

WATER PERMIT NO. 6029-3

Name of Applicant: CSS Farms

Address: 3334 9th Ave SW, Watertown SD 57201

Phone: 886-2577

Amount of Water Claimed: 2.11 cfs (950 gpm)

Total Acres: 136

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Roberts

Type of Waste Disposal System: NA

Location: 20 miles southwest of Sisseton

PRIORITY

Date Received: 12-22-1997

Fee: \$250

Corrected Application Received:

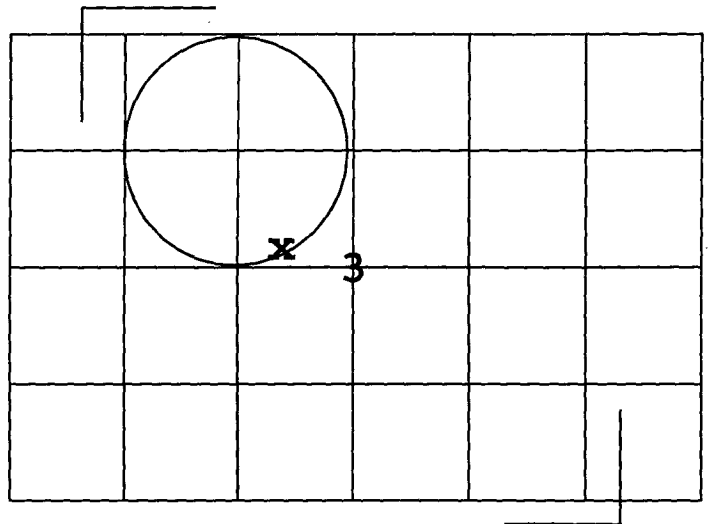
Period of Annual Use: May 1 -September 30

Remarks:

Diversion Point: SE 1/4 NW 1/4

Sec 3-T122N-R52W

Land to be Irrigated: NW 1/4 Sec 3-T122N-R52W



Depth of Well: 77 feet deep

Well Driller: LPT Enterprises, Inc.

Remarks:

Type of Map: aerial

Prepared by: W. Stanley Lamb

Reviewed and the Number Assigned on: 12-28-1997

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6029-3 FOR IRRIGATION

Date of first receipt of application December 22, 1997.

The Water Management Board approved Water Permit Application No. 6029-3 on February 25, 1998 for CSS Farms, 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. 6029-3 appropriates 2.11 cubic feet of water per second (950 gallons per minute) from one well (Coteau Lakes) 77 feet deep located in the SE 1/4 NW 1/4 Section 3 to irrigate 136 acres located in the NW 1/4 Section 3; all in T122N-R52W.
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: May 1 - September 30.
3. The date from which applicant may claim right is December 22, 1997.
4. One-fifth of the construction is to be completed on or before August 25, 2000.
5. All construction is to be completed on or before February 25, 2003.
6. Water is to be put to beneficial use on or before February 25, 2007.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6029-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6, Permit No. 6029-3 authorizes a maximum diversion rate of 2.11 cfs and 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

APR 23 1998

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6029-3</u> Hydrologic Unit <u>10/600/0</u>
	Basin <u>SOUX 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. _____
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant CSS Farms ☐ Owner ☒ Tenant/Lessee Phone 605/886-2577
(check one)
- Mailing Address 3334 9th Ave SW, Watertown State SD 57201
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 2.11 *CFS or 950 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 of NW 1/4
Approx. 700' west of the center of 3-T122N-R52W
County Roberts
5. County or counties where water will be used Roberts
6. Annual period during which water is to be used May 1 - Sep 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
NE 1/4 NW 1/4 3-122-52	34		
NW 1/4 " "	34		
SE 1/4 " "	34		
SW 1/4 " "	34		

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

Center pivot irrigation on quarter section.

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 Codington ss

I, Milton 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

Milton A Carter

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

Kathie L. Oltrop
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 15" Depth 77'
- b) Casing Type Steel Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 12" Thickness Wire Wrapped
- d) Gravel Pack None Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 9.5'
- g) Distance to nearest existing domestic well:
On applicants property None On property owned by others Approx. 3000'

2. Wastewater Disposal System Information

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

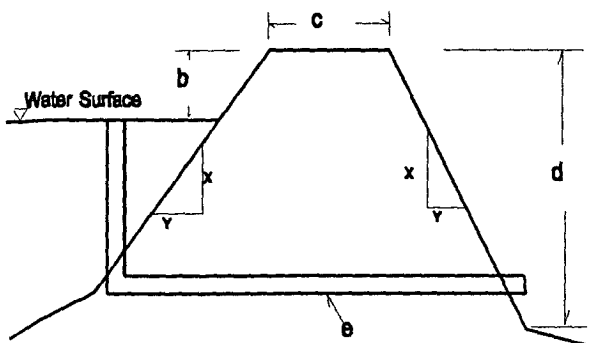
3. Dugout Information

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

4. Water Storage Dams

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

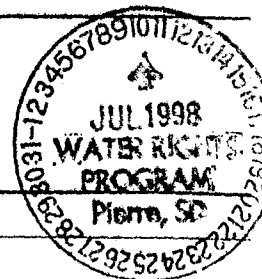
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

6029-3
07-92

Date:





LTP Enterprises, Inc.
Well Drilling

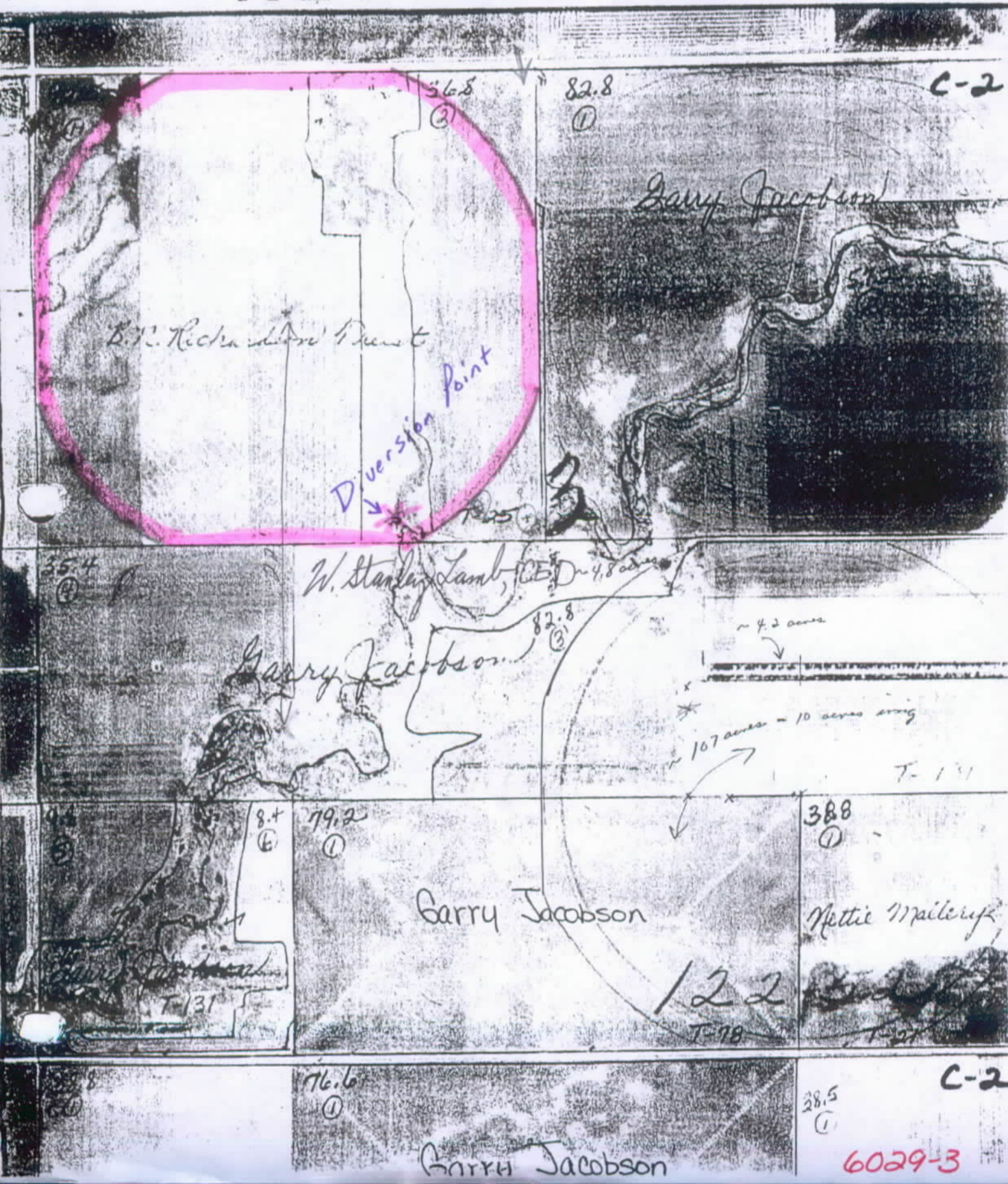
Drilled for CSS Farms By _____ Office _____
 Location of Test Hole SE corner NW 1/4 Sec 3 T122N R52W
 _____ Test Hole No. 1 Well No. TW 1
 Size of test hole 6 3/4 Date started 8-12-97 Date completed _____ Total Hours _____

[illegible]

Driller

John A. M. B.

NOT TO SCALE



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415578

Pierre, December 29, 19 97

RECEIVED OF CSS Farms, Inc., 3334 9th 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>6029-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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	250 00

By _____
Chief Engineer

John Hatch (C)

CSS FARMS, INC.

"Committed To Quality And Service"

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



XX (605) 886-2586
Photo Storage (605) 886-9749

December 19, 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 an increase in the allowed diversion rate from 1.0 to 1.09 cfs per 70 irrigated acres. We would like to have a total of 950 gpm (2.12 cfs) on 136 irrigated acres.

Our primary purpose for developing this land for irrigation is to grow irrigated Russet Burbank potatoes for the french fry plant in Clark, SD. The soil on this quarter is predominantly Fordville and 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 16 to 20 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 7.0 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

REPORT ON WATER PERMIT APPLICATION NO. 6029-3
for CSS Farms
January 15, 1998

Application No. 6029-3 proposes to appropriate 2.11 cfs (950 gpm) from one well approximately 77 feet deep located in the SE 1/4 NW 1/4 of Section 3 to irrigate 136 acres located in the NW 1/4 of Section 3; all in T122N R52W in Roberts County and within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER - COTEAU LAKES (COL)

The Coteau Lakes aquifer is a surficial outwash (sand and gravel) which is under unconfined or water table conditions in this area. The test well log submitted with the application indicates sand and gravel from 2 to 50 feet below land surface followed by coarse sand interbedded with clay from 50 to 77 feet below land surface. The well had a static water level of 9.5 feet below land surface and had a specific capacity of 20.4 gpm/ft of drawdown. Theoretically this well would be capable of producing the amount of water requested. The Coteau Lakes aquifer extends into Day County to the west and underlies about 22 square miles of southwestern Roberts County (Gilbertson, 1996). Ground water movement is from northeast to southwest across the area of this application. Using the area mapped by Gilbertson, the aquifer would contain about 85,000 acre feet of water in storage and would recharge at a rate of about 5,280 acre feet per year. Previous estimates of 180,000 acre feet of water in storage and 11,520 acre feet of recharge per year were made using different aquifer area of about 48 square miles (Goodman, 1992).

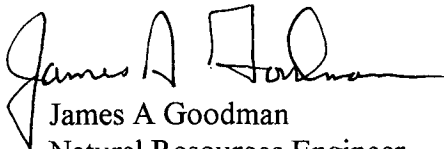
The Water Rights Program monitors six observation wells within a four mile radius of this application completed into the Coteau Lakes aquifer. One of these monitor wells, RB-77T, is located within one mile of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). A hydrograph for this well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation wells in the same section as this application. The distances of these wells from the well for this application are about 1650 feet southwest, 2400 feet northeast and 1600 feet southeast of the proposed well. Interference will occur. In other words drawdown cones should overlap especially during extended pumping during dry years. Since all the permits/rights for these wells are held by the applicant, this potential problem can be managed. The actual drawdown created cannot be estimated without aquifer testing but it is not anticipated that interference will be adverse.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. The aquifer is unconfined or under water table conditions. Drawdown will occur and probably overlap because of the proximity of the three existing wells and the one proposed by this application. Interference is not expected to be adverse. All the wells are controlled by the applicant and any potential problems should be manageable.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant proposes to use more water than 1 cfs per 70 acres. The justification for this request is based upon soil and crop requirements. This request is reasonable.
5. Historically, Water Permit applications have been contested in this area. Originally the concerns were about water availability but more recently the concerns centered around the use of chemicals for farming and possible effects upon the water levels of Hurricane Lake. The most recent Water Management Board action was to approve Water Permit No. 4041A-3 in July of 1997. This application was not opposed and is located within one mile of this application.

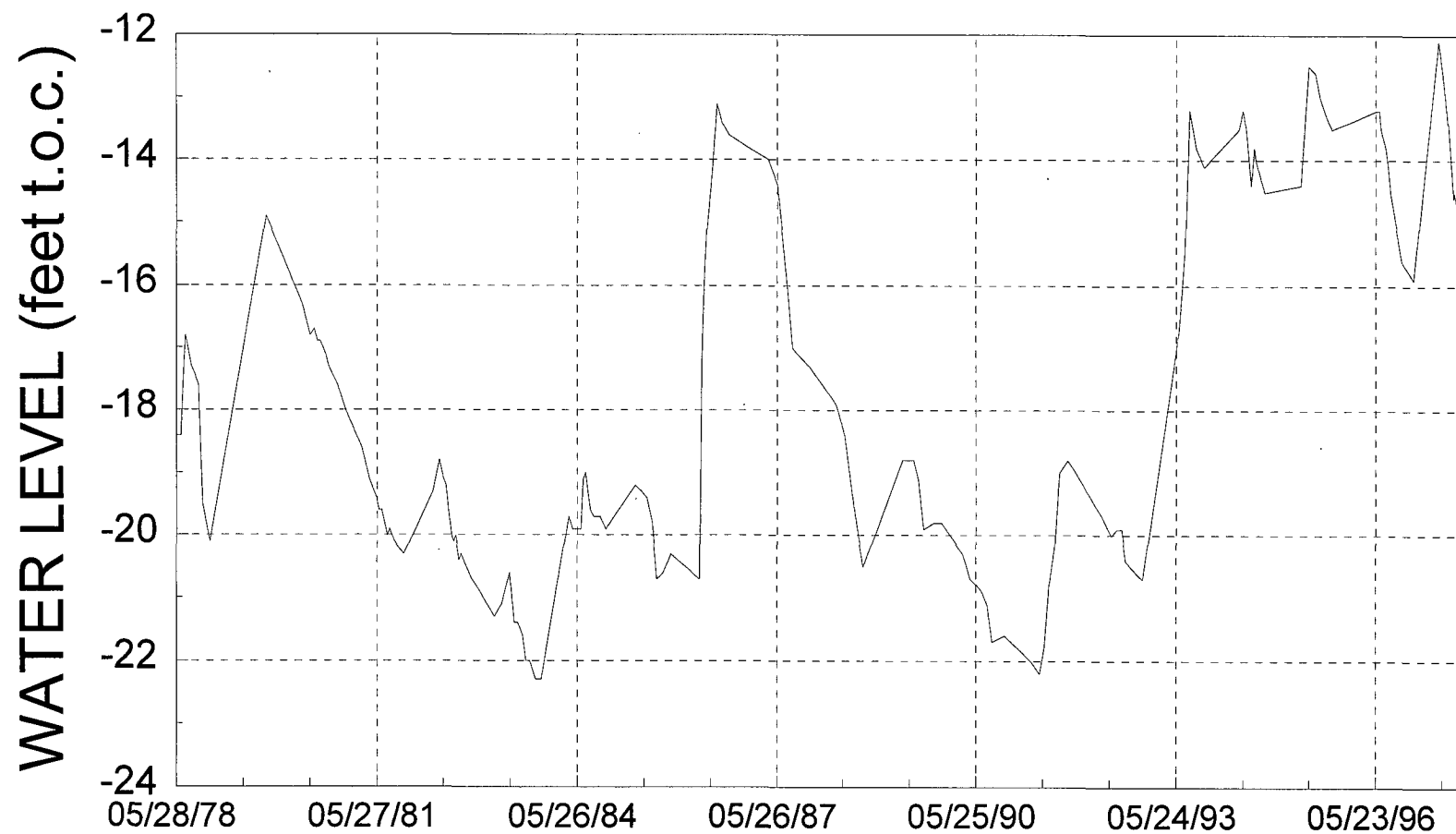

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Gilbertson, J.P., 1996, Investigation of Ground Water Resources in Portions of Roberts County, South Dakota, Open File Report 81-UR, SDGS, Vermillion, SD, 57069.
- Goodman, J.A., 1992, Report on Water Permit Nos. 5723-3 and 5724-3, Presented at the Water Management Board Hearing on September 1, 1993, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.
- Water Rights, 1998, Unpublished Observation Well Records for the Coteau Lakes Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

RB-77T



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6029-3, 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. 6029-3, CSS Farms, Inc., c/o Milton Carter, 3334 9th Ave. SW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6029-3 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. The well authorized by Permit No. 6029-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6, Permit No. 6029-3 authorizes a maximum diversion rate of 2.11 cfs and 2 acre-feet of water per acre per year.
4. 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
January 20, 1998



**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.**

January 22, 1998

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

Dear Mr. Carter:

Water Permit Application Nos. 6029-3 and 6030-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing for Application No. 6029-3 has been sent to the Publisher of the Sisseton Courier printed at Sisseton, SD (Ph # (605) 698-7642), and for Application No. 6030-3, the notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank, SD (Ph # (605) 432-4516). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the applications are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notices of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notices once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have 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 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

January 22, 1998

Sisseton Courier
Box 169
Sisseton, SD 57262-0169

ATTENTION: Legal Department

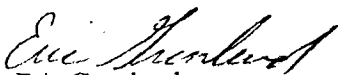
Enclosed is a Notice of Hearing on Application No. 6029-3 to be published twice. Please publish the first notice on January 28, 1998, with the second publication 7 days later.

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, %Milton 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 January 28, 1998, with the second publication 7 days later..
The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6029-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second (950 gallons per minute) from one well (Coteau Lakes) 77 feet deep located in the SE 1/4 NW 1/4 Section 3 to irrigate 136 acres located in the NW 1/4 Section 3; all in T122N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6029-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 February 16, 1998. 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.

The Water Management Board will consider this application at 1:15 p.m. (cst), February 25, 1998, Floyd Matthew Training Center, Joe Foss building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The February 25, 1998, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 16, 1998.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 16, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Roberts)

I, Sylvia Deutsch

certify that the attached printed Notice was taken

from 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:

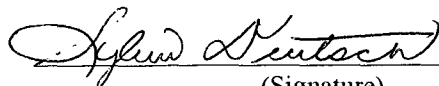
January 27, 1998

February 3, 1998

Cost of Printing \$54.70

Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.
(Jan. 27-Feb. 3--2wks)


(Signature)

Sec'y-Treas

(Title)

February 3, 1998

(Date Signed)

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

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

Dear Mr. Carter:

Enclosed are Water Permit Nos. 6029-3 and 6030-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are two Form 10's, 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 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: Certain changes may be made to your water permits 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.



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

Jim Carter
CSS Farms
3334 9th 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

Permit No. 6029-3
Big Sioux River - Water District

Contact Person & Address: Jim and Ray Carter, 3334 9th 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 CSS Farms of 3334 9th Ave SW, Watertown SD holder of Permit No. 6029-3, bearing the priority of December 22, 1997 authorizing the diversion of 2.11 cu. ft. per second of the waters of ground water (Coteau Lakes) for irrigation purposes, in Roberts County.

The system is in the following condition good. The point of diversions are located from the NW corner of Sec 3 T122N-R52W (Res); well 1 - 2420 ft S and 2500 ft E with a longitude of -97.155283 and a latitude of 45.38155 and ; Well 2 – 2420 ft S and 2230 ft E with a longitude of -97.15613 and a latitude of 45.3783 as determined using GPS. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 3 T122N-R52W (Res):

NW ¼ NW ¼ - 34 ac NE ¼ NW ¼ - 34 ac SE ¼ NW ¼ - 34 ac SW ¼ NW ¼ - 34 ac

comprising a total of 136 acres of land and the license should be issued for 1.78 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: <u>LTP Enterprises</u> | 2) No. of Wells <u>2</u> |
| 3) Depth(s) <u>77 and 76</u> feet | 4) Well logs are available <u>yes</u> |

Casing: Well 1

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>57</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>20</u> feet |
| 3) Static water level <u>55</u> feet | |

Pump:

- | | |
|----------------------------|----------------------------|
| 1) Make <u>submersible</u> | 2) Capacity <u>400</u> GPM |
|----------------------------|----------------------------|

Motor:

- 1) Make submersible

Casing: Well 2

- 1) Diameter 12 inches
2) Length 56 feet
3) Type steel

Screen:

- 1) Type stainless steel
2) Length 20 feet
3) Static water level 55 feet

Pump:

- 1) Make submersible
2) Capacity 400 GPM

Motor:

- 1) Make submersible

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 10 inches 3) Length 1500 feet

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 800 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

8-12-02

Date

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

NAME: CSS Farms**ADDRESS:** 3334 9TH Ave SW**DATE:** 8/12/02 **COUNTY:** Roberts **TELEPHONE:** 605-886-2577**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

The permit holder is authorized to develop one well into the Coteau Lake Aquifer to irrigate 136 acres. The inspection of the water permit found two wells into the Coteau Lakes aquifer had been developed for this project.

AUTHORITY:

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

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

Two wells, one 77 feet deep the other 76 feet deep had been developed into the Coteau Lakes Aquifer.

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

The project irrigates 136 acres in the NW ¼ of Sec 3 T122N-R52W (Res) in Roberts County.

- **Review of Existing Diversions**

There are numerous permitted diversion located with a 3 mile radius of this project there have been no complaints concerning adverse impacts registered and none would be expected.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the two diversion points be licensed as developed.

 8-12-02

Mark D. Rath, Natural Resources Engineering Specialist
Water Rights Program

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

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



Garland Erbele, Chief Engineer
Water Rights Program

No. 6029-3



 8-7-02
Mark D. Rath
Natural Resources Engineer
SD DENR

0.5 0 0.5 1 Miles



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 2002

6029-3

CSS Farms
Jim and Ray Carter
3334 9TH AVE SW
Watertown SD 57201

Dear Sirs:

On July 3, 2002 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6029-3, was completed by Mark Rath, a staff engineer with our program. This permit is located in the NW ¼ Section 3-T122N-R52W, Roberts County. 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 the water license. Upon receipt of the \$50.00 fee, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The 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 permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 1, 20 01

RECEIVED OF CSS Farms Inc., 3334 9th Avenue SW, Watertown 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	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6029-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000003

By

Darland Erbele
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 25 2002

6029-3

CSS Farms
Jim & Ray Carter
3334 9th Ave SW
Watertown SD 57201

Dear Mr. Carter:

Enclosed is Water License No. 6029-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000303 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. 6029-3, 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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6029-3

(1) CSS Farms, 3334 9th Ave SW, Watertown SD 57201 made Application No. 6029-3, December 22, 1997 for a water permit to divert 2.11 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota for irrigation purposes. Permit No. 6029-3, with a priority date of December 22, 1997 was approved February 25, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 25, 2003 and for the application to beneficial use of said water on or before February 23, 2007.

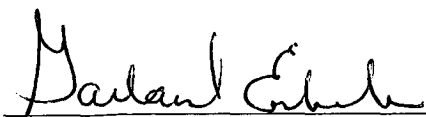
An investigation conducted for licensing purposes found an additional diversion point developed under Water Permit No. 6029-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing water rights.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 2,420 feet south and 2,500 feet east and Well #2 – 2,420 feet south and 2,230 feet east: both from the northwest corner of Section 3-T122N-R52W (SE ¼ NW 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:

Section 3-T122N-R52W (RES)	NW ¼ NW ¼	34 acres
	NE ¼ NW ¼	34 acres
	SE ¼ NW ¼	34 acres
	SW ¼ NW ¼	34 acres
Total 136 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 CSS Farms, 3334 9th Ave SW, Watertown SD 57201 the holder and/or owner of Water Right No. 6029-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (two wells) with a priority date of December 22, 1997 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 6029-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 25 2002

date



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					
		Permitted	Irrig.		
CSS FARMS, Inc.		Irrig.	Permit		Current
Field Name	Irrigated Land Legals	Acres	#	Owner	Operator
Codington County:					
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
Grant County:					
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
Roberts County:					
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			
Note: 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

6029-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2007

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am writing in follow-up to our phone conversation regarding ownership of the above water rights.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 2007

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

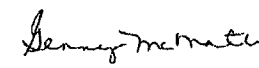
Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. These are water rights that describe irrigation of land formerly owned by CSS Company.

On July 17th I sent transfer forms to you for filing ownership changes and to date I have not received anything back from you. In the event you do not have the original forms, I am including another partially completed set for you to use. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

If the water rights should no longer be transferred, please get in touch with me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

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

July 11, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am contacting you in regard to ownership of land described in Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. These are water rights that describe irrigation of land formerly owned by CSS Company.

On July 17 and September 12, 2007, I sent transfer forms to you for filing ownership changes and to date have not received anything back from you. Under South Dakota Water Law, Notice of any sale, grant, lease or conveyance of a permit or license to appropriate water shall be filed with the Chief Engineer within ninety days. If you no longer own the land and I should be contacting someone else, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

c: Greg Endres, 2011 S Serenity Dr, Watertown SD 57201

6029-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

Thank you for calling and discussing the ownership changes needed for Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3. I have enclosed copies for your review.

Enclosed are partially completed forms for filing ownership changes with each water right. Please complete and sign each form. Upon completion, return them to our office with a required filing fee of \$2.50 each (**total of \$17.50**). The check or money order for the fee can be made payable to the Water Rights Program.

The copies of the water rights are yours to keep. The only items we need back are the signed transfer forms and the filing fee. If I can answer any questions for you, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JUL 30 2008

WATER RIGHTS
PROGRAM

No. 6029-3

Date: 5/21/07

I/We request that Water Right No. 6029-3

formerly owned by: CSS Farms

be transferred to: (name & address) Endrus Family Trust
Endrus Stock & Grain by Jim Endrus
17212 460th ave Watertown, S.D. 57201
Telephone No. 605-886-7342

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

136 acres - NW ¼ Section 3, T122N, R52W (RES)

I/We understand that the validity of Water Right No. 6029-3 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 Jim Endrus, the new owner, certify that the above information is true and correct.

Endrus Family Trust
Endrus Stock & Grain by Jim Endrus
(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 8/28, 20 08

RECEIVED OF ENDRES Family Trust J Endres 17212 460th Ave Watertown 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		
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>6029-3</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.

63156

By *Janet Erbe*
Chief Engineer *Erbe*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 2008

Jim Endres
Endres Family Trust
17212 460th Ave
Watertown SD 57201

RE: Water Right Nos. 5377-3, 5378-3, 5723-3, 5724-3, 6029-3, 6030-3 and 6099-3

Dear Mr. Endres:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water rights. The ownership changes have been completed. The water rights once listed in the name of Milton G Carter or CSS Farms are now listed in the name of "Endres Family Trust".

Enclosed are Receipt Nos. 03732 through 03738 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

We have Gene Endres listed as operator of the systems described in each one of the water rights. The annual irrigation questionnaires will continue to be directed to Gene's attention until you notify us otherwise. If I can answer any questions for you, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-5455
email: genny.mcmath@state.sd.us

enclosures

c: Gene Endres

No. 6029-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 6029-3, Endres Family Trust

ADDRESS: COUNTY: Roberts County

DATE: July 31, 2013 & August 6, 2013 TELEPHONE:

RE: call from Delwin Pies

Mr. Pies called a 1:10 PM to inform me that the system of Endres in the NW $\frac{1}{4}$ of Section 3, T122N, R52W is spraying beyond the property boundaries.

I immediately contacted Greg Endres and he said the GPS system is malfunctioning on that center pivot. He said he has remote computer access enabling him to shut the system down and would do so immediately and get the system functioning properly again.

Mr. Pies called at 8:15 AM on Augst6, 2013. Indicated that NW $\frac{1}{4}$ Section 3 was stopped after I called on July 31st and walked forward and then restarted once it did not come in contact with the road. He stated that there was more irrigating on his property from the pivot in Section 8 to Section 5 (his property) and that the SW $\frac{1}{4}$ of Section 3 would likely be watering non permitted land this evening if the stops are not properly set. I told Mr. Endres to remain vigilant to insure the end gun stops are working properly.

NAME: *Eric H. Hurland*

6029-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 1, 2021RECEIVED OF North Star Cattle & Ranch Company LLC 1116 W Goldthread Circle 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	\$
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>6029-3</u>	\$50.00
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
	\$50.00

By Eric Gronlund
 Chief Engineer
vm

PAID

MAR - 1 2021

Ck# 2006

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED
MAR 01 2021WATER RIGHTS
PROGRAMWater Right/Permit No. 6029 - 3Date: 02/22/2021I/We request that Water Right/Permit No. 6029 - 3 formerly owned by:CSS Farms, 3334 9th Ave SW, Watertown SD 57201

be transferred to:

New Owner Name: North Star Cattle and Ranch Company, LLPAddress: 1116 W Goldthread CircleCity, State, Zip Sioux Falls ☒ SD ☒ 57108 Telephone No. 605-366-7777

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

Lots 1 and 2, Endres Trust Addition in the West Half(W1/2) of Section 3,
South Half of the Northeast Quarter(S1/2NE1/4)and Government Lots 1 and 2 of Section 3;
Northeast Quarter of the Southeast Quarter(NE1/4SE1/4) and the Southeast Quarter of the
Southeast Quarter(SE1/4SE1/4) of Section 4
All in Township 122 North, Range 52, West of the 5th P.M., Roberts County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 6029 - 3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, North Star Cattle and Ranch Company, LLP, 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.

6029-3

B0155-8370 12/04/2020 9:18AM Rec'd by SD SOS

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

STATEMENT OF QUALIFICATION

DOMESTIC LIMITED LIABILITY PARTNERSHIP

SDCL 48-7A-1001

FILING FEE: \$125

Make check payable to SECRETARY OF STATE

1. The name of the Limited Liability Partnership:

North Star Cattle & Ranch Company, LLP

Note: The name shall contain the words "Registered Limited Liability Partnership", or "Limited Liability Partnership", or "R.L.L.P.", or "L.L.P.", or "RLLP", or "LLP" as the last words of the name (SDCL 48-7A-1002)

2. The street address of the partnership's chief executive office in South Dakota, or, if the partnership's chief executive office is not physically located in South Dakota then state the street address of an office in this state, if any.

<u>1116 West Goldthread Circle</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57108</u>
Actual Street Address	City	State	ZIP+4

<u></u>	<u></u>	<u></u>	<u></u>
Mailing Address, if Different from Street Address	City	State	ZIP+4

Email Address (Optional)

IF ADDRESS LISTED IN #2 IS NOT A SOUTH DAKOTA ADDRESS, QUESTION #3 IS REQUIRED.

3. The South Dakota Registered Agent's name

South Dakota law permits the registered agent to be either: **A)** a noncommercial registered agent (this may be an individual), **B)** a commercial registered agent, or **C)** an office holder. **Complete only one below, either (a) or (b) or (c).**

(a) The South Dakota Noncommercial Registered Agent's name: Woods, Fuller, Shultz & Smith P.C. / Attn: Brad Grossenburg

<u>300 S. Phillips Avenue, Suite 300</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57104</u>
Actual Street Address in this State	City	State	ZIP+4

<u>P.O. Box 5027</u>	<u>Sioux Falls</u>	<u>SD</u>	<u>57117-5027</u>
Mailing Address in this State, if Different from Street Address	City	State	ZIP+4

brad.grossenburg@woodsfuller.com

Email Address (Optional)

- (b) When listing a Commercial Registered Agent, please state their CRA#. This number can be obtained from the Commercial Registered Agent.

<u></u>	<u></u>
Commercial Registered Agent Name	CRA#

- (c) Title of the office or other position with the business:

<u></u>	<u></u>	<u></u>	<u></u>
Business Office's Actual Street Address in this State	City	State	ZIP+4

<u></u>	<u></u>	<u></u>	<u></u>
Mailing Address in this State, if Different from Street Address	City	State	ZIP+4

Email Address (Optional)

4. The partnership elects to be a limited liability partnership.

6. If the registration is not to be effective upon filing, the deferred effective date shall be: _____

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

This statement must be executed by at least two partners (SDCL 48-7A-105(c))

Dated November 18, 2020

Email _____
(Optional)

Garry Jacobson
Signature of an authorized person

Garry Jacobson
Printed Name

Dated November 18, 2020

Email _____
(Optional)

Dianne Jacobson
Signature of an authorized person

Dianne Jacobson
Printed Name

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Partnership

I, **Steve Barnett**, Secretary of State of the State of South Dakota, hereby certify that the Registration of Limited Liability Partnership for

North Star Cattle & Ranch Company, LLP

BUSINESS ID# DR192254

with an effective date of: December 4, 2020, duly signed and verified, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the Registration of Limited Liability Partnership.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, December 4, 2020.

Steve Barnett

Steve Barnett
Secretary of State

12/04/2020 10:57 AM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 19, 2021

4041-3
4041A-3
6029-3

Garry Jacobson
North Star Cattle & Ranch Co LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

I am writing to acknowledge receipt of the transfer forms and filing fees you paid for transferring ownership on Water Permit No. 4041A-3 and Water Right No. 6029-3.

The ownership changes have been completed. Nos. 4041A-3 and 6029-3 formerly held by James Endres Trust and CSS Farms are now listed under "North Star Cattle and Ranch Company LLP.

Water Permit No. 4041-3 also needs to be transferred. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the 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.

The receipts for the first two transfers are enclosed. If you need assistance with the transfer form for No. 4041-3, please let me know. Thank you in advance,

Sincerely,

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

enclosures

6029-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: NORTH STAR CATTLE & RANCH CO LLP, GARRY JACOBSON, 1116 W GOLDTHREAD CIRCLE, SIOUX FALLS, SD 57108

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4041-3, 4041A-3 & 6029-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4041-3, 4041A-3 & 6029-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4041-3, 4041A-3 & 6029-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 22, 2022

4041-3
4041A-3
6029-3

Garry Jacobson
North Star Cattle & Ranch Co LLP
1116 W Goldthread Circle
Sioux Falls SD 57108

Dear Mr. Jacobson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. They were submitted today by Chase O'Farrell.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right or Permit Nos. 4041-3, 4041A-3 & 6029-3. 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

4041A-3 & 6029-3

Water Rights Program - DANR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right Nos. 4041A-3 and 6029-3, North Star Cattle & Ranch Co. LLP

ADDRESS: 1196 W Goldthread Circle, Sioux Falls SD 57108 COUNTY: Roberts

DATE: July 14, 2022 TELEPHONE:

RE: Center Pivot overspray

Mr. Delwin Pies called regarding endgun overspray on to the road from pivots located in the NW 1/4 Section 3, T122N, R52W and the E 1/2 SE 1/4 Section 4, T122N, R52W. The water rights associated with these pivots are 6029-3 (NW 1/4 Section 3) and 4041A-3 (E 1/2 SE 1/4 Section 4). The water rights are held in the name of North Star Cattle & Ranch Co. LLP, c/o Gary Jacobson, 1196 W Goldthread Circle, Sioux Falls SD 57108 (ph 605 366-7777).

I contact Chase O'Farrell with Blooming Valley Grain Farms, 14959 461st Avenue, South Shore SD 57263 (ph 605 881-0396). He farms the property and operates the pivots for the water right holder. Mr. O'Farrell indicate he was aware of the past issues with overspray in the area and the one landowner's sensitivity to the issue.

Mr. O'Farrell indicated that the electronic controller for the pivot in the NW 1/4 was hit by lightning rendering it inoperable. He said the new controller is order and should be received and installed in a couple days. I stated that Mr. Pies also called regarding the windshield wipe pivot in the E 1/2 SE 1/4 of Section 4. He was unaware of any problems with that pivot so will check it out.

He stated there is always the chance of wind drift in which some water may be transported a distance in the air. I told him wind drift occurs and we can not regulate its effect. What we do regulate is the direct application of water due to the center pivot, primarily end gun operation when it approaches a road or someone else's property.

Mr. O'Farrell reiterated that he'll look into he matter and correct the problem if it exists.

NAME: Eric Humlund



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

4041A-3
6029-3

July 14, 2022

Chase O'Farrell
Blooming Valley Grain Farms
14959 461st Ave
South Shore SD 57263

Dear Mr. O'Farrell:

The irrigation season is in full swing. This has led to the Department of Agriculture and Natural Resources (DANR) fielding inquiries regarding end gun overspray on to roads. This is just a reminder that a water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right.

DANR received an inquiry alleging the irrigation systems located in the NW 1/4 Section 3-T122N-R52W (Water Right No. 6029-3) and the E 1/2 SE 1/4 Section 4-T122N-R52W (Water Right No. 4041A-3) had irrigation water from the end guns hitting the road. These water rights are held in the name of North Star Cattle & Ranch Co. LLP.

You indicated in your phone conversation with Eric Gronlund, that you were aware of the overspray problem in Section 3 and were taking steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road. You further indicated you unaware of any problems in Section 4 but you would check it out and correct the problem if it exists. Thank you for addressing the overspray as soon as possible.

Sincerely,

Ron Duvall
Water Rights Program, DANR
605 773-3352