

**SOUTH DAKOTA
WATER PERMIT NO. 6163C-3**

Date of first receipt of application January 4, 2000.

On January 31, 2000 the Chief Engineer, on behalf of the Water Management Board, approved Water Permit No. 6163-3 for Robert Sargent authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

On May 17, 2000 the water permit was divided and reissued to reflect separate ownership as Water Permit Nos. 6163A-3, Robert Sargent and 6163B-3, Hartman & Pahl Farms.

1. Water Permit No. 6163A-3 appropriates 4.54 cubic feet of water per second (cfs) from the Missouri River located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; all in T114N-R81W. The permit authorizes irrigation of 318 acres located in the NE $\frac{1}{4}$ Section 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; and the SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15-T114N-R81W. Water can be pumped from the two diversion points along the Missouri River and used directly for irrigation or diverted to one of two storage dams located in Sections 11 & 22, T114N-R81W. The storage dams are affiliated with Water Right Nos. 2997-3, Jack Alexander and 5761-3, Hartman & Pahl Farms.

Water Permit No. 6163A-3 is being divided and reissued to reflect separate ownership as follows:

No. 6163C-3, Hartman & Pahl Farms, 18755 280th Ave, Pierre SD 57501 appropriates 3.7 cfs from the Missouri River located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; all in T114N-R81W. The permit authorizes irrigation of 259 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; and the SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15-T114N-R81W. Water can be pumped from the two diversion points along the Missouri River and used directly for irrigation or diverted to one of two storage dams located in Sections 11 & 22, T114N-R81W. The storage dams are affiliated with Water Right Nos. 2997-3, Jack Alexander and 5761-3, Hartman & Pahl Farms.

No. 6163D-3, Robert Sargent, 18559 Remington Place, Pierre SD 57501 appropriates 0.84 cfs from the Missouri River located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; all in T114N-R81W. The permit authorizes irrigation of 59 acres located in the NE $\frac{1}{4}$ Section 10-T114N-R81W. Issuance of No. 6163D-3 is being withheld until a determination is made by the Water Management Board on whether or not the water right has been abandoned and/or forfeited and subject to cancellation.

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 January 4, 2000.
4. One-fifth of the construction is to be completed on or before July 4, 2002.
5. All construction is to be completed on or before January 4, 2005.
6. Water is to be put to beneficial use on or before January 4, 2009.

(continued)

7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

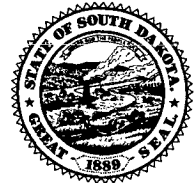
QUALIFICATIONS

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 30 2007
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 12, 20 05

RECEIVED OF Roger Shoup, 27994 188th St., Pierre SD 57501

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 <u>6163A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	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. 0020-1

By

Darlene E. White

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6163A-3

Date: 12-2-85

I/We request that Water Right/Permit No. 6163A-3

formerly owned by: Robert Sargent

be transferred to: (name & address) X HARTMAN & PAHL

18755 280TH AVE

Pierre SD 57501-6516 Telephone No. X605-264-5533

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

259 acres -W 1/2 NW 1/4 (64 acres) W 1/2 SW 1/4 (64 acres) Section 14; SW 1/4 (98 acres) SW 1/4 SE 1/4
(33 acres) Section 15; all in T114N-R81W

I/We understand that the validity of Water Right/Permit No. 6163A-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 Roger Shoup (AGENT) the new owner, certify that the above information is true and correct.

X Roger Shoup (OPERATOR AGENT)
(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.

RECEIVED

DEC - 6 2005

WATER RIGHTS
PROGRAM

Alexander
Missouri River
diversion point

Alexander's dam

will remain owned by Robert Sargent.

will be owned by
Hartman & Pahl

Hartman & Pahl

Hartman & Pahl
regulating dam

goes to other Hartman & Pahl pivots

2005 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2005

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V4-IQ.pdf>

Permit No. 6163A-3

ROBERT SARGENT
18559 REMINGTON PLACE
PIERRE SD 57501

Any address/ownership corrections?

Telephone No. _____

1. Is the system constructed? *yes ☒ no _____

*Type of system used (check all that apply):

center pivots ☒ towlines _____ big gun _____

flood _____ sprinklers _____ other _____

2. Did you irrigate in 2005? *yes _____ **no ☒

*If yes, number of acres irrigated _____

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

Section 14 + the S 1/2 of 15
was sold to Hartman + Pahl Farms.

Section 10 Pivot is not useable



BB	BA	AB	AA
(B)			(A)
BC	BD	AC	AD
CB	CA	DB	DA
(C)			(D)
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED

NOV - 1 2005

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 6163A-3 (see above section map for help reading legal descriptions)

sec 10-T114N-R81W, A -- 59.00 acres

sec 14-T114N-R81W, BB/C -- 64.00 acres

sec 14-T114N-R81W, CB/C -- 64.00 acres

sec 15-T114N-R81W, C -- 98.00 acres

sec 15-T114N-R81W, DB/C -- 33.00 acres

6163B-3
Hartman + Pahl
c/o Roger Shoup
27994 188th St
Pierre 57501

Please provide your 2005 water use to irrigate the above acreage on the REVERSE side of this form.

For an updated example questionnaire, please refer to the reverse side of your cover letter.



November 15, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6163A-3

Robert Sargent
18559 Remington Place
Pierre SD 57501

Dear Mr. Sargent:

I am writing regarding Water Permit No. 6163A-3. On your 2005 irrigation questionnaire you indicated that portions of the land have been sold. We have sent Hartman & Pahl Farms the necessary forms to transfer Section 14 and the S ½ Section 15; all in T114N-R81W.

On the form you indicated the pivot in Section 10 is not useable. Water rights must be used in order to maintain them. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years, unless legal excuse exists for not irrigating. Enclosed are excerpts of our water laws and Water Management Board Rules dealing with these issues.

If you have decided to discontinue irrigation in the NW ^E¼ Section 10-T114N-R81W, we can go ahead and schedule that portion of the water permit for cancellation consideration. This action would not affect the other portions of the water permit that will be transferred to the new owner.

Please respond by December 15, 2005 and let us know whether or not you agree with proceeding to schedule the NW ¼ Section 10-T114N-R81W for cancellation consideration. You may call our program at (605) 773-3352 or if you prefer to write, I am enclosing a postage paid envelope for your convenience.

Thank you in advance for your assistance.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 15, 2005

No. 6163A-3

Hartman & Pahl
c/o Roger Shoup
27994 188th St
Pierre SD 57501

Dear Mr. Shoup:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6163A-3. The water permit is currently listed in the name of Robert Sargent. Mr. Sargent indicated on the 2005 Irrigation Questionnaire that the W ½ W ½ Section 14 and S ½ Section 15; all in T114N-R81W has been sold to Hartman & Paul.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 30 2007

6163C-3

Hartman & Pahl Farms
18755 280th Ave
Pierre SD 57501

Dear Sirs:

Enclosed is your Water Permit No. 6163C-3. To reflect separate ownership, Water Permit No. 6163A-3 has been divided and reissued as No. 6163C-3, Hartman & Pahl Farms and No. 6163D-3, Robert Sargent.

Water Permit No. 6163C-3 authorizes diversion of 3.7 cubic feet of water per second from the Missouri River located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; all in T114N-R81W. The permit authorizes irrigation of 259 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; and the SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15-T1114N-R81W. Water can be pumped from the two diversion points along the Missouri River and used directly for irrigation or diverted to one of two storage dams located in Sections 11 & 22, T114N-R81W. The storage dams are affiliated with Water Right Nos. 2997-3, Jack Alexander and 5761-3, Hartman & Pahl Farms.

If you have any questions concerning your Water Permit No. 6163C-3, please contact Genny McMath, with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Roger Shoup, w/receipt for payment of the Notice of Transfer fee

enclosure

McMath, Genny

Subject: FW: Atten: G. McMath - Irrigation Questionnaire

5761-3, 6163B-3 & 6163C-3, 6326A-3 & 6914-3

-----Original Message-----

From: Jason McHenry [mailto:jasonmchenry@venturecomm.net]
Sent: Tuesday, August 09, 2016 1:11 PM
To: McMath, Genny
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

That is the correct address for Marshall Kniffen and for Hartman and Pahl Farms.

Jason McHenry
Hartman and Pahl
(605) 222-1171

-----Original Message-----

From: McMath, Genny [mailto:Genny.McMath@state.sd.us]
Sent: Tuesday, August 09, 2016 12:37 PM
To: 'Jason McHenry '
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Thank you - I will update our records. I have a mailing address of "18755 280th Ave., Pierre" ...is that still correct?

-----Original Message-----

From: Jason McHenry [mailto:jasonmchenry@venturecomm.net]
Sent: Tuesday, August 09, 2016 12:13 PM
To: McMath, Genny
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Genny, here is the contact information for the new manager at Hartman and Pahl Farm.

Marshall Kniffen marshallkniffen@venturecomm.net (605)464-0374

Jason McHenry
Hartman and Pahl
(605) 222-1171



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 24 2016

Marshall Kniffen, Mgr
Hartman & Pahl Farms
18755 280th Ave
Pierre SD 57501

RE: Permit/Right Nos. 5761-3, 6163B-3, 6163C-3, 6326A-3 & 6914-3

Dear Mr. Kniffen:

Enclosed is Water License No. 6914-3 for Hartman & Pahl Farms. This is the final water right document completing the process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 5761-3 and Water Permit Nos. 6163B-3, 6163C-3 and 6326A-3 were incorporated into Water License No. 6914-3.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures