, 2024

NOTICE

TO: MDB PROPERTIES, MIKE BROWN, 46919 CODY TRAIL, STE 200, TEA, SD 57064

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) 5914-3. 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) 5914-3 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) 5914-3 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: AGPQEP**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 14, 2024

5914-3

MDB Properties
c/o Mike Brown
46919 Cody Trail, Ste 200
Tea SD 58064

Dear Mr. Brown:

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). 5914-3. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 29, 2024

5914-3

MDB Properties
c/o Mike Brown
27088 SD HWY 11
Sioux Falls SD 57108

Dear Mr. Brown:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to 46919 Cody Trail, Ste 200, Tea SD 57064. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *VGEEJW*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

RETURN TO SENDER
MIKE BROWN
27088 SD HIGHWAY 11
SIOUX FALLS SD 57108-0225
RETURN TO SENDER