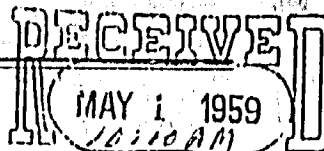


1. Considered June 17, 1959 Appl. No. 663-3
2. Name of Applicant William C. Coulter
3. Post Office Address R.F.D. #1, Pocatello, Idaho
4. Amount of water claimed 2.83 cfs
5. Source of water supply Well
6. Water to be used for Irrigation
Acres to be irrigated 198.5
7. Water to be diverted and used in Blaine County about
12-15 miles NW of Pocatello.
8. Proof of Publication
Received _____
Not Received ✓
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:



No. 603-3
Big Sioux River
 Water Division No. 3
 (Blanks to be Filled by the Engineer for the W. R. C.)

District STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant Buller's Pork Haven Farms, Inc.
RR 1, Brookings, SD 57006
 Postoffice address Brookings, County Brookings, State South Dakota

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
contract and direct labor
 Adequate to accomplish work
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Buller No. 1
 3. Amount of water claimed 83 cubic feet per second
 4. Source of water supply 2 wells
 5. Location of point of diversion 2600' S 49° E and 2225' S 63° E from NW
corner Sec 5, T108N, R49W on Moody bank Moody County.
 6. Annual period or periods during which water is to be used April through October
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? sprinkling

(a) Number of acres to be irrigated 198.5 acres.
lots 2, 3, & 4, 54 NW 1/4, and 50 1/2 NW 1/4

(b) Legal subdivisions to be irrigated NW 1/4 and W 1/2 NW 1/4 Sec 5, T108N, R49W

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) DONE

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use DONE
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 465-3

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$-----
 (e) Other structures ----- \$-----
 Sprinkler equipment
 and (b) Pumping plant, \$10,000-----
 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

-----pumping plant-----

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----
 (b) Reservoir: Capacity when filled -----acre feet. Surface area at highwater mark -----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE FEET CAPACITY

(c) Head gate: Width-----feet; height-----feet;

Material -----

(d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work -----5----- years.

11. Time required for complete application of water to the proposed beneficial use -----4----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

-----Brookings Register, Brookings, South Dakota-----

STATE OF SOUTH DAKOTA

County of Brookings ss.

I, Wm. E. Buller, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Wm. E. BullerSubscribed and sworn to before me this 30 day of April 1957

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Form 2A — Wells (Supplement to Form 2)

D. (Continued)

III. Well Specifications

(North Well)

(a) Hole and casing

Size of drill hole or excavation 30", Depth 30'
 Type of casing Steel (wood, concrete, steel, etc.)
 Size of casing 18", Thickness of casing 14 ga.
 Length of casing 30' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Dempster perforated
 Size of perforated screen 13", 15' (length)
 Thickness of gravel pack 6", length of gravel pack 30'

(c) Water Bearing Materials

Distance to water 8' Character of water bearing material:
 Coarse graded sand and gravel

Thickness of water bearing material

(d) Pump and Motor

Type of pump Centrifugal (centrifugal, propeller, mixed flow, etc.)
 Name of pump size 5"
 Kind of motor Propane (gasoline, electric, diesel, etc.)
 Horsepower 50 Name of Motor Minneapolis - Moline

(e) Complete well

Capacity 600 gpm at drawdown of 15' Estimated cost \$350

(f) Owner of land upon which well is located William C. Buller
 Name
 RFD #1 Brookings, So. Dak. (Moody Co.)
 Address

(g) Distance nearest existing wells

On same owner's property 100 rods. On property owned by others 100 rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications (South Well)

(a) Hole and casing

Size of drill hole or excavation 30", Depth 30'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 18", Thickness of casing 14 ga.
 Length of casing 30' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Dempster perforated
 Size of perforated screen 18" 15'
 (diameter) (length)
 Thickness of gravel pack 6", length of gravel pack 30'

(c) Water Bearing Materials

Distance to water 8' Character of water bearing materials
Coarse graded sand and gravel

Thickness of water bearing material 22'

(d) Pump and Motor

Type of pump Centrifugal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump _____, size 5"
 Kind of motor Propane
 (gasoline, electric, diesel, etc.)
 Horsepower 50, Name of Motor Minneapolis - Moline

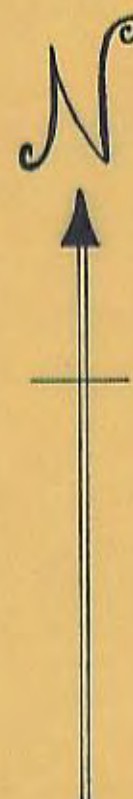
(e) Complete well

Capacity 600 gpm at drawdown of 15', Estimated cost \$350

(f) Owner of land upon which well is located William C. Buller
 Name
RFD # 1 Brookings, So. Dak. (Moody Co.)
 Address

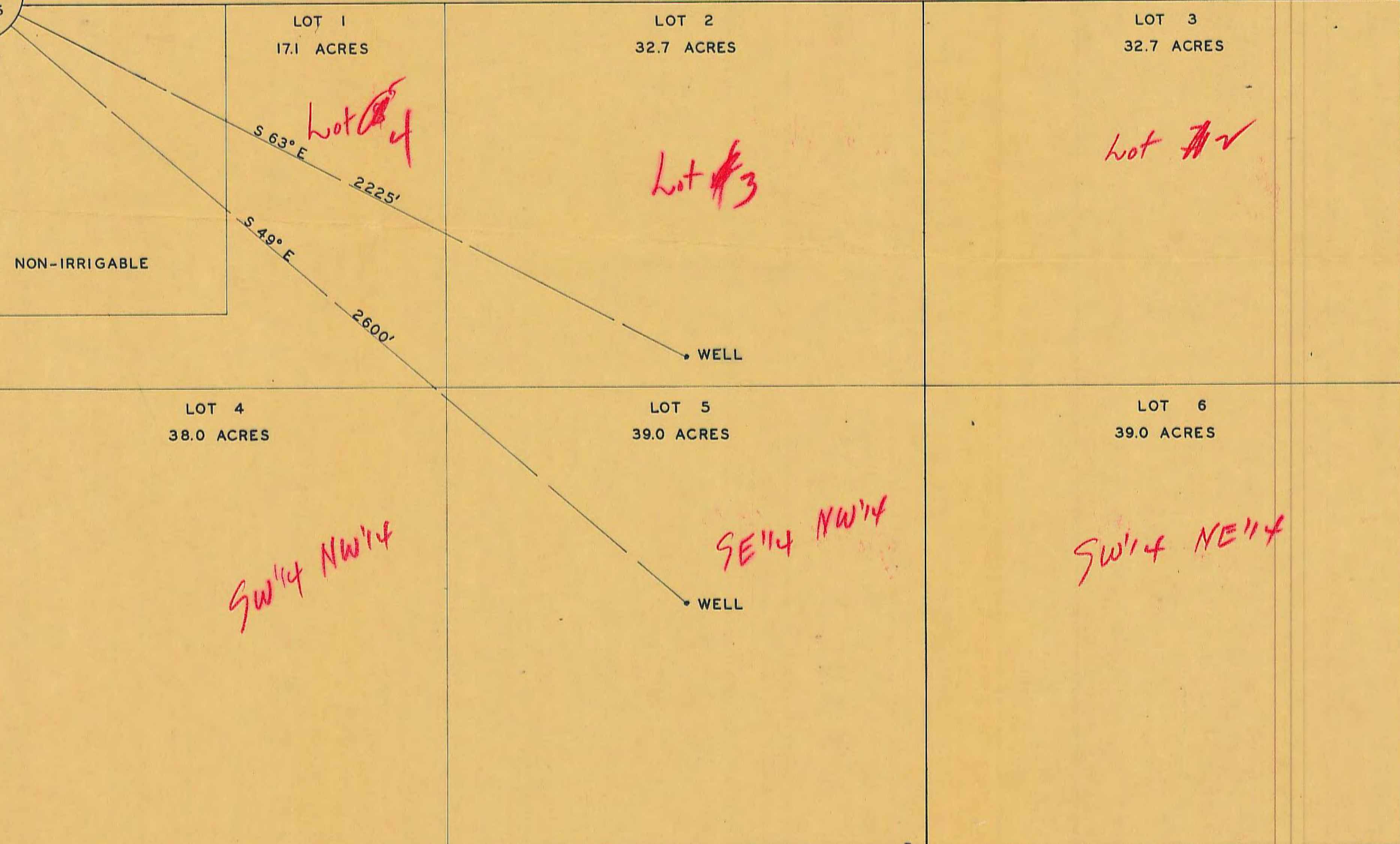
(g) Distance to nearest existing wells

On same owner's property 120 rods. On property owned by others 120 rods



T 109 N
R 49 W

T 108 N
R 49 W



LOCATION OF LAND TO BE IRRIGATED				
BULLER IRRIGATION PROJECT				NO. 1
LOT	SEC.	TWN	RN	ACRES
1	5	108 N	49 W	17.1
2	5	108 N	49 W	32.7
3	5	108 N	49 W	32.7
4	5	108 N	49 W	38.0
5	5	108 N	49 W	39.0
6	5	108 N	49 W	39.0
TOTAL				198.5

NOTE: ALL IRRIGABLE LAND TO BE SPRINKLER IRRIGATED
WITH PORTABLE MAINLINE

Certified correct: Martin M. Fogel
Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 20th day of April, 1959
Geneva Crall
Notary Public

SCALE 1" = 200'

Map No. 465-3 (Appl. No. 603-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota,

May 18, 1959

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

a m. upon the 1 day of May, 1959

State Water Resources Commission

By:

J. R. Rimer
Chief Engineer, Executive Officer

Number of permit 503-3

Date of first receipt of application May 1, 1959

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right May 1, 1959

Approved June 17, 1959 Recorded in Book 5-8 Page 175

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

December 18, 1961

2nd. The whole of said work is to be completed on or before June 18, 1964

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

June 18, 1968

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.83 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 18, 1968; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 27 day of July, 1959

State Water Resources Commission

By:

J. R. Rimer
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 25, 1969

Water License Issued AUGUST 25, 1969

Form 15.

Permit No. 603-3

Water Diversion No. 3 BIG BLOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That William C. Buller

_____ the holder _____ of
Permit No. 603-3, issued upon Application No. 603-3, bearing date of priority of May 1,
1959 authorizing the diversion of 2.83 cu. ft. per second of the waters of _____
ground water County of Moody, State of South Dakota at _____
point, 2600 feet S 49° E, and 2225 feet S 53° E from the NW Corner, Section 5,
T100N, R49W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.77 cu. ft. per second of water.

Date August 25, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 603-3

(1) WHEREAS, On the 1st day of May A. D. 19 59
William C. Buller

made Water Right Application No. 603-3 for a permit to use 2.83 cubic feet per second of the waters of ground water

County of Moody, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 27th day of July A. D. 59
 Permit No. 603-3, with a date of priority of May 1, 1959

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of June A. D. 19 64 and for the application to beneficial use of said water on or before the 18th day of June A. D. 19 68

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.77 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 5, T108N, R49W

NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.1 acres
N E $\frac{1}{4}$ NW $\frac{1}{4}$	32.7 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.7 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres

Total 198.5 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to William C. Buller

_____ of Brookings
the holder _____ and owner _____ of said permit No. 603-3 a water right, dating from May 1, 1959
_____ to use of 2.77 cubic feet per second of the waters
of ground water

in the County of Moody and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at points 2600 feet, S 49° E, and 2225 feet S 63° E.
from the NW Corner, Section 5, T108N, R49W

and conduct to and upon 198.5 acres in portions of the NW 1/4 and W 1/4 NE 1/4, Section 5, T108N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 603-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of August A. D.

Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First Publication before May 22, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 15, 1959

Notice is hereby given that William C. Buller whose postoffice address is RFD # 1, Brookings, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.83 cubic feet of water per second of time from ~~xx~~ ground water through the Buller No. 1 the point of diversion of which is to be located ~~xxxx~~ at one point in Lot 3 and one point xxxx ~~xxxxxxxxxxxxxx~~ in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5 Twp. 108 N Range 49 W. Said water to be used for the purpose of providing irrigation on the following described land:

Lots 2, 3, and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 5, T. 108 N., R. 49 W.

~~XXXXXX~~ ~~XXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17 day of June, 1959 at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Brookings } ss.Chas. H. J. Mitchell being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Brookings Register a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in thecity of Brookings County ofBrookings and State of South Dakota; that the said notice was published in said newspaper on the following dates:May 20, 1959May 27, 1959June 3, 1959June 10, 1959

in each and every issue of the full number thereof, the

publication being made on the 20th day of May19 59 and the last publication on the 10th day ofJune 19 59, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was publisher the printer and publisher of the said newspaper.Chas H J MitchellSubscribed and sworn to before me this 10th day of June A. D. 1959

NOTICE OF INTENTION TO APPROPRIATE WATER
Office of State Water Resources Commission
Pierre, S. Dak., May 15, 1959
Notice is hereby given that William C. Buller whose postoffice address is RFD No. 1, Brookings, S. Dak., has made an Application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.83 cubic feet of water per second of time from ground water through the Buller No. 1, the point of diversion of which is to be located at one point in Lot 3 and one point in the SE 1/4 NW 1/4 of Section 5 Twp. 108 N Range 49 W. Said water to be used for the purpose of providing irrigation on the following described land:
Lots 2, 3, and 4, SE 1/4 NW 1/4, and SW 1/4 NE 1/4, Sec. 5, T 108 N. R. 49 W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 27th day of June, 1959, at 2:00 p.m. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: Les Wyborny,
Water Rights Engineer
(May 20, 27, June 3, 10)

RECEIVED
JUN 25 1959

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public Brookings County, S. D.

REPORT OF INVESTIGATION

Unlicensed Water Permits Authorized before January 1, 1964

Water Permit No. 603-3 Approval Date June 17, 1959

This Permit authorized the diversion of 2.83 cubic feet
per second of water from 2 wells to irrigate

198.5 acres in Section 5, Township 108N.

Range 49W. County Moody.

Name and Address shown on Permit Wm C. Butler
RFD 1 Brookings, S.Dak.

Name and Address of present owner of land Same.

WATER PERMITS NOT CONSTRUCTED WITHIN THE FIVE YEAR PERIOD ARE
SUBJECT TO CANCELLATION BY ACTION OF THE WATER RESOURCES COMMISSION

Indicate the following:

1. The irrigation system was never started nor was not completed.
The present landowner has been informed that cancellation of
Water Permit No. will be considered by the Water
Resources Commission and he will be notified of the date, time
and place of such consideration.
2. Some questions exists and further consideration is advisable.
3. ☒ The irrigation system was completed within the five year period
and is being used. A final inspection should be scheduled.

REMARKS:

Used each + every year - 2 wells 200 ft's.

Contact Date 7-17-69

Signature

Wm H. E. [Signature]

Permit No. 603-3Water Division 3 SIoux RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by William C. Buller
of Brookings, S.D. holder
of Permit No. 603-3, bearing date of priority of May 1, 1959
authorizing the diversion of 2.83 cu. ft. per second of the waters of ground water
for irrigation purposes, in Moody ~~Brookings~~ County.

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

The Water Use System consists of,

A. Works used to divert the water: South Well, 31 feet deep, steel casing, gravel packed Western Land Roller Pump, 6 inch Mod. 5 102 H, Minneapolis Moline Tractor, Mod. 403 4B, 100 HP, propane.
North Well, 28 feet deep, steel casing, gravel packed, Western Land Roller Pump, 6 inch, Mod. 5 102 H, Minneapolis Moline Tractor, Mod. 403 4B, 100 HP, propane

B. Works used to transport water to place of use,
Buried steel pipe, 200 feet long, 6 inch diameter and 3600 feet of 6 inch aluminum pipe.

C. Works used to apply water to beneficial use.
South Unit, Valley sprinkler, 40 acres, 3 pivots
North Unit, Valley sprinkler, 45 acres, 2 pivots

The system is in the following condition: ExcellentThe point of diversion is located 2600 feet, S49° E & 2225 ft. S 63° E from NW Corner of Section 5, T108N, R49W

The works are capable of diverting and conveying to the place of use 2.77
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: Irrigation in Section 5,
T108N, R49W:

NW $\frac{1}{4}$ NW $\frac{1}{4}$	17.1 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.7 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.7 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 acres		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0 acres		

comprising a total of 198.5 acres of land.Date August 8, 1969

Donald Driscoll
(Signature)

X Donald Driscoll, Deputy Chief Engr.
Water Resources Commission

LAW OFFICES
BRAITHWAITE & CADWELL
125 WEST TENTH STREET
SIOUX FALLS, SOUTH DAKOTA 57102

GALE B. BRAITHWAITE (1895-1974)
JOE W. CADWELL
ARLIE J. BRENDE
STEVEN W. SANFORD
EDWARD J. LEAHY



TELEPHONE 336-0828
AREA CODE 605

January 25, 1977

*Shirman needs
fee??*

Mr. Vern Butler
South Dakota Water Rights Commission
Office Building #2
Pierre, South Dakota 57501

Re: License #603-3
Permits Nos. 2039-3 and 2577-3

Dear Mr. Butler:

Enclosed please find the Assignments of the above numbered permits and license transferring rights thereunder from David Buller and William Buller to Buller's Pork Haven Farms, Inc., a South Dakota corporation. These Assignments are intended to comply with SDCL 46-5-32.

If you have further questions concerning these Assignments you should contact Mr. Buller or his attorney in Brookings, LeWayne Erickson. Thank you.

Very truly yours,

BRAITHWAITE & CADWELL

Steven W. Sanford
Steven W. Sanford

SWS:mm

Encs. a/s

CC: LeWayne Erickson

ASSIGNMENT OF WATER PERMITS, LICENSES, AND WATER RIGHTS

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, William Buller, hereby assigns and transfers to Buller's Pork Haven Farms, Inc., a South Dakota corporation, whose principal place of business is Rural Route 1, Brookings, South Dakota, all water permits, water licenses and other water rights, including but not limited to Water License #603-3 issued by the South Dakota Water Rights Commission on August 25, 1969, being attached herewith as Exhibit A and included herein by reference, and Water Permit #2039-3 issued by the South Dakota Water Rights Commission on January 21, 1974, being attached herewith as Exhibit B and included herein by reference.

It is the intent of the undersigned to assign the attached License and Permit in compliance with SDCL 46-5-32 and the undersigned further authorizes this Assignment to be filed for record in the office of the Water Rights Commission of the State of South Dakota.

Dated at Sioux Falls, South Dakota, this 24th day of January, 1977.

William C. Buller
William C. Buller

WITNESS:

George D. Erickson

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 603-3

1. WHEREAS On the 1st day of May A. D. 19 59
William C. Buller

made Water Right Application No. 603-3 for a permit to use 2.82 cubic feet per second of the waters of ground water

County of Hoode State of South Dakota for Irrigation

_____ purposes and

(2) WHEREAS On the 27th day of July A. D. 19 59

Permit No. 603-3 with a date of priority of May 1, 1959

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system there described on or before the 18th day of June A. D. 19 64 and for the application to beneficial use of said water on or before the 18th day of June A. D. 19 68.

and

(3) WHEREAS It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.77 cubic feet per second of water for beneficial use and

(4) WHEREAS It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating the following land in Section 5, T108N, 249W

NW 1/4	17.1 acres
E 1/4 NW 1/4	32.7 acres
SE 1/4 NW 1/4	39.0 acres
E 1/4 NW 1/4	38.0 acres
N 1/4	32.7 acres
E 1/4	39.0 acres
Total	198.5 Acres

Exhibit A

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to William C. Buller

_____ of Brookings
the holder _____ and owner _____ of said permit No. 603-3 a water right, dating from May 1, 1959
_____ to use of 2.77 cubic feet per second of the waters
of ground water

in the County of Moody and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at points 2600 feet, S 49° E, and 2225 feet S 63° E,
from the NW Corner, Section 5, T108N, R49W

and conduct to and upon 198.5 acres in portions of the NW ¼ and W½ NE¼, Section 5, T108N, R49W

for the purpose of irrigation

subject to any limitations listed in Water Right Permit No. 603-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of August A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

WATER RIGHTS COMMISSION

William C. Butler

Applicant
South Dakota

(State)

WATER RIGHT APPLICATION APPROVAL

Application No. 2039-3

R.R. #1, Brookings

(City and County Address)

With the following modifications:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application _____ December 19 _____ 73
Date of return to applicant for correction, amendments or changes required _____ 19 _____
Date of receipt of corrected application _____ January 2 _____ 19 _____ 74
Approved _____ January 16 _____ 19 _____ 74 _____ Recorded in Book _____ 12 _____ Page _____ 305

WATER RIGHT PERMIT NO. 2039-3

WATER RIGHTS COMMISSION hereby grants and issues this Water Right Permit No. 2039-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____ December 19 _____ 19 _____ 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____ July 16 _____ 19 _____ 76
3. The whole of said work is to be completed on or before _____ January 16 _____ 19 _____ 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____ January 16 _____ 19 _____ 82
5. The water appropriated shall be used for the purpose of _____ Irrigation
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 2.2 _____ cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventh (1/7) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____ January 16 _____ 19 _____ 82 and water to be used during the following described annual period _____ April 1 to November 1

Witness my hand this _____ 21st _____ day of _____ January _____ 19 _____ 74

WATER RIGHTS COMMISSION

By:

Donald D. Russell

Chief Engineer Executive Officer - DENAID 1513 CHL

Certified to be a true and correct copy _____ 19 _____

Witness my hand _____ 19 _____

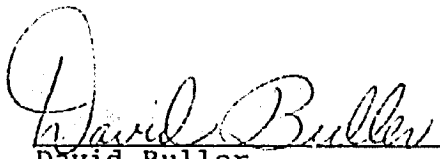
Exhibit B

ASSIGNMENT OF WATER PERMIT AND WATER RIGHTS

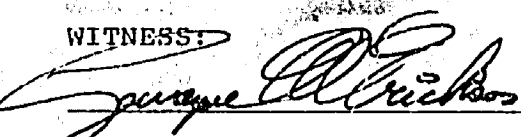
For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, David Buller, hereby assigns and transfers to Buller's Pork Haven Farms, Inc., a South Dakota corporation, whose principal place of business is Route 1, Brookings, South Dakota, Water Permit #2577-3 issued by the South Dakota Water Rights Commission on March 24, 1976, being attached herewith as Exhibit A and included herein by reference, and all rights thereunder.

It is the intent of the undersigned to assign the attached Permit in compliance with SDCL 46-5-32 and the undersigned further authorizes this Assignment to be filed for record in the office of the Water Rights Commission for the State of South Dakota.

Dated at Sioux Falls, South Dakota, this 24th day of January, 1977.


David Buller

WITNESS:



The Water Rights Commission
David Butler

(Applicant)
South Dakota

(State)

With the following modifications

The Irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application February 23 19 76
Date of return to applicant for correction, amendments or changes required 19
Date of receipt of corrected application February 27 19 76
Approved March 18 19 76 Recorded in Book 15 Page 4

WATER RIGHT PERMIT NO. 2577-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2577-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 23 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 17 19 78
3. The whole of said work is to be completed on or before March 18 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 18 19 84
5. The water appropriated shall be used for the purpose of irrigation
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water not yet be adversely affected by this appropriation 2.5
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 4 acre feet per acre per year and be limited to not more than one-seventh (1/7th) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 18 19 84 and water to be used during the following described annual period April thru October

Witness my hand this 24th day of March 19 76

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH

Confirmed to register in Book 19

Water Rights Board 19

Exhibit A



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

BULLER PORK HAVEN FARMS, William Buller
RR #1
BROOKINGS, SD 57006

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2039-3, 603-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2039-3, 603-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

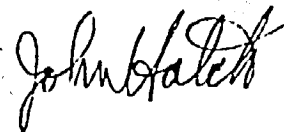
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: William C Buller
BULLER PORK HAVEN FARMS
RR #1
BROOKINGS, SD 57006

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 2039-3, 603-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 2039-3, 603-3 to add the following qualification:

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

The addition of this qualification to the Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 603-3

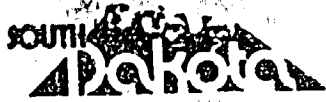
Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 603-3 to add the following qualification:

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

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: William C Buller BULLER ROAD EIGHT FORMS RR #1 BROOKINGS, SD 57006	4. Article Number P576 309 703 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X <i>William C Buller</i>	8. Addressee's Address (ONLY if requested and fee paid) RR1 Box 34 Brookings SD 57006
6. Signature - Agent X	
7. Date of Delivery 5/14/87	



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 26, 1988

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

603-J
BULLER PORK HAVEN FARMS MY/SR
RR #1 BOX 34
BROOKINGS
SD 57006

The 1988 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by December 20, 1988.

If you have multiple permits, you may receive more than one questionnaire. If you are unable to complete the questionnaire for each water permit or water right, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land irrigated under a water permit or water right include the new owner's name and mailing address on the bottom of the questionnaire(s).

A WATER RIGHT OR PERMIT CAN BE SUSPENDED FOR UP TO ONE YEAR IF THE IRRIGATION QUESTIONNAIRE IS NOT RETURNED. A 1988 Law and Board Rules now require back flow prevention equipment, if chemicals are applied through irrigation systems (Please see attached 1988 Water Management Board actions).

If you have any questions, need assistance in completing the questionnaire or would like a summary of the South Dakota water law and water rights information, please contact us.

For the Water Management Board

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

enclosures



SOUTH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 10, 1988

603-3
2039-3

John Hancock Mutual Insurance Co.
PO Box 3009
Sioux City, IA 51102

Dear Sirs:

I am contacting you in regard to Water Right Nos. 603-3 and 2039-3 currently listed in the name of Buller Pork Haven Farms. William Buller has notified our office that you now own the land covered under these water rights (copies enclosed).

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 603-3 and 2039-3. The forms will need to be signed and notarized. Upon completion of the forms, please return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Also enclosed are the 1988 irrigation questionnaires pertaining to these water rights. They should be completed and returned to our office by December 20, 1988.

If you have any questions, please contact us.

Sincerely,

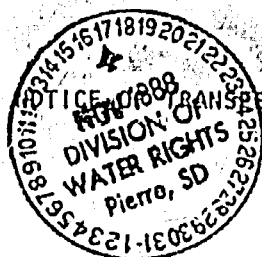
Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 603-3



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-14-88

This is to notify you that the title to the lands described as follows:

NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 5, T108N, R49W

formerly owned by // Buller Pork Haven Farms

has been transferred to John Hancock Mutual Life Ins. Co., 700 Park 3009 South City Tower S1102
(Please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 603-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of Woodbury) ss.

John Hancock Mutual Life Ins. Co.
I, By Mike S. Huber being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

John Hancock Mutual Life Ins. Co.
By Mike S. Huber
(Signed)

Subscribed and sworn to before me this 14th Day of November, 1988.

Jean Anthony
(Notary Public) Jean Anthony
My commission expires: 9-22-89

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, November 17, 1988, 19

RECEIVED OF John Hancock Mutual Life Insurance Co., 10 Box 3009, Sioux City, IA
the following amount in fees for services rendered as provided for by law: 51102

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 603-3 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

By

John Hatch
Chief Engineer JOHN HATCH 

603-3

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

November 21, 1988

Mike S. Huber
John Hancock Mutual Life Insurance Company
P.O. Box 3009
Sioux City, Iowa 51102

Dear Mr. Huber:

Enclosed are receipt Nos. 411493 and 411494 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2039-3 and 603-3.

Our records now show John Hancock Mutual Life Insurance Company as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 27, 1990

Henry Halboth
Prudential Insurance Co
1431 Opus Place, Suite 665
Downers Grove, IL 60515

Dear Mr. Halboth:

In response to your telephone conversation with Eric Gronlund, with our office, enclosed are the following copies:

1. 1987, 1988 and 1989 irrigation questionnaires for Water Permit/Right Nos. 603-3 & 2039-3 (John Hancock Mutual Ins Co) and Nos. 4112-3 & 4241-3 (George Bader);
2. Water Management Board General Rules (page 18 describes the specific rules you were interested in)
3. Water Rights Law - State of South Dakota (see pages 46-47)

Eric indicated you were interested in water use information and monitoring well information for Brookings County. The acreage irrigated in the Sioux River basin in 1989 (Brookings County is in the Sioux River Basin) is approximately 58,775 acres. The amount of acreage permitted for this basin is approximately 97,479 acres.

The monitoring well information we have is site specific. If you have a particular well you are interested in, we could provide the data to you. The Brookings/Kingsbury County Study, as published by the US Geological Survey, could provide much of the information you are interested in. Copies of the report entitled "Water Resources of Brookings and Kingsbury Counties, SD, US Geological Survey Water Resources Investigations Report 88-4185" can be purchased from:
US Geological Survey
Books and Open File Reports
Federal Center, Building 810
PO Box 25425
Denver, CO 80225

If you have any questions concerning the enclosed information, please contact either myself or Eric Gronlund at (605) 773-3352.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst

enclosures

603-3

John Hancock Mutual Life Insurance Company

Agricultural Investment Department
Upper Midwest Regional Office

1030 Badgerow Building
(712) 252-4323

Mail Address:
PO Box 3009
Sioux City, IA 51102

Mike S. Huber
Assistant Agricultural Investment Officer



10-16-90

Attn: Genny McMath

The enclosed irrigation questionnaire's are on land we no longer own. I have included notes on each permit on who we sold the properties to. Please change your records accordingly. Thank you.

Mike Huber



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 30, 1990

603-3
2039-3

John H Bader
412 2nd Ave S
Clear Lake, SD 57226

Dear Mr. Bader:

I am contacting you in regard to ownership of Water Right Nos. 603-3 and 2039-3, currently listed in the name of John Hancock Mutual Life Insurance Company. The Insurance Company has notified us that you now own the land described in these water rights. I have included copies of the water rights which you may keep for your records.

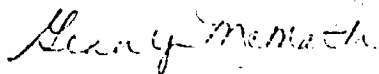
Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 603-3 and 2039-3. The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

Also enclosed are the 1990 irrigation questionnaires pertaining to these water rights and a copy of the cover letter sent to South Dakota irrigators. Please complete the questionnaires and return them before DECEMBER 14, 1990.

You may return the "Notice of Transfer of Ownership" forms, the \$5.00 filing fees, and the 1990 irrigation questionnaires in the postage paid envelope provided. If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

No. 603-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: Nov 6, 1990

I/We request that Water Permit/Right No. 603-3

formerly owned by: John Hancock Mutual Life Insurance Company

be transferred to: (name & address) John Eader

PO Box 702, Clear Lake, SD 57226

(telephone No.) 874-2443

Title to the following described land(s)/property has been transferred as described above:
NW 1/4, W 1/2 NE 1/4 Section 5, T108N, R49W

I/We understand that the validity of Water Permit/Right No. 603-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA

County of Winkelman

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

John Eader
(Signed)

Subscribed and sworn to before me this 6 day of November, 19 90.

James R. Brown
(Notary Public)

My Commission Expires December 17, 1995

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

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, November 13, 1990

RECEIVED OF John Bader Box 792, Clear Lake SD 57226-0792

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Right No. 603-2

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By [Signature]
Chief Engineer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 19, 1990

Nos. 2039-3
603-3

John Bader
Box 702
Clear Lake, SD 57226-0702

Dear Mr. Bader

Enclosed are two receipts in the amount of \$2.50 each which you paid for the transfer of Water Right 2039-3 and Water Right 603-3.

Our records now show you are the owner of these Water Rights.

Sincerely,

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure

603-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JOHN BADER
PO BOX 702
CLEAR LAKE SD 57226

NOTICE

RE: Violation of Water Permit No(s) 603-3 & 2039-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 603-3 & 2039-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 603-3 & 2039-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 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) 603-3 & 2039-3 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



663-5

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JOHN BADER
PO BOX 702
CLEAR LAKE SD 57226

NOTICE

RE: Violation of Water Permit No(s) 603-3 & 2039-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 603-3 & 2039-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 603-3 & 2039-3 qualification:

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

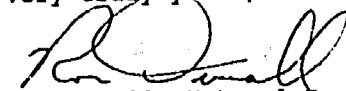
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1. Suspend or cancel Permit No(s) 603-3 & 2039-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,


Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

2-19-92: Mrs. Bader said
said would be paid
March 1, 1992,

Kenney

*Dear Sir,
We have sold all of the above mentioned
land & give possession Mar. 1st so we don't
need any permit for 1991 irrigation
Yours truly
John Bader*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1992

603-3
2039-3

John Bader
PO Box 702
Clear Lake, SD 57226-0702

Dear Mr. Bader:

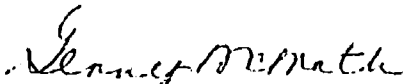
I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 603-3 and 2039-3. I obtained the information from Tim Barton February 19th. He indicated the land in Section 5, T108N, R49W and the SW 1/4 Section 32, T109N, R49W was not irrigated in 1991.

You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

You indicated in your February 5, 1992 letter that the land was being sold March 1, 1992. Please indicate to the buyer that the water rights will need to be transferred to his name.

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

Sincerely,


Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JOHN BADER PO BOX 702 CLEAR LAKE, SD 57226		4a. Article Number P906-557-775 4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise 7. Date of Delivery 01-30-92	
5. Signature (Addressee) <i>John Bader</i> 6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid) JAN 30 1992 CLEAR LAKE SD	

FOLEY LAW OFFICE

124 SOUTH MAPLE
P.O. Box 845
WATERTOWN, SOUTH DAKOTA 57201-0845

ANDREW E. FOLEY (1889-1975)
JOHN L. FOLEY
VINCENT A. FOLEY



TELEPHONE 886-7653
AREA CODE 605

May 13, 1992

Genny McMath
Natural Resources Analyst
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. McMath:

Herewith enclosed please find executed NOTICES OF TRANSFER OF OWNERSHIP for the following permits:

Water Permit No. 603-3, to be transferred to the Western Trust Company, Gary G. Hoffman, Trustee.

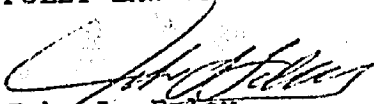
Water Permit No. 4112-3 and 4241-3, to be transferred to the Western Trust Company, Gary G. Hoffman, Trustee.

Also enclosed are checks to cover the filing fees.

If any additional information is needed, please advise.

Sincerely,

FOLEY LAW OFFICE


John L. Foley

JLF:cb

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 603-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: May 13, 1992

I/We request that Water Permit/Right No. 603-3

formerly owned by: John Bader

be transferred to: (name & address) Western Trust Company Gary Hoffman Trustee

P O Box 1052 Watertown, S.D. 57201 (telephone No.) 605-874-2903

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

NW $\frac{1}{4}$ & W $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5-108-49 less W 945' of the N 940' of NW $\frac{1}{4}$ of Section 5-108-49

(198.5 A to be irrigated)

I/We understand that the validity of Water Permit/Right No. 603-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of CODINGION)

WESTERN TRUST COMPANY

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

Western Trust Company
Gary S Hoffman Trustee
(Signed)

Subscribed and sworn to before me this 13th day of May, 1992.

My Commission Expires:
November 1, 1999

John L. Foley
(Notary Public)
Notary Public, State of South Dakota

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

Division of Water Rights

South Dakota Department of Water and Natural Resources

413213

Pierre, May 14, 19 92

RECEIVED OF John Foley (Western Trust Co/Gary Hoffman Trustee) PO Box 845, 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 works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Right No. 603-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fes for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatala
Chief Engineer



May 18, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 603-3

Western Trust Company
Gary Hoffman Trustee
P.O. Box 1052
Watertown, SD 57201

Dear Mr. Hoffman:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 603-3.

Our records now show you as the owner of Water Right No. 603-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure



603-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 2, 1995

603-3

2211-3

4112-3

4241-3

Gary Hoffinan
Western Trust Company
PO Box 1052
Watertown, SD 57201

Dear Mr. Hoffinan:

Enclosed are your 1995 irrigation questionnaires pertaining to Water Right Nos. 603-3, 2211-3, 4112-3 and 4241-3. It was brought to my attention that your questionnaires were mailed to another irrigator. I apologize for the error and any inconvenience it may have caused you.

Please complete the forms and return them in the enclosed postage paid envelope by December 16, 1995. If you have any questions concerning the questionnaires or your water rights, please contact me.

Sincerely,

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

enclosures

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
APR 25 2003
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right X Amendment/Correction to Permit No. 603-3
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Three add'l
diversion well

1. Name of Applicant Gary Hoffman, Trustee Western Trust Co. Phone 605-874-2903
 (check one) X Owner _____ Tenant/lessee _____
 Mailing Address P.O. Box 1052 - Watertown State SD 57201
 (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed No *CFS or 800 **GPM No ***AF Total Acreage 198.5
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Wells

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW1/4 W1/2 NE1/4
Section 5-108-49 and NE1/4 NW1/4 SE1/4 of Section 6-108-49
SE1/4 NW1/4 Sec 5 - T108N - R48W County Moody, SD

5. County or counties where water will be used Moody County

6. Annual period during which water is to be used May thru August

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
Sec 05-T108N-R49W, BB	17.10	Sec 05-T108N-R49W, AB	32.70
Sec 05-T108N-R49W, BA	32.70	Sec 05-T108N-R49W, AC	39.00
Sec 05-T108N-R49W, BD	39.00		
Sec 05-T108N-R49W, BC	38.00		

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

STATE OF SOUTH DAKOTA) SS
 County of Brookings

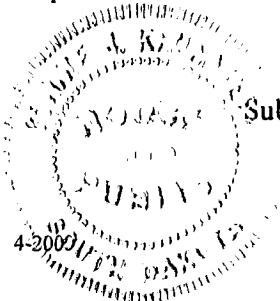
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Gary G Hoffman Trust Western Trust Co

Subscribed and sworn to before me this 23 day of April 2003

Connie J Kuweck
 Notary Public signature
 my commission expires July 5, 2007



Water Rights - Jos Foss Building
Department of Natural Resources
523 East Capitol Ave.
Pierre, S.D. 57501-3181

Western Trust Company
Gary Hoffman, Trustee
P.O. Box 1052
Watertown, S.D. 57201
Phone: 605-874-2903

April 23, 2003

Attention: Ron DeVal

Dear Ron:

I have filled out the applications that you sent me. Hopefully I have filled them out correctly.

I am not sure where the diversion wells will go for sure until Pullman's do the test wells. I have only put down where I would like them to go. I will have more information later.

On either of these systems I don't know if we will have one or two wells. I will know more in approximately two weeks when the test wells will be drilled.

If you have any questions please call me at my number listed above.

Sincerely,



Western Trust Company
Gary G. Hoffman, Trustee

RECEIVED

APR 25 2003

WATER RIGHTS
PROGRAM

PULLMAN DRILLING, INC. - DRILLER'S LOG**(605) 883-4532
1-800-451-4884**

Jary Hoffman		LOCATION		5-9-03	RIG NO 11	Paul Hoyer
JOB NAME				DATE		FOREMAN
JL No	DEPTH	TIME	REMARKS			
			# 1			
1	20		0-15 Yellow gravel 15-20 Gray sand & gravel			
2	40		20-28 Coarse gray sand 28-40 Yellow clay			
3						
4						
5			# 2			
6						
7	20		0-15 Yellow gravel 15-20 Gray sand & gravel			
8	40		20-30 Coarse gray sand 30-40 Yellow clay			
9						
0			Proposed Diversion Well on #2 test hole			
1			3" Well			
2			T.O. 30'			
3			10' .025 3" slotted			
4			20' 3" blank			
5			Pumped w/ air 35 G.P.M.			
6			Water head 10'			
7						
8						
9						
10						
11	20		0-8 Yellow clay 8-20 Yellow sand & gravel			
12	40		20-28 Yellow sand 28-30 Gray sand 30-40 Yellow clay			
13	60		40-45 Yellow sand 45-60 Yellow clay			
14						
15						
16			Dry Hole			
17						
18			7.00 per ft.			
19						
20						
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RECEIVED

MAY 23 2003

WATER RIGHTS
PROGRAM

REMARKS:

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

received Apr 25, 2003



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

received May 23, 2003



Water Rights Program -- File Documentation

NAME: Gary Hoffman, Trustee, Western Trust Co.

ADDRESS: PO Box 1052, Watertown SD 57201

DATE: April 29, 2003 **COUNTY:** Moody **TELEPHONE:** 605 874-2903

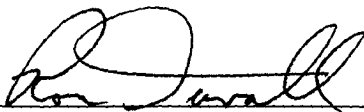
RE: Additional diversion points

COMMENTS:

I contacted Mr. Hoffman to determine whether the proposed additional wells to irrigate acreage under Water Right No. 603-3 would result in an increase in the permitted diversion rate of 1,243 gpm. Mr. Hoffman indicated that the capacity of the three existing wells has declined and he wants the additional wells to boost the capacity to what it used to be. The total diversion will not exceed the 1,243 gpm authorized under No. 603-3. I also informed Mr. Hoffman that No. 603-3 authorized two wells and that three wells are in existence. Mr. Hoffman indicated that all three wells were in existence when he obtained the property approximately 10 years ago. I told Mr. Hoffman the eastern most well must have been added between the time of licensing in 1969 and when he obtained the property.

RECOMMENDED ACTION:

I advised Mr. Hoffman that we will wait until we receive the test hole logs from Pullman well drilling and find out the exact number and location of any additional wells. Once that information is obtained then we can make a determination whether any additional permitting is necessary. I told Mr. Hoffman if the additional wells (including the eastern most well) are all in the same water source and the diversion rate is not increased, then probably no additional permitting will be needed. Also, Mr. Hoffman is proposing to supplement diversion from a gravel pit under No. 2211-3 with additional wells. The same criteria apply for determining whether any additional permitting is necessary. Mr. Hoffman does not intend to increase the diversion under No. 2211-3 but rather take pumping pressure off the gravel pit to minimize impacts to a bait shop which utilizes the same gravel pit area for fish rearing.



Ron Duvall, Natural Resources Engineer
Water Rights Program

Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501-3182

Western Trust Company
Gary G. Hoffman
P.O. Box 1052
Watertown, S.D. 57201
Phone: (605) 874-2903

Attention: Ron DeVal

May 22, 2003

RE: Proposed 16" Diversion Well

Dear Ron:

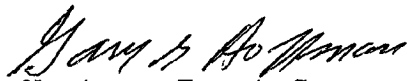
Enclosed is the information on the proposed diversion Well.

Please let me know if we can go ahead and drill the proposed
16" Diversion Well.

Please give me a call at my number listed above.

Thank You !

Sincerely,



Western Trust Company
Gary G. Hoffman, Trustee

RECEIVED

MAY 23 2003

WATER RIGHTS
PROGRAM

Water Rights Program -- File Documentation

NAME: Gary Hoffman, Western Trust Co

ADDRESS: PO Box 1052, Watertown SD 57201

DATE: May 23, 2003 **COUNTY:** Moody **TELEPHONE:** 874-2903

RE: Additional well

COMMENTS:

Gary Hoffman called on May 22, 2003 regarding an additional well to irrigate acreage covered by Water Right No. 603-3. The additional well is needed to due to difficulty pumping sufficient water from the existing wells to operate the system. The proposed additional well will be used to operate the large pivot located along the northern edge of section 5-108N-49W. The other existing wells will be used to operate the mini-pivots. As noted in the file documentation dated April 29, 2003, there is an existing third shallow well which was never included on the water license for No. 603-3.

On May 23, 2003 an application was received and a map showing the location of the proposed, additional diversion point. A test hole log was included with the application. Mr. Hoffman indicated that he does not intend to increase the total diversion rate beyond the 2.77 cfs authorized by No. 603-3. A decision will need to be made whether other provisions of SDCL 46-5-13.1 have been met in order for the additional well to be approved, including the eastern-most existing well not included on No. 603-3, without the need to process a new permit application.



Ron Duvall, Natural Resources Engineer
Water Rights Program

--Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 603-3

ADDRESS: PO Box 1052, Watertown SD 57201 COUNTY: Moody

DATE: May 28, 2003 TELEPHONE: 874-2903

RE: Phone call to Mr. Gary Hoffman

COMMENTS:

I contacted Mr. Hoffman regarding his request for an additional well to Water Right No. 603-3. I asked exactly how many new wells are intended because his initial request was for three new wells. He indicated he intends to drill only one new well located as shown on the map submitted on May 23rd.

I asked about the third additional well that is mentioned in Ron Duvall's file documentations. He said that he currently only uses two wells that the reference to a third well is based on a pump and concrete pad located in the field that he assumes is an old well. This old well is not used for anything.

Finally, I asked about the well located along the north section line of Section 5 on the map submitted on April 29, 2003. Mr. Hoffman said that well is owned by the neighbor to the north. It is not used in his irrigation being conducted in the NE ¼ of Section 5.

To summarize, Mr. Hoffman's request is for only one additional well constructed into the Big Sioux:Moody Aquifer and no increase in the diversion rate authorized by Water Right No. 603-3.

NAME: Eric Hunsler

Approval of an Additional Diversion Point

NAME: Western Trust Company - Gary Hoffman, Trustee

ADDRESS: PO Box 1052, Watertown SD 57201

DATE: May 28, 2003 **COUNTY:** Moody **TELEPHONE:** 605 874-2903

BACKGROUND:

Western Trust Company holds Water Right No. 603-3 appropriating 2.77 cubic feet of water per second (1,243 gpm) from the Moody management unit of the Big Sioux Aquifer to irrigate 198.5 acres located in the NW ¼ and W ½ NE ¼ of Section 5, T108N, R49W. The water right, as issued in 1969, is for two wells, 28 and 31 feet deep located in the E ½ NW ¼ of Section 5, T108N, R49W. Mr. Hoffman indicates that the capacity of the existing two wells has declined and he wants an additional well to boost the capacity to what is used to be. The new well is to be located in the SE ¼ NW ¼ of Section 5, T108N, R49W.

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:

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

The two wells authorized by Water Right No. 603-3 are 28 and 31 feet deep and constructed into the Moody management unit of the Big Sioux Aquifer. According to the test hole log the new well will be 30 feet deep. According to Mr. Hoffman, the intent of the new well is to bring the production back to what is necessary to operate the pivots and the diversion rate from all three wells will not exceed 2.77 cfs (1,243 gpm).

- **Review of Existing Diversions**

A review was conducted of existing water rights and domestic wells on file for the sections surrounding Section 5, T108N, R49W. There is developed irrigation to the north and north west of this water right that use the same water source. They are for SooBrook Farms in the section 32 to the north and Allison Farms in section 31 to the northwest of Section 5. One of the irrigation wells for SooBrook Farms (WR No. 2039-3) is located approximately ½ mile north of the requested additional well. The other well held under No. 2039-3 is located in the SW ¼ SW ¼ of Section 32, T109N, R49W which is another 1/8 of a mile northwest of the proposed well. The Allison Farms two wells are located in the SW ¼ of Section 31 approximately 1 ½ miles from the additional well for Water Right No. 603-3. There are other irrigation rights in the area that have been cancelled.

A review of well completion reports in Water Right database finds three domestic wells (Ahern - 1956, Miner - 1977 & Allison 1985). These wells are constructed in the Big Sioux:Moody Aquifer and are all farther than 1 ½ miles away from the proposed additional well. These records do not provide any status of the wells (ie. whether they are being used).

The inability to obtain the authorized water quantity from the two wells can be attributed to the limited saturated thickness of the aquifer at this location and the water level fluctuations brought about by pumping. Also, the decrease in production from the wells is likely due in part to the fact the wells are old and are unable to produce as they once did.

The only controversy in the past few years was for a new water permit application for an animal confinement facility 7 miles east of this water right. The proposed location for the wells for this confinement facility was another 6 miles northeast of the feedlot site. There is also history in this general area from nearly fifteen years ago regarding nitrates in the ground water from farm practices.

CONCLUSION

- This additional well is from the same water source and does not appropriate additional water.
- Existing domestic wells should not be adversely impacted by authorizing this additional well.
- The additional well is constructed into the Big Sioux:Moody Aquifer which is the same water source as for the existing wells authorized under Water Right No. 603-3.
- There is no record of a complaint that diversions of water for irrigation by this water right holder is adversely impacted neighboring wells.
- This additional well is needed to supplement the existing wells which have declined in production.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be allowed pursuant to SDCL 46-5-13.1.



Eric Gronlund
Water Rights Program

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

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



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 2003

Gary Hoffman, Trustee
Western Trust Company
PO Box 1052
Watertown SD 57201

Dear Mr. Hoffman:

I am writing in regard to Western Trust Company's request for an additional well under Water Right No. 603-3. Water Right No. 603-3 appropriates 2.77 cubic feet of water per second (1,243 gpm) from the Moody management unit of the Big Sioux Aquifer to irrigate 198.5 acres located in the NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, T108N, R49W. The water right, as issued in 1969, is for two wells, 28 and 31 feet deep located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 5, T108N, R49W.

Western Trust Company is requesting authorization for an additional well to be able to divert up to the permitted diversion rate authorized by Water Right No. 603-3 since the capacity of the existing wells used to irrigate have diminished. The additional well is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T09N, R49W and must be constructed into the same water source as the existing wells. No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well to Water Right No. 603-3 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. However, the combined diversion rate from the three wells may not exceed 2.77 cubic feet of water per second (1,243 gallons per minute). Upon completion of the additional well, a Water Rights staff person may contact you to conduct an onsite visit of the irrigation system.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

Water Rights Program -- File Documentation

NAME: Gary Hoffman, Western Trust Co

ADDRESS: PO Box 1052, Watertown SD 57201

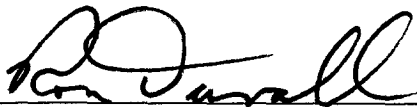
DATE: August 4, 2003 **COUNTY:** Moody **TELEPHONE:** 874-2903

RE: Additional well and plugged wells

COMMENTS:

Gary Hoffman called on August 4, 2003 regarding the construction of the new well as authorized by the Chief Engineer in correspondence dated May 30, 2003. Mr. Hoffman indicated that the additional well had been constructed and was an excellent water supply. Following construction of the new well, Mr. Hoffman had Lacey Drilling do some service on the existing wells. Due to the condition of the existing wells and the capacity of the new well, it was decided to plug two of the existing wells. Therefore, the land is now irrigated from the new well and one existing well.

Mr. Hoffman indicated that Lacey Drilling will be sending in plugging reports. In addition, Mr. Hoffman noted that the location of the existing wells was not quite accurate on the aerial photos originally supplied by Mr. Hoffman. Attached is an updated aerial photo showing the location of the capped (plugged) wells, the new well, and the one remaining existing well still in service.



Ron Duvall, Natural Resources Engineer
Water Rights Program

WESTERN TRUST CO.
P.O. Box 1052
Watertown, SD 57201

MAP NOT TO SCALE

Permit #603-3

THIS IS NOT AN OFFICIAL WETLAND MAP



RECEIVED

AUG - 5 2003

WATER RIGHTS
PROGRAM



603-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 25, 2003

Gary Hoffman
Western Trust Co.
PO Box 1052
Watertown SD 57201

Dear Mr. Hoffman:

I am writing in regard to a well driller's report filed by Pullman Well Drilling Inc. The report indicates a new well, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27-T109N-R47W was completed on May 9, 2003. I have reviewed your existing water permits and cannot find a permit for a well in this location.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Hoffman, since this appears to be a new irrigation well, I have enclosed an application form and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation authorized by an existing permit, please let me know.

If you have any questions, please contact Ron Duvall or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

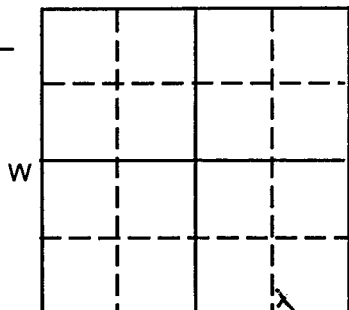
SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27 Twp 109 Rg 47
N $\frac{1}{2}$ 5 108 49

County

Brookings

North

Please mark well
location with an "X"

Well Completion Date

5/9/2003

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

? ft. from Irrigation (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

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

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From 0.0 Ft	To 20.0 Ft
Cement	8			

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 10.0 FeetMaterial PVCSlot Size .025 Set From 20.0 Feet to 30.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Gary HoffmanBusiness Name: Western Trust CoAddress: PO Box 1052City, State, Zip: Watertown SD 57201

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Gravel	0	15
Gray Sand	15	30
Yellow Clay	30	

STATIC WATER LEVEL 10.0 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

10.0 Ft. After 2.0 Hrs. pumped 800.0 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

RECEIVED

SEP 29 2003

WATER RIGHTS

PROGRAM

440

This well was drilled under license #

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

8-15-03

1-29-03

File No. 603-3

Water Rights Program -- File Documentation

NAME: Gary Hoffman, Western Trust Co

ADDRESS: PO Box 1052, Watertown SD 57201

DATE: December 15, 2003 **COUNTY:** Moody **TELEPHONE:** 874-2903

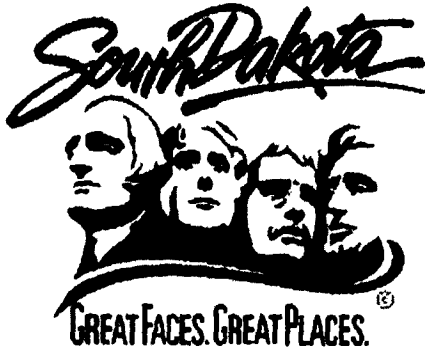
RE: Additional well

COMMENTS:

Gary Hoffman called on December 15, 2003 regarding a letter dated November 25, 2003. The letter concerned construction of a new irrigation well for which no water permit could be located. After visiting with Mr. Hoffman, it was determined that the legal description placed on the well completion report is incorrect. The correct legal is the N½ (either SE¼NW¼ or SW¼NE¼) of section 5-T108N-R49W in Moody county. The well completion report which was received on September 29, 2003 appears to be correct in every respect other than the legal description. Construction of this well was authorized by the chief engineer in a letter dated May 30, 2003



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2011

603-3

John Zomer
26326 487th St
Valley Springs SD 57068

Dear Mr. Zomer:

Thank you for calling concerning the ownership change needed for Water Right No. 603-3. I have enclosed a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of this year's irrigation questionnaire. The form will give you an idea of what type of information to keep track of during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

DEC 19 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 603-3

Date: 12-15-11

I/We request that Water Right No. 603-3

formerly owned by: Western Trust Company - Gary Hoffman

be transferred to: (name & address) John Zomer, JR. 26326 487th Ave
Valley Springs, S.D. 57068

Telephone No. _____

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

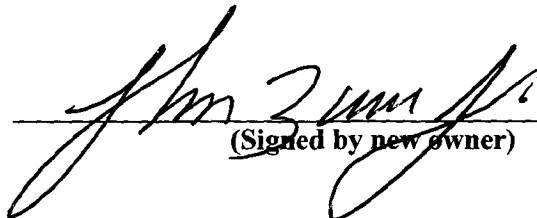
198.5 acres - NW 1/4 and W 1/2 NE 1/4 Section 5, T108N, R49W

I/We understand that the validity of Water Right No. 603-3 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 John Zomer JR., 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 12/19, 20 11

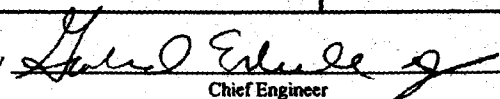
RECEIVED OF John Zomer Jr 26326 487th Ave Valley Springs SD 57068

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>603-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05142**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 7, 2011

603-3

John Zomer
26326 487th St
Valley Springs SD 57068

Dear Mr. Zomer:

Thank you for calling concerning the ownership change needed for Water Right No. 603-3. I have enclosed a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of this year's irrigation questionnaire. The form will give you an idea of what type of information to keep track of during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
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.denr.sd.gov

December 20, 2011

603-3

John Zomer Jr
26326 487th St
Valley Springs SD 57068

Dear Mr. Zomer:

Thank you for submitting the transfer form and filing fee for changing ownership on Water Right No. 603-3.

The ownership change has been completed. The water right formerly held by Western Trust Company is now listed in your name.

Enclosed for your records is Receipt No. 05142 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

603-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 14 2022

603-3
7914-3

John Zomer Jr
26326 487th Ave
Valley Springs SD 57068

Dear Mr. Zomer:

Enclosed is Water License No. 7914-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 603-3 were incorporated into Water License No. 7914-3.