

WATER PERMIT NO. 5932-3

Name of Applicant: **James Van DeRostyne**

Address: **RR 1, Box 18, Parker SD 57053**

Phone: **605 332-0366**

Amount of Water Claimed: **0.70 cfs**

Total Acres: **49 acres**

Source of Water Supply: **dugout**

Water to be used for: **irrigation**

County: **Turner**

Type of Waste Disposal System: **NA**

Location: **just north of Parker**

PRIORITY

Date Received: **5-2-96**

Fee: **\$150**

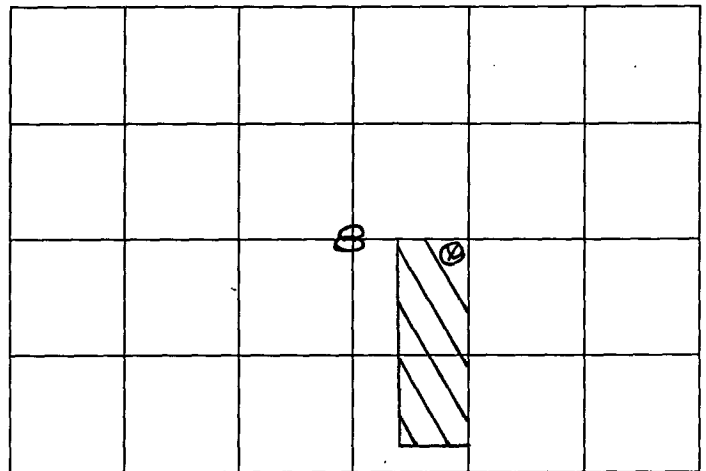
Corrected Application Received:

Period of Annual Use: **April 1 - September 30**

Remarks:

Diversion Point: **NW 1/4 SE 1/4 Sec 8-T99N-R53W**

Land to be Irrigated: **W 1/2 SE 1/4 Sec 8-T99N-R53W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Edie Schoenwald**

Reviewed and the Number Assigned on: **5-2-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 5932-3**

Date of first receipt of application May 2, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5932-3 to James Van DeRostyne, RR 1, Box 18, 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. 5932-3 appropriates 0.70 cubic feet of water per second from a dugout (Vermillion West Fork Aquifer) located in the NW 1/4 SE 1/4 Section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 Section 8; all in T99N-R53W. The dugout will receive incidental surface runoff.
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 May 2, 1996.
4. The date of approval of Permit No. 5932-3 is June 24, 1996.
5. One-fifth of the construction is to be completed on or before December 24, 1998.
6. All construction is to be completed on or before June 24, 2001.
7. Water is to be put to beneficial use on or before June 24, 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 dugout approved under this Permit is groundwater connected and will be located near domestic wells and other wells which may obtain water from the same aquifer. The permit holder shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 18 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>5932-3</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: ☒ 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.) _____

- Donald P. Van De Rostyne - owner
1. Name of Applicant James P. Van De Rostyne ☐ Owner ☒ Tenant/Lessee Phone 605-332-0366 597-3677
 Mailing Address RR 1 Box 18 Parker State SD 57053
 (Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.70 *CFS or 315 **GPM ***AF Total Acreage 49
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Dugout ~~A well made later on~~
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Dugout ~~A later on~~
~~located in the NW 1/4 SE 1/4 Sec 8 T-99N R-53W~~ County Turner
5. County or counties where water will be used Turner
6. Annual period during which water is to be used April 1 to September 30
7. 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
SW 1/4 <u>SE 1/4 Sec 8 T-99N R-53W</u> 40 <u>49</u>			
<u>W 1/2</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

I am planning on irrigating 49 acres at this farm with a tow-gun system,

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

 I, James P. Van De Rostyne, 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 James P. Van De Rostyne

 Subscribed and sworn to before me this 30 day of April 19 96

Notary Public

My Commission Expires October 20, 2001

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others _____

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 100 ft x 100 ft Depth 18 ft
- b) Depth to water (ground surface to water level) 1 1/2 feet

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

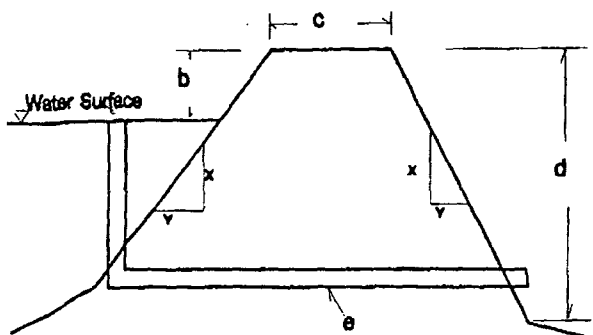
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414938

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 2, 19⁹⁶

RECEIVED OF James P. VanDeRostyne, RR 1, Box 18, Parker, SD 57053

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

Fee for Application for Permit No. <u>5932-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatcher
Chief Engineer

Handwritten notes in blue ink near plot T-1861:

- Water Source
- Dugout
- Eddie Schoenwald
- Turner County PSA

Other labels on the map include:

- T-1869, T-1807, T-3842, T-3367, T-3368, T-4308, T-2493, T-1861
- Acreage values: 19.7, 3.78, 1.21, 87.0, 17.9, 65.0, 3.8, 3, 51.9, 17.0, 5.9, 4, 46.9, 99.53, 4.30, 4.9, 1.8, 3, 17.5
- Large numbers: 61, 8



South Dakota State University
Brookings, South Dakota 57007



Water Resources Research Institute
Telephone 605-688-4910

January 25, 1996

Jim Van De Rostyne
Box 814
Parker, SD 57053

Dear Mr. Van De Rostyne:

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 57 feet in SW 1/4 of Section 26, Township 99, Range 53. We have assigned it lab number 96-0016.

Your water, as represented by this sample, is classified as a high salinity, low sodium hazard for irrigation usage. The electrical conductivity (EC) of this water is 1650 micromhos/cm. The main ions in this water are: calcium (Ca) and sulfate (SO₄). 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 0.33 to 0.91, 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 0.21 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

03/01/1996
Turner

Bill To: Van De Rostyne, Jim
Box 814
Parker, SD 57053

Date Rec'd 01/17/1996
Lab Sample No 96-0016
Source Well
Depth 57
Legal ID: T 99N5 R 3W2 S 6c

cc:

Calcium (Ca)	205 ppm	10.25 me/l
Magnesium (Mg)	110 ppm	9.05 me/l
Sodium (Na)	24 ppm	1.04 me/l
Potassium (K)	8 ppm	0.20 me/l
Sulfate (SO4)	727 ppm	15.14 me/l
Nitrate as N (NO3)	0.09 ppm	0.01 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)	10 ppm	0.28 me/l
Bicarbonate (HCO3)	390 ppm	6.40 me/l
Carbonate (CO3)	0 ppm	me/l
Iron (Fe)	ppm	me/l
Fluoride (F)	ppm	me/l
Manganese (Mn)	ppm	
Boron (B)	0.21 ppm	
Hardness (EDTA as CaCO3)	965 ppm	56.43 gpg
Total Solids	ppm	
Total Cations		20.54 me/l
Total Anions		21.83 me/l
Alkalinity (Methyl Orange)	320 ppm(as CaCO3)	
Alkalinity (Phenolphthalein)	0 ppm(as CaCO3)	
Electrical Conductivity	1658 micromhos per cm at 25°C	
Sodium Adsorption Ratio (SAR)	0.33 Adjusted SAR	0.91
Sodium	5.06 % of Cations	
Residual Sodium Carbonate	0.00 me/l	
pH	7.34	

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

ppm = parts per million

COMMENTS:

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. 96-0016

Speed-Message

Date: 5-1-96

Subject: Eric, Here are the applications + the maps +
the check. Any Questions Please Call me. at

605-332-0366.



Thank You
Jim Mc Donnell

Empire Insurance Agency
4200 S. Louise Ave.
Sioux Falls, SD 57106

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: James Van DeRostyne

ADDRESS: COUNTY: Turner

DATE: May 3, 1996 TELEPHONE:

RE: Called regarding his water permit applications

COMMENTS:

Mr Van DeRostyne called regarding the three applications he submitted. We discussed the following issues:

1. All of the applications should be amended to be solely from the each respective dugout and the reference to a well is deleted. Mr. Van DeRostyne stated that the dugouts are ground water fed and that at sometime in the future he may want to drill wells instead of drawing water from the dugouts. He understood that if this was considered a new water source he will have to apply for a new water permit. If the well is considered the same water source he may be able to amend the water permits but this will still take an application process.
2. Application from the SE $\frac{1}{4}$ Section 8, T99N, R53W
 - He asked that I amend the application to be for 49 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T99N, R53W.
 - I explained the statutory limit for irrigation of 49 acres is 315 gallons per minute. He wanted to know if there's anyway to get a greater diversion rate and limit pumping time. I explained the recent legislative action that would provide more flexibility but stated that statute change will not go into effect until July 1, 1996. He agreed to amending the application to 315 gpm.

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 Henderson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 13, 1996

James Van DeRostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van DeRostyne:

This letter will serve as authorization to you to test pump three dugouts. The three dugouts are located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, T99N, R53W. The dugouts can be pumped at a rate of 400 gallons of water per minute for a maximum of two days (at each site). The time frame to complete the testing is between May 15 and June 15, 1996. The water must be land applied to prevent erosion or possible flooding of adjacent landowner's property.

It is my understanding you wish to determine if the water level declines or remains constant after pumping. You will need to keep in mind that while the area is currently under high water table conditions, this will change from year to year. The water level in the dugouts will decline in dryer years and may not be a reliable source of water.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 5932-3

for James Van De Rostyne

May 16, 1996

Application No. 5932-3 proposes to appropriate 0.70 cfs (315 gpm) from one dugout located in the NW 1/4 SE 1/4 of section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 of section 8; all in T99N R53W in Turner County.

AQUIFER - VERMILLION WEST FORK (VWF)

The Vermillion West Fork is a surficial glacial outwash (sand and gravel) which is under predominantly unconfined or water table conditions. The aquifer underlies 18 square miles and contains an estimated 51,000 acre feet of water in storage in Turner County (Lindgren, 1990). The Vermillion West Fork aquifer is hydraulically connected to the West Fork of the Vermillion River and to the Vermillion East Fork aquifer to the east and north and to the Parker Centerville aquifer to the south. Ground water movement is basically toward the river which probably acts as a discharge zone more often than a recharge zone.

The Water Rights Program monitors one observation well TU-80C which is located about one and one-half miles southeast of this application and completed into the aquifer. 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 observation well is included with this report. Also, it should be noted that ground water levels are relatively high at this time (15.6 feet below measuring point on 5/13/96) and water level declines of 5 to 10 feet can be expected. This would likely mean that a dugout may not be adequate source of water.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permit is a municipal well for the City of Parker. There is also an irrigation well about one-half mile east of this application. The City well is approximately one-half mile south of this application. Interference is not a concern. Drawdown created by pumping is not expected to be significant at this distance between diversion points.

CONCLUSIONS

1. Water is available from the Vermillion West Fork aquifer.
2. Interference is not expected to be a concern. The spacing between diversion point is sufficient to minimize any potential impact.
3. Dugouts in general have proven to be ineffective and unreliable sources of water especially during drought conditions.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

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

WATER RIGHTS OBSERVATION WELL

TU-80C



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5932-3**

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. 5932-3, James VanDeRostyne, RR 1, Box 18, Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 5932-3 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 dugout approved under this Permit is ground water connected and will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 28, 1996

NOTE: The dugout is hydraulically connected to the Vermillion West Fork Aquifer and may be an unreliable source of water especially during drought conditions. An application to amend this water permit is required for the permit holder to construct a well into the aquifer.



**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.

May 29, 1996

James VanDeRostyne
RR 1, Box 18
Parker, SD 57053

Dear Mr. VanDeRostyne:

Water Permit Application Nos. 5932-3, 5933-3 and 5934-3 for irrigation use have 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 recommendations of the Chief Engineer and the reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1996

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5932-3, 5933-3 and 5934-3 to be published twice. Please publish the first notice on June 6, 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 James VanDeRostyne, RR 1, Box 18, Parker, SD 57053 (Ph # (605) 332-0366).

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 applications 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 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 Nos. _____ 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 June 6, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5932-3, 5933-3 and 5934-3 to Appropriate Water

Notice is given that James VanDeRostyne, RR 1, Box 18, Parker, SD 57053 has filed three water permit applications. The dugouts listed as the water sources on the applications are ground water but may receive some incidental surface runoff.

Water Permit Application No. 5932-3 appropriates 0.70 cubic feet of water per second (cfs) from a dugout (Vermillion West Fork Aquifer) located in the NW 1/4 SE 1/4 Section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 Section 8; all in T99N, R53W.

Water Permit Application No. 5933-3 appropriates 1.67 cfs from two dugouts (Parker Centerville Aquifer) located in the SE 1/4 SW 1/4 Section 26 to irrigate 120 acres located in the SW 1/4 Section 26; all in T99N, R53W.

Water Permit Application No. 5934-3 appropriates 1.67 cfs from a dugout (Vermillion West Fork Aquifer) located in the W 1/2 NE 1/4 Section 9 to irrigate 120 acres located in portions of the NE 1/4 Section 9; all in T99N, R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5932-3, 5933-3 and 5934-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 June 24, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Turner) SS

1. Mary Lee

certify that the attached printed Notice was

taken from the New Era

printed and published in Turner Parker

County of Turner and State of

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

June 6, 1996

June 13, 1996

Cost of Printing: \$44.07

Mary Lee
(Signature)

Office Manager
(Title)

6-12-96
(Date Signed)



Notice of Applications
#5932-3, #5933-3,
& #5934-3 to
Appropriate Water

Notice is given that James VanDeRostyne, RR1, Box 18, Parker, SD 57053 has filed three water permit applications. The dugouts listed as the water sources on the applications are ground water but may receive some incidental surface runoff.

Water Permit Application No. 5932-3 appropriates 0.70 cubic feet of water per second (cfs) from a dugout (Vermillion West Fork Aquifer) located in the NW 1/4 SE 1/4 Section 8 to irrigate 49 acres located in portions of the W 1/2 SE 1/4 Section 8; all in T99N, R53W.

Water Permit Application No. 5933-3 appropriates 1.67 cfs from two dugouts (Parker Center-ville Aquifer) located in the SE 1/4 SW 1/4 Section 26 to irrigate 120 acres located in the SW 1/4 Section 26; all in T99N, R53W.

Water Permit Application No. 5934-3 appropriates 1.67 cfs from a dugout (Vermillion West Fork Aquifer) located in the W 1/2 NE 1/4 Section 9 to irrigate 120 acres located in portions of the NE 1/4 Section 9; all in T99N, R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of the Application Nos. 5932-3, 5933-3 and 5934-3 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 applications as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 June 24, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

#1298, June 6 & 13, 1996.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 18 1996

James VanDeRostyne
RR 1, Box 18
Parker, SD 57053

Dear Mr. VanDeRostyne:

Enclosed are Water Permit Nos. 5932-3, 5933-3 and 5934-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

Very truly yours,

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

enclosures

PLEASE NOTE: The dugouts authorized by these water permits are hydraulically connected to the Vermillion West Fork Aquifer (Permit Nos. 5932-3 and 5934-3) or the Parker Centerville Aquifer (Permit No. 5933-3). The dugouts may be an unreliable source of water, especially during drought conditions. An application to amend a water permit is required for the permit holder if a well is constructed into the aquifer to supply water. An amendment to a water permit usually does not affect the established priority date.

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.



5932-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: JAMES VAN DEROSTYNE, RR 1 BOX 18, PARKER, SD 57053

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

SUBJECT: Violation of Water Permit No(s). 5932-3, 5933-3 & 5934-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5932-3, 5933-3 & 5934-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5932-3, 5933-3 & 5934-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 5932-3, 5933-3 & 5934-3 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 28, 1997, 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:

JAMES VAN DEROSTYNE
RR 1 BOX 18
PARKER SD 57053

4a. Article Number

P 378 080 579

b. Service Type

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

c. Date of Delivery

2 - 5 - 97

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *James Van Derostyne*

PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN?

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 1997

5932-3

5933-3

5934-3

James Van Derostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van Derostyne:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, **Notice of Violation of Water Permit Nos. 5932-3, 5933-3 and 5934-3.**

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

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

Sincerely,

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



5932-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JAMES VAN DEROSTYNE, RR 1 BOX 18, 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) 5932-3, 5933-3 & 5934-3. 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) 5932-3, 5933-3 & 5934-3 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) 5932-3, 5933-3 & 5934-3 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JAMES VAN DEROSTYNE
RR 1 BOX 18
PARKER SD 57053

4a. Article Number

2119141514

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 *James Van Derostyne*

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1998

5932-3
5933-3
5934-3

Jim Van Derostyne
RR 1 Box 18
Parker, SD 57053

Dear Mr. Van Derostyne:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 5932-3, 5933-3 and 5934-3.

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

During our telephone conversation on February 23rd, you indicated that the land described in Water Permit No. 5933-3 will no longer be irrigated and you do not wish to maintain the water permit. The water permit will be scheduled for cancellation consideration at an upcoming Board meeting. You will be notified of the time, date and place of the hearing once it is scheduled.

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

No. 5932-3

Date: 2-18-98



I/We request that Water Permit No. 5932-3

formerly owned by: James Van Derostyne

be transferred to: (name & address) Donald Peter Van De Rostyne P.O. Box 487
Parker SD 57053 Telephone No. 605-297-3770

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

I/We understand that the validity of Water Permit No. _____ 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.

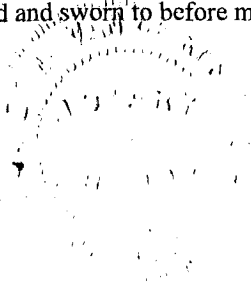
STATE OF SOUTH DAKOTA)

County of Turner)

I/We Donald P. Van De Ro 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.

Donald P. Van De Rostyne
(Signed)

Subscribed and sworn to before me this 18th day of February, 19 98.



Janet M. Van Der Rostyne
(Notary Public)

My Commission Expires 2-20-98

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

415663

Pierre, February 26, 1998

RECEIVED OF James VanDeRostyne (Donald Peter VanDeRostyne), 27656 - 453rd 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 _____

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 Water Permit No. 5932-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

John Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1998

No. 5932-3
5934-3

James VanDeRostyne
27656 - 453rd Ave.
Parker, SD 57053

Dear Mr. VanDeRostyne:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 5932-3 and 5934-3.

Our records now show Donald Peter VanDeRostyne as the owner of Water Permit Nos. 5932-3 and 5934-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Donald Peter VanDeRostyne, P.O. Box 487, Parker, SD 57053.

File No. 5932-3
5934-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Jim Van Derostyne

DATE: February 6, 2007

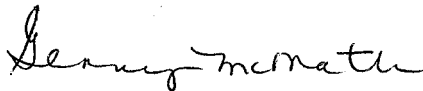
TELEPHONE:

RE: possible changes to Water Permit Nos. 5932-3 and 5934-3, Donald Peter Van Derostyne

COMMENTS:

Jim Van Derostyne called to ask the status of the two permits in his dad's name. He said he was going to be operating the irrigation systems for his dad and perhaps buying the land. He wanted to find out if the permits were still in good standing. I told him that they were if they had not been abandoned or forfeited for non-use. I explained the use it or lose it statute and legal excuse.

He indicated that they had pumped a little water every couple years just to keep the permits up. He thought they would be switching from big gun to center pivot soon. He talked about adding a corner system with the pivot and which would mean they would be irrigating a few more acres. We discussed the fact that he would have to amend the existing permits to add acres. He understood and said he wasn't ready to apply for permits just yet.



Genny McMath
Environmental Scientist

Permit No. 5932-3
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, **01 August 2007**, made a thorough examination of the water use system constructed by **James Van De Rostyne** of **R.R 1 Box 18, Parker, SD. 57053** holder of Permit No. **5932-3**, bearing the priority of **02 May 1996** authorizing the diversion of **0.70** cu.ft. per second of the waters of **the Vermillion West Fork aquifer** for **irrigation** purposes, in **Turner** County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm **Unknown**
- 2) No. of Wells **1**
- 3) Depth(s) **18** feet
- 4) Well log is available **No**

Comment: **System is a dug-out to collect surface runoff**

Pump:

- 1) Make **Unknown**

Motor:

- 1) Make **Unknown**

B. Works used to apply water to beneficial use:

Gun: Tow gun system

- 1) Make: **Unknown**

Chemigation Equipment:

- 1) Does chemigate **N**

C. 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**

Report of Examination of Works

Permit No. 5932-3

The system is in **good** condition with the point of diversion located as follows: **NW ¼ SE ¼ Sec 8-T99N-R53W, approximately 1,443 feet west and 2,470 feet north of the southeast corner of Sec 8-T99N-R53W.** The works are capable of diverting and conveying to the place of use **0.70** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

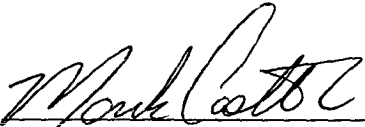
W ½ SE ¼ Sec 8-T99N-R53W

49 acres

comprising a total of **49** acres of land and the license should be issued for **0.70** cfs.

All structures, wells and lands on map **Y**

Comments or other permit(s) associated with the project: **Most equipment was not on-site at the time of investigation. The site is currently being utilized as a gravel pit. The applicant is securing this water right to continue irrigating as the gravel operation ends and the land is reclaimed for agriculture. Applicant has irrigated in past years and has filed irrigation questionnaires.**



Mark Costello

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **17 August 2007**

owned by:
Donald Peter Van Derostyne
PO Box 487
Parker SD 57053



South Dakota

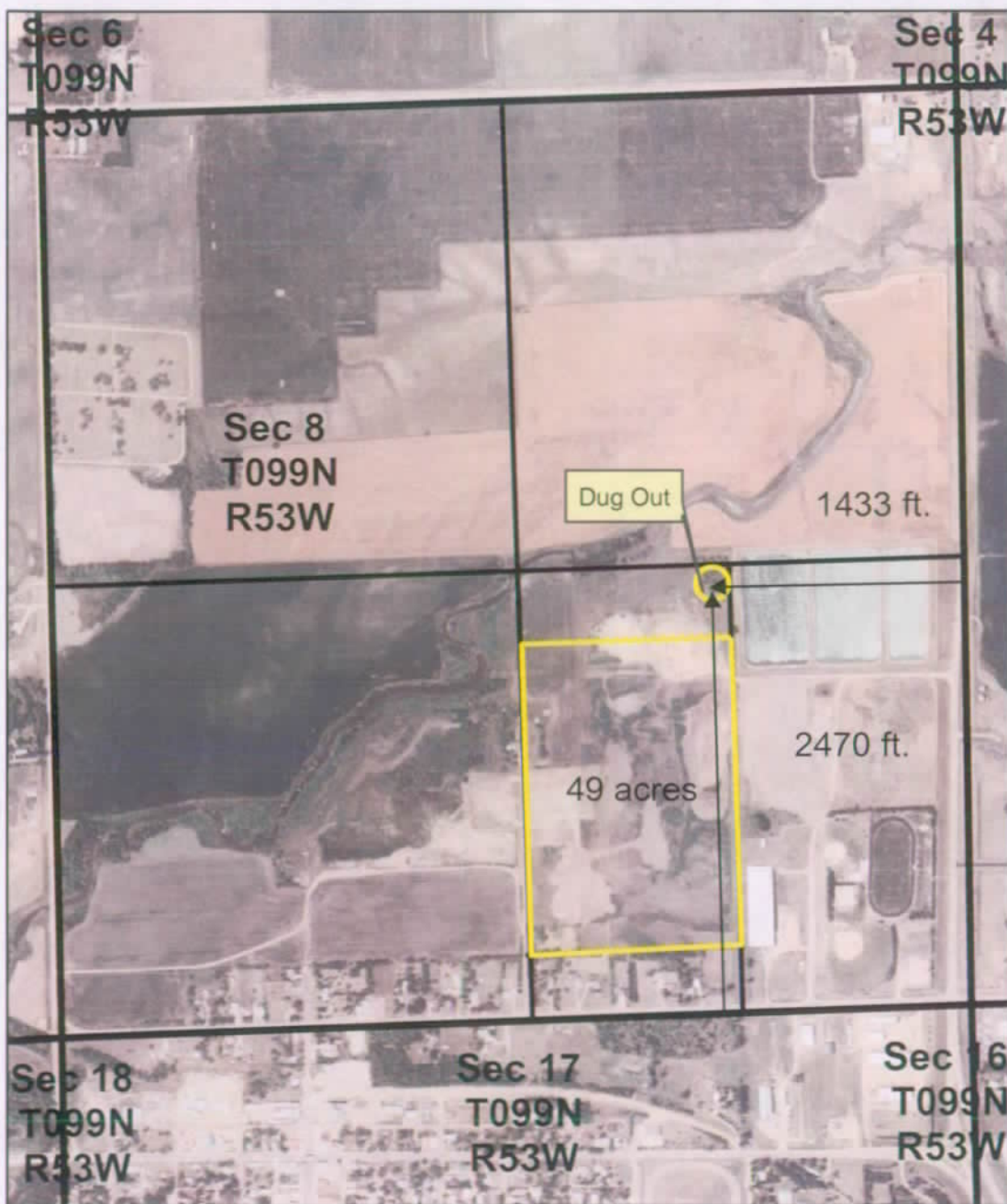
5932-3

James Van DeRostyne
RR 1, Box 18
Parker, SD. 57053

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
17 August 2007



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/30, 2007

RECEIVED OF Donald Van de Kosteine PO Box 487 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		
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>5932-3</u>	50	00
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

03144

By

Garland Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2007

5932-3
5934-3

Donald Peter VanDeRostyne
PO Box 487
Parker SD 57053

Dear Mr. VanDeRostyne:

On August 1, 2007 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5932-3 and 5934-3, was completed by Mark Costello, a staff engineer with our program. The water licenses can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license (each). Upon receipt of a total of \$100.00 from you, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water rights will be similar to property rights 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 me.

Sincerely,

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5932-3

(1) James Van DeRostyne made Application No. 5932-3, May 2, 1996 for a water permit to divert 0.70 cubic feet of water per second from ground water (dugout into the Vermillion West Fork Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 5932-3, with a priority date of May 2, 1996 was approved June 24, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 24, 2001 and for the application to beneficial use of said water on or before June 24, 2005.

On February 26, 1998, Water Permit No. 5932-3 was transferred to Donald Peter Van DeRostyne.

(2) It is certified that the permit holder 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 0.70 cubic feet of water per second for beneficial use. The location of the diversion point is 1,443 feet west and 2,470 feet north of the SE corner of Section 8, T99N, R53W (NW ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

W ½ SE ¼ Section 8, T99N, R53W 49 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald Peter Van DeRostyne, PO Box 487, Parker SD 57053 the holder and/or owner of Water Right No. 5932-3 is issued a license to appropriate water, the right to use 0.70 cubic feet of water per second from ground water (dugout into the Vermillion West Fork Aquifer) with a priority date of May 2, 1996 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5932-3 and subject to the following qualifications:

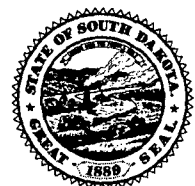
- The dugout approved under this Water Right is ground water connected and will be located near domestic wells and other wells which may obtain water from the same aquifer. The water right holder shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

OCT 17 2007

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

OCT 17 2007

5932-3
5934-3

Donald Peter Van DeRostyne
PO Box 487
Parker SD 57053

Dear Mr. Van DeRostyne:

Enclosed are your Water License Nos. 5932-3 and 5934-3. Water License Nos. 5932-3 and 5934-3 are the final documents which completes the process of obtaining water rights. Included with your licenses are maps prepared by the staff engineer who conducted the field investigation and also your Receipt Nos. 03144 and 03145 in the amounts of \$50.00 each.

As long as you use the water beneficially, as stated in the Water Licenses, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2007

5932-3

5934-3

Donald Peter Van Derostyne
510 W South St
Parker SD 57053-2140

Dear Sir:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to PO Box 487, Parker SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



5932-3
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 21, 2011

NOTICE

TO: DONALD PETER VAN DEROSTYNE, 510 W SOUTH ST, PARKER, SD 57053 2140
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5932-3 & 5934-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 5932-3 & 5934-3 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 9, 2011** 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) 5932-3 & 5934-3 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 4, 2011**, 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.

RECEIVED

JAN 28 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5932-3

Date: _____

I/We request that Water Right No. 5932-3

formerly owned by: Donald James Van DeRostyne

be transferred to: (name & address) James P Van DeRostyne 45388 274th Street
Parker SD. 57053

Telephone No. _____

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

49 acres - W 1/2 SE 1/4 Section 8, T99N, R53W

I/We understand that the validity of Water Right No. 5932-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We James P. VanDeRostyne, the new owner, certify that the above information is true and correct.

James P. VanDeRostyne 1-26-2011
(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.

Empire Insurance Agency Inc

From: Genny.McMath@state.sd.us
Sent: Monday, January 24, 2011 12:39 PM
To: empire@midconetwork.com
Subject: Ownership changes for Water Rights
Attachments: 5934-3frm.doc; 5932-3frm.doc

The attached transfer forms are for your use in changing ownership on Water Right Nos. 5932-3 & 5934-3. Please print them off and complete as needed (yes, I did most of it for you!!) ☺

Thank you

When you are finished with the forms, return them to us with a filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program. Send them back with the questionnaires and you will be all up to date!

. <<5934-3frm.doc>> <<5932-3frm.doc>>

In the event you are interested, you can also view the actual water rights on our website. Go to <http://denr.sd.gov/des/wr/wr.aspx>

Once you get to the website, view the left hand side of the page and scroll down till you see "databases". Choose water rights and you should be able to follow the link from there.

Genny McMath
DENR
Water Rights Program
phone: 605 773-5455
fax: 605 773-4068

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1202 / Virus Database: 1435/3400 - Release Date: 01/24/11

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/28, 20 11

RECEIVED OF James P Vanderostyne 45388 274th St 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. _____		
Fee for Filing Transfer Form <u>5932-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04097

By

Richard Erbe
Chief Engineer

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2011

5932-3
5934-3

James P Van DeRostyne
45388 274th St
Parker SD 57053

Dear Sir:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires, the "Notice of Transfer of Ownership" forms and the filing fees for Water Right Nos. 5932-3 and 5934-3.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 5932-3 and 5934-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

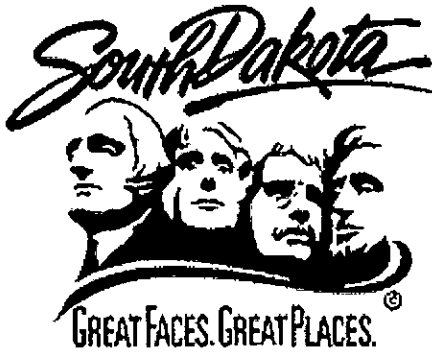
With reference to the ownership changes, the transfers have been completed. The water rights formerly held by Donald are now listed in your name. Enclosed for your records are Receipt Nos. 04897 and 04898 in the amounts of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2019

5932-3

Jo's Family Farms
5005 S Bur Oak Place
Sioux Falls SD 57108

Dear Rachel:

I am contacting you about ownership of land described in Water Right No. 5932-3, currently listed in the name of James P Van DeRostyne. I spoke with Ben Nath who confirmed Jo's Family Farms owns the land.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2019 irrigation questionnaire pertaining to this property. The form will need to be completed and returned to us by December 2nd.

I have included a copy of the water right for your records. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Genny McMath', written in a cursive style.

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

enclosures

PAID

NOV 15 2019

Ck# 3836

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 15 2019

WATER RIGHTS
PROGRAM

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

No. 5932-3

Date: 11/11/19

I/We request that Water Right No. 5932-3

formerly owned by: James P Van DeRostyne

be transferred to: (name & address) Jo's Family Farms, LLC

5005 S. Bur Oak Pl

Sioux Falls, SD 57108

Telephone No. 605-338-4642

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

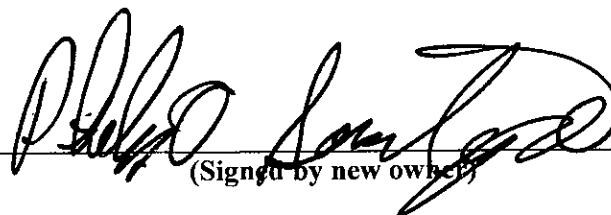
49 acres - W 1/2 SE 1/4 Section 8, T99N, R53W

I/We understand that the validity of Water Right No. 5932-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jo's Family Farms, LLC, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **November 15**, 20 **19**

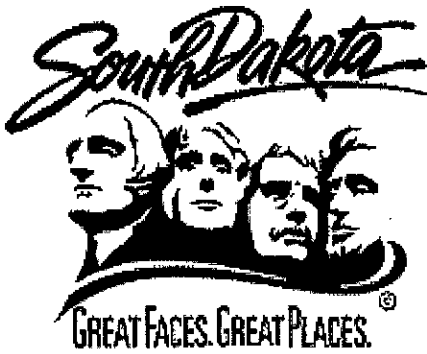
RECEIVED OF **Jo's Family Farms, LLC 5005 S Bur Oak Pl Sioux Falls, SD 57108**

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 _____ 5932-3		
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. _____	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. **09251**

By *Jeanne Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2019

5932-3

Philip O Sonstegard
Jo's Family Farms, LLC
5005 S Bur Oak Place
Sioux Falls SD 57108

Dear Mr. Sonstegard:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 5932-3.

The ownership change has been completed. Water Right No. 5932-3 formerly held by James P Van DeRostyne is now listed under Jo's Family Farms LLC.

Enclosed for your records is Receipt No. 09251 in the amount of \$50. If you have any questions, please let me know.

Sincerely,

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

enclosure