



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 2018

6258-3
7323-3

Mark & Kim Hoffman
35415 Plum Rd
Leola SD 57456

Dear Mr. & Mrs. Hoffman:

I am writing in follow-up to my phone conversation today with Kim concerning Water Right Nos. 6258-3 and 7323-3 held by Barry & Robin Vculek. Enclosed are copies of each water right and the corresponding map that goes with each one.

In reference to **Water Right No. 6258-3**, Sam Braun has filed an ownership change for the land in Section 10, T127N, R71W authorized under the water right. It is my understanding you now own the land described in Section 15, T127N, R71W. The water right will need to be divided and reissued to reflect separate ownership.

I have enclosed a partially completed transfer form for use in filing the ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program. Once the form and filing fee are received, Water Right No. 6258-3 will be divided and reissued as:

- 6258A-3: Sam Braun
- 6258B-3: Mark & Kim Hoffman (or whatever name you wish to have on the water right, for example either your names or the name of a Trust or LLC etc)

With reference to **Water Right No. 7323-3**, I am enclosing a transfer form to file for an ownership change on the portions of land you own. I am working on getting in contact with Bill Edwards to file an ownership change for the portion he now owns. You may hold on to the transfer form and complete it with the appropriate legal descriptions as soon as you know for sure if you are purchasing the SW ¼ Section 15 described on the water right. A \$50 fee is also required for filing an ownership change with No. 7323-3. Once we receive the completed transfer forms back from you and from Mr. Edwards, Water Right No. 7323-3 will be divided and reissued to reflect separate ownership.

March 15, 2018

Page 2

Mark & Kim Hoffman

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath

Water Rights Program

(605) 773-3352

email: genny.mcmath@state.sd.us

enclosures: copy of Water Right Nos. 6258-3 & 7323-3
 transfer forms

RECEIVED

MAR 22 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6258B-3

Date: 3-19-18

I/We request that portions of Water Right No. 6258-3

formerly owned by: Barry & Robin Vculek

be transferred to: (name & address)

Mark & Kim Hoffman

35415 Plum Rd

Hecla, SD 57456 Telephone No. 605-577-6523

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

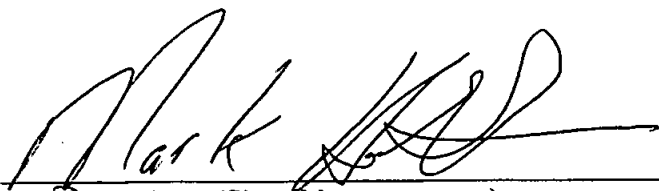
132 acres - NW 1/4 Section 15, T127N, R71W

I/We understand that the validity of Water Right No. 6258-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Mark & Kim Hoffman, the new owner, certify that the above information is true and correct.


(Signed by new owner)
Kim Hoffman

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 March 22, 20 18

RECEIVED OF Mark or Kim Hoffman 35415 Plum Rd Leola, SD 57456

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 _____ 6258B-3		
Fee for _____	50	00
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. **08633**

By

Jeanne Goodman
Chief Engineer
2711



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 27 2018

6258B-3

Mark & Kim Hoffman
35415 Plum Rd
Leola SD 57456

Dear Mr. & Mrs. Hoffman:

Enclosed is Reissued Water License No. 6258B-3.

Based on the ownership changes filed by both you and Samuel & Samantha Braun, Water Right No. 6258-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 6258A-3, Samuel & Samantha Braun, PO Box 361, Warner SD 57479** authorizing diversion of 7.00 cfs from six wells to irrigate 490 acres all located in Section 10, T127N, R71W.
- **No. 6258B-3, Mark & Kim Hoffman, 35415 Plum Rd., Leola SD 57456** authorizing diversion of 1.89 cfs from one well to irrigate 132 acres located in the NW ¼ Section 15, T127N, R71W.

A map of the entire area showing the location of the wells and pivots is included with your license.

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

As long as you use the water beneficially, as stated in the Water License, 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,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 6258B-3
(DIVISION OF WATER LICENSE NO. 6258-3 INTO NOS. 6258A-3 & 6258B-3)

(1) Barry & Robin Vculek were issued Water Right No. 6258-3, September 12, 2016 for a water right to divert 8.89 cubic feet of water per second (cfs) from ground water, seven wells (Spring Creek – McPherson Aquifer), McPherson County, South Dakota for irrigation purposes. Water Right No. 6258-3, with a priority date of April 12, 2001 authorizes irrigation of 622 acres in portions of Section 10 and Section 15, T127N, R71W.

On February 9, 2018 and March 22, 2018, ownership changes were filed with Water Right No. 6258-3. Based on the ownership changes, the water right is being divided and reissued to reflect separate ownership as follows:

- **No. 6258A-3, Samuel & Samantha Braun, PO Box 361, Warner SD 57479** authorizing diversion of 7.00 cfs from six wells to irrigate 490 acres all located in Section 10, T127N, R71W.
- **No. 6258B-3, Mark & Kim Hoffman, 35415 Plum Rd., Leola SD 57456** authorizing diversion of 1.89 cfs from one well to irrigate 132 acres located in the NW ¼ Section 15, T127N, R71W.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 1.89 cubic feet of water per second for beneficial use (*diversion rate is based on the statutory limit for the acreage developed*). The point of diversion is located as follows:

- 1,290 feet S & 1,320 feet E of the NW corner of Section 15, T127N, R71W (approx. center of NW ¼)

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

Section 15, T127N, R71W	NW ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
	SW ¼ NW ¼	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mark & Kim Hoffman, 35415 Plum Rd, Leola SD 57456 the holders and/or owners of Water Right No. 6258B-3 are issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Spring Creek – McPherson Aquifer) with a priority date of April 12, 2001 from the location specified in (2) of this license for irrigation purposes.

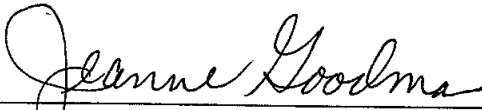
continued

Water License No. 6258B-3

Page 2

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6258-3 and subject to the following qualifications (*now applicable to No. 6258B-3*):

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6258-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 27 2018

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

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

JAN 13 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 6258B-3Date: 01-11-2021I/We request that Water Right/Permit No. 6258B-3 formerly owned by:Mark & Kim Hoffman

be transferred to:

New Owner Name: Larry Braun Farms LPAddress: PO BOX 108City, State, Zip Warner ☒ SD ☒ 57479 Telephone No. 6053800166

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

132 Acres - NW 1/4 Section 15, T127N, R71

☒ I understand that the validity of Water Right/Permit No. 6258B-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, Larry Braun, 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.

6258B-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date January 11, 2021RECEIVED OF Larry Braun Farms Limited Partnership PO Box 108 Warner SD 57479

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>6258B-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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 2021

6258B-3

Larry Braun Farms LP
PO Box 108
Warner SD 57479-0108

Dear Mr. Braun:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Right No. 6258B-3.

The ownership change has been completed. The water right formerly held by Mark & Kim Hoffman is now listed under "Larry Braun Farms LP".

Enclosed for your records is your receipt for the filing fee that was paid. If I can answer any questions, please let me know.

Sincerely,

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

enclosure