

WATER PERMIT NO. 6099-3

Name of Applicant: CSS Farms

Address: 3334 9th Ave SW, Watertown SD 57201

Phone: 605 886-2577

Amount of Water Claimed: 2.22 cfs

Total Acres: 136

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Grant

Type of Waste Disposal System: NA

Location: approximately 28 miles west of Milbank

PRIORITY

Date Received: 8-25-1998

Fee: \$250.00

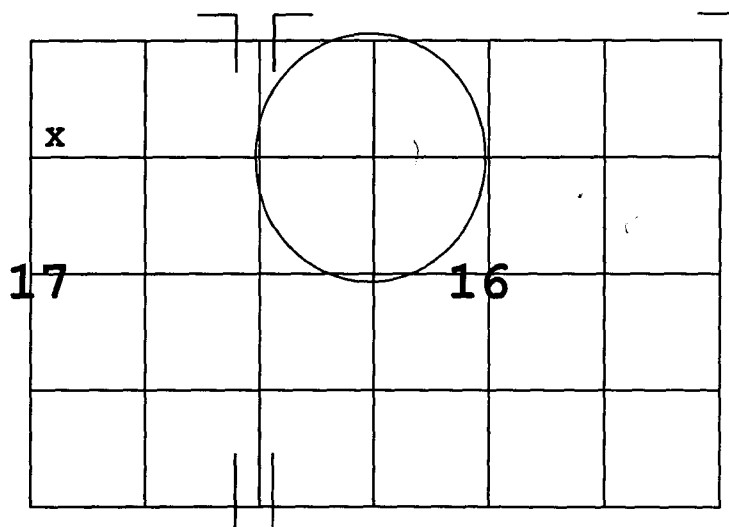
Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks: Requesting more water than statutory limit

Diversion Point: NW ¼ NE ¼ Sec 17-T121N-R52W

Land to be Irrigated: NW ¼ Sec 16-T121N-R52W



Depth of Well: 61 feet deep

Well Driller: LTP Enterprise

Remarks:

Type of Map: aerial

Prepared by: W Stanley Lamb,SCS

Reviewed and the Number Assigned on: 8-25-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6099-3**

Date of first receipt of application August 25, 1998.

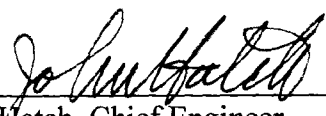
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6099-3 to CSS Farms, 3334 9th Ave SW, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW ¼ NE ¼ Section 17 to irrigate 136 acres located in the NW ¼ Section 16; all in T121N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is August 25, 1998.
4. The date of approval of Permit No. 6099-3 is November 23, 1998.
5. One-fifth of the construction is to be completed on or before May 23, 2001.
6. All construction is to be completed on or before November 23, 2003.
7. Water is to be put to beneficial use on or before November 23, 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. 6099-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 136 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

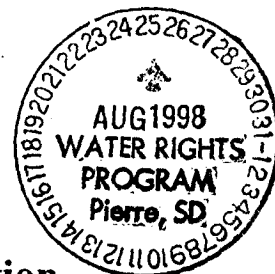
JAN 19 1999

date



Berger South

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6099-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Grant Co. Review</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant CSS Farms Phone 605/886-2577
(check one) Owner ☒ Tenant/lessee
Mailing Address 3334 9th Ave. SW Watertown SD 57201
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
~~SW1/4~~ NW1/4 of NE1/4 17-121-52
County Grant
- County or counties where water will be used Grant
- Annual period during which water is to be used May 1 - Oct 31
- 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 NW 1/4 16-121-52	34		
SW 1/4 "	34		
NE 1/4 "	34		
SE 1/4 "	34		

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

Center pivot irrigation system

STATE OF SOUTH DAKOTA) SS
County of Codington

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, Milton G. Carter, 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 Milton G. Carter

Subscribed and sworn to before me this 24 day of August 19 98

Charlotte McElhenny
Notary Public signature

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6099-3

07-92

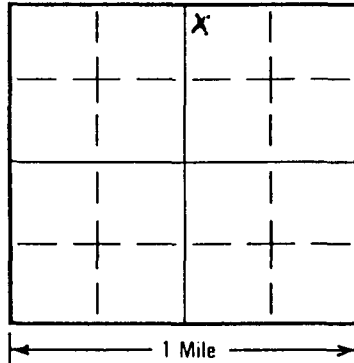
Location NW 1/4 NE 1/4 Sec 17 Twp 121 Rg 52
 County GRANT
 North

Please mark well location with an "X"

W

E

Well Completion Date

5-26-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56 LB/FT</u>	<u>12 IN</u>	<u>12 FT</u>	<u>45 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type CEMENT No. of Sacks 15 Grout Weight _____ lb./gal From 0 ft. To 20 ft.
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure PRESSURE GROUTEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial STAINLESS STEELSlot Size 045 Set From 45 Feet to 65 FeetOther information S.S. PLATE BOTTOMWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HIGH☐ NO, Why Not? PRESSURE

Laboratory sent to for water quality analysis _____

JETTINGWell Owner: CSS FARMS

Business Name: _____

Address: 3234 9th Ave S.W.
WATERTOWN, S.D. 57201

WELL LOG:

DEPTH

FORMATION	FROM	TO
TOP SOIL	0	1
SAND & GRAVEL	1	16
SANDY CLAY	16	27
COARSE SAND	27	51
FINE SAND	51	56
COARSE SAND	56	65
CLAY	65	82

STATIC WATER LEVEL 7.4 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: SUB PUMP☐ Bailed☐ Other

Pumping Level Below Land Surface

39.71 ft. After 21.5 Hrs. pumped 927 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

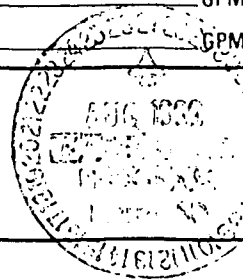
And this report is true and accurate.

Drilling firm L.T.P. Enterprises, Inc.

Signature of License Representative

Randy D. Pullen

Signature of Well Owner or Equitable Property Holder:

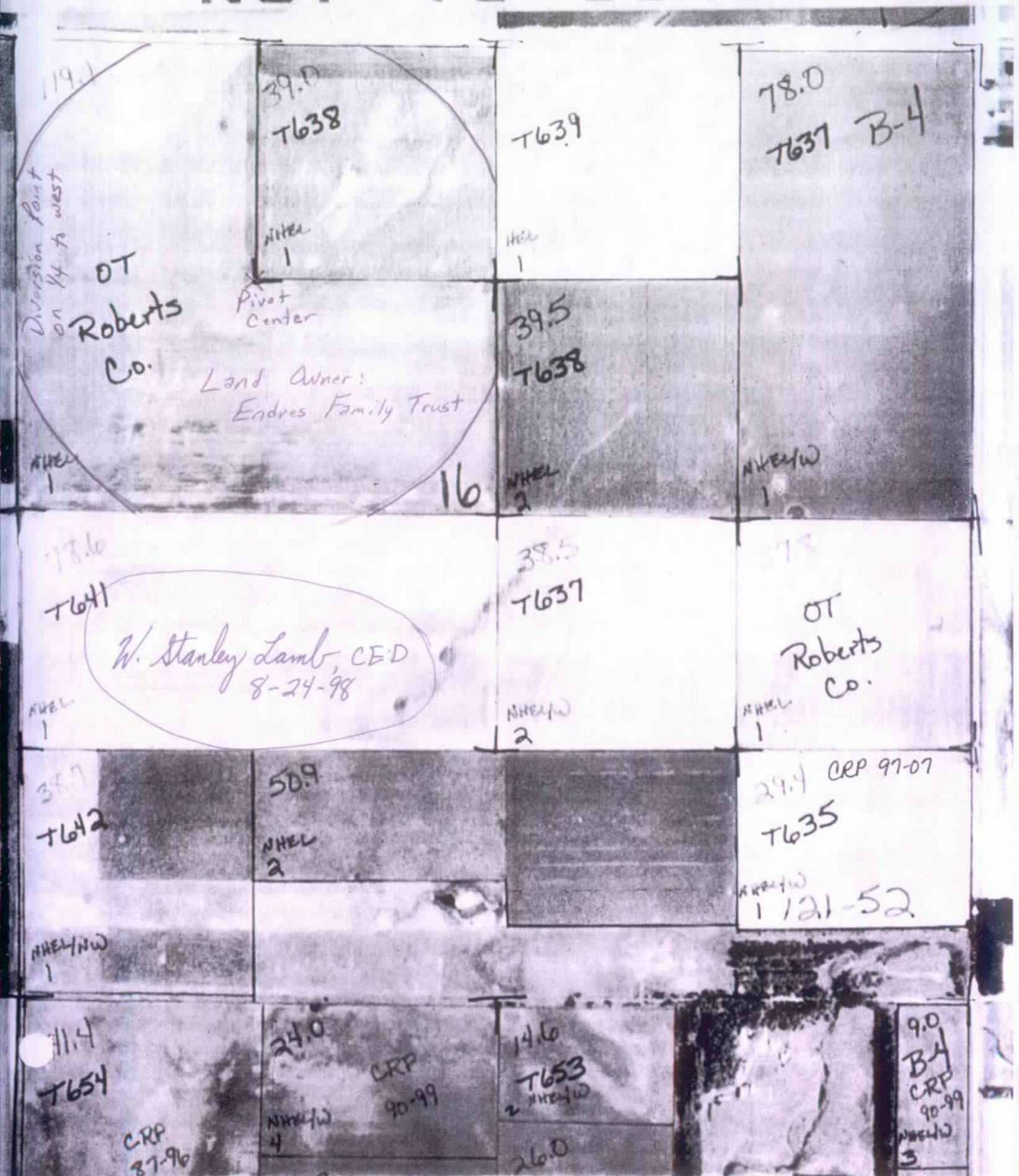
Date: 8-24-99

Olman

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



NOT TO SCALE



6099-3

COMMUNITY OIL CO.

Phone 432-5531

Milbank, SD

Complete Service Station

Town & Country Deliveries On All Petroleum Products

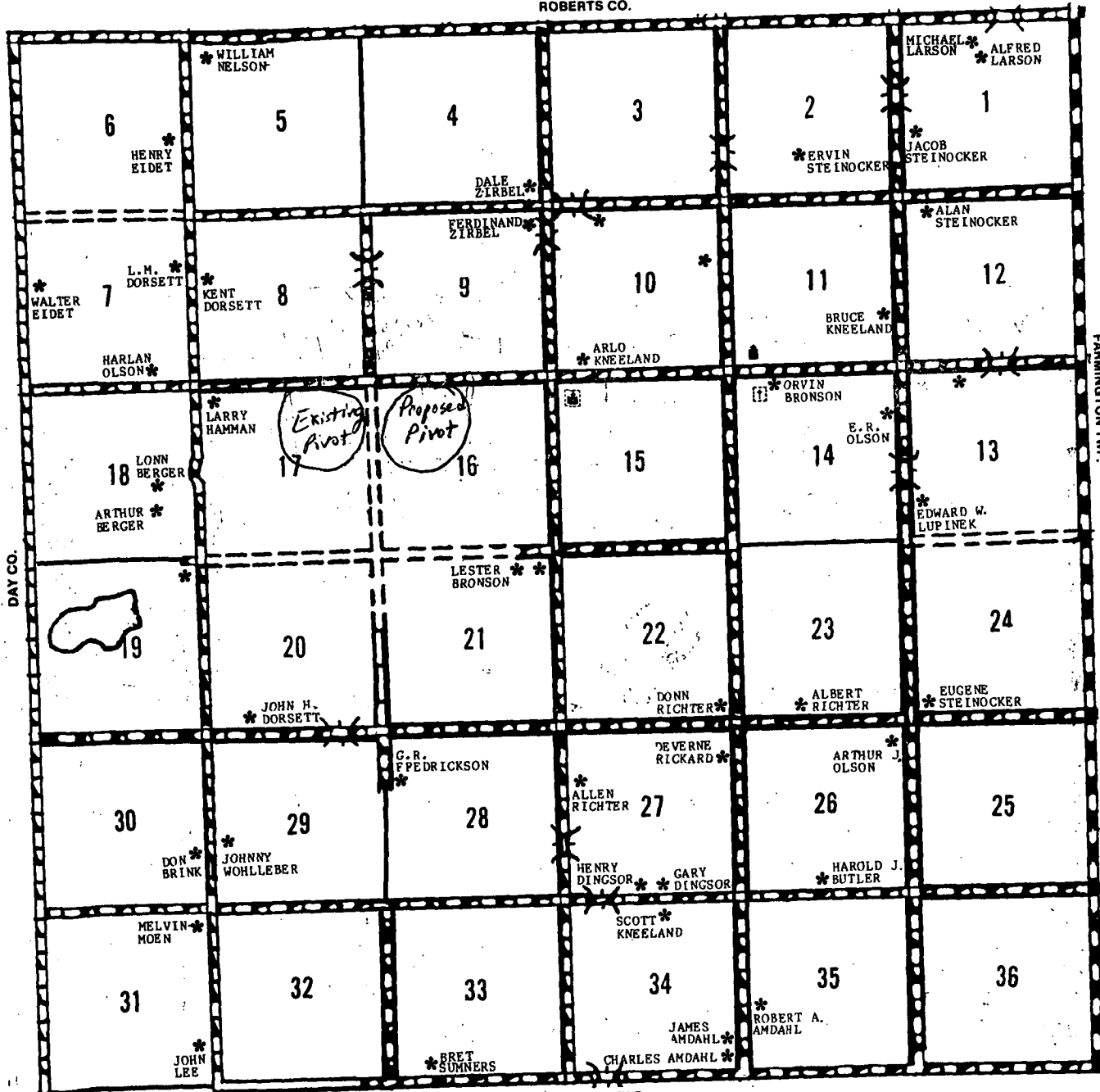


T-121-N

BLOOMING VALLEY DIRECTORY

R-52-W

ROBERTS CO.



LURA TWP.

GRANT CO., SD

Sec. _____ T. _____ R. _____

DRILLERS LOG

Drilled for CSS By Fargo Office

Location of Test Hole 300 NW of 12" well Sec. 17

Test Hole No. #7 Well No. #1 TW

Size of test hole 6 1/4 Date started 5-28-98 Date completed 5-28-98 Total Hours _____

FORMATIONS DRILLED

TYPE OF FORMATION	COLOR OF FORMATION	STARTED AT WHAT DEPTH	ENDED AT WHAT DEPTH	THICKNESS OF FORMATION
Top soil	Black	GL	1	1
Sand & gravel	Colored	1	17	16
Clay	Gray	17	22	5
Sand & gravel	Colored	22	24	2
Clay	Gray	24	27	3
Sand & gravel	Colored	27	29	2
Clay	Gray	29	31	2
Sand & gravel	Colored	31	42	11
Clay	Gray	42	44	2
Sand & Gravel	Colored	44	61	17
Clay	Gray	61	68	7
<u>Test Well</u>				
Depth	61 ft.			
Static	4.3 ft.			
Screen	10'			
Specific	23.25			
Available	46.7 ft.			
Theoretical	1085 gpm			

Signed Chris Ranum Driller

Static 4.3'

Box 9035 • FARGO, ND 58106 • Phone (701) 232-8928

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415845

Pierre,

August 25, 1998

RECEIVED OF CS8 Farms, Inc., 3334 - 9th Ave. SW, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 40223 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 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

250 00

250 00

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2002

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

Dear Sirs:

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

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

5968-3 – SW ¼ Section 9-T121N-R52W
6004-3 - NW ¼, N ½ SW ¼ Section 33-T122N-R52W
6030-3 – NE ¼ Section 17-T121N-R52W
6098-3 - SE ¼ Section 8-T121N-R52W
6099-3 – NW ¼ Section 17-T121N-R52W

Upon receipt of the \$250.00 fee, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

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

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

CSS FARMS, INC.

"Committed To Quality And Service"

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

August 23, 1998

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

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



Re: Irrigation Permit for NW ¼ of 16-121-52 in Grant County

Dear Mr. Hatch:

As you know, we have been working together with Jim Endres for the past few years to buy and develop land that is suitable for irrigation. When we do this, Endres Family Trust (which is controlled by Jim Endres) becomes the landlord on these properties, and CSS Farms is the tenant pursuant to long term leases.

As we discussed earlier this summer, we are interested in developing the NW ¼ of 16-121-52 in Grant County for irrigation. This quarter (Berger South pivot) is immediately adjacent to the east of the quarter that we developed this spring (Ollman pivot) and to the south of the quarter that we developed in 1997 (Kneeland pivot). We were not able to find adequate water on this quarter for irrigation, but the test drilling and test pumping would suggest that there is adequate water on the west side of the Ollman pivot to operate both that pivot and this new pivot. Our plan would be to drill another well approximately 300 feet to the north of the existing well on the Ollman pivot, and then tie both wells together with both pivots via pipelines.

Both the landlord and the tenant are the same on both of these quarters, so there should not be any conflicts over water. Our cropping plans would be to always plant a short season, lower water use crop (e.g., small grain) on one quarter if we have a long season, higher water use crop (e.g., potatoes or corn) on the other quarter.

If you have any questions, do not hesitate to call. Thank you for your consideration.

Sincerely,

Milton G. Carter

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: CSS Farms applications

ADDRESS: COUNTY: Grant

DATE: August 26, 1998 TELEPHONE: 886-2577

RE: call to Milt Carter

COMMENTS:

Mr. Carter returned my telephone conversation regarding the two water right permit applications they filed.

He clarified that the well on Application No. 6098-3 is located in the NE1/4 SE1/4 of Section 8, T121N, R52W.

I told Mr. Carter that he would need to submit a letter of justification for a diversion rate greater than 1 cfs/70 acres.

Finally, I told Mr. Carter we would not be able to schedule for the October Board meeting. But that if these were not controversial applications we would publish in a manner that if no one contested the application it would be issued based on our recommendation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lumberg

Sent by FAX Sept. 1 1998 @ 1:20 PM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 1, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a brief follow-up to our telephone conversation regarding the two pending water permit applications for CSS Farms. Since the requested amount of water for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. If you will recall, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know you have written similar letters with previous applications. I'm just reminding you that we need to have a letter on file prior to proceeding with these applications.

Sincerely,

A handwritten signature in cursive script, which appears to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a follow-up to our telephone conversation and the fax I sent to you on September 1st. I am still awaiting a letter justification for the additional diversion rate requested on the two pending CSS Farm's water permit applications. Since the requested amount of water requested for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. As I have stated previously, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know this is a busy time of the year for you but I wanted to send you a reminder. We will not proceed with the applications until we have the letter explaining the reason for the request above the statutory limit.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

CSS FARMS, INC.

"Committed To Quality And Service"

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

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

September 19, 1998

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



Re: Irrigation Permit for NW ¼ of 16-121-52 in Grant County

Dear Mr. Hatch:

I am writing to justify our request for 1000 GPM (2.22 CFS) on 136 irrigated acres, which is higher than the normal 1 CFS per 70 acres (total of 1.94 CFS in this case).

Our primary purpose for developing this land for irrigation is to grow irrigated Russet Burbank potatoes for the french fry plant in Clark, SD. The soil on this quarter is predominantly Renshaw soil. This soil is ideal for growing potatoes because it is fairly sandy. However, its water holding capacity is only 0.18 to 0.20 inches per inch, and it is underlain with gravel at a depth of 18 to 24 inches. Consequently, it is necessary to use fairly light irrigations (normally 0.5 to 0.6 inches per application) to maintain uniform soil moisture conditions (which is necessary to maintain the desired shape and quality in the Russet Burbank potato) and to avoid leaching nutrients (primarily nitrogen) below the rooting zone of the potato. Therefore, we think it is necessary to have close to 7.5 gpm per irrigated acres to do an adequate job of irrigating the crop and protecting the environment.

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

Sincerely,

Milton G. Carter
Secretary

REPORT ON WATER PERMIT APPLICATION NOS. 6098-3 & 6099-3
for CSS Farms
October 6, 1998

Application No. 6098-3 proposes to appropriate 2.0 cfs from one well approximately 68 feet deep located in the NE 1/4 SE 1/4 of Section 8 to irrigate 126 acres located in the SE 1/4 of Section 8; all in T121N-R52W in Grant County.

Application No. 6099-3 proposes to appropriate 2.22 cfs from one well approximately 61 feet deep located in the NW 1/4 NE 1/4 of Section 17 to irrigate 136 acres located in the NW 1/4 of Section 16; all in T121N-R52W in Grant County. Both applications are located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer extends into Roberts County to the north and into Day County to the west. The aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Codington and Grant Counties (Hansen, 1990). Regionally ground water movement is from north to south with a local component toward the Big Sioux River. Under most conditions, ground water is discharging to the river but under certain hydrologic conditions recharge could occur from the river to the aquifer. Recharge estimates range from 4 to as much as 10 inches per year to the Big Sioux North aquifer (Hansen, 1990). Recharge is accomplished through direct infiltration into the aquifer of rainfall and snowmelt and from hydraulic connection with the Big Sioux River. The Big Sioux aquifer as described in the Hansen report is identical to the Big Sioux North management unit.

Test well information supplied with these applications, indicate sand or sand and gravel beginning near the land surface and extending to depths of 61 and 68 feet. The static water level was reported at 4.3 feet below land surface at the test site in Section 17. Also, a specific capacity of 23 gpm/ft of drawdown was reported at this site. Based upon these test well logs and other tests of nearby irrigation wells, the aquifer is capable of producing the amount of water requested.

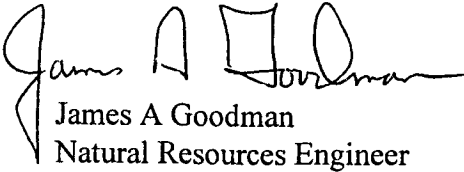
The Water Rights Program does monitor an observation well, GT-77B, which is located within one-half mile of these applications. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. A hydrograph of this well is included with this report. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permit Nos. 5968-3 and 6030-3 located within one-half mile of these applications. These existing permits and the new applications are all for CSS Farms. The well for 6098-3 is located about 1000 feet southwest of the well for Water Permit No. 5968-3. The well for 6099-3 is located about 300 feet north of the well for Water Permit No. 6030-3. Drawdown created by pumping will extend to the existing diversions, especially the well which is proposed to be located within 300 feet of an existing well. Based upon the test pumping of the existing wells it does not appear that drawdown created by pumping will cause adverse effects. However, the plan presented in application No. 6099-3 recognizes the potential of interference and proposes to rotate water usage between pivots every other year. In other words operating Water Permit No. 6030-3 and application No. 6099-3 as one system but with two diversion points.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping will not extend very far from individual production wells. Interference is not expected to be a concern except for application No. 6099-3 potentially affecting existing water permit No. 6030-3. The applicant is aware of this potential problem and is planning to use the two wells as one system and will minimize water use by irrigating of one of the two quarters with a less water consumptive crop.
3. The wells authorized by these applications must be constructed in accordance with SD Well Construction Standards.
4. The applicant has requested a rate of diversion which exceeds the standard of one cfs per 70 acres. This request is based upon the type of soils and the crops to be grown. This request is reasonable.

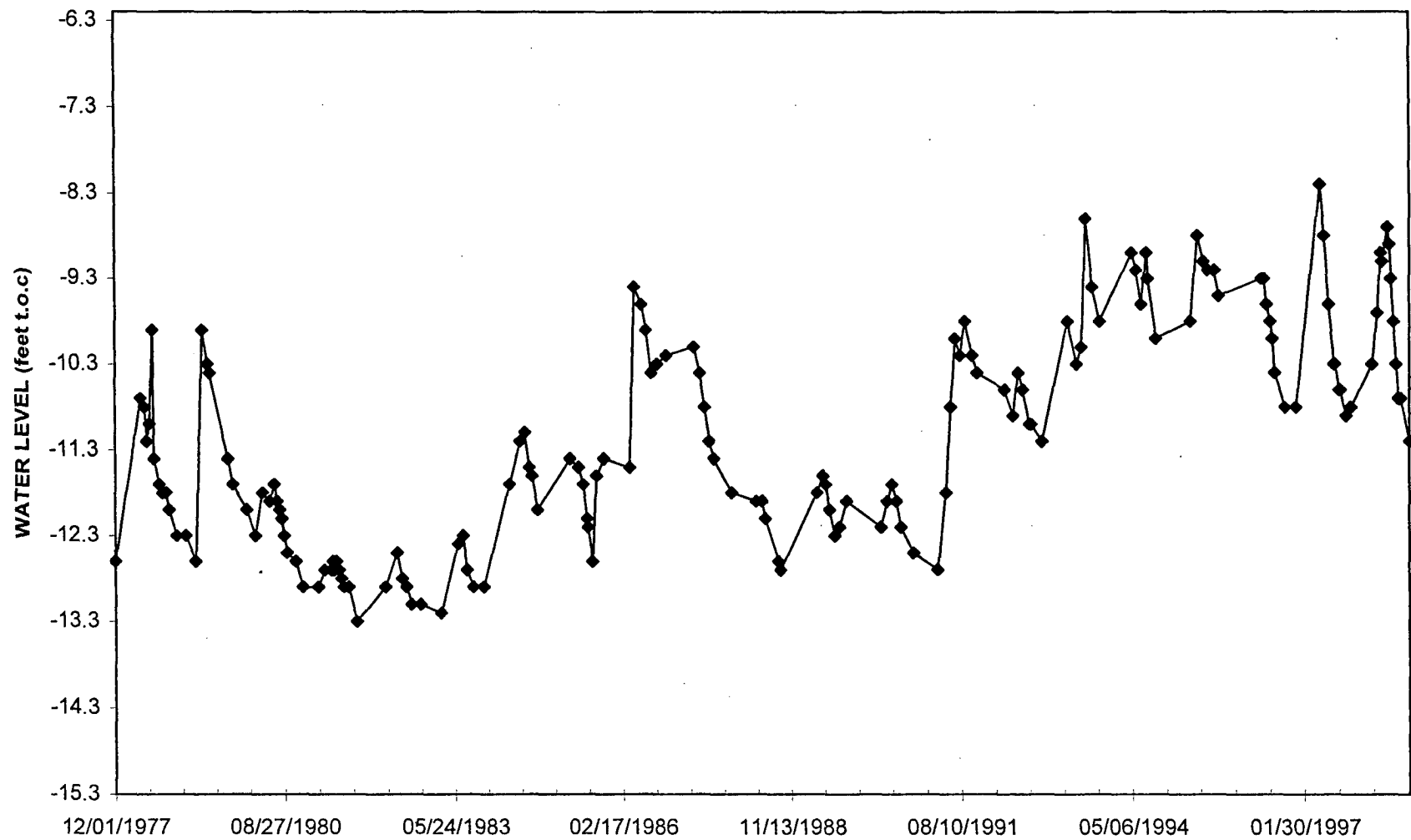


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, SD, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.
- Water Rights, 1998. Unpublished Observation Well Records for Grant County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-77B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6099-3, CSS Farms

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. 6099-3, CSS Farms, c/o Milton Carter, 3334 9th Avenue SW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6099-3 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. 6099-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 136 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 19, 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.

October 28, 1998

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

Dear Mr. Carter:

Water Permit Application Nos. 6098-3 and 6099-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank, SD (Ph # (605) 432-4516). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



October 28, 1998

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6098-3 and 6099-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is CSS Farms, %Milton Carter, 3334 9th Ave. SW, Watertown, SD 57201 (Ph # (605) 886-2577).

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

-----CU T HERE-----

Nos. 6098-3 & 6099-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6098-3 and 6099-3 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 November 4, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

Application No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8 to irrigate 126 acres located in the SE $\frac{1}{4}$ Section 8; all in T121N-R52W.

Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 to irrigate 136 acres located in the NW $\frac{1}{4}$ Section 16; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 November 23, 1998.

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

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF GRANT

} ss.

Clarence Justice

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Assoc. Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

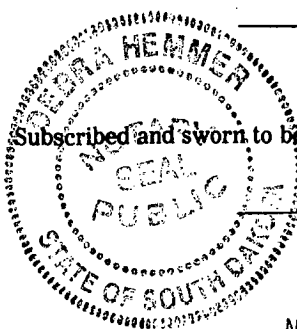
Notice of Application Nos. 6098-3 and 6099-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>Nov. 4</u>	<u>19 98</u>	<u>19</u>
<u>Nov. 11</u>	<u>19 98</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>

That \$ 40.73, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice



Subscribed and sworn to before me this 12th day of November 19 98

Debra Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2003

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

Application No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE 1/4 SE 1/4 Section 8 to irrigate 126 acres located in the SE 1/4 Section 8; all in T121N-R52W.

Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW 1/4 NE 1/4 Section 17 to irrigate 136 acres located in the NW 1/4 Section 18; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Nov. 4

Nov. 11



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

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

Dear Mr. Carter:

Enclosed are Water Permit Nos. 6098-3 and 6099-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11-29-99

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: CSS Farms 3334 9th Ave SW
(name) (address)
Watertown SD 57201 605-886-2577
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6098-3 & 6099-3

Water Permit No. 6098-3 & 6099-3 states that the diversion system is to be constructed by November 2003, and that the water is put to beneficial use by
(date)

November 2007
June 1999
(date)

The diversion system was completed on June 1, 1999.
(date)

Applying the water to beneficial use was completed on June 1, 1999.
(date)

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

Milton A. Carter
(signature)



July 18, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. Carter:

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Permit No. 6099-3
Big Sioux River - Water District

Contact Person & Address: Jim and Ray Carter, 3334 9th Ave SW, Watertown SD

Report Of Examination Of Works

On, July 3, 2002, I made a thorough examination of the water use system constructed by CSS Farms of 3334 9th Ave SW, Watertown SD holder of Permit No. 6099-3, bearing the priority of August 25, 1998 authorizing the diversion of 2.22 cu. ft. per second of the waters of ground water (Big Sioux North) for irrigation purposes, in Grant County.

The system is in the following condition good. The point of diversion is located from the NE corner of Sec 17 T121N-R52W (res) 1010 ft south and 2365 ft west with a longitude of -97.19452 and a latitude of 45.26556 as determined using GPS. The works are capable of diverting and conveying to the place of use 2.11 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 16 T121N-R52W (res):

NW ¼ NW ¼ - 33 ac NE ¼ NW ¼ - 33 ac SE ¼ NW ¼ - 33 ac SW ¼ NW ¼ - 33 ac

comprising a total of 132 acres of land and the license should be issued for 2.11 cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>LTP Enterprises Inc.</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>65</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>12</u> inches | 2) Length <u>45</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--------------------------------|--------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>20</u> feet |
|--------------------------------|--------------------------|

3) Static water level 7 feet

Pump:

1) Make submersible

2) Model ?

3) Size ?

4) Capacity ? GPM

Motor:

1) Make submersible

2) Model No. ?

3) Horsepower rating ? hp

DISTRIBUTION LINES OR CANALS:

1) Type PVC 8 inch 2600 feet

SYSTEM TYPE:

Center pivot:

1) Make Valley

2) Overall length 1280 feet

3) Number of towers 7

4) End gun yes

5) High or low pressure low

6) Capacity 950 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate yes

2) Main line check valve yes

3) Inspection port/air relief yes

4) Low pressure drain yes

5) Discharge is 20' from source yes

6) Interlock type electric

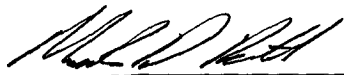
7) Injection pump type piston

8) Injection check valve yes

9) Injection line check valve or positive displacement pump yes

10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

11) **Comments :** none



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

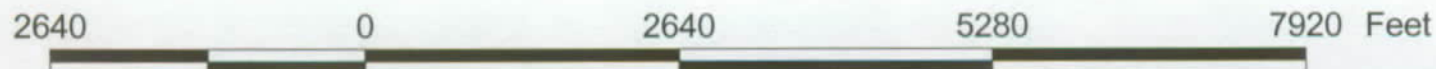
11-8-02

Date

No. 6099-3



South Dakota



Mark D. Rath
Natural Resources Engineer
SD DENR

11-01-02

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6099-3

(1) CSS Farms Inc., 3334 9th Ave SW, Watertown SD 57201 made Application No. 6099-3, August 25, 1998 for a water permit to divert 2.22 cubic feet of water per second from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 6099-3, with a priority date of August 25, 1998 was approved November 23, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 23, 2003 and for the application to beneficial use of water on or before November 23, 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 holder and/or owner of Water Right No. 6099-3 is issued a license, bearing a priority date of August 25, 1998 to appropriate 2.11 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: 1,010 feet south and 2,365 feet west of the northeast corner of Section 17-T121N-R52W (NW ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 16-T121N-R52W (RES)	NW ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
	SW ¼ NW 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. 6099-3 including the following qualifications:

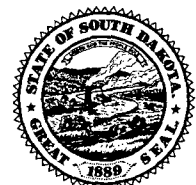
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6099-3 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.
- Pursuant to SDCL46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.11 cfs for irrigation of 132 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

MAR 11 2003

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 14 November 20, 20 02

RECEIVED OF GSB Water Inc., 3314 Old Highway SW, Billings MT 59201

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>6055-S</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 000003

By J. David E. Ebel

Chief Engineer ym



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

6099-3

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

Dear Mr. Carter:

Enclosed is Water License No. 6099-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000366 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6099-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

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

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM

1-18-07

Genny Mc Math.

Please use information provided to switch
water permits held by CSS Farms to Land
owners. If you have any questions
please give me a call at 605-520-5780

Thanks

James Coster
CSS Farms.

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM



6099-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2007

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 2007

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

enclosures



6099-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 2008

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

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

Dear Mr. Endres:

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

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

Sincerely,

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

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

enclosures

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

6099-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 15, 2008

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

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

enclosures

WATER PERMIT NO. 6099-3

Name of Applicant: CSS Farms

Address: 3334 9th Ave SW, Watertown SD 57201

Phone: 605 886-2577

Amount of Water Claimed: 2.22 cfs

Total Acres: 136

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Grant

Type of Waste Disposal System: NA

Location: approximately 28 miles west of Milbank

PRIORITY

Date Received: 8-25-1998

Fee: \$250.00

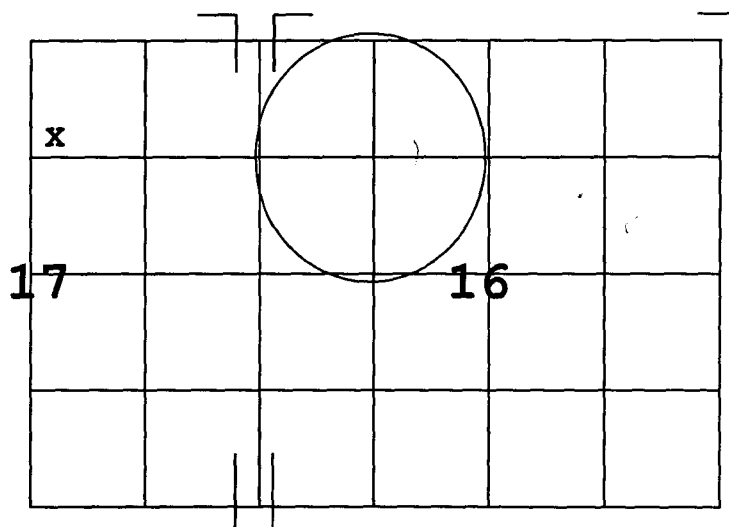
Corrected Application Received:

Period of Annual Use: May 1 – October 31

Remarks: Requesting more water than statutory limit

Diversion Point: NW ¼ NE ¼ Sec 17-T121N-R52W

Land to be Irrigated: NW ¼ Sec 16-T121N-R52W



Depth of Well: 61 feet deep

Well Driller: LTP Enterprise

Remarks:

Type of Map: aerial

Prepared by: W Stanley Lamb,SCS

Reviewed and the Number Assigned on: 8-25-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6099-3**

Date of first receipt of application August 25, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6099-3 to CSS Farms, 3334 9th Ave SW, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW ¼ NE ¼ Section 17 to irrigate 136 acres located in the NW ¼ Section 16; all in T121N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is August 25, 1998.
4. The date of approval of Permit No. 6099-3 is November 23, 1998.
5. One-fifth of the construction is to be completed on or before May 23, 2001.
6. All construction is to be completed on or before November 23, 2003.
7. Water is to be put to beneficial use on or before November 23, 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. 6099-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 136 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

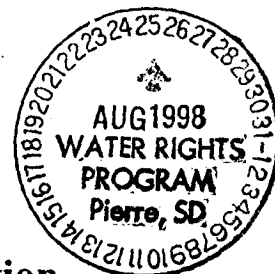
JAN 19 1999

date



Berger South

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6099-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Grant Co. Review</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant CSS Farms Phone 605/886-2577
(check one) Owner ☒ Tenant/lessee
Mailing Address 3334 9th Ave. SW Watertown SD 57201
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
~~SW1/4~~ NW1/4 of NE1/4 17-121-52
County Grant
- County or counties where water will be used Grant
- Annual period during which water is to be used May 1 - Oct 31
- 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 NW 1/4 16-121-52	34		
SW 1/4 "	34		
NE 1/4 "	34		
SE 1/4 "	34		

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

Center pivot irrigation system

STATE OF SOUTH DAKOTA) SS
County of Codington

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, Milton G. Carter, 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 Milton G. Carter

Subscribed and sworn to before me this 24 day of August 19 98

Charlotte McElhenny
Notary Public signature

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 15" Depth 61
- b) Casing Type Steel Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 12" Thickness Wire wrapped
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 4.3'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope _____

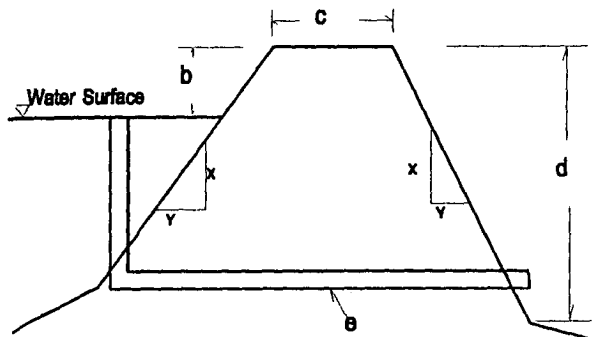
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



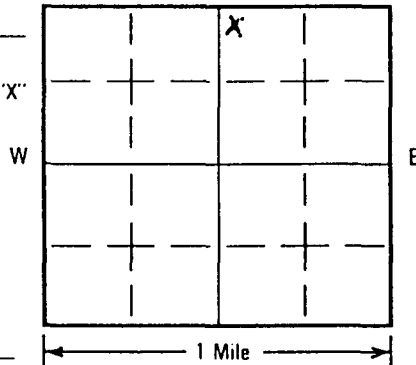
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6099-3

07-92

Location NW 1/4 NE 1/4 Sec 17 Twp 121 Rg 52
 County GRANT

Please mark well location with an "X"



Well Completion Date

5-26-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56 LB/FT</u>	<u>12 IN</u>	<u>12 FT</u>	<u>45 FT</u>	<u>17 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type CEMENT No. of Sacks 15 Grout Weight _____ lb./gal From 0 ft. To 20 ft.

Describe grouting procedure PRESSURE GROUTEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 20 FEETMaterial STAINLESS STEELSlot Size 045 Set From 45 Feet to 65 FeetOther information S.S. PLATE BOTTOMWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HIGH☐ NO, Why Not? PRESSURE

Laboratory sent to for water quality analysis _____

JETTINGWell Owner: CSS FARMS

Business Name: _____

Address: 3234 9th Ave S.W.
WATERTOWN, S.D. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP SOIL</u>	<u>0</u>	<u>1</u>
<u>SAND & GRAVEL</u>	<u>1</u>	<u>16</u>
<u>SANDY CLAY</u>	<u>16</u>	<u>27</u>
<u>COARSE SAND</u>	<u>27</u>	<u>51</u>
<u>FINE SAND</u>	<u>51</u>	<u>56</u>
<u>COARSE SAND</u>	<u>56</u>	<u>65</u>
<u>CLAY</u>	<u>65</u>	<u>82</u>

STATIC WATER LEVEL 7.4 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: SUB PUMP☐ Bailed☐ Other

Pumping Level Below Land Surface

39.71 ft. After 21.5 Hrs. pumped 927 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

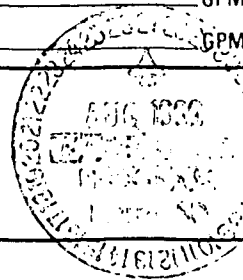
And this report is true and accurate.

Drilling firm L.T.P. Enterprises, Inc.

Signature of License Representative

Randy D. Pullen

Signature of Well Owner or Equitable Property Holder:

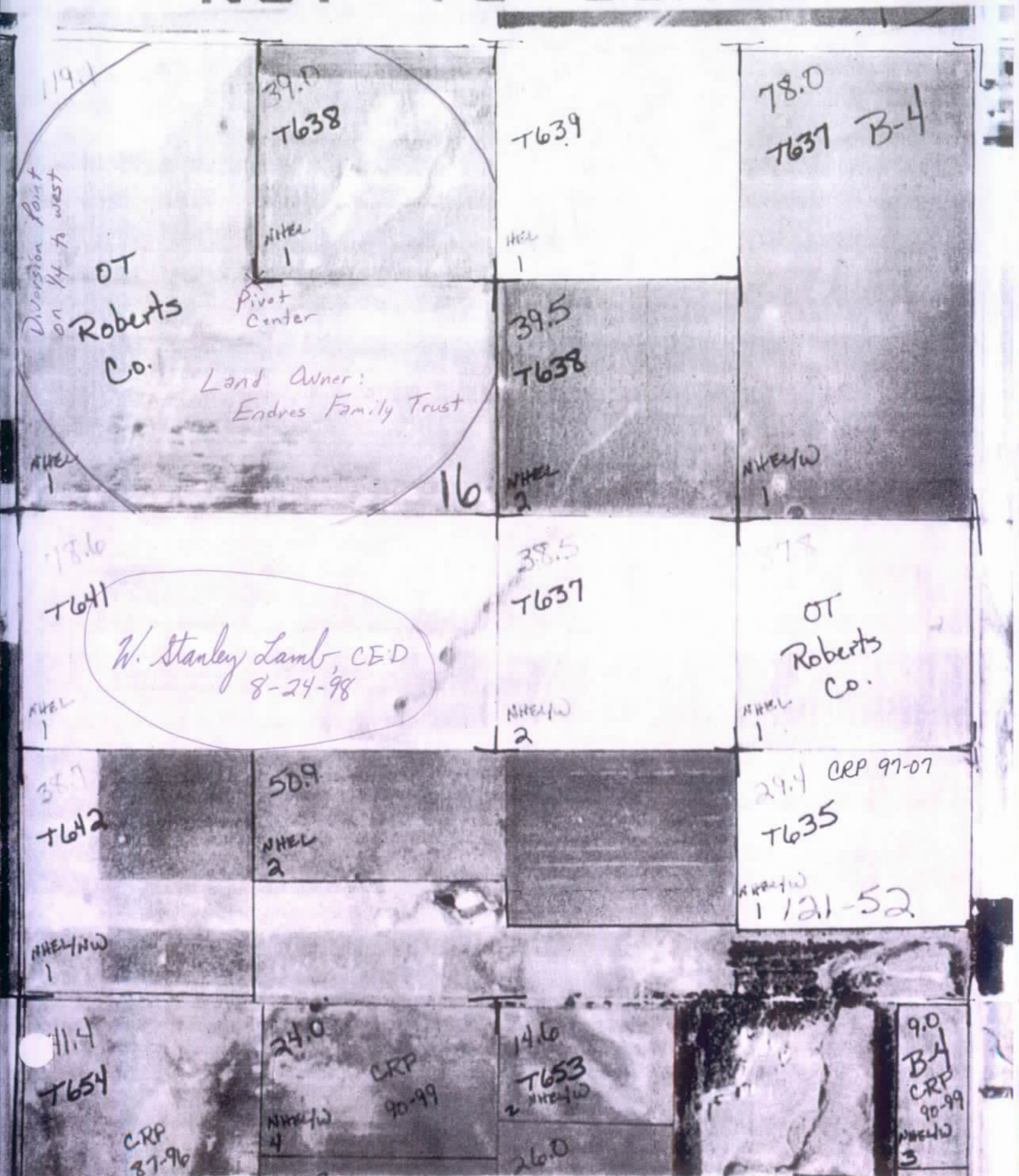
Date: 8-24-99

Olman

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



NOT TO SCALE



6099-3

COMMUNITY OIL CO.

Phone 432-5531

Milbank, SD

Complete Service Station

Town & Country Deliveries On All Petroleum Products

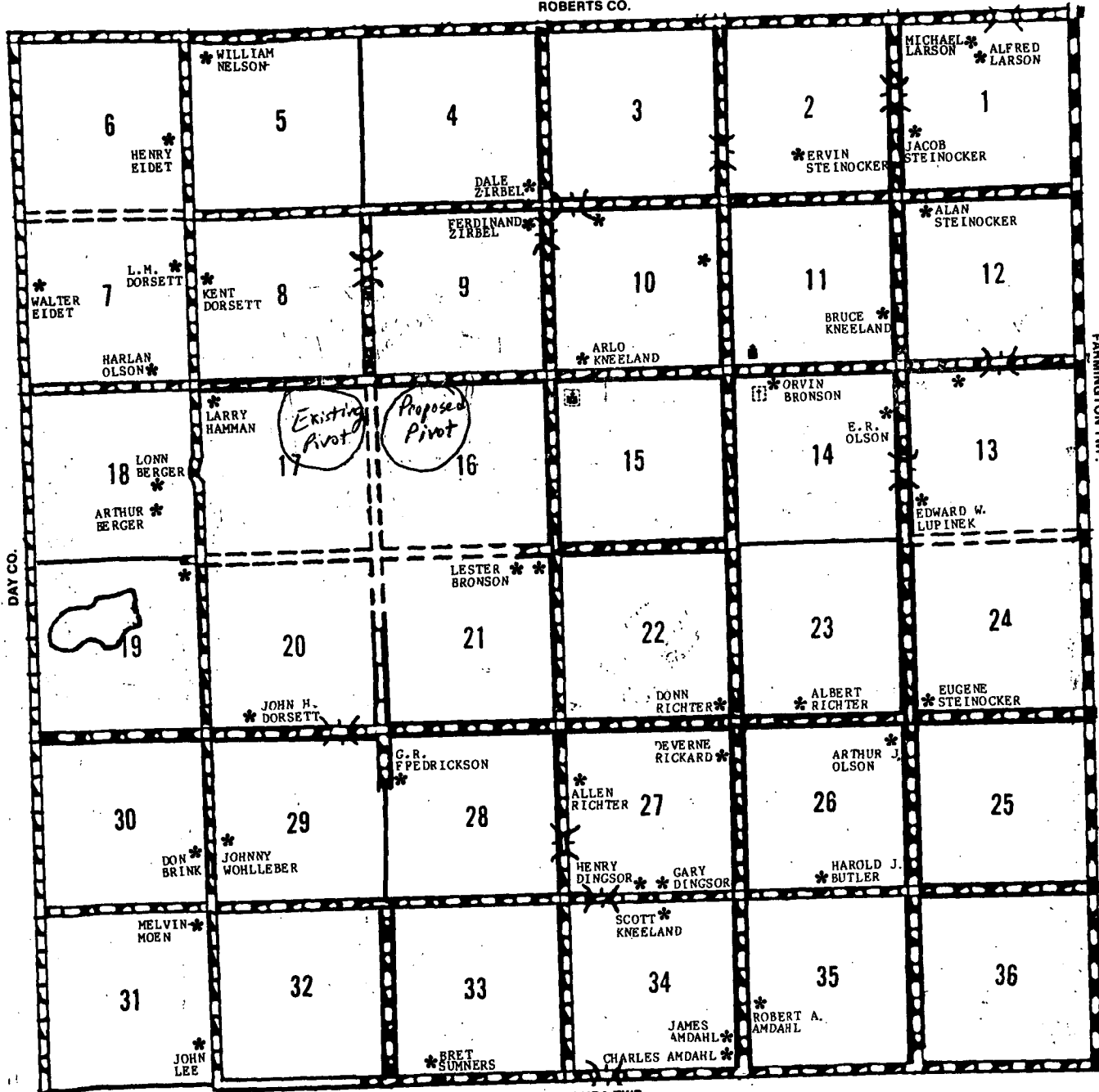


T-121-N

BLOOMING VALLEY DIRECTORY

R-52-W

ROBERTS CO.



LURA TWP.

GRANT CO., SD

Sec. _____ T. _____ R. _____

DRILLERS LOG

Drilled for CSS By Fargo Office

Location of Test Hole 300 NW of 12" well Sec. 17

Test Hole No. #7 Well No. #1 TW

Size of test hole 6 1/4 Date started 5-28-98 Date completed 5-28-98 Total Hours

FORMATIONS DRILLED

TYPE OF FORMATION	COLOR OF FORMATION	STARTED AT WHAT DEPTH	ENDED AT WHAT DEPTH	THICKNESS OF FORMATION
Top soil	Black	GL	1	1
Sand & gravel	Colored	1	17	16
Clay	Gray	17	22	5
Sand & gravel	Colored	22	24	2
Clay	Gray	24	27	3
Sand & gravel	Colored	27	29	2
Clay	Gray	29	31	2
Sand & gravel	Colored	31	42	11
Clay	Gray	42	44	2
Sand & Gravel	Colored	44	61	17
Clay	Gray	61	68	7
<u>Test Well</u>				
Depth	61 ft.			
Static	4.3 ft.			
Screen	10'			
Specific	23.25			
Available	46.7 ft.			
Theoretical	1085 gpm			

Signed Chris Ranum Driller

Static 4.3'

Box 9035 • FARGO, ND 58106 • Phone (701) 232-8928

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415845

Pierre,

August 25, 1998

RECEIVED OF CS8 Farms, Inc., 3334 - 9th Ave. SW, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 40223 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 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

250 00

250 00

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2002

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

Dear Sirs:

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

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

5968-3 – SW ¼ Section 9-T121N-R52W
6004-3 - NW ¼, N ½ SW ¼ Section 33-T122N-R52W
6030-3 – NE ¼ Section 17-T121N-R52W
6098-3 - SE ¼ Section 8-T121N-R52W
6099-3 – NW ¼ Section 17-T121N-R52W

Upon receipt of the \$250.00 fee, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

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

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

CSS FARMS, INC.

"Committed To Quality And Service"

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

August 23, 1998

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

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



Re: Irrigation Permit for NW ¼ of 16-121-52 in Grant County

Dear Mr. Hatch:

As you know, we have been working together with Jim Endres for the past few years to buy and develop land that is suitable for irrigation. When we do this, Endres Family Trust (which is controlled by Jim Endres) becomes the landlord on these properties, and CSS Farms is the tenant pursuant to long term leases.

As we discussed earlier this summer, we are interested in developing the NW ¼ of 16-121-52 in Grant County for irrigation. This quarter (Berger South pivot) is immediately adjacent to the east of the quarter that we developed this spring (Ollman pivot) and to the south of the quarter that we developed in 1997 (Kneeland pivot). We were not able to find adequate water on this quarter for irrigation, but the test drilling and test pumping would suggest that there is adequate water on the west side of the Ollman pivot to operate both that pivot and this new pivot. Our plan would be to drill another well approximately 300 feet to the north of the existing well on the Ollman pivot, and then tie both wells together with both pivots via pipelines.

Both the landlord and the tenant are the same on both of these quarters, so there should not be any conflicts over water. Our cropping plans would be to always plant a short season, lower water use crop (e.g., small grain) on one quarter if we have a long season, higher water use crop (e.g., potatoes or corn) on the other quarter.

If you have any questions, do not hesitate to call. Thank you for your consideration.

Sincerely,

Milton G. Carter

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: CSS Farms applications

ADDRESS: COUNTY: Grant

DATE: August 26, 1998 TELEPHONE: 886-2577

RE: call to Milt Carter

COMMENTS:

Mr. Carter returned my telephone conversation regarding the two water right permit applications they filed.

He clarified that the well on Application No. 6098-3 is located in the NE1/4 SE1/4 of Section 8, T121N, R52W.

I told Mr. Carter that he would need to submit a letter of justification for a diversion rate greater than 1 cfs/70 acres.

Finally, I told Mr. Carter we would not be able to schedule for the October Board meeting. But that if these were not controversial applications we would publish in a manner that if no one contested the application it would be issued based on our recommendation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lumbert

Sent by FAX Sept. 1 1998 @ 1:20 PM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 1, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a brief follow-up to our telephone conversation regarding the two pending water permit applications for CSS Farms. Since the requested amount of water for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. If you will recall, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know you have written similar letters with previous applications. I'm just reminding you that we need to have a letter on file prior to proceeding with these applications.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a follow-up to our telephone conversation and the fax I sent to you on September 1st. I am still awaiting a letter justification for the additional diversion rate requested on the two pending CSS Farm's water permit applications. Since the requested amount of water requested for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. As I have stated previously, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know this is a busy time of the year for you but I wanted to send you a reminder. We will not proceed with the applications until we have the letter explaining the reason for the request above the statutory limit.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

CSS FARMS, INC.

"Committed To Quality And Service"

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

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

September 19, 1998

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



Re: Irrigation Permit for NW ¼ of 16-121-52 in Grant County

Dear Mr. Hatch:

I am writing to justify our request for 1000 GPM (2.22 CFS) on 136 irrigated acres, which is higher than the normal 1 CFS per 70 acres (total of 1.94 CFS in this case).

Our primary purpose for developing this land for irrigation is to grow irrigated Russet Burbank potatoes for the french fry plant in Clark, SD. The soil on this quarter is predominantly Renshaw soil. This soil is ideal for growing potatoes because it is fairly sandy. However, its water holding capacity is only 0.18 to 0.20 inches per inch, and it is underlain with gravel at a depth of 18 to 24 inches. Consequently, it is necessary to use fairly light irrigations (normally 0.5 to 0.6 inches per application) to maintain uniform soil moisture conditions (which is necessary to maintain the desired shape and quality in the Russet Burbank potato) and to avoid leaching nutrients (primarily nitrogen) below the rooting zone of the potato. Therefore, we think it is necessary to have close to 7.5 gpm per irrigated acres to do an adequate job of irrigating the crop and protecting the environment.

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

Sincerely,

Milton G. Carter
Secretary

REPORT ON WATER PERMIT APPLICATION NOS. 6098-3 & 6099-3
for CSS Farms
October 6, 1998

Application No. 6098-3 proposes to appropriate 2.0 cfs from one well approximately 68 feet deep located in the NE 1/4 SE 1/4 of Section 8 to irrigate 126 acres located in the SE 1/4 of Section 8; all in T121N-R52W in Grant County.

Application No. 6099-3 proposes to appropriate 2.22 cfs from one well approximately 61 feet deep located in the NW 1/4 NE 1/4 of Section 17 to irrigate 136 acres located in the NW 1/4 of Section 16; all in T121N-R52W in Grant County. Both applications are located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer extends into Roberts County to the north and into Day County to the west. The aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Codington and Grant Counties (Hansen, 1990). Regionally ground water movement is from north to south with a local component toward the Big Sioux River. Under most conditions, ground water is discharging to the river but under certain hydrologic conditions recharge could occur from the river to the aquifer. Recharge estimates range from 4 to as much as 10 inches per year to the Big Sioux North aquifer (Hansen, 1990). Recharge is accomplished through direct infiltration into the aquifer of rainfall and snowmelt and from hydraulic connection with the Big Sioux River. The Big Sioux aquifer as described in the Hansen report is identical to the Big Sioux North management unit.

Test well information supplied with these applications, indicate sand or sand and gravel beginning near the land surface and extending to depths of 61 and 68 feet. The static water level was reported at 4.3 feet below land surface at the test site in Section 17. Also, a specific capacity of 23 gpm/ft of drawdown was reported at this site. Based upon these test well logs and other tests of nearby irrigation wells, the aquifer is capable of producing the amount of water requested.

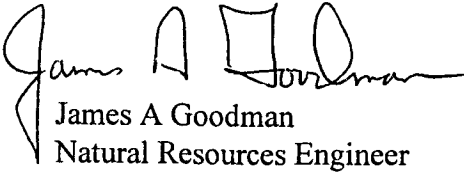
The Water Rights Program does monitor an observation well, GT-77B, which is located within one-half mile of these applications. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. A hydrograph of this well is included with this report. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permit Nos. 5968-3 and 6030-3 located within one-half mile of these applications. These existing permits and the new applications are all for CSS Farms. The well for 6098-3 is located about 1000 feet southwest of the well for Water Permit No. 5968-3. The well for 6099-3 is located about 300 feet north of the well for Water Permit No. 6030-3. Drawdown created by pumping will extend to the existing diversions, especially the well which is proposed to be located within 300 feet of an existing well. Based upon the test pumping of the existing wells it does not appear that drawdown created by pumping will cause adverse effects. However, the plan presented in application No. 6099-3 recognizes the potential of interference and proposes to rotate water usage between pivots every other year. In other words operating Water Permit No. 6030-3 and application No. 6099-3 as one system but with two diversion points.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping will not extend very far from individual production wells. Interference is not expected to be a concern except for application No. 6099-3 potentially affecting existing water permit No. 6030-3. The applicant is aware of this potential problem and is planning to use the two wells as one system and will minimize water use by irrigating of one of the two quarters with a less water consumptive crop.
3. The wells authorized by these applications must be constructed in accordance with SD Well Construction Standards.
4. The applicant has requested a rate of diversion which exceeds the standard of one cfs per 70 acres. This request is based upon the type of soils and the crops to be grown. This request is reasonable.

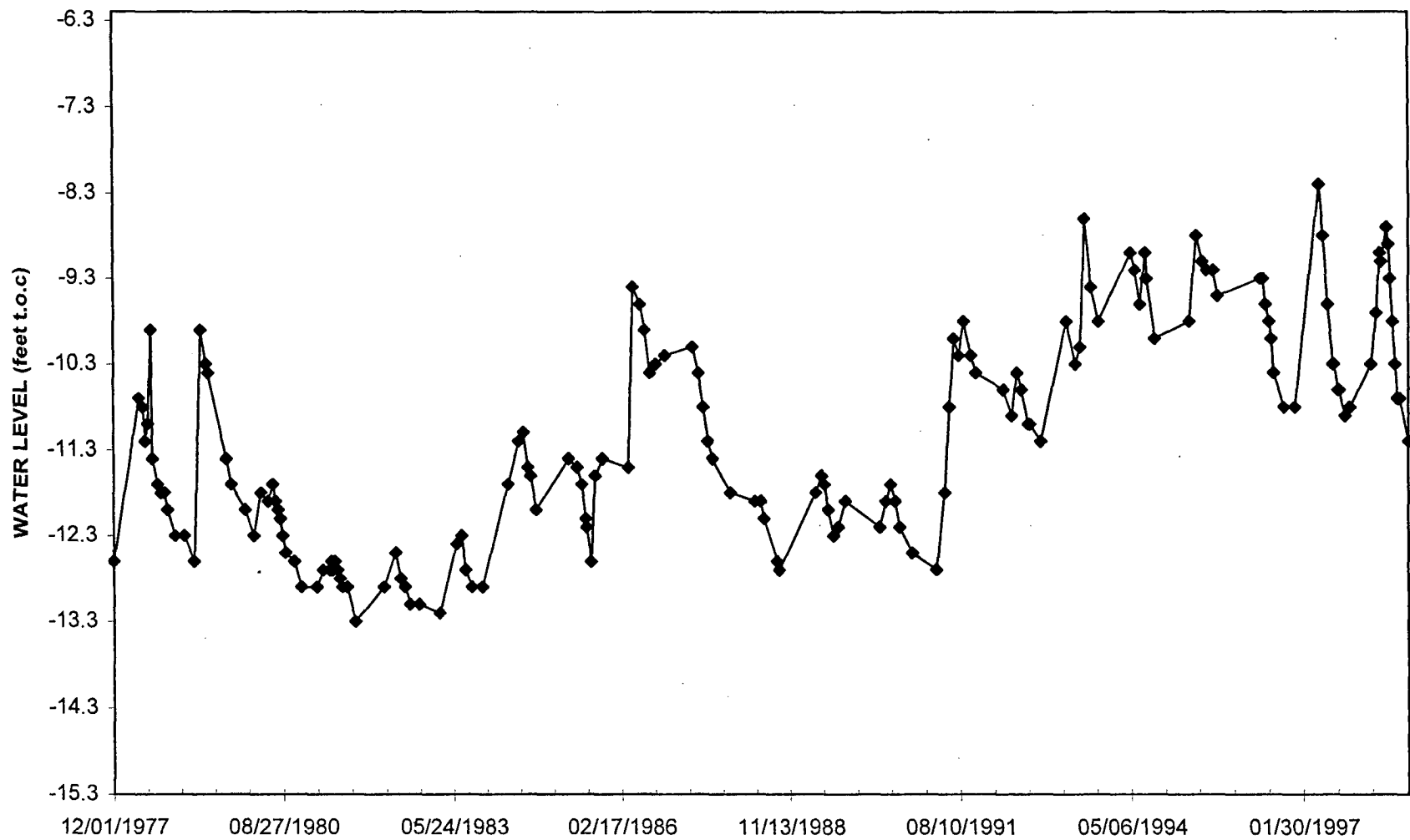


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, SD, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.
- Water Rights, 1998. Unpublished Observation Well Records for Grant County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-77B



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6099-3, CSS Farms

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. 6099-3, CSS Farms, c/o Milton Carter, 3334 9th Avenue SW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6099-3 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. 6099-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 136 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 19, 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.

October 28, 1998

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

Dear Mr. Carter:

Water Permit Application Nos. 6098-3 and 6099-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank, SD (Ph # (605) 432-4516). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



October 28, 1998

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6098-3 and 6099-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is CSS Farms, %Milton Carter, 3334 9th Ave. SW, Watertown, SD 57201 (Ph # (605) 886-2577).

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

-----CU T HERE-----

Nos. 6098-3 & 6099-3

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

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6098-3 and 6099-3 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 November 4, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

Application No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8 to irrigate 126 acres located in the SE $\frac{1}{4}$ Section 8; all in T121N-R52W.

Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 to irrigate 136 acres located in the NW $\frac{1}{4}$ Section 16; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 November 23, 1998.

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

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF GRANT

} ss.

Clarence Justice

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Assoc. Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

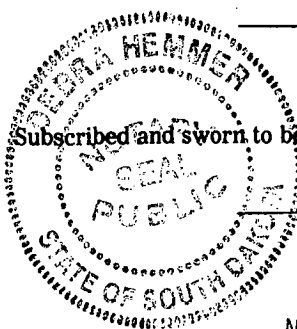
Notice of Application Nos. 6098-3 and 6099-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>Nov. 4</u>	<u>19 98</u>	<u>19</u>
<u>Nov. 11</u>	<u>19 98</u>	<u>19</u>
	<u>19</u>	<u>19</u>

That \$ 40.73, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice



Subscribed and sworn to before me this 12th day of November 19 98

Debra Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2003

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

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Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW 1/4 NE 1/4 Section 17 to irrigate 136 acres located in the NW 1/4 Section 18; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Nov. 4

Nov. 11



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

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

Dear Mr. Carter:

Enclosed are Water Permit Nos. 6098-3 and 6099-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11-29-99

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: CSS Farms 3334 9th Ave SW
(name) (address)
Watertown SD 57201 605-886-2577
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6098-3 & 6099-3

Water Permit No. 6098-3 & 6099-3 states that the diversion system is to be constructed by November 2003, and that the water is put to beneficial use by
(date)

November 2007
June 1999
(date)

The diversion system was completed on June 1, 1999.
(date)

Applying the water to beneficial use was completed on June 1, 1999.
(date)

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

Milton A. Carter
(signature)



July 18, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. Carter:

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Permit No. 6099-3
Big Sioux River - Water District

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

Report Of Examination Of Works

On, **July 3, 2002**, I made a thorough examination of the water use system constructed by **CSS Farms** of **3334 9th Ave SW, Watertown SD** holder of Permit No. **6099-3**, bearing the priority of **August 25, 1998** authorizing the diversion of **2.22** cu. ft. per second of the waters of **ground water (Big Sioux North)** for **irrigation** purposes, in **Grant** County.

The system is in the following condition **good**. The point of diversion is located **from the NE corner of Sec 17 T121N-R52W (res) 1010 ft south and 2365 ft west** with a longitude of **-97.19452** and a latitude of **45.26556** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.11** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 16 T121N-R52W (res):**

NW ¼ NW ¼ - 33 ac NE ¼ NW ¼ - 33 ac SE ¼ NW ¼ - 33 ac SW ¼ NW ¼ - 33 ac

comprising a total of **132** acres of land and the license should be issued for **2.11** cfs.

Review of Permit Qualifications And Regulations:

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

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **LTP Enterprises Inc.**
- 2) No. of Wells **1**
- 3) Depth(s) **65** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **12** inches
- 2) Length **45** feet
- 3) Type **steel**

Screen:

- 1) Type **stainless steel**
- 2) Length **20** feet

3) Static water level 7 feet

Pump:

1) Make submersible

2) Model ?

3) Size ?

4) Capacity ? GPM

Motor:

1) Make submersible

2) Model No. ?

3) Horsepower rating ? hp

DISTRIBUTION LINES OR CANALS:

1) Type PVC 8 inch 2600 feet

SYSTEM TYPE:

Center pivot:

1) Make Valley

2) Overall length 1280 feet

3) Number of towers 7

4) End gun yes

5) High or low pressure low

6) Capacity 950 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate yes

2) Main line check valve yes

3) Inspection port/air relief yes

4) Low pressure drain yes

5) Discharge is 20' from source yes

6) Interlock type electric

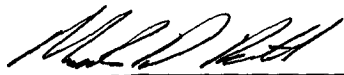
7) Injection pump type piston

8) Injection check valve yes

9) Injection line check valve or positive displacement pump yes

10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

11) **Comments :** none



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

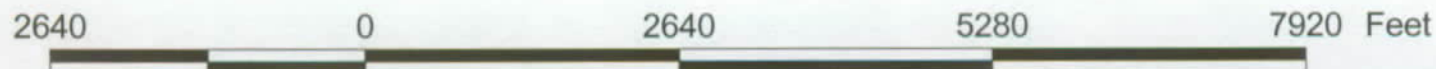
11-8-02

Date

No. 6099-3



South Dakota



Mark D. Rath
Natural Resources Engineer
SD DENR

11-01-02

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6099-3

(1) CSS Farms Inc., 3334 9th Ave SW, Watertown SD 57201 made Application No. 6099-3, August 25, 1998 for a water permit to divert 2.22 cubic feet of water per second from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 6099-3, with a priority date of August 25, 1998 was approved November 23, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 23, 2003 and for the application to beneficial use of water on or before November 23, 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 holder and/or owner of Water Right No. 6099-3 is issued a license, bearing a priority date of August 25, 1998 to appropriate 2.11 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: 1,010 feet south and 2,365 feet west of the northeast corner of Section 17-T121N-R52W (NW ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 16-T121N-R52W (RES)	NW ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
	SW ¼ NW 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. 6099-3 including the following qualifications:

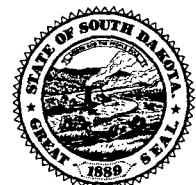
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6099-3 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.
- Pursuant to SDCL46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6099-3 authorizes a maximum diversion rate of 2.11 cfs for irrigation of 132 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

MAR 11 2003

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 14 November 20, 20 02

RECEIVED OF GSB Water Inc., 3314 Old American St., Waterville SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50.00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6055-S</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 000003

By J. David E. Ebel

Chief Engineer ym



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

6099-3

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

Dear Mr. Carter:

Enclosed is Water License No. 6099-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000366 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6099-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

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

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM

1-18-07

Genny Mc Math.

Please use information provided to switch
water permits held by CSS Farms to Land
owners. If you have any questions
please give me a call at 605-520-5780

Thanks

James Coster
CSS Farms.

RECEIVED

JAN 19 2007

WATER RIGHTS
PROGRAM



6099-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2007

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 12, 2007

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

enclosures



6099-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 2008

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

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

Dear Mr. Endres:

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

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

Sincerely,

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

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

enclosures

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

6099-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 15, 2008

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 30 2008

WATER RIGHTS
PROGRAM

No. 6099-3

Date: 7/21/08

I/We request that Water Right No. 6099-3

formerly owned by: CSS Farms

be transferred to: (name & address)

Family Trust
Endres Stock & Grain by Jim Endres
1721/2 460th ave Watertown S.D. 57201

Telephone No. _____

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

132 acres - NW ¼ Section 16, T121N, R52W (RES)

I/We understand that the validity of Water Right No. 6099-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Jim Endres, the new owner, certify that the above information is true and correct.

Family Trust
Endres Stock & Grain by Jim Endres
(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.



TRN Abstract & Title

THE TITLE RESOURCE NETWORK

6099-3

300 NP Avenue N, Suite 102 • Fargo, ND 58102 • Phone: 701.239.0202 • Fax: 701.239.0217

Agent For:



LandAmerica
Commonwealth

Dear Benny
I am sorry that I forgot to
send the \$17.50 with the application.

Jim Endres

RECEIVED

AUG 28 2008

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/28, 20 08

RECEIVED OF Endres Family Trust J Endres 17212 460th Ave Watertown SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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 _____ 6099-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

3,08

By

Michael Schuler
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

~~July 15, 2008~~
Aug 28

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

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

Dear Mr. Endres:

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

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

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

Sincerely,

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

enclosures

c: Gene Endres

McMath, Genny

From: DANRnoreply@caspio.com
Sent: Thursday, December 2, 2021 8:24 PM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 6099-3 IQ Reported Use in 2021, Yes, 132.00 acres irrigated

Permit Holder:

GREG ENDRES, OPERATOR
2011 S SERENITY DR
WATERTOWN SD 57201

gregendres@msn.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,
June	BNS, 132	,	,	,
July	BNS, 132	,	,	,
Aug	BNS, 132	,	,	,
Sep	BNS, 132	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:**Additional Info:**

Change ownership to: David Dingsor 5809 South Copperhead Drive Sioux Falls, S.D. 57108



6099-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 12, 2022

5968-3
6030-3
6099-3

David Dingsor
5809 S Copperhead Dr
Sioux Falls SD 57108

Dear Mr. Dingsor:

I am writing regarding Water Right Nos. 5968-3, 6030-3 and 6099-3. We were notified by Greg Endres that you have purchased the land described in these water rights.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights and respective maps for each one. You may keep these for your records. If you have any questions concerning the water rights or completion of the transfer forms, please let me know.

Sincerely,

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

enclosures

6099-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date June 2, 2022RECEIVED OF David/Angela Dingsor 5809 S Copperhead Dr., Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>6099-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
Em

PAID

JUN 2 2022

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 1567

Rec't# _____

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

RECEIVED

JUN 02 2022

OFFICE OF
WATER

No. 6099-3

Date: _____

I/We request that Water Right No. 6099-3

formerly owned by: Endres Family Trust

be transferred to: (name & address) _____

Telephone No. _____

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

132 acres – NW ¼ Section 16, T121N, R52W (R)

I/We understand that the validity of Water Right No. 6099-3 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 David Dingsor, the new owner, certify that the above information is true and correct.

David Dingsor
(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.

6099-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 3, 2022

5968-3
6030-3
6099-3

David Dingsor
5809 S Copperhead Dr
Sioux Falls SD 57108

Dear Mr. Dingsor:

I am writing to acknowledge receipt of the transfer forms and filing fees you paid for filing ownership changes on Water Right Nos. 5968-3, 6030-3 and 6099-3.

The ownership changes have been completed. The water rights formerly held by Don Endres or Endres Family Trust are now listed in your name.

Enclosed for your records are receipts for the filing fees you paid. If I can answer any questions, please let me know.

Sincerely,

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

enclosures