

WATER PERMIT NO. 6075-3

Name of Applicant: Ralph or Joel Berens

Address: 27426 456th Ave, Parker SD 57053

Phone: 605 297-3366

Amount of Water Claimed: 1.56 cfs

Total Acres: 132 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System: NA

Location: 2 miles north of Parker

PRIORITY Date Received: 4-23-1998

Fee: \$250

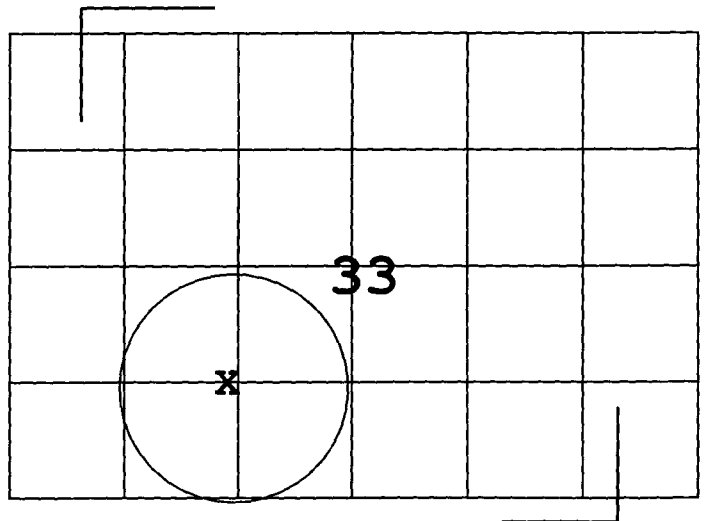
Corrected Application Received: 5-1-1998

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: center of SW ¼ Sec 33-T100N-
R53W

Land to be Irrigated: SW ¼ Sec 33-T100N-R53W



Depth of Well: 42 feet deep

Well Driller: Christensen Well Co, Inc.

Remarks:

Type of Map: aerial

Prepared by: Edie Schoenwald

Reviewed and the Number Assigned on: 5-11-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6075-3

Date of first receipt of application April 23, 1998.

Date of return to applicant for corrections, amendments or changes April 24, 1998.

Date of receipt of corrected application May 1, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6075-3 to Ralph or Joel Berens, 27426 456th Ave, Parker SD 57053 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6075-3 appropriates 1.56 cubic feet of water per second from one well (Vermillion East Fork Aquifer) 50 feet deep located in the center of the SW ¼ Section 33 to irrigate 132 acres located in the SW ¼ Section 33; all in T100N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is April 23, 1998.
4. The date of approval of Permit No. 6075-3 is July 6, 1998.
5. One-fifth of the construction is to be completed on or before January 6, 2001.
6. All construction is to be completed on or before July 6, 2003.
7. Water is to be put to beneficial use on or before July 6, 2007.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6075-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 3 1998

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6075-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The New Era, Parker, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
 (check one) (Use predates Mar 2, 1955)
 Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Ralph or Joel Berens ☐ Owner ☒ Tenant/Lessee Phone 605-297-3366
 Mailing Address 27426 45th Ave. Parker (check one) State SD Zip Code 57053
(Street, RR, or Box)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well SW 1/4 Section 33-100-53 (approximate center)
 County Turner
- County or counties where water will be used Turner County SD
- Annual period during which water is to be used April 1 through September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of SW 1/4 of Sec 33	33		
SW 1/4 of SW 1/4 of Sec 33	33		
NE 1/4 of SW 1/4 of Sec. 33	33		
SE 1/4 of SW 1/4 of Sec 33	33		

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

Pumping out of an 18" cased well to a center pivot irrigation system watering above described land

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

STATE OF SOUTH DAKOTA)

County of Turner ss Ralph Berens x

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

Signed Ralph Berens
Joel Berens

Subscribed and sworn to before me this 29th day of December 19 97

Margaret Berens
 Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 42'
- b) Casing Type SC40 40 PVC Diameter 16" Thickness SC40 40
- c) Screen Type SC40 40 PVC Diameter 16" Thickness SC40 40
- d) Gravel Pack Thickness 6" Length of Gravel Pack 26'
- e) Depth to Top of Water Bearing Material 17'
- f) Depth to Water (ground surface to water level) 17'
- g) Distance to nearest existing domestic well:
On applicants property 0 On property owned by others 3200'

2. Wastewater Disposal System Information

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

3. Dugout Information

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



4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

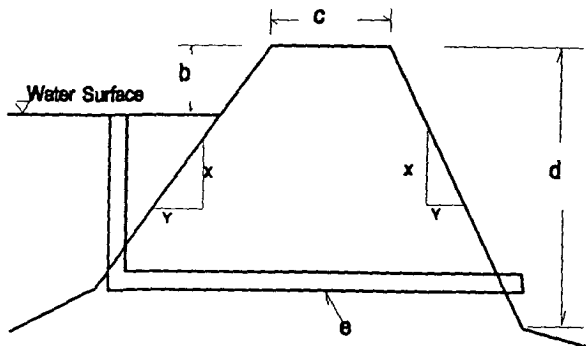
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

10 415749

Pierre, April 23, 19 98

RECEIVED OF Berens Farm Account, Ralph Berens, 27426 - 456th Ave., Parker, SD 57053

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

Fee for Application for Permit No. <u>6675-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By _____
Chief Engineer

John Hatch (J)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1998

Joel Berens
PO Box 157
Pender NE 68047-0157

Dear Mr. Berens:

Well driller's reports filed by Christensen Well Co., Inc. indicate they completed two wells for you in August, 1997. The reports indicate the wells produced 800 and 1000 gallons per minute (gpm) and were for irrigation purposes. Based on the information in the reports, it appears you may need a water permit for the well located in SW 1/4 Section 33-T100N-R53W. Our records do not indicate a water permit/right for this location.

The well located in Section 11-T99N-R53W appears to be authorized by Water Permit No. 5914-3. Water Permit No. 5914-3 is for irrigation of 120 acres in the NW 1/4 Section 11-T99N-R53W.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation from the well in Section 33. The completed forms with the application fee and map can be returned to the Water Rights Program, 523 E Capitol, Pierre SD 57501. Please return by May 1, 1998.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 1998

Ralph or Joel Berens
27426 456th Ave
Parker SD 57052

Dear Sirs:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application the following is required.

A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance and the 132 acres to be irrigated outlined. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. aerial photo from local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6075-3
for Ralph or Joel Berens
June 4, 1998

Application No. 6075-3 proposes to appropriate 1.56 cfs (700 gpm) from one well approximately 50 feet deep located in the center of the SW 1/4 of Section 33 to irrigate 132 acres located in the SW 1/4 of Section 33; all in T100N-R53W in Turner County.

AQUIFER - VERMILLION EAST FORK (VEF)

The Vermillion East Fork is a mostly surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies six square miles and contains an estimated 22,000 acre feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into McCook County to the north, and is hydraulically connected to the Vermillion West Fork aquifer to the west, the Parker Centerville aquifer to the south and to the East Fork of the Vermillion River. Ground water movement is from north to south and toward the river. The well log filed with the application indicates topsoil and sandy clay from the surface to 16 feet followed by coarse gravel and large boulders from 16 feet to 50 feet in depth. This well reportedly pumped 1000 gpm with a drawdown of 23 feet yielding a specific capacity of 43 gpm/ft of drawdown.

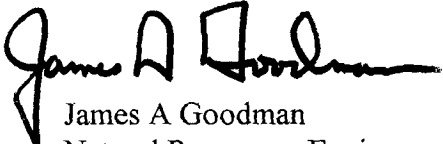
The Water Rights Program monitors two observation wells, TU-79B and TU-770, completed into the Vermillion East Fork aquifer located about two miles north and one mile east of this application, respectively. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). Hydrographs for these two wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 3763-3 located in the next quarter section north of this application. The well for this application would be located about 1800 feet southwest of the well used for Water Right No. 3763-3. According to the inspection report for 3763-3 there are two wells but only well #2 is used to provide water for irrigation and that is the well located about 1800 feet from this application. Interference from pumping is not expected to be adverse. But because the aquifer is relatively small and the water level is expected to fluctuate seasonally and may decline as much as ten feet especially during drought conditions these wells may have problems maintaining pumping capacity during an extended drought.

CONCLUSIONS

1. Water is available from the Vermillion East Fork aquifer.
2. The aquifer is under water table conditions at this site. Drawdown is not expected to be significant but because the aquifer is relatively small and the water level is expected to fluctuate considerably during an extended drought the pumping rates of the wells will probably be effected.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



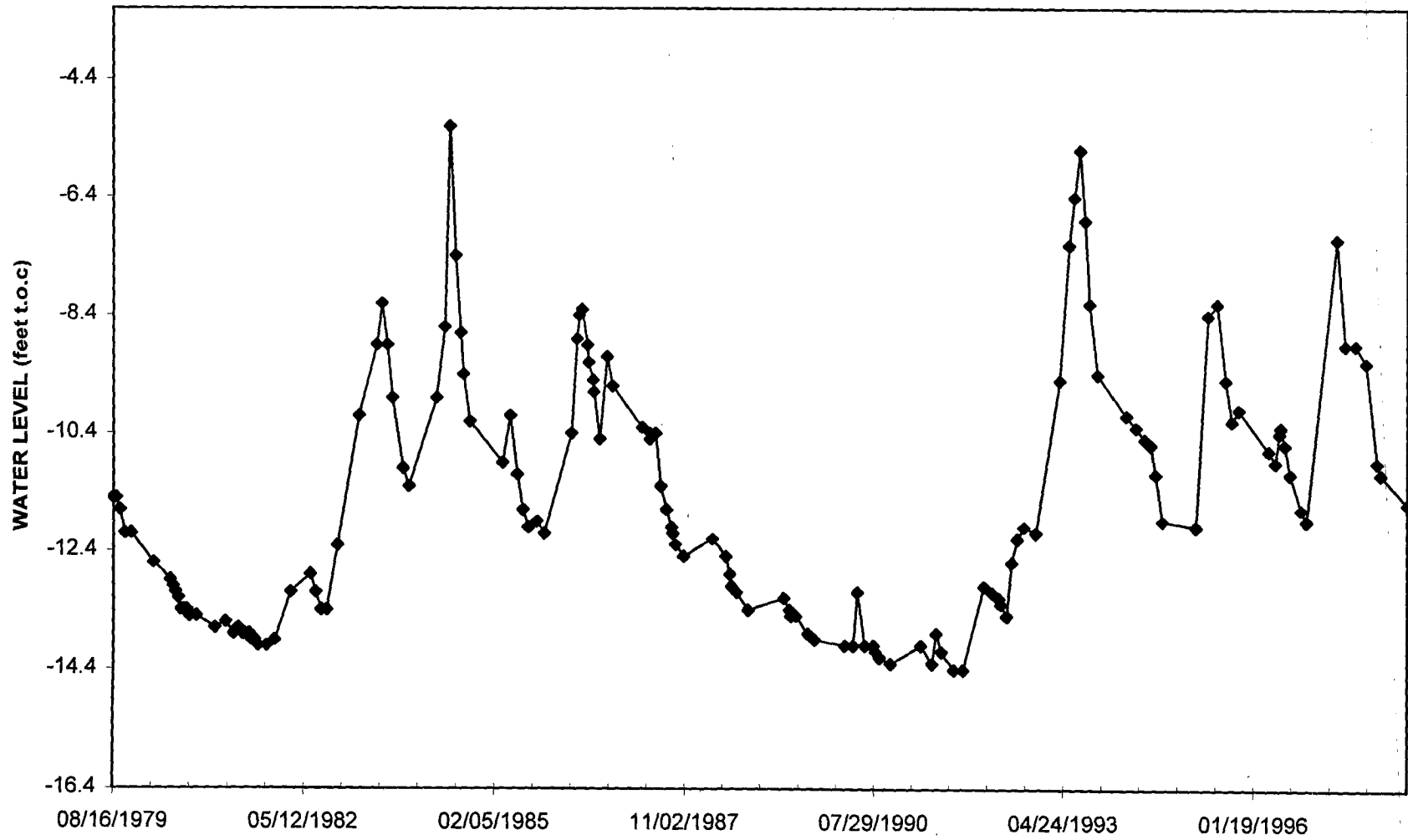
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

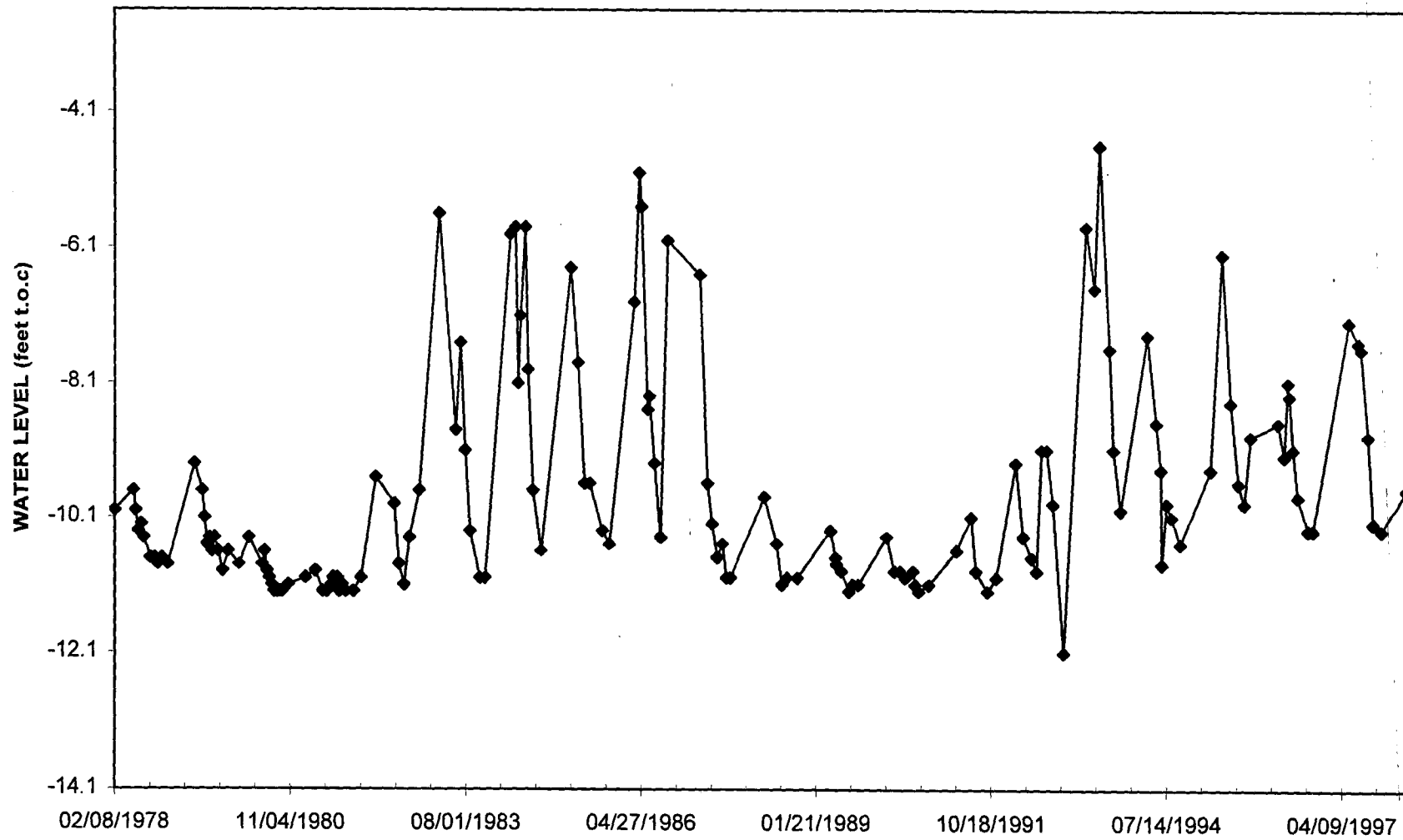
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1998, Unpublished Observation Well Records for Turner County, SD DENR, Division of Environmental Services, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-79B



WATER RIGHTS' OBSERVATION WELL
TU-770



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6075-3, Ralph and Joel Berens**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6075-3, Ralph and Joel Berens, 27426 456th Ave., Parker, SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 6075-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No.6075-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 9, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 10, 1998

Ralph or Joel Berens
27426 456th Ave.
Parker, SD 57053

Dear Sirs:

Water Permit Application No. 6075-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the New Era printed at Parker, SD (Ph # (605) 297-4419). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 10, 1998

The New Era
Box 579
Parker, SD 57053-0579

ATTENTION: Legal Department

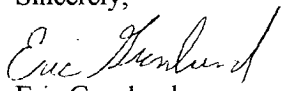
Enclosed is a Notice of Hearing on Application No. 6075-3 to Appropriate Water to be published twice. Please publish the first notice on June 18, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT are Ralph or Joel Berens, 27426 456th Ave., Parker, SD 57053 (Ph # (605) 297-3366).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6075-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 10, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6075-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 18, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6075-3 to Appropriate Water

Notice is given that Ralph or Joel Berens, 27426 456th Ave, Parker SD 57053 have filed an application for a water permit to appropriate 1.56 cubic feet of water per second from one well (Vermillion East Fork Aquifer) 50 feet deep located in the center of the SW ¼ Section 33 to irrigate 132 acres located in the SW ¼ Section 33; all in T100N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6075-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication



STATE OF SOUTH DAKOTA }
COUNTY OF TURNER } ss.

A. Mary See of the City of Parker,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed
and published in the City of Parker, in said County of Turner, by The New
Era, Lyon-Sioux Press, publishers, and has been such legal newspaper
during the times hereinafter mentioned; that the said newspaper has been
in existence as such legal newspaper for more than one year prior to the
publication of the notice hereunto attached, and has during all of said
time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said news-
paper, in charge of the advertising department thereof and has personal
knowledge of all the facts stated in this affidavit and the advertisement

headed #1823 - Notice to Appropriate Water

Joel Berens - Dept of Nat. Res.
printed copy of which hereunto attached, was printed and published in the

said newspaper for 2 successive weeks, once each week and
on the same day of the week, on the following dates, to-wit:

On Thursday, the 18 day of June, 1998;
On Thursday, the 25 day of June, 1998;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;
On Thursday, the _____ day of _____, 19____;

That \$ 38.78 being the full amount of the fees for publication of
the attached notice insures solely for the benefit of the publishers of the said
newspaper; that no arrangement or understanding for a division thereof has
been made with any other person and that no part thereof has been agreed to
be paid to any other person whomsoever.

A. Mary See
Subscribed and sworn to before me this 26
day of June, 1998.

ANITA KOLLER
NOTARY PUBLIC
SOUTH DAKOTA
Notary Public, Turner County, South Dakota.
9-12-01

Notice of Application No. 6075 to Appropriate Water

Notice is given that Ralph or Joel Berens,
27426 456th Ave., Parker, S.D. 57053 have
filed an application for a water permit to
appropriate 1.56 cubic feet of water per sec-
ond from one well (Vermillion East Fork
Aquifer) 50 feet deep located in the center of
the SW1/4 Section 33, to irrigate 132 acres
located in the SW1/4 Section 33; all in
T100N-R53W.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of Appli-
cation No. 6075-3 because 1) unappropriated
water is available; 2) existing rights will not
be unlawfully impaired; 3) it is a beneficial
use of water, and 4) it is in the public interest.
In accordance with SDCL 46-2A-23, the
chief engineer will act on the application, as
recommended, unless a petition is filed
opposing the application or the applicant files
a petition contesting the chief engineer's rec-
ommendation. If a petition opposing the
application or contesting the recommendation
is filed, then a hearing will be scheduled and
the Water Management Board will consider
the application. Notice of the hearing will be
given to the applicant and any person filing a
petition.

Any person interested in opposing or sup-
porting this application or recommendation
must file a written petition with BOTH the
applicant and chief engineer. The applicant
must file a petition if contesting the chief
engineer's recommendation. The Chief Engi-
neer's address is "Water Rights Program, Foss
Building, m 523 E. Capitol, Pierre, S.D.
57501 (605-773-3352)" and the applicant's
mailing address is given above. A petition
filed by either an interested person or the
applicant must be filed by July 6, 1998.

The petition may be informal, but must
include a statement describing the petitioner's
interest in the application, the petitioner's rea-
sons for opposing or supporting the applica-
tion, and the signature and mailing address of
the petitioner or the petitioner's legal counsel,
if legal counsel is obtained. Contact Eric
Gronlund at the above Water Rights Program
address to request copies of information per-
taining to this application.

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

#1823, June 18 and 25, 1998.

Publication Fees - - - \$ 38.78
Notary Fees - - - - - \$ _____
Total - - - - - \$ 38.78
Received Payment,

Affidavit of Publication

IN _____ COURT

STATE OF SOUTH DAKOTA } ss.
COUNTY OF TURNER }

Filed in the office of _____

_____ on the _____ day of _____, 19____

Attorney for _____

Publication Fee - - - - - \$_____

Notary Fee - - - - - \$_____

Total - - - - - \$_____

Received Payment: _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 3 1998

Ralph or Joel Berens
27426 456th Ave.
Parker, SD 57053

Dear Sirs:

Enclosed is Water Permit No. 6075-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

Do we need
to call you to
schedule an
inspection?
Let us know

SECTION OF WORKS AND
WATER TO BENEFICIAL USE



Date 9-14-98

FROM: Ralph or Joel Berens 27426 456th ave.
(name) (address)
Parker SD 57053 605-297-3366
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6075-3.

Water Permit No. 6075-3 states that the diversion system is to be constructed by 7-6-2003, and that the water is put to beneficial use by 7-6-2007.
(date) (date)

The diversion system was completed on 6-20-98.
(date)

Applying the water to beneficial use was completed on 6-20-98.
(date)

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

Joel B
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 18, 1998

6075-3

Ralph or Joel Berens
27426 456th Ave
Parker, SD 57053

Dear Sirs:

I am contacting you in regard to the note you submitted with the "Notice of Completion of Works" form for Water Permit No. 6075-3. The form provides us with notification that you have completed the system and placed the water to beneficial use.

When completion forms are received, they are placed with their respective permit file until a staff member is able to get to the area to conduct the investigation. The investigations are done on a county-by-county basis. When a staff member gets ready to go to a particular county, they contact the permit holder and make arrangements to meet with them to do an on-site investigation.

You have complied with all the requirements including submission of the "completion of works" form. At this point, I am unable to give you even an approximate date when the investigation will be conducted. Most likely, we are looking at next spring or summer.

Thank you for your inquiry and if you have any questions or concerns regarding your water permit, please get in touch with me.

Sincerely,

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



6075-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: JOEL & RALPH BERENS, 27426 456TH AVE, PARKER, SD 57053
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5914-3 & 6075-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5914-3 & 6075-3 qualification:

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

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

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

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

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

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

6075-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOEL & RALPH BERENS
27426 456TH AVE
PARKER SD. 57053

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-18-02

C. Signature

X Joel Berens

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7001 2510 0004 4797 4586



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2002

5914-3
6075-3

Joel & Ralph Berens
27426 456th Ave
Parker SD 57053

Dear Sirs:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 2005

5914-3

6075-3

Ralph or Joel Berens
27426 456th Ave
Parker SD 57053

Dear Mr. Berens:

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

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

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

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 21, 20 05

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6075-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

00111

By

Darlan E. Eide
Chief Engineer *gm*

Permit No. 6075-3
Vermillion River - Water District

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

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

I have this day, **October 12, 2005**, made a thorough examination of the water use system constructed by **Ralph or Joel Berens** of **27426 456th Ave, Parker SD 57053** holder of Permit No. **6075-3**, bearing the priority of **April 23, 1998** authorizing the diversion of **1.56** cu. ft. per second of the waters of **ground water (Vermillion East Fork aquifer)** for **irrigation** purposes, in **Turner** County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Christensen Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **50** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **20** feet
- 3) Type **Plastic**

Screen:

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

Pump:

- 1) Make **Mid American**
- 2) Model **Goulds**

Motor:

- 1) Make **Cummins Diesel, 4 cyl**
- 2) Horsepower rating **70** hp

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

- 1) Type **Aluminum**
- 2) Size **8** inches
- 3) Length **50** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Lindsay Zimmatic**
- 2) Number of towers **7**
- 3) End gun **Y**
- 4) Low pressure
- 5) Capacity **850** GPM

Chemigation Equipment:

- 1) Does chemigate **Y**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **not applicable (Form 10)**
- 3) Exceptions to compliance are: **none**

Report of Examination of Works

Permit No. 6075-3

The system is in good condition with the point of diversion located as follows: Well: 1,280 feet N and 1,280 feet E from the SW corner section 33-T100N-R53W (Latitude 43.43424, Longitude -97.11725 -- SW¼SW¼). The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **all in section 33-T100N-R53W**

NE¼SW¼ 33 acres
NW¼SW¼ 33 acres

SW¼SW¼ 33 acres
SE¼SW¼ 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.56 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: **none**



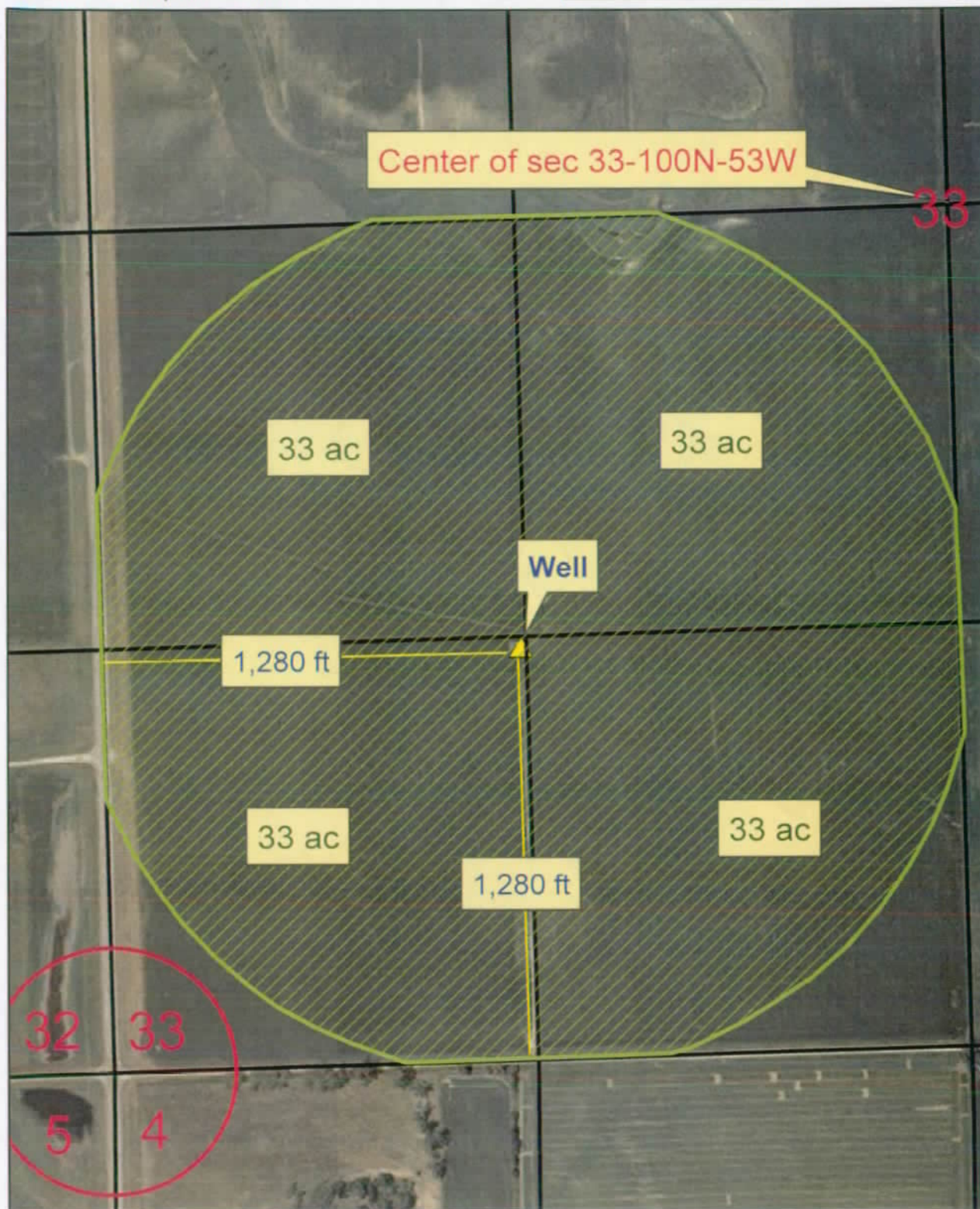
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: December 13, 2005

Scale: 1 inch equals 466 feet

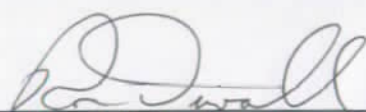
660

Feet



South Dakota
**Department of Environment
& Natural Resources**
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Dec 13, 2005

Water Right No. 6075-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6075-3

(1) Ralph or Joel Berens, 27426 456th Ave, Parker SD 57053 made Application No. 6075-3, April 23, 1998 for a water permit to divert 1.56 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 6075-3, with a priority date of April 23, 1998 was approved July 6, 1998 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before July 6, 2003 and for the application to beneficial use of water on or before July 6, 2007.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 6075-3 are issued a license, bearing a priority date of April 23, 1998 to appropriate 1.56 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: 1,280 feet north and 1,280 feet east from the southwest corner Section 33-T100N-R53W (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 33-T100N-R53W	NE ¼ SW ¼	33 acres
	NW ¼ SW ¼	33 acres
	SW ¼ SW ¼	33 acres
	SE ¼ SW ¼	33 acres
Total 132 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6075-3 including the following now applicable qualifications:

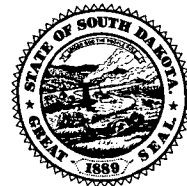
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6075-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

JAN 26 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2008

5914-3
6434-3
6075-3

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

Dear Mr. Berens:

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

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2008

6075-3

Joel Berens
45735 275th St
Parker SD 57053

Dear Mr. Berens:

Thank you for the prompt return of your 2008 irrigation questionnaire. I saw your notation on the form that Ralph's name should be removed from the water right. In order to do that, you will need to complete a "Notice of Transfer of Ownership".

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please complete the form, sign and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
NOV 13 2008
WATER RIGHTS
PROGRAM

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

No. 6075-3

Date: 11-10-08

I/We request that Water Right No. 6075-3

formerly owned by: Joel and Ralph Berens

be transferred to: (name & address) Joel Berens, 45735 275th St, Parker SD 57053

Telephone No. 605 297-1187

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

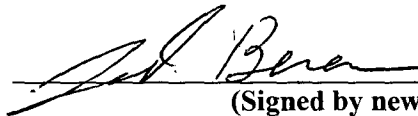
132 acres - SW ¼ Section 33, T100N, R53W

I/We understand that the validity of Water Right No. 6075-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Joel Berens, 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 11/13, 20 08

RECEIVED OF Joel S Bernas 45735 275th St Parker SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
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>6075-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03795

By

Charles D. Erbale
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2008

6075-3

Joel Berens
45735 275th St
Parker SD 57053

Dear Mr. Berens:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for Water Right No. 6075-3. The transfer has been completed. The water right formerly listed in the names of Joel and Ralph Berens is now listed under your name only.

Enclosed is your Receipt No. 03795 in the amount of \$2.50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2011

6075-3

Katherine Morsbach
5745 S Harper Ave
Chicago IL 60637

Dear Ms. Morsbach:

I am writing in regard to Water Right No. 6075-3 currently listed in the name of Ralph or Joel Berens. I have included a copy of the water right for your review. Joel Berens notified us that he no longer leases the land and that ownership had also changed.

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.

Each year we mail out an irrigation questionnaire for irrigators in South Dakota to report their water use for the current crop year. I have enclosed the form for that specific permit. Submission of the form is an annual requirement and is due back in our office by December 2nd. We often times can send the questionnaire to a leaser or manager of the property if the owner is a non-resident land owner. To do this, we would need the name and address for mailing purposes.

Please complete the enclosed forms and return them to us as soon as possible. If you have any questions, give me a call and we can work through them over the phone. Thank you in advance for your help.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 2011

6075-3

Seth Bahnson
2233 Cherry Dr
Inwood IA 51240

Dear Mr. Bahnson:

I am writing to obtain water use information from you for land described in Water Right No. 6075-3. Enclosed is a copy of the water right for your review.

Katherine Morsbach called to let us know that you now farmed the land for her and any requests for irrigation information should be directed to your attention. Each year we mail out irrigation questionnaires to irrigators in South Dakota to obtain information on how much water was applied for that specific crop year. Submission of the forms is one of the requirements for maintaining the water right.

Enclosed is the 2011 irrigation questionnaire for Water Right No. 6075-3. I have included a copy of the informational letter sent out with the forms. Please complete the questionnaire and return it to our office by December 2nd. I have included a postage paid envelope for your convenience. If you have any questions, please give me a call and I can help walk you through the process.

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

c: Katherine Morsbach

RECEIVED
NOV 10 2011
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6075-3

Date: 11/8/2011

I/We request that Water Right No. 6075-3

formerly owned by: Ralph or Joel Berens

be transferred to: (name & address)

Katherine Morsback
5745 S. Harper

Chicago IL 60637

Telephone No.

773-493-

8059

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

132 acres - SW ¼ Section 33, T100N, R53W

I/We understand that the validity of Water Right No. 6075-3 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. ~~Katherine Morsback~~

I/We Katherine Morsback

, the new owner, certify that the above information is true and correct. ~~Katherine Morsback~~

Kathu Morsback

(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 11/10, 20 11

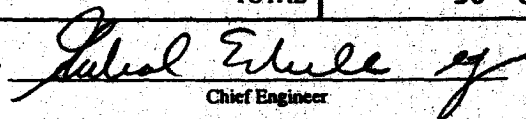
RECEIVED OF Katherine S Morsbach 5745 S Harper Ave Chicago OIL 60637

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>6075-3</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. **05064**

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

November 14, 2011

6075-3

Katherine Morsbach
5745 S Harper Ave
Chicago IL 60637

Dear Ms. Morsbach:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Right No. 6075-3.

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

Enclosed for your records is Receipt No. 05064 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



6075-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: SETH BAHNSON, MGR, 2233 CHERRY AVE, INWOOD, IA 51240

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6075-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6075-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: KATHERINE MORSBACH, 5745 S HARPER AVE, CHICAGO IL 60637

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2012

6075-3

Seth Bahnson
2233 Cherry Ave
Inwood IA 51240

Dear Mr. Bahnsn:

I am writing to acknowledge receipt of the 2011 irrigation questionnaire for the water right held by Katherine Morsbach.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 6075-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Katherine Morsbach

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 6075-3Date: December 14, 2012I/We request that Water Right/Permit No. 6075-3 formerly owned by:Katherine Morsbach

be transferred to:

New Owner Name: Donald WeegAddress: 4504 West 12th StreetCity, State, Zip Sioux Falls SD 57107 Telephone No. 605-338-1249

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

See attached Exhibit "A"

☒ I understand that the validity of Water Right/Permit No. 6075-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Donald Weeg, the new owner, certify that the above information is true and correct.

Donald D. Weeg
(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.

EXHIBIT "A"

The Southwest Quarter (SW 1/4) except Lot H2 in the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section Thirty-Three (33), Township One Hundred (100) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota.

NOTICE OF TRANSFER OF OWNERSHIP

REC 7

DEC 20 2012

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6075-3

Date: 12-20-12

I/We request that Water Right/Permit No. 6075-3 formerly owned by:

Katherine Morsbach be transferred to:

New Owner Name:

Don Weeg

Address:

4504 West 12th Street

City, State, Zip

SIOUX FALLS, S.D. 57107

Telephone No. 605 338 1249

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

132 acres - SW 1/4 Section 33, T100N, Range 53 W

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

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Don Weeg, the new owner, certify that the above information is true and correct.

Don Weeg

(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.

FIRST DAKOTA TITLE · ESCROW ACCOUNT · GREAT WESTERN BANK · SIOUX FALLS, SD 57104

122756

MN129680C

12/14/2012

Pay to the
Order of

PMB 2020

\$50.00

Fifty and 00/100

Dollars

PMB 2020
DENR - Water Rights Program
523 Capitol Avenue
Pierre, SD 57501-3182

* Sent CK without this Form

Copy of Check Sent to
you on 12-14-2012

FIRST DAKOTA TITLE
600 South Main Avenue
Sioux Falls, SD 57104
605-977 7691

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/20, 20 12

RECEIVED OF First Dakota Title 600 S Main Ave Sioux Falls SD 57104

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>6075-3 (Weeg)</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. **05786**

By

David E. Eide
Chief Engineer



6075-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: SETH BAHNSON, MGR, 2233 CHERRY AVE, INWOOD, IA 51240
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6075-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6075-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: KATHERINE MORSBACH, 5745 S HARPER AVE, CHICAGO IL 60637

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Katherine Morsbach, 5745 S Harper Ave, Chicago IL

DATE: February 12, 2013

TELEPHONE: 773 493-8059

RE: irrigation questionnaire for No. 6075-3

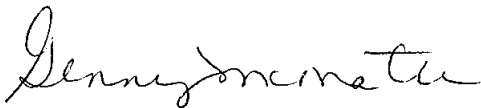
COMMENTS:

The 2012 irrigation had originally been mailed to Seth Bahnson, Inwood IA as the renter of property owned by Katherine Morsbach. In December, 2012, ownership of the land changed to Don Weeg in Sioux Falls SD. Mr. Weeg indicated that he knew the land was irrigated but he did not take possession until December so he did not have the needed information.

I went ahead and mailed the January, 2013 notice concerning reporting requirements for the annual irrigation questionnaire to Seth Bahnson with a copy to Ms. Morsbach in hopes of obtaining the information for last year.

On February 12, 2013 I called Ms. Morsbach to find out if her past renter would have the information and she gave me the # to Damon Bahnson who helped his son with the irrigation for 2012.

February 13, 2013 – I called and spoke with Damon Bahnson (712 470-4538) and obtained the information for 2012 from him over the phone. I completed a questionnaire for 6075-3 based on our phone conversation.



Genny McMath
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

February 13, 2013

6075-3

Don Weeg
4504 West 12th St
Sioux Falls SD 57107

Dear Mr. Weeg:

I am writing in regard to the ownership change you filed back in December, 2012 for Water Right No. 6075-3. The ownership change was completed and Water Right No. 6075-3 formerly held by Katherine Morsbach is now listed in your name.

For informational purposes, today I was able to obtain the 2012 irrigation questionnaire information from Damon Bahnson. Damon, along with his son Seth farmed the land in 2012. Everything is up to date and nothing further is needed until October, 2013 when the new irrigation questionnaires are mailed out.

The receipt for the filing fee paid for the ownership change is being forwarded along with a copy of this letter to First Dakota Title in Sioux Falls.

If you have any questions, please contact me.

Sincerely,

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

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

c: First Dakota Title w/Receipt No. 05786

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 6075-3

Date: 3-2-16

I/We request that Water Right/Permit No. 6075-3 formerly owned by:

Don Weeg be transferred to:

New Owner Name: Weeg Family Farms, LLLP
Address: 26857 469th Avenue
City, State, Zip: Sioux Falls, SD 57106 Telephone No. (605) 335-1104

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

The Southwest Quarter (SW1/4) except Lot H-2 in the West Half of the Southwest Quarter
(W1/2SW1/4) of Section Thirty-three (33), Township One Hundred (100) North, Range
Fifty-three (53) West of the 5th P.M., Turner County, South Dakota.

☒ I understand that the validity of Water Permit No. 6075-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Donald D. Weeg, as President of Weeg Trailer Park, Inc., the General Partner of Weeg Family Farms, LLLP, the new owner, certify that the above information is true and correct.

WEEG FAMILY FARMS, LLLP

General Partner:

WEEG TRAILER PARK, INC.

By Donald D. Weeg
Donald D. Weeg, President

RECEIVED
MAR 07 2016
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/7, 20 16

RECEIVED OF Woods, Fuller Shultz & Smith PO Box 5027 Sioux Falls SD 57117

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>6075-3</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. **07776**

By *J. Lee Goodman* JK
Chief Engineer



RECEIVED

MAR 07 2016

WATER RIGHTS
PROGRAM

March 3, 2016

Nicole J. Peterson
Nicole.Peterson@woodsfuller.com
Extension 633

PMB 2020
DENR – Water Rights Program
Attn: Jeanne Goodman
523 E. Capitol Avenue
Pierre, SD 57501-3182

Re: Notice of Transfer of Ownership – Weeg Family Farms, LLLP

Dear Ms. Goodman:

Enclosed for filing please find Notices of Transfer of Ownership for the following water permits being transferred to Weeg Family Farms, LLLP:

<u>Permit No.</u>	<u>Previous Owner</u>
6075-3	Don Weeg
4341-3	Don Weeg
439-3A	Donald D. Weeg
4958-3	Donald and Coryill Weeg
969-3	Donald and Coryill Weeg
4122-3	Weeg Family Trust
4694-3	Weeg Family Trust

7

Also enclosed please find our firm's checks in the amount of \$50 each for the applicable filing fees. Please provide confirmation of acceptance and filing once completed.

Please do not hesitate to contact our office with any questions. Thank you.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Nicole J. Peterson
Paralegal

Enclosures



6075-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 10, 2016

Donald D Weeg, President
Weeg Family Farms LLLP
26857 469th Ave
Sioux Falls SD 57106

RE: Water Right Nos. 439-3A, 969-3, 4122-3, 4341-3, 4694-3, 4958-3 and 6075-3

Dear Mr. Weeg:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by Woods Fuller Law Firm on your behalf.

The ownership changes have been completed. The above listed water rights are now listed in the name of "**Weeg Family Farms LLLP**". The receipts for the filing fees are being forwarded with a copy of this letter to Woods, Fuller, Shultz and Smith PC.

If you have any questions, please let me know.

Sincerely,

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

c: Nicole J Peterson, Woods Fuller Shultz & Smith PC w/Receipts

3-18-16

6075-3

Please send all correspondence
that is sent from your office to
this address instead of the former

Donald D. Weeg

Weeg Family Farms LLP New address

4504 W 12th

Sioux Falls S Dak

57107

RECEIVED

MAR 21 2016

WATER RIGHTS
PROGRAM

Weeg Family Farms LLP

Former

26857 469th Ave

Sioux Falls S Dak 57106

Thank you for your time doing
this change.

Don Weeg

4504 W 12th

Sioux Falls S Dak

57107

605 (359 1612)