

**WATER PERMIT NO. 6004-3**

Name of Applicant: CSS Farms, Inc.

Address: 3334 9th Ave. SW, Watertown, SD 57201

Phone: 886-2577

Amount of Water Claimed: 0.73 additional

Total Acres: 28 acres additional

Source of Water Supply: one well

Water to be used for: irrigation County: Roberts

Type of Waste Disposal System: N/A

Location: 1 mile south of Ortley

PRIORITY Date Received: 5/8/97

Fee: \$150

Corrected Application Received: XX

Period of Annual Use: April 1 - October 31

Remarks: An additional appropriation of 0.73 cfs, change of acres and irrigation of 28 additional acres to what is currently authorized by Water Permit No. 4554-3. Will allow pivot to make a full rotation

XX

Diversion Point: approx. center of the NW1/4

Section 33, T122N, R52W

XX

Land to be Irrigated: NW1/4, N1/2 SW1/4

Section 33, T122N, R52W

XX

XX

Depth of Well: 70 feet

Well Driller: XX

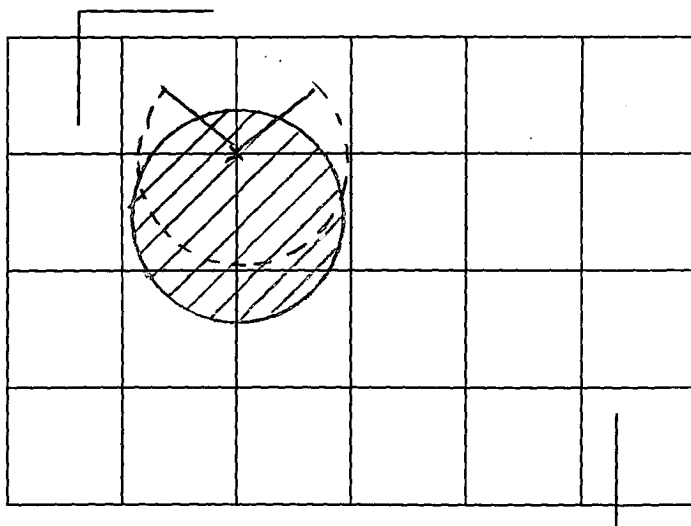
Remarks: existing well

Type of Map: Aerial photo prepared by W.

Stanley Lamb, Codington Co. FSA office

Reviewed and the Number Assigned on: XX 5/9/97

By: Eric Hundert  
Karen Schluck



Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA  
WATER PERMIT NO. 6004-3**

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Date of first receipt of application May 9, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6004-3 to CSS Farms, Inc. c/o Milton G Carter, 3334 9th Ave SW, Watertown SD 57201 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. 6004-3 appropriates an additional 0.73 cubic feet of water per second (cfs), change acres and irrigates 28 additional acres to what is currently authorized by Water Permit No. 4554-3. Permit No. 4554-3 appropriates 1.54 cfs from one well (Big Sioux:North Aquifer) 70 feet deep located in the center of the NW 1/4 Section 33 to irrigate 108 acres located in the NW 1/4 Section 33; all in T122N-R52W. The land authorized by Permit No. 4554-3 has until recently been enrolled in the Conservation Reserve Program. This permit authorizes moving the pivot south of its present location which will enable it to complete a full rotation. The total number of acres irrigated will be 136 acres located in the NW 1/4, N 1/2 SW 1/4 of Section 33; all in T122N-R52W. The total diversion rate will be 2.27 cfs. This diversion rate is in excess of one cfs for each 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is May 9, 1997.
4. The date of approval of Permit No. 6004-3 is July 28, 1997.
5. One-fifth of the construction is to be completed on or before January 28, 2000.
6. All construction is to be completed on or before July 28, 2002.
7. Water is to be put to beneficial use on or before July 28, 2006.
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. Pursuant to SDCL 46-5-6, Permit Nos. 4554-3 and 6004-3 authorize a maximum diversion rate of 2.27 cfs and 2 acre-feet of water per acre per year.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

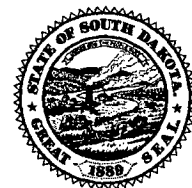
**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

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

AUG 14 1997

date



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

828  
4/16/96

|                                                                                                                    |                                                   |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | (office use only)                                 |
|                                                                                                                    | No. <u>6004-3</u> Hydrologic Unit <u>10170202</u> |
|                                                                                                                    | Basin <u>Big Sioux River</u>                      |
|                                                                                                                    | Newspaper <u>Sisseton Courier, Sisseton, SD</u>   |



## Application For Permit To Appropriate Water For Irrigation

Type of Application:        New        Vested Right   ✓   Amendment/Correction to Permit No. 4554-3  
(check one) (Use predates Mar 2, 1955)

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

Moving center pivot point south so that system can make full rotation (see Map A). Requires change in acres and increase in total gpm.

1. Name of Applicant CSS Farms, Inc. ☐ Owner ☒ Tenant/Lessee Phone 605/886-2577  
(check one)
- Mailing Address 3334 9th Ave. SW, Watertown State SD 57201  
(0.73 cfs add'l) (Street, RR, or Box) (327 add'l) (Zip Code)
2. Amount of water claimed 2.27 \*CFS or 1,020 \*\*GPM \*\*\*AF Total Acreage 136 (28 add'l)  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Existing well authorized under Permit 4554-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
1 well in center of NW 1/4 of 33-122N-52W  
County Roberts
5. County or counties where water will be used Roberts
6. Annual period during which water is to be used April through October 31
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 |
|--------------------------|-------|-------------------------|-------|
| NW 1/4 NW 1/4 -33-122-52 | 10    | NW 1/4 SW 1/4 33-122-52 | 20    |
| NE 1/4 " " " "           | 10    | NE 1/4 " " " "          | 20    |
| SW 1/4 " " " "           | 38    |                         |       |
| SE 1/4 " " " "           | 38    |                         |       |

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

Attached is letter justifying additional cfs/70 acres.  
Moving Pivot south so it may complete full rotation.

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)

SS

County of Codington

I, Milton G Carter, 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 CSS Farms, Inc., by Milton A Carter, Pres.

Subscribed and sworn to before me this 7th day of August 19 97

[Signature]  
Notary Public

My Comm Expires: 4/30/98

-- existing circle -- proposed circle

# NOT TO SCALE



122-52

1670

1860

1152

Roy

the Est.

Well

103-A

50 acres  
of Oats

1149

Area Irrigated NW<sup>4</sup> - 33 - 122-52

Acres Irrigated - 1081.7

Water claimed - 1.54 cfs

122-52

420

103.7

Mr. Tim

Wm & Tom Utne

Irrigation Project #1

Ortley S.D.

Robertson  
Allyn Roseman  
Roberts County

33

70

95.9

Clarence  
Orton

Oct 10 1979  
called covered

John B. [unclear]

~~map # 34123~~ appl 4554-3

# RECEIPT

415346

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ May 2, 19 97

RECEIVED OF CSE Farms, Inc., 3334 -- 5th Ave. SW, Watertown, SD 57201

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

|                                                                                                                              |              |        |
|------------------------------------------------------------------------------------------------------------------------------|--------------|--------|
| Fee for Application for Permit No. <u>6004-3</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)                                                                                             | <b>Total</b> | 150 00 |

By *John A. Metcher*  
Chief Engineer

## CSS FARMS, INC

"Committed To Quality And Service"

3334 9th Ave SW  
Watertown, SD 57201

Office: (605) 886-2577  
Fax: (605) 886-2586

### FAX COVER LETTER

DATE: 4/23/97

TO: Eric Gronlund

FAX #: 605/773-4068

FROM: Milt Carter

FAX #: 605-886-2586

Number of Pages (Including This Cover Page): 2

Please contact Denise at 605-886-2577 if there were problems during transmission.

Message: \_\_\_\_\_

We'd like to move pivot south  
from center of NW quarter so that  
it can make full circle w/out  
crossing road / running into Pearson  
Slough. Please call & let me  
know what we need to do.

Thanks

Milt

# CSS FARMS, INC.

*"Committed To Quality And Service"*

RR 3 - Box 138B  
Watertown, South Dakota 57201-9348  
Office (605) 886-2577

FAX (605) 886-2586  
Potato Storage (605) 886-9749

May 7, 1997

John Hatch  
Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501



Dear Mr. Hatch:

I am writing to request a water diversion of 1,020 gpm (or 2.27 cfs) on 136 irrigated acres in the W 1/2 of 33-122-52 in Roberts County. This is above the statutory limit of one cfs per 70 acres.

Our primary purpose for using this land for irrigation is to grow irrigated Russet Burbank potatoes for the french fry plant in Clark, SD. The soil on this circle is predominantly Renshaw soil. This soil is ideal for growing potatoes because it is fairly sandy. However, its water holding capacity is only 0.18 to 0.20 inches per inch, and it is underlain with gravel at a depth of 15 to 18 inches. Consequently, it is necessary to use fairly light irrigations (normally 0.5 to 0.6 inches per application) to maintain uniform soil moisture conditions (which is necessary to maintain the desired shape and quality in the Russet Burbank potato) and to avoid leaching nutrients (primarily nitrogen) below the rooting zone of the potato. Therefore, we think it is necessary to have at least 7.5 gpm per irrigated acre to do an adequate job of irrigating the crop and protecting the environment.

If you have any questions, do not hesitate to call.

Sincerely,

Milton G. Carter  
President

REPORT ON WATER PERMIT APPLICATION NO. 6004-3  
for CSS Farms Inc.  
June 11, 1997

Application No. 6004-3 proposes to appropriate an additional 0.73 cfs (328 gpm), change acres and irrigate an additional 28 acres in addition to what is currently authorized by Water Permit No. 4554-3. Water Permit No. 4554-3 appropriates 1.54 cfs from one well approximately 70 feet deep located in the center of the NW 1/4 of Section 33 to irrigate 108 acres located in the NW 1/4 of Section 33; all in T122N-R52W in Roberts County. The land authorized by Water Permit No. 4554-3 has until recently been enrolled in the Conservation Reserve Program. This application proposes to move the pivot south of its present location which will enable the pivot to complete a full rotation. The total number of acres irrigated will be 136 acres located in the NW 1/4, N 1/2 SW 1/4 of Section 33; all in T122N-R52W. The total diversion rate will be 2.27 cfs. This diversion rate is in excess of one cfs for 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

#### AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is under predominantly water table or unconfined conditions in this area. The aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Grant and Codington Counties (Hansen, 1990). The aquifer does extend into Roberts County and appears to blend in hydraulically to the Coteau Lakes aquifer. The Big Sioux River is also in hydraulic communication with the aquifer along with some area lakes. Ground water movement is from north to south and toward the river.

The Water Rights Program does monitor an observation well RB-77S which is located within one half mile of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during dry years and gradually declining water levels during wet years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for this observation well is included with this report.

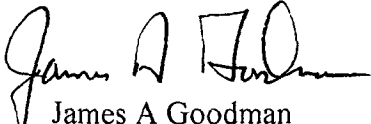
#### REVIEW OF EXISTING WATER RIGHTS/PERMITS

There is an existing water permit/right with a diversion point about one and one half miles south of this application. Interference is not a concern. Drawdown will occur in the vicinity of the production well but should not extend to the distance between the production wells.

#### CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The aquifer is under unconfined conditions. Drawdowns as a result of pumping should not extend very far from the production wells. Interference is not a concern.

3. This is an existing well. Other than the description of the material drilled through and some information on materials used in the well there is very little information on the well construction.
4. The applicant also requests to use a greater diversion rate than the 1 cfs for 70 acres statutory limit. The justification for the increase is because of the soil conditions at this site which would require pumping at this greater rate to maintain soil moisture conditions. This request is reasonable.



James A Goodman  
Natural Resources Engineer

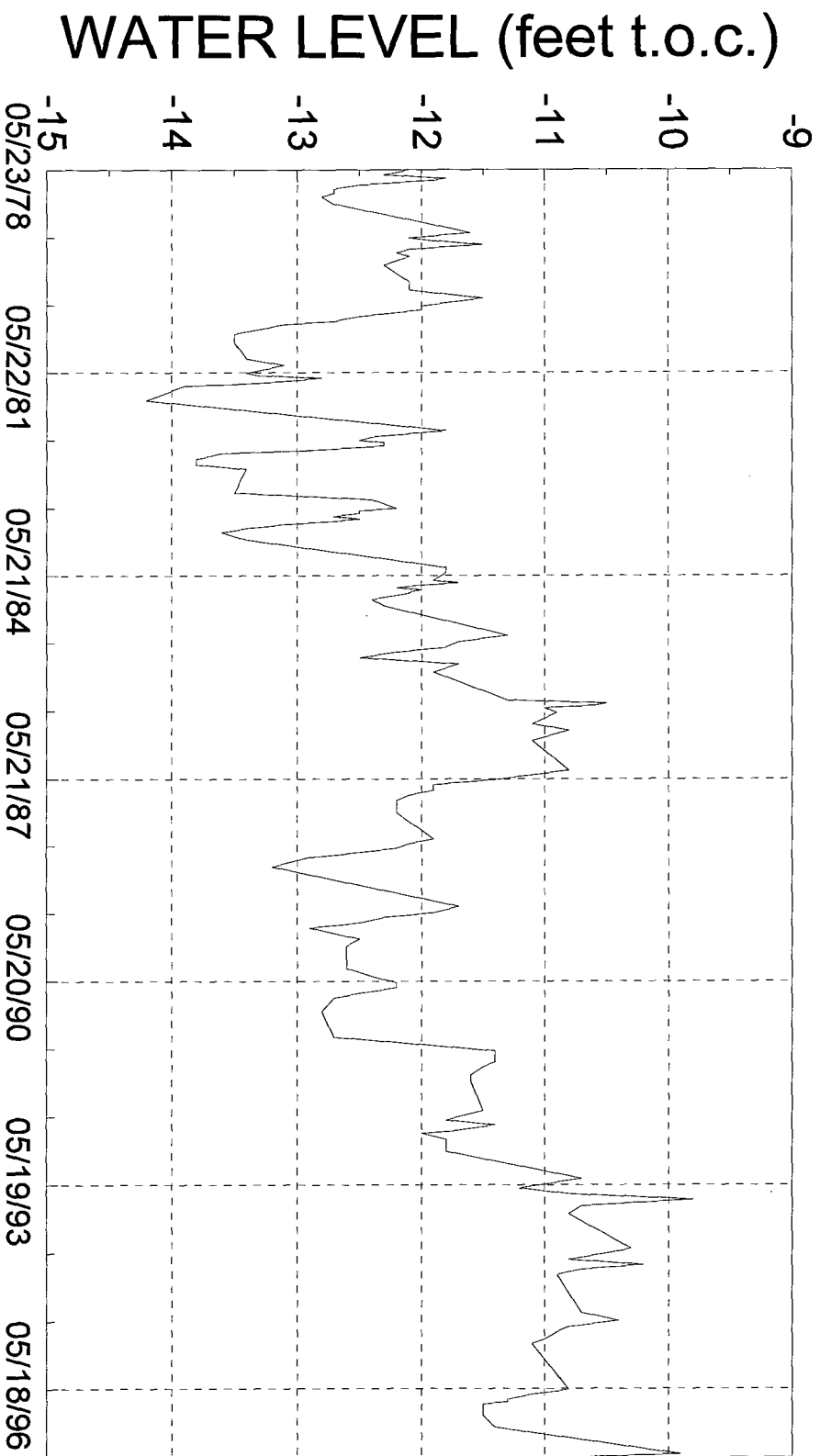
#### BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 1997, Unpublished Observation Well Data for Roberts and Grant Counties, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

# WATER RIGHTS OBSERVATION WELL

RB-77S



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6004-3, CSS Farms, Inc.**

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. 6004-3, CSS Farms, Inc., %Milton Carter, 3334 9th Ave. SW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6004-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following 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. Pursuant to SDCL 46-5-6, Permit Nos. 4554-3 and 6004-3 authorize a maximum diversion rate of 2.27 cfs and 2 acre-feet of water per acre per year.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

  
for JOHN HATCH, Chief Engineer  
June 26, 1997



**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.

July 2, 1997

CSS Farms, Inc.  
%Milton G. Carter  
3334 9th Ave. SW  
Watertown, SD 57201

Dear Mr. Carter:

Water Permit Application No. 6004-3 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 Sisseton Courier printed at Sisseton, SD (Ph # (605) 698-7642). 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

July 2, 1997

Sisseton Courier  
Box 169  
Sisseton, SD 57262-0169

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6004-3 to be published twice. Please publish the first notice on July 9, 1997, 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 CSS Farms, Inc., %Milton G. Carter, 3334 9th Ave. SW, Watertown, SD 57201 (Ph # (605) 886-2577).

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 July 9, 1997, with the second publication 7 days later. The applicant is responsible for payment.

---

### NOTICE OF APPLICATION NO. 6004 to Appropriate Water

Notice is given that CSS Farms, Inc., %Milton G. Carter, 3334 9th Ave. SW, Watertown SD 57201 has filed an application for a water permit to appropriate an additional 0.73 cubic feet of water per second (cfs), change acres and irrigate an 28 additional acres to what is currently authorized by Water Permit No. 4554-3. Permit No. 4554-3 appropriates 1.54 cfs from one well (Big Sioux:North Aquifer) 70 feet deep located in the center of the NW 1/4 Section 33 to irrigate 108 acres located in the NW 1/4 Section 33; all in T122N-R52W. The land authorized by Permit No. 4554-3 has until recently been enrolled in the Conservation Reserve Program. This application proposes to move the pivot south of its present location which will enable it to complete a full rotation. The total number of acres irrigated will be 136 acres located in the NW1/4, N1/2 SW1/4 of Section 33; all in T122N, R52W. The total diversion rate will be 2.27 cfs. This diversion rate is in excess of one cfs for each 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6004-3 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 July 28, 1997.

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.

Form 8



## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County of Roberts ) SS

I, Sylvia Deutsch

certify that the attached printed Notice was taken

from the \_\_\_\_\_

THE SISSETON COURIER

printed and published in Sisseton

County of Roberts and

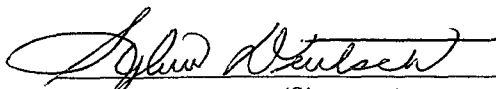
state of South Dakota. The notice was published

in the newspaper on the following two dates:

July 9, 1997

July 16, 1997

Cost of Printing \$49.73

  
(Signature)

Sec'y-Treas.

(Title)

July 15, 1997

(Date Signed)

tion, 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 Right's Program address to request copies of information pertaining to this application.

Nettie H. Myers  
Secretary  
Department of Environment  
and Natural Resources  
(July 9-16--2wks)

## NOTICE OF APPLICATION NO. 6004 TO

### APPROPRIATE WATER

Notice is given that CSS Farms, Inc., %Milton G. Carter, 3334 9th Ave. SW, Watertown, SD 57201 has filed an application for a water permit to appropriate an addition 0.73 cubic feet of water per second (cfs), change acres and irrigate an 28 additional acres to what is currently authorized by Water Permit No. 4554-3. Permit No. 4554-3 appropriates 1.54 cfs from one well (Big Sioux: North Aquifer) 70 feet deep located in the center of the NW 1/4 Section 33 to irrigate 108 acres located in the NW 1/4 Section 33; all in T122N-R52W. The land authorized by Permit No. 4554-3 has until recently been enrolled in the Conservation Reserve Program. This application proposes to move the pivot south of its present location which will enable it to complete a full rotation. The total number of acres irrigated will be 136 acres located in the NW1/4, N1/2 SW1/4 of Section 33; all in T122N, R52W. The total diversion rate will be 2.27 cfs. This diversion rate is in excess of one cfs for each 70 acres, however; pursuant to SDCL 46-5-6 this may be allowed if the method of irrigation, time constraints on diversion of water, or the type of soil so requires.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6004-3 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 July 28, 1997.

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 applica-



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

AUG 14 1997

CSS Farms, Inc.  
%Milton G. Carter  
3334 9th Ave. SW  
Watertown, SD 57201

Dear Mr. Carter:

Enclosed is Water Permit No. 6004-3 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.

NOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USEDate 8/16/97TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181FROM: CSS Farms, Inc. 3334 9th Ave. SW  
(name) (address)  
Watertown SD 57201 605/886-2577  
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6004-3.

Water Permit No. 6004-3 states that the diversion system is to be constructed by July 28, 2002, and that the water is put to beneficial use by  
(date)

July 28, 2006.  
(date)

The diversion system was completed on 8/1/97.  
(date)

Applying the water to beneficial use was completed on 8/1/97.  
(date)

You may schedule an inspection so that the Water License may be issued.

Milton Glaser  
(signature)



July 18, 2002

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

Jim Carter  
CSS Farms  
3334 9<sup>th</sup> Ave SW  
Watertown, SD 57201

Dear Mr. Carter:

This letter is in reference to a complaint we received concerning overspray on public right-of-ways by your centerpivot endguns. On July 1, 2002, Mark Rath from my office investigated the overspray complaint and observed one of your centerpivots overspraying an unimproved section line road between section 3 and 4 in T122N-R52W (Res) in Roberts County. He met with you concerning this matter on July 2, 2002. At that time you acknowledged the problem and indicated you would remedy the situation promptly.

I would like to remind you that you are not allowed to operate an irrigation system in violation of state water law, which includes allowing unauthorized overspraying to occur. I appreciate your efforts at correcting this problem, where they may exist, on any and all of your centerpivots.

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 14, 2002

CSS Farms  
Jim & Ray Carter  
3334 9<sup>th</sup> Ave SW  
Watertown SD 57201

Dear Sirs:

On July 3, 2002 the investigation of several of your water use systems, including the extent of application of water to beneficial use, as developed under the permits was completed by Mark Rath, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. The following permits located in Grant County were inspected.

5968-3 – SW  $\frac{1}{4}$  Section 9-T121N-R52W  
6004-3 - NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 33-T122N-R52W  
6030-3 – NE  $\frac{1}{4}$  Section 17-T121N-R52W  
6098-3 - SE  $\frac{1}{4}$  Section 8-T121N-R52W  
6099-3 – NW  $\frac{1}{4}$  Section 17-T121N-R52W

Upon receipt of the \$250.00 fee, we will complete processing your 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

**Permit No. 6004-3**  
**Big Sioux River - Water District**

Related Permits **4554-3**

**ISSUE LICENSE AS CSS Farms and Don Endres, 3334 9<sup>th</sup> Ave SW, Watertown SD**

Contact Person & Address: **Jim and Ray Carter, 3334 9<sup>th</sup> Ave SW, Watertown SD**

**Report Of Examination Of Works**

On, **July 3, 2002**, I made a thorough examination of the water use system constructed by **Don Endres and CSS Farms** of **3334 9<sup>th</sup> Ave SW, Watertown SD** holder of Permit Nos. **4554-3 & 6004-3**, bearing the priorities of **September 9, 1980** authorizing the diversion of **1.54** cu. ft. per second and of **May 9, 1997** authorizing the diversion of **0.73** cu. ft. per second of the waters of **ground water (Big Sioux North)** for **irrigation** purposes, in **Roberts** County.

The system is in the following condition **good**. The point of diversion is located **from the NW corner of Sec 33 T122N-R52W (res): 1320 ft south and 1320 ft east** with a longitude of **-97.18076** and a latitude of **45.30828** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.22** 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:

All land is located in **Sec 33 T122N-R52W (res):**

|                                 |                                 |                                 |
|---------------------------------|---------------------------------|---------------------------------|
| <b><u>NW ¼ NW ¼ - 10 ac</u></b> | <b><u>NE ¼ NW ¼ - 10 ac</u></b> | <b><u>SE ¼ NW ¼ - 38 ac</u></b> |
| <b><u>SW ¼ NW ¼ - 38 ac</u></b> | <b><u>NW ¼ SW ¼ - 20 ac</u></b> | <b><u>NE ¼ SW ¼ - 20 ac</u></b> |

comprising a total of **136** acres of land and the license should be issued for **2.22** cfs.

**Review of Permit Qualifications And Regulations:**

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

**Report On the Specifics of the System**

**Diversion Point Information:**

**Well Information:**

- |                                              |                                           |
|----------------------------------------------|-------------------------------------------|
| 1) Well Drilling Firm: <b><u>unknown</u></b> | 2) No. of Wells <b><u>1</u></b>           |
| 3) Depth(s) <b><u>70</u></b> feet            | 4) Well log is available <b><u>no</u></b> |

**Casing:**

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| 1) Diameter <b><u>12</u></b> inches | 2) Length <b><u>50</u></b> feet |
| 3) Type <b><u>steel</u></b>         |                                 |

**Screen:**

- |                                             |                                 |
|---------------------------------------------|---------------------------------|
| 1) Type <b><u>NA</u></b>                    | 2) Length <b><u>20</u></b> feet |
| 3) Static water level <b><u>NA</u></b> feet |                                 |

**Pump:**

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| 1) Make <b><u>submersible</u></b> | 2) Model <b><u>?</u></b>           |
| 3) Size <b><u>?</u></b>           | 4) Capacity <b><u>1000</u></b> GPM |

**Motor:**

- 1) Make submersible
- 2) Model No. ?
- 3) Horsepower rating ? hp

**DISTRIBUTION LINES OR CANALS:**

- 1) Type NA

**SYSTEM TYPE:**

**Center pivot:**

- 1) Make Valley
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 1000 GPM

**CHEMIGATION EQUIPMENT:**

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electric
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) **Comments :** none



Mark D. Rath

Natural Resources Engineering Specialist  
DENR, Water Rights Program

11-28-02

Date

No. 6004-3



*South Dakota*



Sec 33 T122N-R52W (RES)

*Mark D. Rath*

Mark D. Rath  
Natural Resources Engineer  
SD DENR

11-6-02

3000

0

3000

6000 Feet

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 20, 20 01

RECEIVED OF CSN Water, Inc., 6634 5th Ave SW, Westmont SD 57201

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 |       | 00.00 |
| 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>0004-S</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. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 00.00 |

No.

0004-S

By

Marland Ebel

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](http://www.state.sd.us/denr)

MAR 11 2003

6004-3

CSS Farms Inc  
% Jim and Ray Carter  
3334 9<sup>th</sup> Ave SW  
Watertown SD 57201

Don Endres  
919 Christine Ave  
Brookings SD 57006

Dear Mr. Carter and Mr Endres:

Enclosed is Water License No. 6004-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000363 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6004-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

NOTE: The applicable portions of No. 4554-3 are incorporated into Water License No. 6004-3.

enclosures

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 6004-3

(1) CSS Farms, 3334 9<sup>th</sup> Ave SW, Watertown SD 57201 made Application No. 6004-3, May 9, 1997 for a water permit to divert 0.73 cubic feet of water per second (cfs) from groundwater (one well), Roberts County, South Dakota for irrigation purposes. Permit No. 6004-3, with a priority date of May 9, 1997 was approved July 28, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 28, 2002 and for the application to beneficial use of water on or before July 28, 2006.

Water Permit No. 4554-3, Don Endres, 919 Christine Ave, Brookings SD 57006, with a priority date of September 9, 1980 authorized diversion of 1.54 cfs to irrigate 108 acres. The applicable portions of No. 4554-3 have been incorporated into No. 6004-3.

(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, CSS Farms Inc and Don Endres, the holders and/or owners of Incorporated Water Right No. 6004-3 are issued a license, bearing priority dates of September 9, 1980 (1.54 cfs) and May 9, 1997 (0.73 cfs) to appropriate 2.22 cubic feet of water per second from groundwater (one well) to irrigate 136 acres.

The diversion point is located: 1,320 feet south and 1,320 feet east from the northwest corner of Section 33-T122N-R52W (center of NW ¼). The acres authorized for irrigation are as follows:

|                                        |           |          |           |          |
|----------------------------------------|-----------|----------|-----------|----------|
| <b>Section 33-T122N-R52W<br/>(RES)</b> | NW ¼ NW ¼ | 10 acres | NW ¼ SW ¼ | 20 acres |
|                                        | NE ¼ NW ¼ | 10 acres | NE ¼ SW ¼ | 20 acres |
|                                        | SE ¼ NW ¼ | 38 acres |           |          |
|                                        | SW ¼ NW ¼ | 38 acres |           |          |
| <b>Total 136 acres</b>                 |           |          |           |          |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6004-3 including the following qualifications:

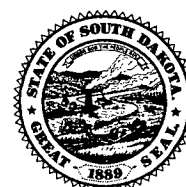
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Pursuant to SDCL 46-5-6, Permit Nos. 4554-3 and 6004-3 authorize a maximum diversion rate of 2.22 cfs and 2 acre-feet of water per acre per year.
- This Permit 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

MAR 11 2013

date





January 30, 2007

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

Don Endres  
919 Christine Ave  
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

On December 12<sup>th</sup>, I forwarded transfer forms to you for filing an ownership change with Water Right Nos. 2120-3, 4588-3A and 5379-3. To date, we have not yet received them from you. Recently, James Carter notified us that Water Right Nos. 5968-3 and 6004-3 should also be listed in your name.

I am sending along additional copies of the transfer forms for Nos. 2120-3, 4588-3A & 5379-3 in the event you no longer have the original set. Also enclosed are partially completed transfer forms for the remaining two water rights along with copies of the respective water rights.

Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the enclosed copies of the water rights. If I can answer any questions for you regarding the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

enclosures

6004-3

| CSS FARMS, Inc.                                                          |                         |                            |         |                                |                  |
|--------------------------------------------------------------------------|-------------------------|----------------------------|---------|--------------------------------|------------------|
| Farm Land with Water Permit #'s                                          |                         |                            |         |                                |                  |
| In CSS Farms, Milt Carter or Other Name                                  |                         |                            |         |                                |                  |
| Please Transfer all Water Permits to Land Owners                         |                         |                            |         |                                |                  |
| Updated:1-16-07                                                          |                         |                            |         |                                |                  |
| CSS FARMS, Inc.                                                          |                         | Permitted                  | Irrig.  |                                |                  |
|                                                                          |                         | Irrig.                     | Permit  |                                |                  |
| Field Name                                                               | Irrigated Land Legals   | Acres                      | #       | Owner                          | Current Operator |
| <b>Codington County:</b>                                                 |                         |                            |         |                                |                  |
| Drake                                                                    | Sec 10 T119N R51W       | 132                        | 3672-3  | Coast Properties Investors LLC | Greg Endres      |
| McElhaney-East                                                           | Sec 16 T118N R52W       | 220                        | 5166-3  | John Norgaard etl              | Terry Endres     |
| Regnier                                                                  | Sec 21 T118N R52W       | 165                        | 5379-3  | Don Endres                     | Terry Endres     |
| Toft-North & South                                                       | Sec 16 T118N R52W       | 190                        | 2120-3  | Don Endres                     | Terry Endres     |
| <b>Grant County:</b>                                                     |                         |                            |         |                                |                  |
| Allison                                                                  | Sec 20 T120N R51W       | 130                        | 5338A-3 | Milton Allison                 | Greg Endres      |
| Berger- South                                                            | Sec 16 T121N R52W       | 132                        | 6099-3  | Endres Family Trust            | Greg Endres      |
| Ollman                                                                   | Sec 17 T121N R52W       | 132                        | 6030-3  | Endres Family Trust            | Greg Endres      |
| Kneeland                                                                 | Sec 9 T121N R52W        | 132                        | 5968-3  | Don Endres                     | Greg Endres      |
| Loken-East                                                               | Sec 10 T120N 52W        | 70                         | 5378-3  | Endres Family Trust            | Terry Endres     |
| Loken-West                                                               | Sec 9 T120N 52W         | 174                        | 5377-3  | Endres Family Trust            | Terry Endres     |
| Meyer-East & South                                                       | Sec 28 & 33 T120N R51W  | 400                        | 3782-3  | Robert L. Carr                 | Greg Endres      |
| Meyer-Middle                                                             | Sec 28 T120N R51W       | 168                        | 5586-3  | Robert L. Carr                 | Greg Endres      |
| Meyer-North & West                                                       | Sec 21 & 28 T120N R51W  | 302                        | 5173-3  | Robert L. Carr                 | Greg Endres      |
| <b>Roberts County:</b>                                                   |                         |                            |         |                                |                  |
| Jake 1                                                                   | Sec 34 T123N R52W       | 156                        | 4604-3  | Endres Family Trust            | Greg Endres      |
| Jake 2, 5 & 6                                                            | Sec 3 & 4 T122N R52W    | 393                        | 4041-3  | Endres Family Trust            | Greg Endres      |
| Jake 3                                                                   | Sec 3 T122N R52W        | 132                        | 5724-3  | Endres Family Trust            | Greg Endres      |
| Jake 4                                                                   | Sec 10 T122N R52W       | 132                        | 5723-3  | Endres Family Trust            | Greg Endres      |
| Richardson                                                               | Sec 3 T122N R52W        | 136                        | 6029-3  | Endres Family Trust            | Greg Endres      |
| Utne                                                                     | Sec 33 T121N R52W       | 136                        | 6004-3  | Don Endres                     | Greg Endres      |
| Total Permitted Acres:                                                   |                         | 3432.0                     |         |                                |                  |
| <b>Note:</b> Endres Family Trust--Jim Endres is the contact person       |                         |                            |         |                                |                  |
| Coast Properties Investors LLC--Dr. L.A. Sigdestad is the contact person |                         |                            |         |                                |                  |
|                                                                          |                         |                            |         |                                |                  |
| Milton Allison                                                           | 1434 Linden Dr.         | Ames, IA 50010-5532        |         |                                | 515-232-3389     |
| Robert Carr                                                              | 506 Washington Ave      | Marshall, MN 56258-7661    |         |                                | 507-532-2291     |
| Don Endres                                                               | 108 Half Moon Rd        | Brookings, SD 57006-3906   |         |                                | 605-690-1385     |
| Jim Endres                                                               | 17212 460th Ave         | Watertown, SD 57201        |         |                                | 605-881-0424     |
| Terry Endres                                                             | 17214 460th Ave         | Watertown, SD 57201        |         |                                | 605-881-0423     |
| Greg Endres                                                              | 2011 South Serenity Dr. | Watertown, SD 57201        |         |                                | 605-880-1711     |
| John Nordgaard                                                           | 542 Terrace Dr.         | Grand Forks, ND 58201-7661 |         |                                | 701-739-3819     |
| Dr. L. A. Sigdestad                                                      | 2605 S Waterman Ave     | San Bernardino, CA 92408   |         |                                | 909-709-6200     |

RECEIVED

JAN 19 2007

WATER RIGHTS  
PROGRAM

RECEIVED

FEB 05 2007

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6004-3

Date: 2-1-07

I/We request that Water Right No. 6004-3

formerly owned by: CSS Farms Inc & Don Endres

be transferred to: (name & address) Don Endres, 919 Christine Ave, Brookings SD 57006

Telephone No. \_\_\_\_\_

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

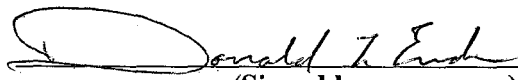
136 acres – NW ¼ and N ½ SW ¼ Section 33, T122N, R52W (reservation)

I/We understand that the validity of Water Right No. 6004-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We DONALD C. ENDRES, 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 Feb 5, 20 07

RECEIVED OF Don Endres, 919 Christine Ave, Brookings SD 57006

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

|                                                                                                                |       |      |
|----------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use |       |      |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |      |
| Fee for Filing Transfer Form <u>Water Right No. 6004--3</u>                                                    |       | 2 50 |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

**02934**

By

Harland Erbele

Chief Engineer

(KG)

6004-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 6, 2007

Don Endres  
919 Christine Ave  
Brookings SD 57006

RE: Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3

Dear Mr. Endres:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees for changing ownership on Water Right Nos. 2120-3, 4588-3A, 5379-3, 5968-3 and 6004-3. The ownership changes have been completed. The water rights listed above are now all listed in your name.

Enclosed are your Receipt Nos. 02924, 02925, 02926, 02927 and 02928. The receipts are for the filing fees you paid for each transfer. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures



6004-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

February 8, 2017

Greg Endres, Operator  
2011 S Sernity Dr  
Watertown SD 57201

Dear Mr. Endres:

A well driller's report filed by Wieber Well Drilling shows that they completed a new well for Greg Endres in September located in the NW 1/4 NW 1/4 Section 33-T122N-R52W.

A review of our files indicates Water Right No. 6004-3 was issued for a 1,000 gallons per minute (gpm) from one well to irrigate 136 acres located in the NW 1/4, N 1/2 SW 1/4 Section 33-T122N-R52W.

Was this new well drilled as a replacement well or an additional well which does not increase the total appropriation of 1,000 gpm? If the authorized diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water right accurately reflects your use of water.

Please contact Eric Gronlund or me regarding the status of this well or if you have any questions.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

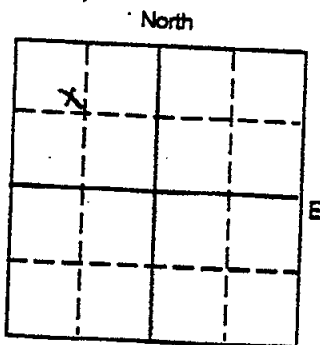
# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 33 Twp 122 Rg 52

County Roberts

Please mark well location with an "X"



Well completion Date

9/16/16

Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)  
? 100 ft. from in Field (Identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Forward Rotary

## CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT      | DIAMETER     | FROM        | TO           | HOLE DIAMETER |
|-----------------|--------------|-------------|--------------|---------------|
| <u>24</u> LB/FT | <u>16</u> IN | <u>0</u> FT | <u>40</u> FT | <u>24</u> IN  |
| LB/FT           | IN           | FT          | FT           | IN            |
| LB/FT           | IN           | FT          | FT           | IN            |

## GROUTING DATA:

| Grout Type     | No. of Sacks | Grout Weight     | From        | To           |
|----------------|--------------|------------------|-------------|--------------|
| <u>Wyo-Ben</u> | <u>10</u>    | <u>10</u> Lb/gal | <u>0</u> FT | <u>30</u> FT |
|                |              | Lb/gal           | FT          | FT           |

Describe grouting procedure Full hole grouting  
Leemie link to 30

## SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 66 Inches Length 20 Feet

Material SS  
Slot Size 100 Set From 40 Feet to 60 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?

- ☒ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Greg Endries

Business Name:

Address1:

Address2:

City, State, Zip: Waterbury, SD 57201

## WELL LOG:

| FORMATION            | DEPTH     |           |
|----------------------|-----------|-----------|
|                      | FROM      | TO        |
| <u>top soil</u>      | <u>0</u>  | <u>2</u>  |
| <u>sandy</u>         | <u>2</u>  | <u>10</u> |
| <u>GRAVEL</u>        | <u>10</u> | <u>20</u> |
| <u>coarse GRAVEL</u> | <u>20</u> | <u>40</u> |
| <u>COURSE GRAVEL</u> | <u>40</u> | <u>60</u> |

## STATIC WATER LEVEL

9' FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

- ☐ Valve

- ☐ Reducers

- ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

yes

## WELL TEST DATA:

- ☐ Pumped

Describe:

Air line

- ☐ Bailed

- ☒ Other

Pumping Level Below Land Surface

40

Fl. After

10

Hrs. pumped

900

GPM

Fl. After

10

Hrs. pumped

900

GPM

If pump installed, pump rate:

900

GPM

## REMARKS

RECEIVED

FEB - 2 2017

WATER RIGHTS PROGRAM

Big Sioux: North W2

This well was drilled under license #

480

And this report is true and accurate.

Drilling firm:

Wieber Well Drilling

Signature of License Representative:

Jerry Wieber

Signature of Well Owner or Equitable Property Holder:

Date:

12-1-2016

523 E. Capitol Ave., Pierre SD 57501

Please return White Copy to DENR Water Rights

## **Water Rights Program - File Documentation**

---

**NAME:** Greg Endres

**ADDRESS:** Watertown

**DATE:** February 13, 2017      **COUNTY:** Roberts      **TELEPHONE:** 605 880-1711

**RE:** Well Completion Report

**COMMENTS:**

Greg Endres called regarding my letter dated February 8, 2017 regarding a well drilled by Wieber Well Drilling. Mr. Endres stated this was a replacement well drilled nearby the old well which caved in.



Karen Schlaak  
Water Rights Program



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

December 15, 2021

6004-3

Greg Pearson  
14356 452<sup>nd</sup> Ave  
Ortley SD 57256

Dear Mr. Pearson:

I am contacting you concerning ownership of land described in Water Right No. 6004-3. Recently when submitting the annual irrigation questionnaire, Greg Endres indicated you now owned 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.

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

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
[Genny.mcmath@state.sd.us](mailto:Genny.mcmath@state.sd.us)

enclosures

**McMath, Genny**

---

**From:** DANRnoreply@caspio.com  
**Sent:** Thursday, December 2, 2021 7:26 PM  
**To:** Duvall, Ron; McMath, Genny  
**Subject:** [EXT] 6004-3 IQ Reported Use in 2021, Yes, 136.00 acres irrigated

**Permit Holder:**

GREG ENDRES, OPERATOR  
2011 S SERENITY DR  
WATERTOWN SD 57201

gregendres@msn.com

If water used, reported in following months:

| Month | Crop 1   | Crop 2 | Crop 3 | Crop 4 |
|-------|----------|--------|--------|--------|
| Mar   | ,        | ,      | ,      | ,      |
| Apr   | ,        | ,      | ,      | ,      |
| May   | ,        | ,      | ,      | ,      |
| June  | CRN, 136 | ,      | ,      | ,      |
| July  | CRN, 136 | ,      | ,      | ,      |
| Aug   | CRN, 136 | ,      | ,      | ,      |
| Sep   | CRN, 136 | ,      | ,      | ,      |
| Oct   | ,        | ,      | ,      | ,      |
| Nov   | ,        | ,      | ,      | ,      |

**Comments:****Additional Info:**

Change ownership to: Greg Pearson 14356 452nd. Ave. Ortley, SD. 57256 gpearson@itttel.com

6004-3

**RECEIPT****WATER RIGHTS PROGRAM**  
South Dakota Department of Agriculture and Natural ResourcesDate January 10, 2022RECEIVED OF Gregory/Colleen Pearson 14356 452<sup>nd</sup> Ave., Ortleby SD 57256

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

|                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$ _____       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   | \$ _____       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         | \$ _____       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$ _____       |
| Fee for Filing Transfer Form <u>6004-3</u>                                                                     | <u>\$50.00</u> |
| Fee for _____                                                                                                  | \$ _____       |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____       |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____       |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____       |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____       |
| (Any Other Work Provided by Law)                                                                               |                |
| TOTAL                                                                                                          | <u>\$50.00</u> |

By Eric Gronlund  
Chief Engineer  
*EG*

PAID

JAN 10 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck#

Rec't#

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

RECEIVED

No.

6004-3

JAN 10 2022

Date:

WATER RIGHTS  
PROGRAM

I/We request that Water Right No.

6004-3

formerly owned by: Don Endres

be transferred to: (name & address)

Gregory Pearson  
14356 452nd Ave  
Ortle, S.D. 57256

Telephone No. 605-747-4949

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

136 acres located in the NW ¼ and N ½ SW ¼ Section 33, T122N, R52W (R)

I/We understand that the validity of Water Right No. 6004-3 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 Gregory Pearson, the new owner, certify that the above information is true and correct.

Gregory Pearson

(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.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 11, 2022

6004-3

Gregory Pearson  
14356 452<sup>nd</sup> Ave  
Ortley SD 57256

Dear Mr. Pearson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership of Water Right No. 6004-3

The ownership change has been completed. The water right formerly held by Don Endres is now listed in your name.

Enclosed is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
[Genny.mcmath@state.sd.us](mailto:Genny.mcmath@state.sd.us)

enclosure



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

January 20, 2023

### NOTICE

TO: GREGORY PEARSON, 14356 452ND AVE, ORTLEY, SD 57256  
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) 6004-3. 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) 6004-3 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) 6004-3 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](mailto: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: SJLJJB**

**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 30, 2023

6004-3

Gregory Pearson  
14356 452<sup>nd</sup> Ave  
Ortley SD 57256

Dear Mr. Pearson:

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. 6004-3. 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