

WATER PERMIT NO. 6179-3

Name of Applicant: Ray Farms, Tom Ray

Address: 307 Kurtz Dr, Kingsley IA 51028

Phone: 712 378-2536

Amount of Water Claimed: 1.59 cfs (add'l)

Total Acres: 60 acres (add'l)

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 3 miles west of Elk Point

PRIORITY

Date Received: 2-22-00

Fee: \$150

Corrected Application Received:

Period of Annual Use: June 1 – September 30

Remarks: Additional acres and cfs to existing pivot authorized by Permit No. 3679-3

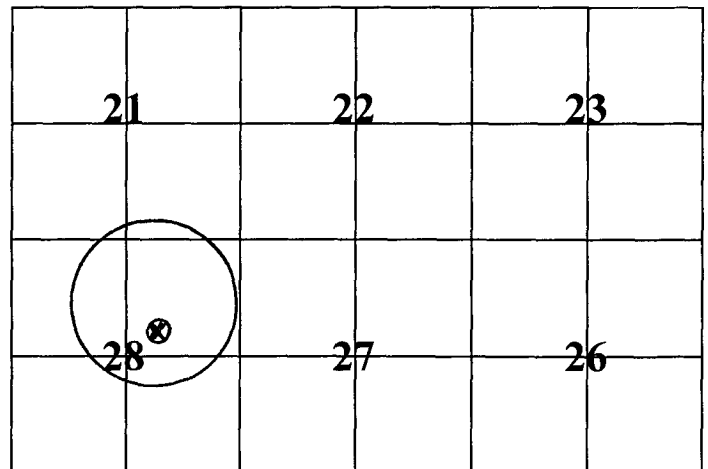
Based on investigation by Lynn Beck

Diversion Point: SW ¼ NE ¼ Sec 28-T91N-R50W

Land to be Irrigated: SE ¼ SW ¼, S ½ SE ¼ Sec

21; NE ¼, E ½ NW ¼, NE ¼ SW ¼, N ½ SE ¼

Sec 28; all in T91N-R50W



Depth of Well: 100 feet deep

Well Driller: : _

Remarks: log not available

Type of Map: topo

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 2-22-00

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6179-3**

Date of first receipt of application February 22, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6179-3 to Ray Farms, c/o Tom Ray, 307 Kurtz Drive, Kingsley IA 51028 authorizing water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6179-3 authorizes the appropriation of an additional 1.59 cubic feet of water per second (cfs) and to irrigate 60 additional acres to what is currently authorized by Water Permit No. 3679-3. Water Permit No. 3679-3 appropriates 2.7 cfs from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 to irrigate 240 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 1.59 cfs from the existing well and irrigating an additional 60 acres located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; all in T91N-R50W. This permit authorizes a total diversion rate of 4.29 cfs for irrigation of 300 acres.
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: June 1 – September 30.
3. The date from which applicant may claim right is February 22, 2000.
4. The date of approval of Permit No. 6179-3 is April 17, 2000.
5. 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. 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 12 2000

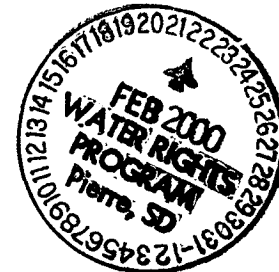
date



(Type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 6179-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Elk Point Leader-Courier, Elk Point, SD



Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

1. Name of Applicant Ray Farms, Tom Ray Phone (712) 378-2536
(check one) X Owner Tenant/lessee
Mailing Address 307 Kurtz Dr., Kingsley State IA 51028
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.59 add'l *CFS or 715 **GPM ***AF Total Acreage 60 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
For a total of 4.29 cfs. For a total of 300 acres.

3. Source of water supply One well in the Missouri-Elk Point Aquifer.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 NE1/4 Section 28, T91N,
R50W approximately 2000' S and 2000' W of the NE corner of Section 28. The well is authorized
by Permit No. 3679-3. County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used June 1 - September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed) All in T91N-R50W

Land Description	Acres	Land Description	Acres
Section 21: SE1/4 SW1/4	2	Section 28: SE1/4 NE1/4	39
SW1/4 SE1/4	11	NE1/4 NW1/4	33
SE1/4 SE1/4	2	SE1/4 NW1/4	39
Section 28: NE1/4 NE1/4	32	NE1/4 SW1/4	16
NW1/4 NE1/4	40	NE1/4 SE1/4	15
SW1/4 NE1/4	40	NW1/4 SE1/4	31

8. Give a description of the project. (Attach sheet if more space is needed)
This application is for an additional 60 acres and 1.59 cfs (715 gpm) for an existing center pivot under Permit No. 3679-3. Permit No. 3679-3 authorizes irrigation of 240 acres and 2.7 cfs (1215 gpm) located on lands described above. The circle covers 300 acres and uses 4.44 cfs (2000 gpm). However the maximum use for 300 acres is 4.29 cfs (1930 gpm) and this application is for the difference between 4.29 cfs and 2.7 cfs (1.59 cfs).

STATE OF IOWA)
County of Plymouth) SS

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, Thomas M. Ray, 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

Thomas M. Ray
Thomas M. Ray

Subscribed and sworn to before me this 18th day of February ~~19~~ 2000

Diane S. Schmid

Notary Public signature
Diane S. Schmid



Supplemental Information

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter _____ Depth 100
- b) Casing Type _____ Diameter 10" Thickness _____
- c) Screen Type Johnson ss Diameter 10" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- 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

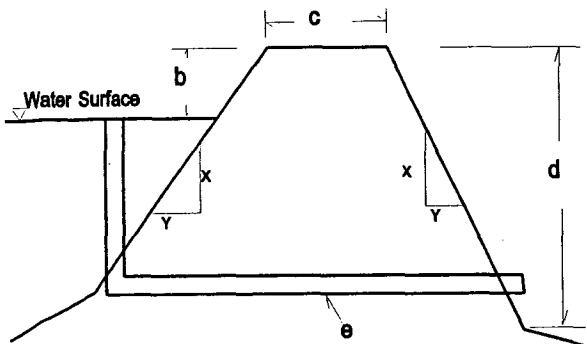
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



REPORT ON WATER PERMIT APPLICATION NOS. 6179-3, 6180-3 & 6181-3
for Ray Farms
March 6, 2000

Application No. 6179-3 proposes to appropriate an additional 1.59 cfs to irrigate an additional 60 acres to what is currently authorized by Water Permit No. 3679-3. Water Permit No. 3679-3 appropriates 2.7 cfs from one well approximately 100 feet deep located in the SW 1/4 NE 1/4 of Section 28 to irrigate 240 acres located in the NE 1/4, E 1/2 NW 1/4 of Section 28; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 1.59 cfs from the existing well and irrigating an additional 60 acres located in the NE 1/4 SW 1/4, N 1/2 SE 1/4 of Section 28 and the SE 1/4 SW 1/4, S 1/2 SE 1/4 of Section 21; all in T91N-R50W in Union County. This application, if approved, will authorize a total diversion rate of 4.29 cfs for irrigation of 300 acres.

Application No. 6180-3 proposes to appropriate an additional 1.74 cfs to irrigate 6 additional acres to what is currently authorized by Water Permit No. 3680-3. Water Permit No. 3680-3 appropriates 2.7 cfs from one well approximately 100 feet deep located in the NW 1/4 SE 1/4 of Section 21 to irrigate 320 acres located in the SE 1/4, E 1/2 SW 1/4, SE 1/4 NW 1/4, S 1/2 NE 1/4 of Section 21; all in T91N-R50W in Union County. An investigation of the permit found the system capable of diverting an additional 1.74 cfs from the existing well and irrigating an additional 6 acres located within the area described above. This application, if approved, will authorize a total diversion rate of 4.44 cfs for irrigation of 326 acres.

Application No. 6181-3 proposes to appropriate an additional 0.23 cfs to irrigate 27 additional acres to what is currently authorized by Water Permit No. 6139-3. Water Permit No. 6139-3 appropriates 1.77 cfs from one well approximately 90 feet deep located in the SW 1/4 SW 1/4 of Section 22 to irrigate 115 acres located in the W 1/2 SW 1/4 of Section 22; the NE 1/4 NW 1/4 of Section 27; the E 1/2 SE 1/4 of Section 21; and the NE 1/4 NE 1/4 of Section 28; all in T91N-R50W in Union County. An investigation of the permit found the system capable of diverting an additional 0.23 cfs from the existing well and irrigating an additional 27 acres located within the area described above. This application, if approved, will authorize a total diversion rate of 2.00 cfs for irrigation of 142 acres.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point (also called the Missouri aquifer in the Niehus report) is an alluvium mantled outwash (sand and gravel) which underlies 180 square miles and contains an estimated 1.5 million acre feet of water in storage in Union County (Niehus, 1994). The aquifer is under water table conditions in this area and hydraulically connected to the Missouri River which is located about one mile south of these applications.

The Water Rights Program monitors an observation well, UN-77L, completed into the Missouri Elk Point aquifer and located about one-half mile north 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. The water level record indicates that the

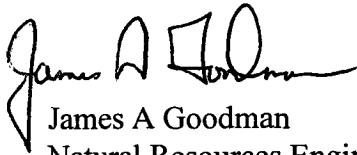
aquifer is capable of sustaining additional withdrawals (Water Rights, 2000). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

These three applications are all contiguous and have been in use for many years with no apparent problems. The wells are all about one-half mile apart. Interference is not a concern. Drawdown created by pumping is not significant at the distance between wells. This is reinforced by the observation well data.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping is not significant and will not cause adverse effects. Interference is not a concern.
3. These wells have been in use for many years with no apparent problems.
4. Information is available for one of the three irrigation wells. That well was constructed in accordance with SD Well Construction Standards but the other two wells are much older and no information is available.
5. Approval of these applications will allow licensing of the existing systems to reflect how they are constructed.



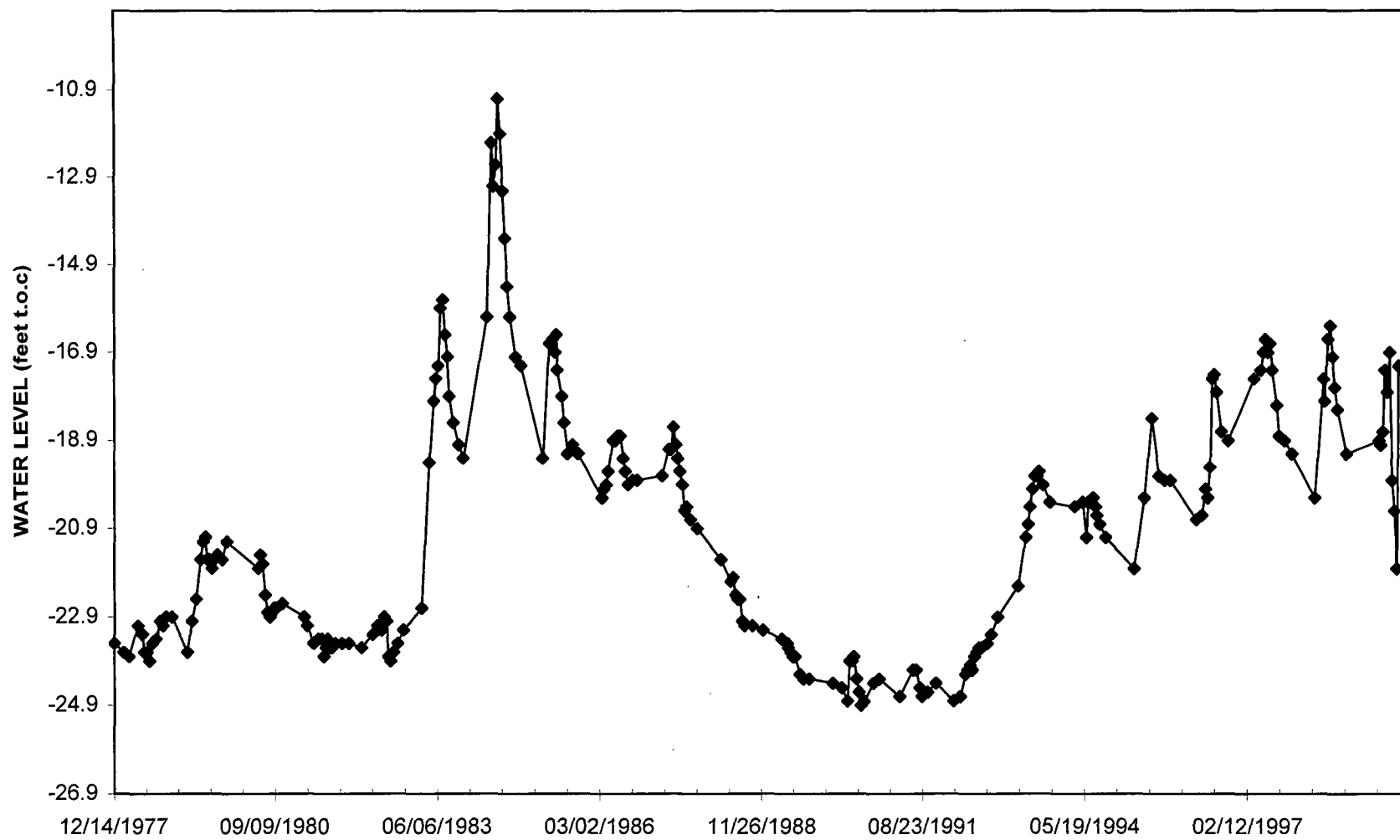
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, 57702.

Water Rights, 2000, Unpublished Observation Well Records for Union County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-77L



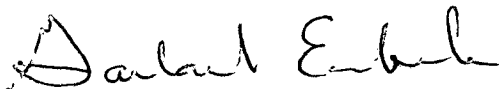
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6179-3, Ray Farms**

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. 6179-3, Ray Farms, c/o Tom Ray, 307 Kurtz Drive, Kingsley, IA 51028.

The Chief Engineer is recommending APPROVAL of Application No. 6179-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Garland Erbele, Chief Engineer

March 21, 2000



**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.

March 22, 2000

Ray Farms
%Tom Ray
307 Kurtz Dr.
Kingsley, IA 51028

Dear Mr. Ray:

Water Permit Application Nos. 6179-3, 6180-3 and 6181-3 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 Elk Point Leader-Courier printed at Elk Point, SD (Ph # (605) 356-2632). 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 applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 22, 2000

Elk Point Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTENTION: Legal Public Notice

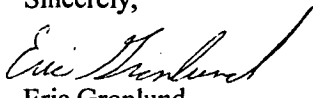
Enclosed is a Notice of Hearing on Application Nos. 6179-3, 6180-3 and 6181-3 to Appropriate Water to be published twice. Please publish the first notice on March 30, 2000, with the second publication 7 days later.

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 Ray Farms, %Tom Ray, 307 Kurtz Dr., Kingsley, IA 51028 (Ph # (712) 378-2536).

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. 6179-3, 6180-3 & 6181-3

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

Date _____

We are in receipt of your letter of March 22, 2000, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6179-3, 6180-3 & 6181-3 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 March 30, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6179-3, 6180-3 and 6181-3 to Appropriate Water
to Amend Water Permit Nos. 3679-3, 3680-3 and 6139-3

Notice is given that Ray Farms, c/o Tom Ray, 307 Kurtz Drive, Kingsley IA 51028 has filed the following applications for water permits.

Application No. 6179-3 is to appropriate an additional 1.59 cubic feet of water per second (cfs) and to irrigate 60 additional acres to what is currently authorized by Water Permit No. 3679-3. Water Permit No. 3679-3 appropriates 2.7 cfs from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 to irrigate 240 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 1.59 cfs from the existing well and irrigating an additional 60 acres located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; all in T91N-R50W. This application, if approved, will authorize a total diversion rate of 4.29 cfs for irrigation of 300 acres.

Application No. 6180-3 is to appropriate an additional 1.74 cfs and to irrigate 6 additional acres to what is currently authorized by Water Permit No. 3680-3. Water Permit No. 3680-3 appropriates 2.7 cfs from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 to irrigate 320 acres located in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 1.74 cfs from the existing well and irrigating an additional 6 acres located within the area described above. This application, if approved, will authorize a total diversion rate of 4.44 cfs for irrigation of 326 acres.

Application No. 6181-3 is to appropriate an additional 0.23 cfs and to irrigate 27 additional acres to what is currently authorized by Water Permit No. 6139-3. Water Permit No. 6139-3 appropriates 1.77 cfs from one well (Missouri-Elk Point Aquifer) 90 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22 to irrigate 115 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 0.23 cfs from the existing well and irrigating an additional 27 acres located within the area described above. This application, if approved, will authorize a total diversion rate of 2.00 cfs for irrigation of 142 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6179-3, 6180-3 and 6181-3 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 April 17, 2000.

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.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 30, 2000

April 6, 2000

Cost of Printing \$ 67.51

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

April 10, 2000
(Date Signed)

NOTICE OF APPLICATION Nos. 6179-3, 6180-3 and 6181-3 to Appropriate Water to Amend Water Permit Nos. 3679-3, 3680-3 and 6139-3

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Application No. 6180-3 is to appropriate an additional 1.74 cfs and to irrigate 6 additional acres to what is currently authorized by Water Permit No. 3680-3. Water Permit No. 3680-3 appropriates 2.7 cfs from one well (Missouri-Elk Point Aquifer) 100 feet deep located in the NW 1/4 SE 1/4 Section 21 to irrigate 320 acres located in the SE 1/4, E 1/2 SW 1/4, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 21; all in T91N-R50W. An investigation of the permit found the system capable of diverting an additional 1.74 cfs from the existing well and irrigating an additional 6 acres located within the area described above. This application, if approved, will authorize a total diversion rate of 4.44 cfs for irrigation of 326 acres.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6179-3, 6180-3 and 6181-3 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 application or the applicant files a petition contesting the Chief Engineer's recommenda-

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Nettie H. Myers,
Secretary, Department of
Environment and Natural Resources.
Publish March 30 and April 6, 2000
13-37 115 67.51



Permit No. 3679-3 and 6179-3
Big Sioux River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, October 19, 1999 made a thorough examination of the water use system constructed by Ray Farms of 307 Kurtz Dr., Kingsley, IA 51028 holder of Permit No. 3679-3, bearing the priority of February 28, 1977 authorizing the diversion of 2.7 cu. ft. per second Permit No. 6179-3-3, bearing the priority of February 22, 2000 authorizing the diversion of 1.59 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well 100' deep with 60' of 10" casing and 40' of Johnson stainless steel screen, a pump with a 2000 gpm capacity and a Caterpillar diesel tractor motor 225 hp.

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

260' of 10" aluminum pipe.

C. Works used to apply water to beneficial use:

Valley center pivot 2000' long with 15 towers and an end gun, low pressure system operating at 2000 gpm.

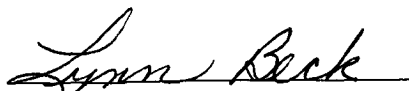
The system is in the following condition good. The point of diversion is located 2000' S and 2000' W of the NE corner of Section 28, T91N, R50W. The works are capable of diverting and conveying to the place of use 4.44 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in T91N, R50W:

Section 21	Section 28
<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ 2 acres</u>	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ 32 acres SE$\frac{1}{4}$ NE$\frac{1}{4}$ 39 acres NE$\frac{1}{4}$ SW$\frac{1}{4}$ 16 acres</u>
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ 11 acres</u>	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$ 40 acres NE$\frac{1}{4}$ NW$\frac{1}{4}$ 33 acres NW$\frac{1}{4}$ SE$\frac{1}{4}$ 31 acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ 2 acres</u>	<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$ 40 acres SE$\frac{1}{4}$ NW$\frac{1}{4}$ 39 acres NE$\frac{1}{4}$ SE$\frac{1}{4}$ 15 acres</u>

comprising a total of 300 acres of land and the license should be issued for 4.29 cfs.

Applicable permit qualifications have been complied with: no

Exceptions to compliance are: none


 Lynn Beck

Natural Resources Engineer
 DENR, Water Rights Program

4-20-2000
 Date

REPORT ON INSPECTION OF PERMIT NO. 3679-3 and 6170-3

DATE OF INSPECTION: 10-19-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Tom Ray, 307 Kurtz Dr., Kingsley, IA 51028

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Ray Farms, same as above.

DIVERSION POINT LEGAL LOCATION: 2000' S and 2000' W of the NE corner Section 28, T91N, R50W.

WELL INFORMATION:

- 1) Well Drilling Firm: Nickles
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available no

Casing:

- 1) Diameter 10 inches
- 2) Length 60 feet
- 3) Type #

Screen:

- 1) Type
- 2) Length 40 feet
- 3) Static water level # feet

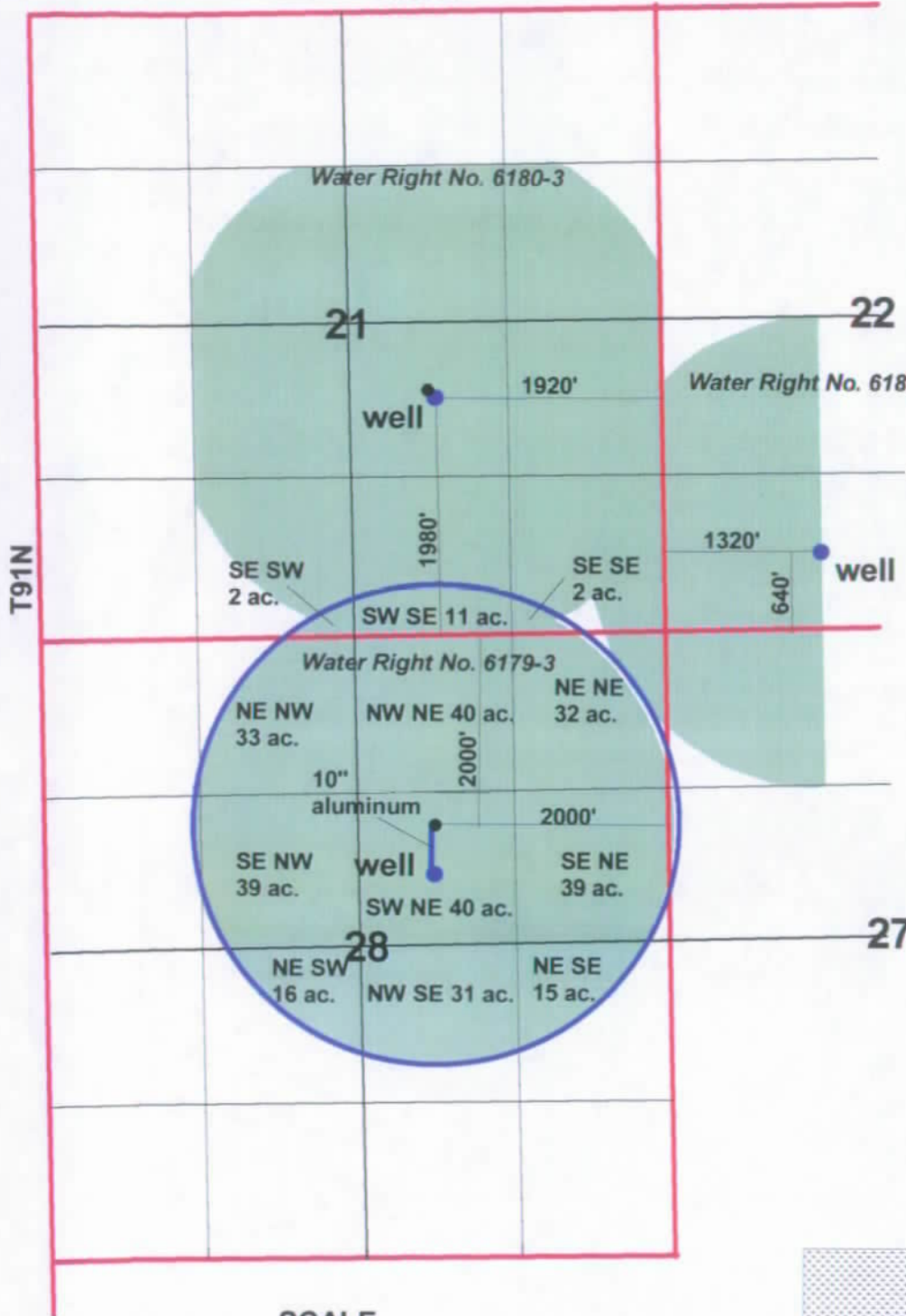
Pump:

- 1) Make
- 2) Model #
- 3) Size #
- 4) Capacity 2000 GPM



WATER RIGHT NO. 6179-3

R50W



TOTAL = 300 ACRES

SCALE

0.5 0 0.5 Miles

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
December 5, 1999

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6179-3

(1) Ray Farm, c/o Tom Ray, 307 Kurtz Drive, Kingsley IA 51028 made Application No. 6179-3, February 22, 2000 for a water permit to divert 1.59 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6179-3, with a priority date of February 22, 2000 was approved April 17, 2000 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 3679-3, with a priority date of February 28, 1977 authorized 2.7 cfs from one well to irrigate 240 acres. The applicable portions of No. 3679-3 are incorporated into Water License No. 6179-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.29 cubic feet of water per second for beneficial use. The location of the diversion point is 2,000 feet south and 2,000 feet west of the northeast corner of Section 28-T91N-R50W (SW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

All in T91N-R50W					
Section 21			Section 28		
SE ¼ SW ¼	2 acres	NE ¼ NE ¼	32 acres	NE ¼ NW ¼	33 acres
SW ¼ SE ¼	11 acres	NW ¼ NE ¼	40 acres	SE ¼ NW ¼	39 acres
SE ¼ SE ¼	2 acres	SW ¼ NE ¼	40 acres	NE ¼ SW ¼	16 acres
		SE ¼ NE ¼	39 acres	NW ¼ SE ¼	31 acres
				NE ¼ SE ¼	15 acres
Total 300 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ray Farms, c/o Tom Ray, 307 Kurtz Dr, Kingsley IA 51028 the holder and/or owner of Incorporated Water Right No. 6179-3 is issued a license to appropriate water, the right to use 4.29 cubic feet of water per second from groundwater (one well) with priority dates of February 28, 1977 (2.7 cfs) and February 22, 2000 (1.59 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 6179-3 and subject to South Dakota State Law.

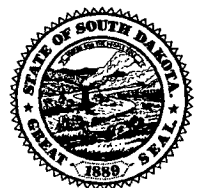
Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 12 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6179-3
6180-3
6181-3

MAY 12 2000

Ray Farms
%Tom Ray
307 Kurtz Drive
Kingsley, IA 51028

Dear Mr. Ray:

Enclosed are Water Permit and Water License Nos. 6179-3, 6180-3 and 6181-3. These are the final water right documents completing your process of obtaining a Water Right

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6179-3, 6180-3 and 6181-3, 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 Licenses, 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

ks
enclosures

NOTE: The applicable portions of No. 3679-3 are incorporated into Water License No. 6179-3, the applicable portions of No. 3680-3 are incorporated into Water License No. 6180-3, and the applicable portions of No. 6139-3 are incorporated into Water License No. 6181-3.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416392

Pierre, February 22, 2000

RECEIVED OF Thomas M. or Marsha L. Ray, P.O. Box 151, Kingsley, IA 51028
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6179-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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>6179-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Harold E. Ebele
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR 30 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6179-3Date: April 25, 2014

I/We request that Water Right/Permit No. 6179-3 formerly owned by:
Faye M. Ray be transferred to:

New Owner Name: Timber8, LLCAddress: c/o Tom F. Ackley, Atty. Koley-Jessen PC, LLO 1125 103rd St. Ste. 800City, State, Zip Omaha NE 68124 Telephone No. (402) 343-3756

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

SW1/4 NE1/4 28-91-50

☒ I understand that the validity of Water Right/Permit No. 6179-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Timber8, LLC, the new owner, certify that the above information is true and correct.

Timber 8, LLC

By: Thomas F. Ackley, Authorized Rep
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/30, 20 14

RECEIVED OF Koley Jessen PC LLO 1125 S 103rd St # 800 Omaha NE 68124

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6179-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06845**

By J. Carme Goodman
Chief Engineer

File No. 6179-3
6180-3
6181-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Tom Ackley, Koley-Jessen PC LLO, 1125 103rd St, Ste 800, Omaha NE

DATE: April 30, 2014

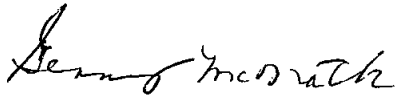
TELEPHONE: 402 343-3756

RE: ownership changes for Water Rights listed under Ray Farms

Tom Ackley submitted transfer forms for Water Right Nos. 6179-3, 6180-3 and 6181-3. The forms only listed the well location as being transferred to Timber8, LLC.

I called and spoke with Mr. Ackley about the land and he indicated they purchased the entire acreage under all three water rights. He followed up on May 2, 2014 with a copy of the warranty deeds for the property.

A copy of the warranty deeds will be placed with all three water rights along with the signed transfer forms.



Genny McMath
Water Rights Program

McMath, Genny

From: Tom F. Ackley <Thomas.Ackley@koleyjessen.com>
Sent: Friday, May 02, 2014 1:30 PM
To: McMath, Genny
Subject: Timber8, LLC Information
Attachments: Warranty Deed 103 710.pdf; Warranty Deed 103 709.pdf

Genny,

In follow-up to our discussion earlier this week, attached are the two deeds you wanted to reference with regard to the legal descriptions that match up with the Notice of Transfer of Ownership forms that I sent in on April 28. Please let me know if you need anything else.

Thanks
Tom

Tom F. Ackley | Attorney
Koley Jessen P.C., L.L.O. | 1125 S. 103rd St., Suite 800 | Omaha, NE 68124
402.343.3756 Direct | 402.390.9005 Fax tom.ackley@koleyjessen.com | www.koleyjessen.com

CONFIDENTIALITY: This message (including any attachment) is confidential. It may also be privileged or otherwise protected by work-product immunity or other legal rules. If you have received it by mistake, please delete it from your system; you may not copy or disclose its contents to anyone.

IRS CIRCULAR 230 NOTICE: To the extent that this message or any attachment concerns tax matters, it is not intended to be used and cannot be used by a taxpayer for the purpose of avoiding penalties that may be imposed by law.



UNION COUNTY
SOUTH DAKOTA

135514 2013 NOV 26 P 3: 32

THIS INSTRUMENT DRAFTED BY:

Wayne D. Groe
Stickney and Groe Law Office
PO Box 367
Elk Point, SD 57025
(605) 356-2651

103 PG 709
30p H 15452
01/26
Scan
Copy
Indexed
Film

TRANSFER FEE
PAID \$5,440.50
DATE 11-26-2013

UN24311

WARRANTY DEED

Faye M. Ray, Thomas M. Ray, Kevin Ray, Michelle Livermore, Patty Parrish and Jacqueline Stanfield, Grantors, of 421 Main St., PO Box 157, Kingsley, IA 51028, for and in consideration of One Dollar and other good and valuable consideration, grant, convey, and warrant to Timber8, LLC, Grantee, c/o Tom F. Ackley, Attorney, Koley Jessen P.C., L.L.O., 1125 S. 103rd St., Ste. 800, Omaha, NE 68124, the following described real estate in the County of Union, State of South Dakota (the "Property"):

Parcel 1: Government Lots 1, 2 and 3 in Section 21, Township 91 North, Range 50, West of the 5th P.M., less the North 51 acres of Government Lot 1, Union County, South Dakota, according to the recorded plat thereof.

Parcel 2: Wyant Tract No. 1 in Section 21 and Section 28, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota, according to the recorded plat there.

Parcel 3: Ray Tract 1 in the South Half of the Northeast Quarter, the East Half of the Southwest Quarter and the Southeast Quarter, Section 28, Township 91 North, Range 50 West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof.

Parcel 4: The North 51 acres of Government Lot 1 in Section 21, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof.

Grantors hereby covenant with and warrant to grantee that Grantors:

1. are lawfully seised of the interest in the Property and that the Property is free and clear of all easements and restrictions, except all matters of record;
2. the Property is not homestead property of themselves or any member of their immediate family, they having established their respective homesteads elsewhere;
3. have legal power and lawful authority to sell and convey Grantors' interest in the Property; and
4. warrant and will defend the title to the Property conveyed hereunder against the lawful claims of all persons claiming the same or any part thereof, through, by or under Grantor.

TRANSFER FEE: \$5440.50

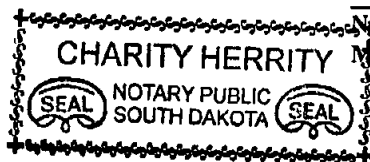
Dated this: 19 day of November, 2013.

Patty Parrish
Patty Parrish

STATE OF SD)
)SS
COUNTY OF Union)

On this the 19 day of November, 2013, before me, the undersigned officer, personally appeared Patty Parrish, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

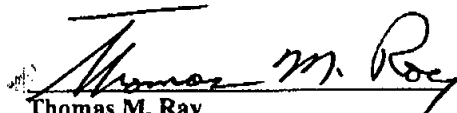


Cy H
NOTARY PUBLIC

My Commission Expires:

9/12/19

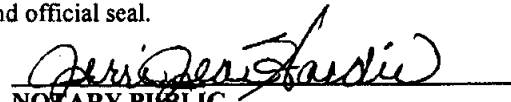
Dated this 15 day of Nov., 2013


Thomas M. Ray

STATE OF Iowa)
COUNTY OF Polk)SS

On this the 15th day of November, 2013, before me, the undersigned officer, personally appeared Thomas M. Ray, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.


NOTARY PUBLIC
My Commission Expires:



Dated this 18 day of NOVEMBER 2013

Kevin Ray
Kevin Ray

SOUTH DAKOTA
STATE OF MINNEAPPA)
COUNTY OF MINNEAPPA)SS

On this the 18 day of November, 2013, before me, the undersigned officer, personally appeared Kevin Ray, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



[Signature]
NOTARY PUBLIC

My Commission Expires: 12-18-2018

Dated this 15 day of November, 2013.

Faye M. Ray
Faye M. Ray

STATE OF Iowa)
COUNTY OF Plymouth)SS

On this the 15th day of November, 2013, before me, the undersigned officer, personally appeared Faye M. Ray, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Jeri Jean Hardie
NOTARY PUBLIC
My Commission Expires: 4/7/2015



Dated this 15 day of November, 2013.

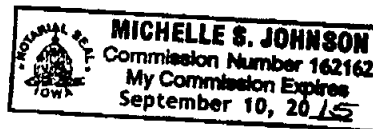
Michelle Livermore
Michelle Livermore

STATE OF Iowa)
COUNTY OF Woodbury)SS

On this the 15 day of November, 2013, before me, the undersigned officer, personally appeared Michelle Livermore, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Michelle S. Johnson
NOTARY PUBLIC
My Commission Expires:



Dated this 18 day of November, 2013.

Jacqueline Stanfield
Jacqueline Stanfield

STATE OF SD)
)SS
COUNTY OF Union)

On this the 18th day of November, 2013, before me, the undersigned officer, personally appeared Jacqueline Stanfield, known to me or satisfactorily proven to be the person, whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



[Signature]
NOTARY PUBLIC

My Commission Expires:

9/12/19



135516

UNION COUNTY
SOUTH DAKOTA

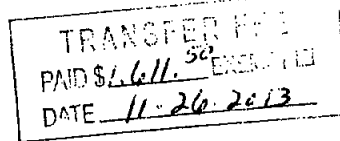
2013 NOV 26 P 3: 38

THIS INSTRUMENT DRAFTED BY:

Wayne D. Groe
 Stickney and Groe Law Office
 PO Box 367
 Elk Point, SD 57025
 (605) 356-2651

EX 103 PG 710
 3004 *Jana Tolt*
 15445

Scan 2
 Comp. ✓
 Indexed ✓
 Film



UN24312

WARRANTY DEED

Thomas M. Ray and Marsha L. Ray, husband and wife, Grantors, of PO Box 151, Kingsley, IA 51028, for and in consideration of One Dollar and other good and valuable consideration, grant, convey, and warrant to Timber8, LLC, Grantee, c/o Tom F. Ackley, Attorney, Koley Jessen P.C., L.L.O., 1125 S. 103rd St., Ste. 800, Omaha, NE 68124, the following described real estate in the County of Union, State of South Dakota (the "Property"):

Parcel #1: Government Lot 4 of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 22, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota.

Parcel #2: Lot A in the West Half of the Northwest Quarter (W1/2NW1/4) and in the the West Half of the Southwest Quarter (W1/2SW1/4) of Section 27, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof.

Parcel #3: Lot "B" being Accretion to Government Lot 4 in the West Half of the Southwest Quarter (W1/2SW1/4) of Section 22, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof.

Parcel #4: Lot "C" being Accretion to Lot A in the West Half of the Northwest Quarter (W1/2NW1/4) and in the West Half of the Southwest Quarter (W1/2SW1/4) of Section 27, Township 91 North, Range 50, West of the 5th P.M., Union County, South Dakota, according to the recorded plat thereof.

Grantors hereby covenant with and warrant to grantee that Grantors:

1. are lawfully seized of the interest in the Property and that the Property is free and clear of all easements and restrictions, except all matters of record;
2. the Property is not homestead property of themselves or any member of their immediate family, they having established their respective homesteads elsewhere;
3. have legal power and lawful authority to sell and convey Grantors' interest in the Property; and
4. warrant and will defend the title to the Property conveyed hereunder against the lawful claims of all persons claiming the same or any part thereof, through, by or under Grantor.

TRANSFER FEE: \$1612.00

Dated this 15 day of Nov, 2013

Thomas M. Ray
Thomas M. Ray

Marsha L. Ray
Marsha L. Ray

STATE OF Iowa)
COUNTY OF Plymouth)SS

On this the 15th day of November, 2013, before me, the undersigned officer, personally appeared Thomas M. Ray and Marsha L. Ray, husband and wife, known to me or satisfactorily proven to be the persons, whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Jerri Jean Hardie
NOTARY PUBLIC
My Commission Expires:





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 5, 2014

Thomas F Ackley
Koley-Jessen PC LLO
1125 103rd St Suite 800
Omaha NE 68124

RE: Timber8 LLC

Dear Mr. Ackley:

I am writing in regard to the transfer forms and filing fees submitted for Water Right Nos. 6179-3, 6180-3 and 6181-3. The ownership changes have been completed. The water rights formerly held by Ray Farms are now listed in the name of Timber8, LLC.

For informational purposes, I have included a copy of the water licenses, maps and last year's irrigation questionnaires. The questionnaires will give you an idea of what type of information to keep track of during the growing season. The actual irrigation questionnaires you will need to complete and return to us will be sent to you in October.

Enclosed for your records are Receipt Nos. 06845, 06846 and 06847 in the amounts of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures

6179-3

McMath, Genny

From: Andrea Koch <andy@topcropinc.com>
Sent: Thursday, December 10, 2015 11:01 AM
To: McMath, Genny
Cc: Andrea Koch
Subject: 2015 Irrigation Questionnaire
Attachments: 2015 Irrigation Questionnaire.pdf

Genny

Please find attached 2015 Irrigation Questionnaire for Timber8 LLC. Please forward all future materials to:

Timber8 LLC
56809 893Rd
Wynot NE 68792
Contact Name: Andrea Koch (kakoch@gpcom.net)

402 841-1495

Thank You

Andrea Koch
TopCrop Inc
88610 Hwy 57
Hartington NE 68739
402-254-9500
andy@topcropinc.com



6179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: TIMBER8 LLC, SCOTT HEINE, 56809 893RD, WYNOT, NE 68792
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



6179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 24, 2017

Andrea Koch
Timber8 LLC
56809 893rd
Wynot NE 68792

RE: Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3

Dear Ms. Koch:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6179-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: TIMBER8 LLC, ANDREA KOCH, 56809 893RD, WYNOT, NE 68792
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6179-3, 6180-3, 6181-3 & 8211-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70173380000059186444

Remove X

Your item was delivered to an individual at the address at 10:24 am on February 4, 2019 in WYNOT, NE 68792.

✓ Delivered

February 4, 2019 at 10:24 am
Delivered, Left with Individual
WYNOT, NE 68792

Get Updates ✓**Text & Email Updates****Tracking History****Product Information**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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TIMBER8 LLC
ANDREA KOCH
56809 893RD
WYNOT NE 68792

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Feedback

Postmark
Here**See Less** ^**Can't find what you're looking for?**

6179-3



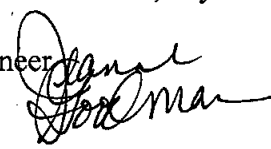
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF
WATER RIGHTS AND WATER PERMIT

TO: Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires.

If the 2018 irrigation questionnaires are received prior to April 6, 2019, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2019 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2019 unless the 2018 irrigation questionnaires are submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2018 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 8-9, 2019, in Pierre, SD. The letter should include your reasons for not completing the 2018 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

6179-3

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstrack>)

Track Another Package +

Tracking Number: 70180040000038017724

Remove X

Your item was delivered to an individual at the address at 10:07 am on March 9, 2019 in WYNOT, NE 68792.

✓ Delivered

March 9, 2019 at 10:07 am
Delivered, Left with Individual
WYNOT, NE 68792

Get Updates ▼

Text & Email Updates

Tracking History

Product Information

7018 0040 0000 3801 7724

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$ _____	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____ Total \$ _____ Sent Street City	TIMBER8 LLC ANDREA KOCH 56809 893RD WYNOT NE 68792
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Gronlund, Eric

From: Andrea Koch <kakoch@gpcom.net>
Sent: Monday, April 29, 2019 7:34 AM
To: McMath, Genny
Cc: Gronlund, Eric
Subject: Re: [EXT] 2018 Irrigation Questionnaires - Timber8 LLC

Timber8 LLC is notifying the Water Management Board that they would like to be considered to have reinstatement of Water Rights Numbers: 6179-3, 6180-3, 6181-3 and 8211-3 for the upcoming irrigation season and placement on the agenda at the next scheduled Board meeting. Timber8 LLC has taken steps to allow completion of the questionnaires when received in October of each subsequent years. Each partner assumed that another partner was completing the questionnaires and now one partner has been assigned the responsibility for future questionnaires.

Sincerely,

Andrea Koch

On Apr 26, 2019, at 8:39 AM, McMath, Genny <Genny.McMath@state.sd.us> wrote:

Andrea,

DENR received the irrigation questionnaires for Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 on April 25th. The Water Management Board took action on March 6th to suspend the water rights and water permit for the upcoming 2019 irrigation season with the suspensions taking effect 30 days later on April 6th unless the irrigation questionnaires were received within the 30 day period. Since the questionnaires were not received within that timeframe, the water rights and water permit are currently suspended based on the Board's action.

Only the Board can reinstate the water rights and water permit to allow irrigation this upcoming season. If you want the Board to consider reinstating Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 for the upcoming irrigation season, you must file a request to that effect immediately. The Board meets on May 8th. Please send us an email by April 29th requesting the Board to reconsider the suspensions and state why the irrigation questionnaires were not submitted by the deadlines provided in three notification that were sent. You will then be provided notice of the matter being placed on the Board agenda. Please plan to attend the hearing in Pierre to explain why the irrigation questionnaires were not submitted in a timely manner and what steps will be taken to ensure they are timely submitted in the future.

The email requesting time on the Board agenda for reconsideration of the suspensions should be directed to both myself and Eric Gronlund in our program. Eric handles scheduling matters before the Board.

Genny McMath
Water Rights Program
605 773-3352

From: Andrea Koch [<mailto:kakoch@gpcom.net>]
Sent: Thursday, April 25, 2019 12:35 PM
To: McMath, Genny
Subject: [EXT] 2018 Irrigation Questionnaires

Genny

I have been able to get one of the guys to complete the Irrigation Questionnaires for Timber8 LLC. Please accept our apologies as this is far past the deadline. In the future, please expect timely submission.

Sincerely

Andrea Koch

6179-3



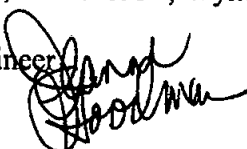
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 2019

NOTICE

TO: Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3,
Timber8 LLC

The 2018 irrigation questionnaires have been received along with your petition to have the Water Management Board consider rescinding suspensions of Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3.

The matter has been scheduled for **8:45 am, Wednesday May 8, 2019 (central time) in the LRC Conference Room 414, State Capitol Building, 500 E Capitol Avenue, Pierre SD.**

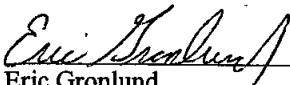
It is ultimately a Board decision on whether to rescind the one year suspension for each of the above listed water rights and water permit or to let the suspensions stand. It is very important that you plan to attend the hearing.

If you have any questions, please contact Genny McMath or Eric Gronlund at 605 773-3352.

CERTIFICATION

I hereby certify that on April 29, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated April 29, 2019 regarding the scheduling of a hearing for Suspended Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 addressed as stated below:

Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

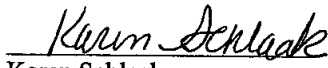

Eric Gronlund
Water Rights Program
Environment and Natural Resources

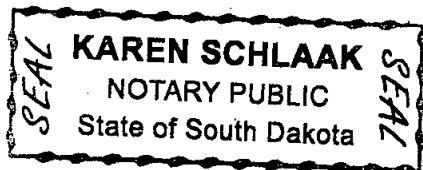
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 29th day of April, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



**IRRIGATION QUESTIONNAIRE VIOLATIONS
WATER RIGHT NOS. 6179-3, 6180-3, 6181-3 & WATER PERMIT NO. 8211-3
TIMBER8 LLC**

BRIEF DESCRIPTION AND HISTORY

Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 are held by Timber8 LLC. They collectively authorize diversion of 12.51 cubic feet of water per second from the Missouri Elk Point Aquifer to irrigate 864 acres.

Water Right Nos. 6179-3, 6180-3 and 6181-3 were originally obtained by Ray Farms. They were transferred to Timber8 LLC on April 30, 2014.

Water Permit No. 8211-3 was obtained by Timber8 LLC in June, 2016.

With the exception of the 2016 irrigation questionnaires, past questionnaires sent to Timber8 LLC have been returned in a timely manner. In 2016, the forms were not returned by January 20, 2017 and a "Notice of hearing" was sent out. The forms were submitted on January 24th.

REPORTING SUMMARY FOR 2018:

October 30, 2018: Irrigation questionnaires for Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 were sent to: Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

January 25, 2019: A "Notice" of hearing was sent by Certified Mail to above name & address. The "Notice" indicated the forms had not been received and a hearing was scheduled for March 6, 2019. The "Notice" explained if the irrigation questionnaires were received, the hearing to consider the violations would not be held. Tracking information shows the "Notice" was delivered February 4, 2019.

March 6, 2019: The Water Management Board ordered Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires. The Board granted a 30 day grace period allowing the questionnaires to be submitted up until April 6, 2019 to avoid suspension.

March 7, 2019: A "Notice" was sent by Certified Mail to Andrea Koch, Timber8 LLC, 56809 893rd, Wynot, NE 68792 outlining the Board's order and requirement to submit the questionnaires prior to April 6, 2019 to avoid suspension. The "Notice" also outlined the procedure for coming back before the Board should the forms be submitted after April 6th. Tracking information shows the "Notice" was delivered March 9, 2019.

April 25, 2019: All four 2018 irrigation questionnaires for Timber8 LLC were received. The forms indicated irrigation had taken place from May or June through August, 2018.

April 29, 2019: Petition received via email communication from Timber8 LLC requesting time on the agenda for the Board to consider rescinding the suspensions.



Genny McMath
Water Rights Program

6179-3



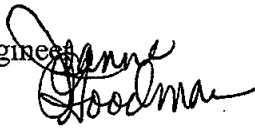
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 9, 2019

NOTICE

TO: Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3,
Timber8 LLC

On May 8, 2019, the Water Management Board passed a motion to lift the suspension of Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3. **The Board's action allows Timber8LLC to irrigate in 2019.**

The Board's action took into consideration the 2018 irrigation questionnaires were now on file with the Water Rights Program. They also took into consideration testimony from Scott Heine explaining circumstances happening this past season and his assurance the questionnaires will be submitted in a timely manner in the future.

Please be aware that under SDCL 46-1-12, the Board has the authority to suspend a water right for a period of up to one year for the first violation; for up to three years for the second violation and may cancel a water right for a third violation.

The 2019 irrigation questionnaires will be directed to you in October, 2019. If you have any questions concerning the reporting requirements, please contact Genny McMath at 605 773-3352.

CERTIFICATION

I hereby certify that on May 9, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelope containing a Notice dated May 9, 2019 regarding the Reinstatement of the following Water Rights or Water Permits addressed as stated below:

Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3

- Andrea Koch, Timber8 LLC, 56809 893rd, Wynot NE 68792

Water Right No. 5601-3

- Matt Van Buskirk, PO Box 98, Hitchcock SD 57348-0098

Vickie Maberry

Vickie Maberry
Water Rights Program
Environment and Natural Resources

STATE OF SOUTH DAKOTA)

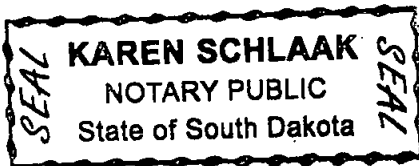
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of May, 20 19.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2025



PAID

FEB 1 2021

Ck# 3402

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

RECEIVED

FEB 01 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 6179-3

Date: 01/28/2021

I/We request that Water Right/Permit No. 6179-3 formerly owned by:

TIMBER8 LLC

be transferred to:

New Owner Name: SCOTT & JENNIFER HEINE

Address: 56368 886 RD

City, State, Zip HARTINGTON ☒ NE ☒ 68739 Telephone No. 402-640-1999

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

SE1/4 SW1/4, S1/2 SE1/4 SEC 21;
NE1/4, E1/2 NW1/4, NE1/4 SW1/4, N1/2 SE1/4, SEC 28;
ALL IN T91N-R50W

☒ I understand that the validity of Water Right/Permit No. 6179-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, SCOTT HEINE, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

6179-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 1, 2021RECEIVED OF Scott/Jennifer Heine 56368 886 Rd Hartington NE 68739

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>6179-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	TOTAL
	\$50.00

By Eric Gronlund

Chief Engineer

ZM

6179-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 11, 2021

Scott & Jennifer Heine
56368 886th Rd
Hartington NE 68739

RE: Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3

Dear Mr. & Mrs. Heine:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water rights and permit.

The ownership changes have been completed. Water Right Nos. 6179-3, 6180-3, 6181-3 and Water Permit No. 8211-3 formerly held by Timber8 LLC are now listed in your names.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

PAID

MAR 12 2021

Ck# 167

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

MAR 12 2021

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

WATER RIGHTS
PROGRAM

Water Right/Permit No. 6179-3

Date: March 9, 2021

I/We request that Water Right/Permit No. 6179-3 formerly owned by:
Scott Heine and Jennifer Heine be transferred to:

New Owner Name: Double Down Farm GP - Jay Giroto (Agent)

Address: 18 Crescent Key

City, State, Zip Bellevue WA 98006 Telephone No. 425-301-0728

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

Exhibit A - Attached

☒ I understand that the validity of Water Right/Permit No. 6179-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Double Down Farm GP, Jay Giroto (Agent), the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

MAR 12 2021

WATER RIGHTS
PROGRAM

ASSIGNMENT OF WATER PERMITS

THIS ASSIGNMENT OF WATER PERMITS (the "Assignment") is entered into as of the 4th day of February, 2021, between Scott and Jennifer Heine, of 56368 886 Road, Hartington, NE 68739, ("Assignor"), and Double Down Farm GP, c/o Jay Giroto, 18 Crescent Key, Bellevue, WA 98006 ("Assignee").

WITNESSETH:

WHEREAS, the Parties hereto entered into that certain Real Estate Purchase Agreement dated October 16, 2020, for the sale of the real property described on Exhibit A, attached hereto and incorporated by this reference ("Property"); and

WHEREAS, Assignor previously obtained Water Permit No. 6179-3; Water Permit No. 6180-3; Water Permit No. 6181-3; and Water Permit No. 8211-3, attached hereto as Exhibit B, (collectively the "Permits") to appropriate water in connection with portions of the Property; and

WHEREAS, Assignor desires to assign, and Assignee desires to assume all of Assignor's right, title and interest to the Permits, subject to the terms and conditions described herein.

NOW THEREFORE in consideration of the mutual premises, covenants, agreements and understandings contained herein, Assignor and Assignee agree as follows:

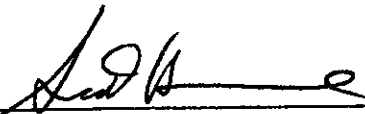
1. **ASSIGNMENT.** Assignor hereby assigns, transfers and conveys unto Assignee, and its successors or assigns, all of Assignor's right, title and interest, in and to the Permits, subject to all limitations, conditions, or other requirements imposed by the Permits or applicable law. Assignee hereby agrees to assume the Permits including all liability and obligations associated with said Permits.

2. **ACKNOWLEDGMENT.** Assignee acknowledges that (i) notice of this Assignment and payment of applicable filing fees must be made with the Chief Engineer of the South Dakota Department of the Environment and Natural Resources no later than ninety (90) days from the completion of this Assignment, and (ii) the rights associated with the Permits are granted subject to certain conditions and requirements specified by said Permits and applicable law, such requirements and conditions may specifically include, without limitation, a requirement to develop and use water rights within certain defined time periods.

[SIGNATURE PAGE FOLLOWS]

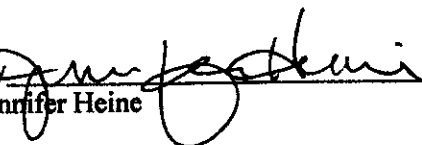
IN WITNESS WHEREOF, the parties have executed this Assignment on the date set opposite the signatures of the authorized representatives of the parties set forth hereinbelow.

2-4-2021
Date

By 
Scott Heine

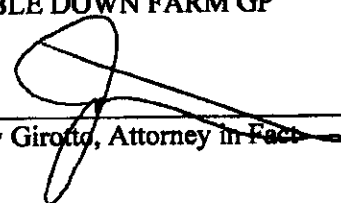
ASSIGNOR

2-4-2021
Date

By 
Jennifer Heine

ASSIGNOR

2/1/21
Date

DOUBLE DOWN FARM GP
By 
Jay Giroto, Attorney in Fact

ASSIGNEE

Exhibit A

Water Permit No 8211-3

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28,
All in T91N, R50W

Water Permit No 6181-3

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28
All in T91N, R50W

Water Permit No 6180-3

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21, T91N, R50W

Water Permit No 6179-3

S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, all in T91N, R50W

EXHIBIT B
ASSIGNED WATER PERMITS

6179-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date March 12, 2021RECEIVED OF Double Down Farm GP 18 Crescent Key Bellevue WA 98006

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>6179-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer
vm

6179-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2021

Jay Girotto
Double Down Farm GP
18 Crescent Key
Bellevue WA 98006

RE: Water Right/Permit Nos. 6179-3, 6180-3, 6181-3 and 8211-3

Dear Mr. Girotto:

I am writing to acknowledge completion of the ownership changes for the above listed water rights and water permit. Nos. 6179-3, 6180-3, 6181-3 and 8211-3 formerly held by Scott and Jennifer Heine are now listed under "Double Down Farm GP".

The receipts for the filing fees you paid are enclosed. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is cursive and fluid.

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

enclosures

6179-3, 6180-3, 6181-3, 6642-3, 6804B-3, 7389B-3, 8022-3
8023-3, 8024-3, 8025-3, 8211-3, & 8325-3



FARMLAND
OPPORTUNITY

RECEIVED

NOV 01 2023

OFFICE OF
WATER

September 30, 2023

Everyone,

The Farmland Opportunity mailing address/ office changed.

Please send all future USPS, Fedex, UPS, DHL mail and packages to the addresses listed below:

Farmland Opportunity, LLC or [Entity Name] c/o Farmland Opportunity, LLC
1661 Ringling Blvd.
PO Box 2139
Sarasota, FL 34230

If you plan to visit us in person, tell us when you are coming 😊

We are physically located @ 645 S. Orange Ave, Sarasota, FL 34236. DO NOT SEND ANYTHING TO THIS ADDRESS.

Sincerely,

Jay Girotto

Farmland Opportunity LLC
M: 425.301.0728
F: 319.538.0034
jgirotto@farmopp.com

Florida Mailing Address:
1661 Ringling Blvd
PO Box 2139
Sarasota, FL 34230

Iowa Mailing Address:
4926 Autumn Dr
Cedar Rapids, IA 52411

Farmland Opportunity Brokerage PLLC, Cedar Rapids, IA is a licensed broker in Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Washington, Wisconsin