

WATER PERMIT NO. 6434-3

Name of Applicant: Berens Farms

Address: 27426 456th Ave, Parker SD 57053

Phone: 605 297-3366

Amount of Water Claimed: 1.33 cfs

Total Acres: 90

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 2 miles northeast of Parker

PRIORITY Date Received: 7-7-2003

Application/License Fee: \$275

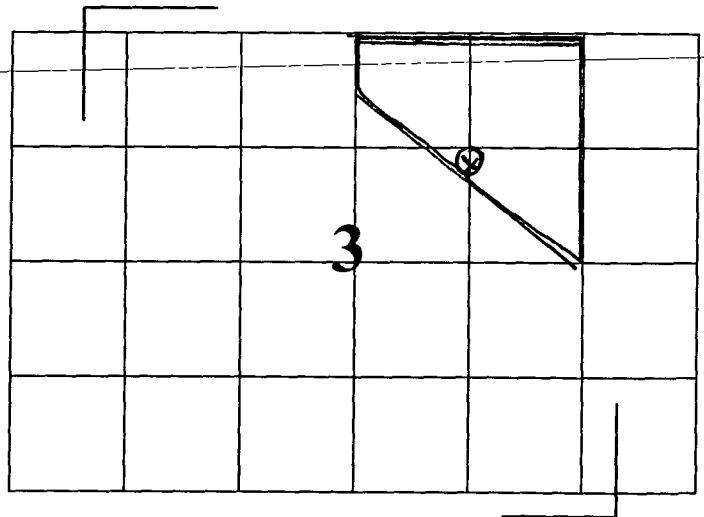
Corrected Application Received: 7-21-2003

Period of Annual Use: June 1 – August 31

Remarks:

Diversion Point: approximate center of NE ¼ Sec
3-T99N-R53W

Land to be Irrigated: NE ¼ Sec 3-T99N-R53W



Depth of Well: 60 feet

Well Driller: : Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Danny Merchen, NRCS

Reviewed and the Number Assigned on: 7-21-2003

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6434-3**

Date of first receipt of application July 7, 2003.

Date of return to applicant for corrections, amendments or changes July 7, 2003.

Date of receipt of corrected application July 21, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6434-3 to Berens Farms, c/o Ralph or Merianna Berens, 27426 456th Ave, Parker SD 57053 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6434-3 appropriates 1.33 cubic feet of water per second (cfs) from one well (Vermillion: East Fork Aquifer) 60 feet deep located in the approximate center of the NE ¼ Section 3 to irrigate 90 acres located in the NE ¼ Section 3; all in T99N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – August 31.
3. The date from which applicant may claim right is July 7, 2003.
4. The date of approval of Permit No. 6434-3 is October 14, 2003.
5. One-fifth of the construction is to be completed on or before April 14, 2006.
6. All construction is to be completed on or before October 14, 2008.
7. Water is to be put to beneficial use on or before October 14, 2012.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6434-3 authorizes a maximum diversion rate of 1.33 cfs (600 gpm) for the irrigation of 90 acres with an annual volume not to exceed 2.0 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 27 2003

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6434-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The Hurley Leader, Hurley, SD 57036</u>
	<u>The New Era, Parker</u>

RECEIVED
JUL - 7 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

Berens Farms

1. Name of Applicant Ralph G. or Merianna J. Berens Phone 605-297-3366
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 27426 456th Ave., Parker State SD 57053
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.33 *CFS or 600 **GPM ***AF Total Acreage 90
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Irrigation well Vermillion River Bottom
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Turner
N $\frac{1}{2}$ 3-99-53 1 well
5. County or counties where water will be used Turner
6. Annual period during which water is to be used June 1 - August 31
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)

Land Description	Acres	Land Description	Acres
NE $\frac{1}{4}$ 3-99-53	30		
NE $\frac{1}{4}$ 3-99-53	30		
NE $\frac{1}{4}$ 3-99-53	30		

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

Pumping out of a 16" cased well to a center pivot irrigation system watering the above described ground.

STATE OF SOUTH DAKOTA) SS
County of Turner

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, Ralph G. Berens, 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 Ralph G. Berens

Subscribed and sworn to before me this 3rd day of July 2003

Doreen D. Dierksen
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 26" Depth 60'
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type Slotted Diameter 16" Thickness 1/2"
- d) Gravel Pack A Road Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 8'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:

On applicants property none On property owned by others 2600'

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

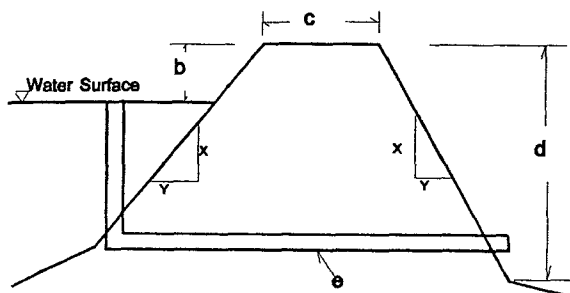
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 7, 20 03

RECEIVED OF Ralph G Berens, 27426 456th Ave., Parkder SD 57053

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

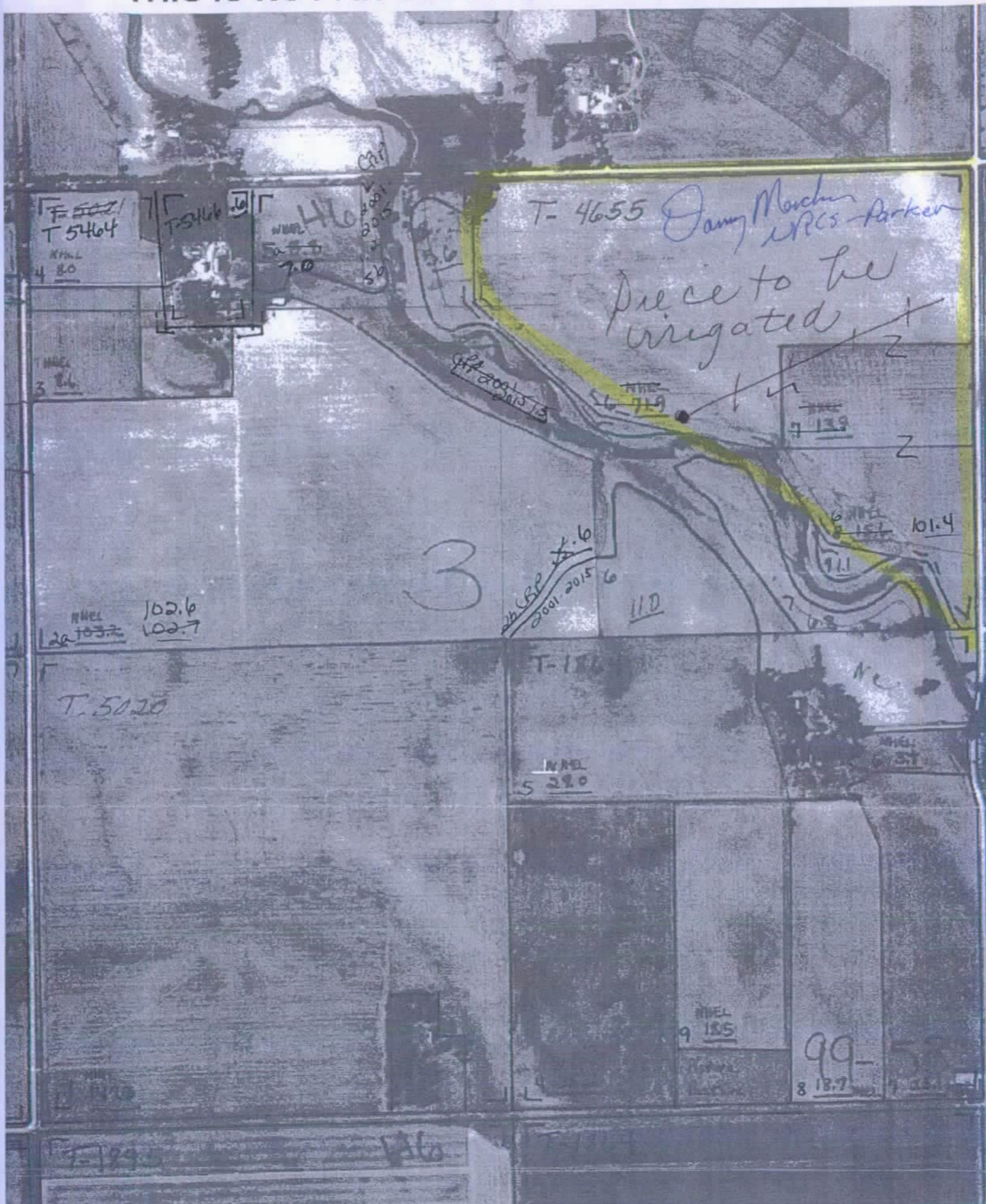
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No. 000000

By Darlene S. Eide

Chief Engineer gm

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 2003

Berens Farms
Ralph or Merianna Berens
27426 456th Ave
Parker SD 57053

Dear Mr. & Mrs. Berens:

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

- Item No. 4 of the application states the well will be located in the N ½ Section 3. It appears from the location marked on the map, that the well will be located in the approximate center of the NE ¼ Section 3-T99N-R53W. Please let us know if you concur with this change on your application.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- Please submit a well log or test hole log signed by a licensed South Dakota well driller.
- Item No. 2 of the application indicates the amount of water claimed to be 580 gallons per minute (gpm). State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 580 gpm for the 90 acres to be irrigated. We understand that in order to operate systems such as you are proposing, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Berens Farms
Ralph G. & Merianna J. Berens
27426 456th Ave.
Parker, SD 57053
605-297-3366

RECEIVED
JUL 21 2003
WATER RIGHTS
PROGRAM

July 17, 2003

Department of Environment & Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Attention: Karen Schlaak

This letter is in reply to your request for additional information for an Irrigation Permit request submitted by our farm.

Item #1 Yes, the NE $\frac{1}{4}$ of this quarter is where the well will be located. Just a little south of the center.

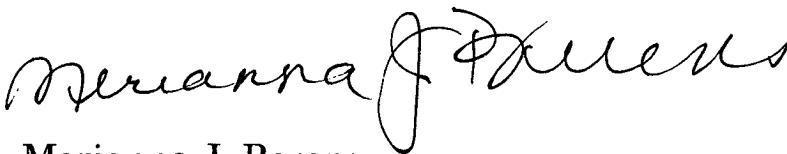
Item #2 Signed map enclosed.

Item #3 Well log submitted by Christensen Drilling.

Item #4 Irrigation system is set up for 600 gpm and needs that amount of water to operate.

Please call me if you need additional information at 605-297-2013.

Sincerely,



Merianna J. Berens
Berens Farms



CHRISTENSEN WELL & IRRIGATION, INC.

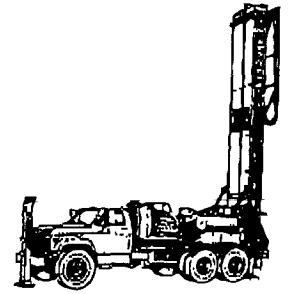
Well, Pump & Water Systems

T-L Pivot Dealer

88005 Hwy. 57

HARTINGTON, NEBRASKA 68739

Office 402-254-6809



Log for Berens Farms
Ralph or Marina Berens
27426 456th Ave.
Parker, S. Dakota
57053

0 to 8 top + silty clay
8-17 coarse sand + gravel
17-45 brown to blue clay
45-50 coarse gravel
50-58 fine gravel
58-60 rocks

William J. Christensen

Attention:
Karen Schlaak



CHRISTENSEN WELL & IRRIGATION, INC.

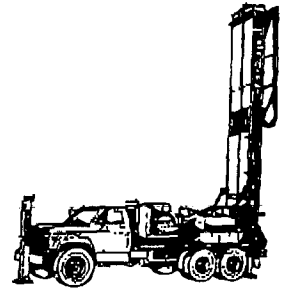
Well, Pump & Water Systems

T-L Pivot Dealer

88005 Hwy. 57

HARTINGTON, NEBRASKA 68739

Office 402-254-6809



In response to question # 4

We are setting pump up for 6006PM
but if they are going to require
580, we can do that with an
adjustment to the bowl after it is
in the ground if need be.

Cody W. Christensen

Attention:
Karen Schlarck

REPORT ON WATER PERMIT APPLICATION NO. 6434-3
For Berens Farms
September 3, 2003

Application No. 6434-3 proposes to appropriate 1.33 cfs (600 gpm) from one well approximately 60 feet deep located in the approximate center of the NE ¼ of section 3 to irrigate 90 acres located in the NE ¼ of section 3; all in T99N R53W in Turner County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER – VERMILLION EAST FORK (VEF)

The Vermillion East Fork is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies six square miles and contains an estimated 22,000 acre-feet of water in storage in Turner County (Lindgren, 1990). The aquifer extends into McCook County to the north, blends into the Vermillion West Fork aquifer to the west and blends into the much larger Parker Centerville aquifer to the south. Ground water movement is from north to south and the aquifer is hydraulically connected to the East Fork of the Vermillion River. This aquifer is relatively small and probably dependent upon flows in the river to maintain water levels in the aquifer especially during dry years.

The test well data indicates topsoil and silty clay from 0 to 8 feet followed by sand and gravel from 8 to 17 feet followed by brown to blue clay from 17 to 45 feet followed by coarse gravel from 45 to 50 feet followed by fine gravel from 50 to 58 feet and rocks from 58 to 60 feet all below land surface. Although it appears the aquifer may be confined at this site, it is likely that the clay layer from 17 to 45 feet is isolated and does not extend very far away from this location. No test pumping data or water level data is available for this site.

The Water Rights Program monitors an observation well, TU-77O, which is located about one-half mile northwest of the well for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. A hydrograph of this observation well is included with this report. In general, the water level record indicates that the aquifer is capable of supporting additional withdrawals (Water Rights, 2003).

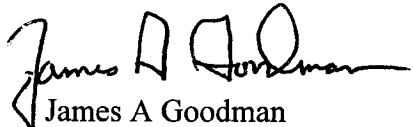
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights in this area. The nearest existing permitted well is about two miles from this site. Interference is not a concern. Drawdown created by pumping is not expected to be significant in this aquifer at this site.

CONCLUSIONS

1. Water is available from the Vermillion East Fork aquifer.

2. The aquifer is in direct communication with the East Fork of the Vermillion River. As long as there is flow in the river there should be little impact on ground water levels at the site. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant is requesting a diversion rate greater than the statutory rate of one cfs per 70 acres. There is no information presented in the permit application to justify this request. The authorized rate would be about 578 gpm for this acreage so there is really very little difference in the request and the statutory limit.

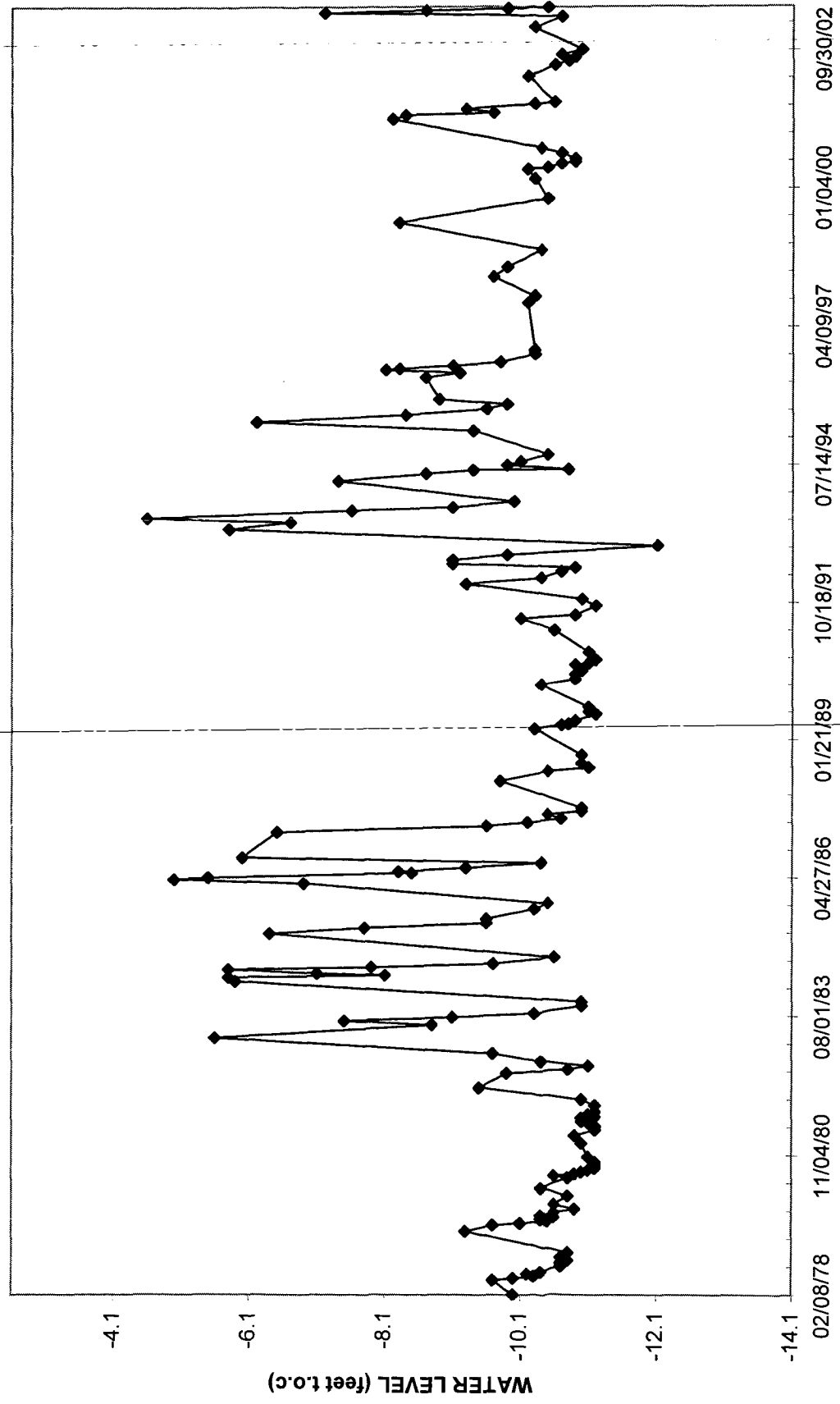

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 2003, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-770





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6434-3, Berens 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. 6434-3, Berens Farms, c/o Ralph Berens, 27426 456th Avenue, Parker SD 57053.

The Chief Engineer is recommending APPROVAL of Application No. 6434-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6434-3 authorizes a maximum diversion rate of 1.33 cfs (600 gpm) for the irrigation of 90 acres with an annual volume not to exceed 2.0 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 15, 2003



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 15, 2003

The New Era
PO Box 579
Parker SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6434-3 to Appropriate Water to be published twice. Please publish the first notice on September 25, 2003 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 Berens Farms, Ralph G or Merianna J Berens, 27426 456th Ave., Parker SD 57053 (Ph # 605-297-3366).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

No. 6434-3

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

Date _____

We are in receipt of your letter of September 15, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 6434-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____

Newspaper _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

September 15, 2003

Berens Farms
Ralph G or Merianna J Berens
27426 456th Ave
Parker SD 57053

Dear Mr. or Ms. Berens:

Water Permit Application No. 6434-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the New Era printed at Parker, SD (Ph # 605-297-4419). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, 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 also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on September 25, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6434-3 to Appropriate Water

Notice is given that Berens Farms, Ralph G or Merianna J Berens, 27426 456th Ave, Parker SD 57053 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from one well (Vermillion: East Fork Aquifer) 60 feet deep located in the approximate center of the NE ¼ Section 3 to irrigate 90 acres located in the NE ¼ Section 3; all in T99N-R53W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6434-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 14, 2003.

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

Affidavit of Publication

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

RECEIVED
OCT 17 2003
WATER RIGHTS
PROGRAM

I, **Cherric Engbrecht** of the City of Parker, County of Turner, State of South Dakota, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the **Office Manager** of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#3254-Ralph Berens-Water Appropriate

printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 25 day of Sept, 2003;
On Thursday, the 2 day of Oct, 2003;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

That \$ 36.10 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Cherric Engbrecht

Subscribed and sworn to before me this 14th
day of October, 2003

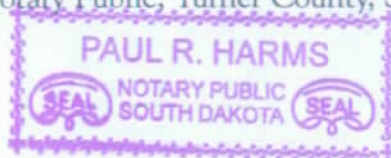
My Commission

Expires:

02/02

2006

Paul R. Harms
Notary Public, Turner County, South Dakota



Notice of Application No. 6434-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6434-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineers recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineers recommendation. The Chief Engineers address is "Water Rights Program, Foss Building, 523 B 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 Oct. 14, 2003.

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

(#3254, 9/25/03, 10/02/03, The New Era)

Notary Fees . . . \$ _____

Total \$ 36.10

Received Payment, _____



OCT 27 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. or Ms. Berens:

Enclosed is Water Permit No. 6434-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

A handwritten signature in black ink that reads "Garland Erbele". The signature is written in a cursive style with a large, prominent "G" and "E".

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

enclosures

6434-3

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

Date 12-1-03

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

FROM: Berens Farms
Ralph + Merianna Berens
(name)
27426 456th ave
(address)
Parker SD 57053 605-297-3366
(city, state, zip) (phone)

RECEIVED
DEC - 8 2003
WATER RIGHTS
PROGRAM

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

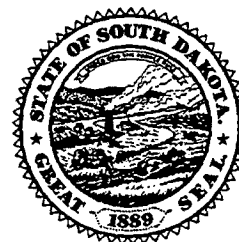
Water Permit No. 6434-3 states that the water use system is to be constructed by
10-14-08, and water is to be put to beneficial use by 10-14-12
(date) (date)

The water use system was completed on 11-30-03
(date)

Applying the water to beneficial use was completed by 6-30-04
will be (date)

You may schedule an investigation so that the water license may be issued.

Ralph Berens
(signature)



Permit No. 6434-3
Vermillion River - Water District

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

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

I have this day, October 12, 2005, made a thorough examination of the water use system constructed by Berens Farms c/o Ralph G. or Merianna J. Berens of 27426 456th Ave, Parker SD 57053 holder of Permit No. 6434-3, bearing the priority of July 7, 2003 authorizing the diversion of 1.33 cu. ft. per second of the waters of ground water (Vermillion East Fork aquifer) for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Drilling
- 2) No. of Wells 1
- 3) Depth(s) 60 feet
- 4) Well log is available N

Pump:

- 1) Make Mid America Pump
- 2) Model Goulds

Motor:

- 1) Make US Electrical
- 2) Frame No. 286 TPM
- 3) Horsepower rating 30 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,125 feet

C. Works used to apply water to beneficial use:

Center pivot:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1) Make <u>T & L</u> 2) Number of towers <u>8</u> | <ol style="list-style-type: none"> 3) End gun <u>Y</u> 4) Low pressure 5) Capacity <u>800</u> GPM |
|--|--|

Chemigation Equipment:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1) Does chemigate <u>Y</u> 2) Main line check valve <u>Y</u> 3) Inspection port/air relief <u>Y</u> 4) Low pressure drain <u>Y</u> 5) Discharge is 20' from source <u>Y, with hose</u> 6) Interlock type <u>electrical</u> 7) Injection pump type <u>not available</u> | <ol style="list-style-type: none"> 8) Injection check valve <u>not available</u> 9) Injection line check valve or positive displacement pump <u>not available</u> 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules <u>Yes, for equipment inspected</u> |
|--|--|

Report of Examination of Works

Permit No. 6434-3

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: Well: 2,200 feet S and 600 feet W from NE corner section 3-T99N-R53W (Latitude 43.42479 Longitude -97.08488 -- SE $\frac{1}{4}$ NE $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: **all in section 3-T99N-R53W**

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 18 acres

comprising a total of 83 acres of land and the license should be issued for 1.23 cfs.

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



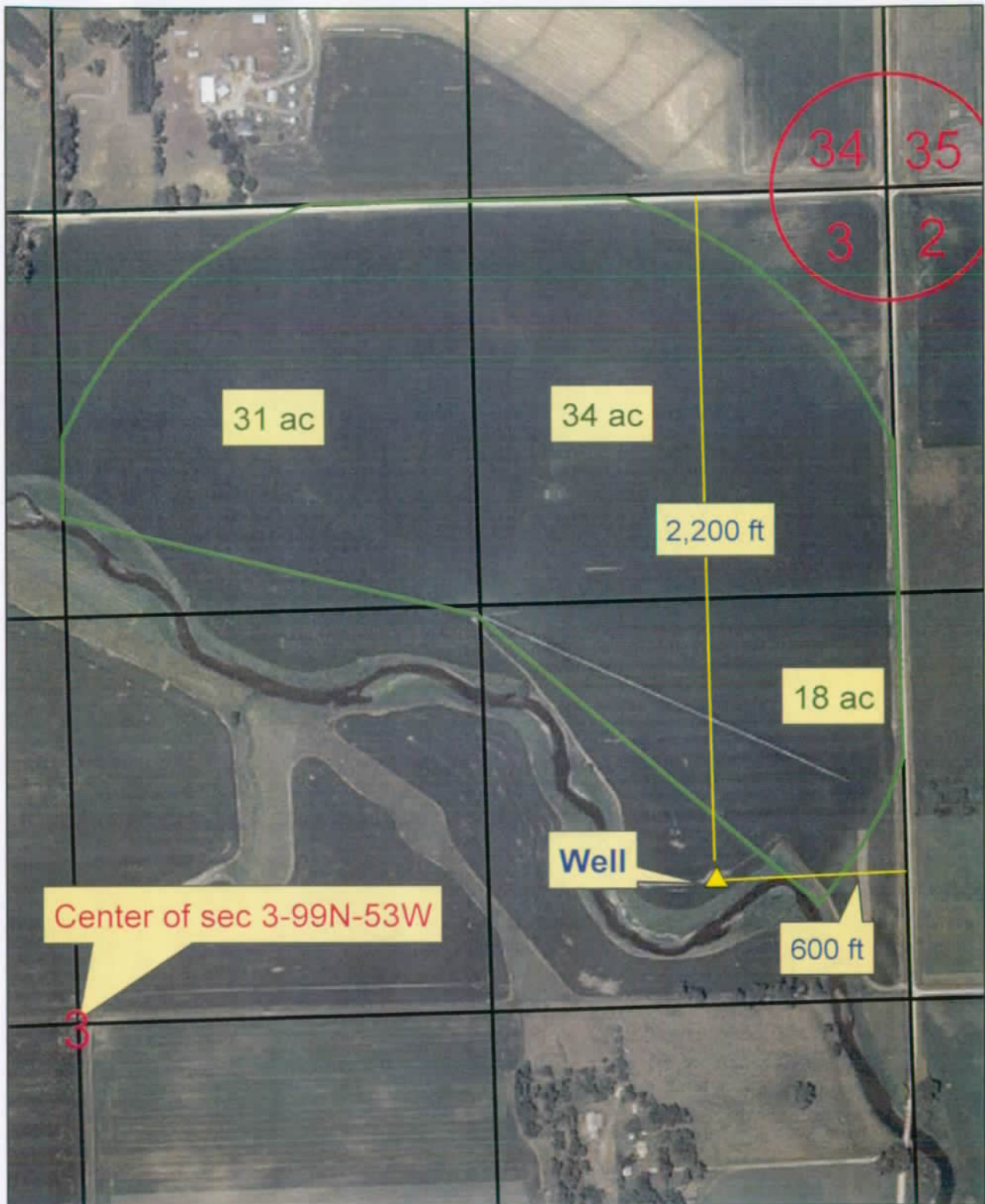
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: December 15, 2005

Scale: 1 inch equals 477 feet

675

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Dec 15, 2005

Water Right No. 6434-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6434-3

(1) Berens Farms, c/o Ralph or Merianna Berens, 27426 456th Ave, Parker SD 57053 made Application No. 6434-3, July 7, 2003 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 6434-3, with a priority date of July 7, 2003 was approved October 14, 2003 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 14, 2008 and for the application to beneficial use of water on or before October 14, 2012.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 8, 2003. The *Notice* stated the diversion system was completed on November 30, 2003 and the water placed to beneficial use on June 30, 2004.

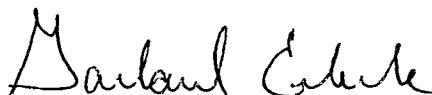
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 6434-3 is issued a license, bearing a priority date of July 7, 2003 to appropriate 1.23 cubic feet of water per second from groundwater (one well) to irrigate 83 acres.

The diversion point is located: 2,200 feet south and 600 feet west from the northeast corner Section 3-T99N-R53W (SE ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 3-T99N-R53W	NE ¼ NE ¼	34 acres
	NW ¼ NE ¼	31 acres
	SE ¼ NE ¼	18 acres
Total 83 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6434-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6434-3 authorizes a maximum diversion rate of 1.33 cfs (600 gpm) for the irrigation of 90 acres with an annual volume not to exceed 2.0 acre feet of water per acre per year. (The licensed diversion rate is proportional to the acreage developed).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JAN 26 2008
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2006

5914-3
6434-3
6075-3

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

Dear Mr. Berens:

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

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

Sincerely,

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

enclosures

2011 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2011**

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

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352
or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 6434-3

RALPH G OR MERIANNA J BERENS

BERENS FARMS

27430 456TH AVE

PARKER SD 57053

Any address/ownership corrections? th 45735 275 S
Joel Berens - Parker SD

Email berensjm@hotmail.com ⁵⁷⁰⁵³

Phone 605-297-1187

1. Did you irrigate in 2011? *yes ☒ **no ☐
*If yes, _____ acres were irrigated out of
the 83 acres covered by Permit No. 6434-3

**If no, check reason(s) for not irrigating:
sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

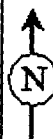
Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the
system in 2011? yes ☒ no ☐

4. If more than one water source is listed below, circle
each source used. **A. GROUNDWATER**

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

NOV 30 2011

**WATER RIGHTS
PROGRAM**

Acreage permitted for irrigation under No. 6434-3

(see above section map for help reading legal descriptions)

sec 03-T099N-R53W, NE1/4NE1/4 - 34.00 acres

sec 03-T099N-R53W, NW1/4NE1/4 - 31.00 acres

sec 03-T099N-R53W, SE1/4NE1/4 - 18.00 acres

Please transfer
this permit to:

Joel Berens
45735 275th St.
Parker, SD 57053

berensjm@hotmail.com
605-840-9831(cell)

Please provide your 2011 water use to irrigate the above acreage on the REVERSE side of this form.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 1, 2011

No. 6434-3

Joel Berens
45735 275th St
Parker SD 57053

Dear Mr. Berens:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 6434-3. The water right is currently listed in the name of Ralph G or Merianna J Berens.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$50.00.

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

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB - 1 2012

WATER RIGHTS
PROGRAM

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

No. 6434-3

Date: 1 - 12 - 12

I/We request that Water Right No. 6434-3

formerly owned by: Ralph G or Merianna J Berens

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

Telephone No. 605 297-1187

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

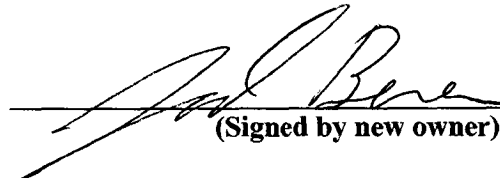
83 acres located in the N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 6-T99N-R53W

I/We understand that the validity of Water Right/Permit No. 6434-3 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 Joel or Maria Berens, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/1, 20 12

RECEIVED OF Joel Berens 45735 275th St Parker SD 57053

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>6434-3</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. **05331**

By David Erbe



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2012

6434-3

Joel or Maria Berens
45735 275th St
Parker SD 57053

Dear Mr. & Mrs. Berens:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6434-3.

The ownership change has been completed. Water Right No. 6434-3 formerly held by Ralph G or Merianna J Berens is now listed in your names.

Enclosed for your records is Receipt No. 05331 in the amount of \$50.00 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

MAY - 8 2017

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6434-3

Date: May 3, 2017

I/We request that Water Right/Permit No. 6434-3 formerly owned by:
JOEL OR MARIA BERENS be transferred to:

New Owner Name: DLK&M LLC

Address: 130 MAIN STREET BOX 462

City, State, Zip Scotland SD 57059 Telephone No. 605-321-9753

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

The North Half (N2) Except the East 506.51 Feet of the West 1245 Feet of the North 860 Feet of the Northwest Quarter (NW4), All of Section Three (3), Township Ninety-Nine (99) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota transferred via Warranty Deed on June 21, 2007 and recorded in Book 111 of Deeds Page 605 by the Turner County Register of Deeds.

☒ I understand that the validity of Water Right/Permit No. 6434-3 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, DENNIS KRONAIZL, Member of DLK&M LLC, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 07 5/8, 20 17

RECEIVED OF Taylor Law Firm LLC 4820 E 57th St # B Sioux Falls SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>6434-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08245**

By Jeanne Gooden
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 8, 2017

6434-3

Dennis Kronaizl
DLK&M LLC
130 Main St Box 462
Scotland SD 57059

Dear Mr. Kronaizl:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 6434-3.

The ownership change has been completed. Water Right No. 6434-3 formerly held by Joel or Maria Berens is now listed under DLK&M LLC.

For informational purposes, each year an irrigation questionnaire is directed to water right holders to report water use for that specific crop year. The questionnaires are typically mailed around the third week of October and are due back in our office by December 1st. I am enclosing a copy of last year's irrigation questionnaire submitted by the Berens which will give you an idea of how to complete the form and what type of records to keep during the season. Also included is a copy of the water right for your records.

The receipt for the filing fee is being forwarded by copy of this letter to Taylor Law Firm LLC. If you have any questions, please give me a call.

Sincerely,

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

enclosures

c: John Taylor, Taylor Law Firm LLC

RECEIVED

AUG 07 2017

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6434-3

Date: August 3, 2017

I/We request that Water Right/Permit No. 6434-3 formerly owned by:
DLK&M LLC be transferred to:

New Owner Name: Jo's Family Farms, LLC

Address: 5005 S. Bur Oak Place

City, State, Zip Sioux Falls SD 57108-2710 Telephone No. 800-533-3184

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

Tract One (1) of Kronsizl addition of the North Half of Section Three (3), Township Ninety-Nine (99) North, Range Fifty-Three (53) West of the 5th P.M., Turner County, South Dakota, according to the recorded plat thereof.

☒ I understand that the validity of Water Right/Permit No. 6434-3 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, John Taylor, Attorney for Jo's Family Farms, LLC, 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.

6434-3

Filed for Record - Turner County SD

Filed On 6/20/2017 8:30 AM
Document# R 080700 Type:DEED-WD
Book 117 of DEEDS
Page 549 # of Pages: 1

17-TI-11127

Prepared by:
Getty Abstract & Title Company
John H Billion, Counsel
5800 S Remington Place Ste #120
Sioux Falls SD 57108
605-336-0490

By Joseph A. Cremer Deputy
Carol J. Viet, Register of Deeds 96653

Fee \$ 30.00
Transfer Fee \$ 523.50

Return To:
GETTY ABSTRACT & TITLE COMPANY
5800 S REMINGTON PL, STE 120
SIOUX FALLS SD 57108

WARRANTY DEED - STATE FORM

DLK&M, LLC, A SOUTH DAKOTA LIMITED LIABILITY COMPANY

grantor(s) of TURNER County, State of South Dakota, for and in consideration of One Dollar and other good and valuable consideration, GRANT(S), CONVEY(S) AND WARRANT(S) TO

JO'S FAMILY FARMS, LLC,

grantee(s) of 5005 S Bar Oak Place Sioux Falls SD all interest
in the following described real estate in the County of TURNER in the State of South Dakota: 57108

TRACT 1 OF KRONAIZL ADDITION IN THE NORTH HALF (N1/2) OF SECTION THREE
(3) TOWNSHIP NINETY-NINE (99) NORTH, RANGE FIFTY-THREE (53) WEST OF THE
5TH P.M., TURNER COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED
PLAT THEREOF.

Subject to easements and restrictions of record, if any.

Dated June 15, 2017.

DLK&M, LLC, A SOUTH DAKOTA LIMITED LIABILITY
COMPANY

No transfer fee listed on deed.

By Dennis L Kronaizl
Its MANAGER

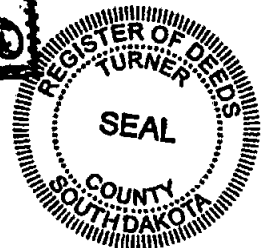
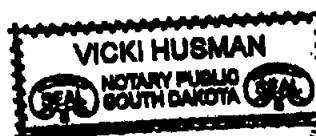
No Seal on Document

STATE OF SOUTH DAKOTA)
COUNTY OF LINCOLN)

On June 15, 2017, before me, the undersigned officer, personally appeared DENNIS L KRONAIZL, who acknowledged him/herself to be the MANAGER of DLK&M, LLC, and that (s)he as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by him/herself as MANGER.

In witness whereof I hereunto set my hand and official seal.

Vicki Husman
Notary Public My Commission Expires Sept. 17, 2022
My commission expires: _____



Alpha ☒
Paid ☒
Num ☒
Margin ☒
Trans ☒
Scan ☒

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 7, 20 17

RECEIVED OF Taylor Law Firm, LLC 4820 E 57th St., STEB Sioux Falls, SD 57108

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>6434-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08319**

By Jeanne Goodman *em*
Chief Engineer

McMath, Genny

From: John Taylor <john.taylor@taylorlawsd.com>
Sent: Monday, August 14, 2017 3:01 PM
To: Gronlund, Eric
Cc: McMath, Genny
Subject: Re: [EXT] Transfer of ownership of Water Right No. 6434-3
Attachments: Plat of Tract 1 (Kronzile Addt).pdf; f75e45a2-cb7c-4c2e-9d3d-b0410a9eabc7.pdf

Eric,

Thanks for the correspondence. Good catch on the legal description. A proportionate split of the water right is not necessary.

Attached is a copy of the plat of Tract 1 of Kronaizl Addition. The parcel contains 120.8 acres, which includes the 90 acres of irrigated crop ground referenced in Water Right No. 6434-3.

The diversion point is located in the SE1/4NE1/4 of 3-99N-R53W, on the north side of the East Fork Vermillion River. Attached is an aerial map of SE1/4NE1/4 of 3-99N-R53W, one can make out the pump location and pipe-corridor running northeast towards the pivot.

Please let me know if there's anything else you need.

Thanks,

John

On Aug 8, 2017, at 9:11 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

John

DENR received the transfer of ownership for Water Right No. 6434-3 from DLK&M LLC to Jo's Family Farms LLC. The transfer form lists the described land as Tract One (1) of Kronaizl Addition of the North Half of Section 3-T99N-R53W (see attached transfer form). Our question is does Tract One of Kronaizl Addition include all of the acres included under Water Right No. 6434-3? I note that from the Turner County Property Tax Database that DLK&M LLC also owns the parcel described as the N ½ 3-99-53 except & except Tract 1 of Kronaizl Addition (see attached print-out).

Wanting to make sure that Water Right No. 6434-3 should be transferred in its entirety to JO's Family Farm LLC. If not, we'd need to look at splitting the water right proportionately based on ownership.

Eric Gronlund
 Water Rights Program, DENR
 605 773-3352
Eric.gronlund@state.sd.us

<JO'stransfer.pdf><Turnerlandownership.pdf>

John E. Taylor
Attorney

Taylor Law Firm, LLC
4820 East 57th Street
Suite B
Sioux Falls, South Dakota 57108

john.taylor@taylorlawsd.com
605-360-6266 Cell
605-782-5303 Direct

<http://www.taylorlawsd.com>

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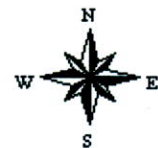
Aerial Map



map center: 43° 25' 31.84, -97° 5' 5.42

0ft 236ft 472ft

3-99N-53W
Turner County
South Dakota



8/14/2017

Maps Provided By:



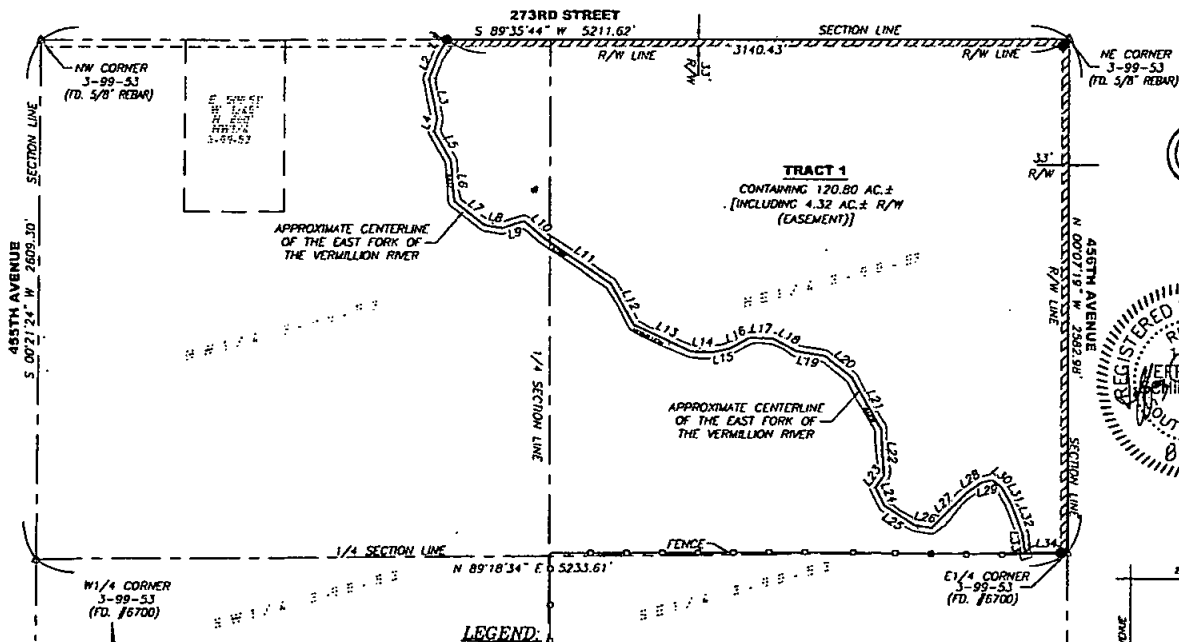
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www.AgriDataInc.com

PLAT OF TRACT 1 OF KRONAIZL ADDITION

IN THE NORTH HALF OF SECTION 3, TOWNSHIP 99 NORTH,
RANGE 53 WEST OF THE 5TH P.M., TURNER COUNTY, SOUTH DAKOTA

LINE	BEARING	DISTANCE
L1	S 29°16'06" W	92.69'
L2	S 20°52'52" W	121.80'
L3	S 17°39'25" E	208.09'
L4	S 17°01'04" W	65.13'
L5	S 30°09'14" E	167.86'
L6	S 04°59'24" E	204.00'
L7	S 52°27'16" E	193.57'
L8	S 80°32'36" E	68.18'
L9	N 71°36'46" E	116.78'
L10	S 49°42'48" E	140.91'
L11	S 56°00'18" E	395.06'
L12	S 29°43'44" E	234.85'
L13	S 65°21'56" E	320.20'
L14	S 88°19'59" E	111.52'
L15	N 78°27'57" E	87.44'
L16	N 61°50'22" E	113.16'
L17	N 89°43'32" E	116.96'
L18	S 67°30'19" E	136.99'
L19	S 80°19'04" E	143.67'
L20	S 51°12'58" E	162.51'
L21	S 29°42'24" E	300.91'
L22	S 03°39'00" E	235.90'
L23	S 34°15'51" W	72.55'
L24	S 26°05'05" E	100.16'
L25	S 56°54'14" E	179.80'
L26	S 80°43'02" E	91.74'
L27	N 45°04'13" E	255.74'
L28	N 54°36'48" E	90.45'
L29	N 78°38'36" E	53.94'
L30	S 52°41'58" E	60.53'
L31	S 29°59'05" E	104.45'
L32	S 21°17'43" E	154.34'
L33	S 08°22'05" E	97.90'
L34	N 89°18'34" E	216.05'

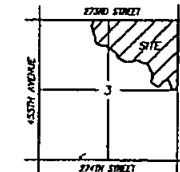


NOTES:
BASIS OF BEARINGS ARE BASED ON
GPS OBSERVATION
THIS PLAT WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE COMMITMENT.

112-321 AM

- LEGEND:**
- △ SECTION CORNER
 - SET 5/8" REBAR W/CAP #10141
 - F.D. MONUMENT
 - (R) RECORD INFORMATION
 - AC. ACRES
 - S.F. SQUARE FEET
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - M.A.E. MUTUAL ACCESS EASEMENT
 - R/W RIGHT-OF-WAY
 - R.T.C. RECORDS OF TURNER COUNTY
 - N.T.S. NOT TO SCALE
 - PREVIOUSLY PLATTED LINE
 - EASEMENT LINE

Prepared By:
MIDWEST LAND SURVEYING, INC.
Land Surveying and GPS Consulting
211 E. 14th Street, Suite 100, Sioux Falls, South Dakota 57104
Phone: (605) 339-8901 FAX: (605) 274-8051



AREA MAP N.T.S.
SECTION 3, T99N, R53W
5TH P.M.

COPY



6434-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 25, 2017

6434-3

Philip Sonstegard
Jo's Family Farms LLC
5005 S Bur Oak Pl
Sioux Falls SD 57108

Dear Mr. Sonstegard:

Recently, John Taylor with the Taylor Law Firm in Sioux Falls submitted a transfer of ownership form and filing fee on your behalf for changing ownership on Water Right No. 6434-3.

The ownership change has been completed. Water Right No. 6434-3 formerly held by DLK&M LLC has been transferred to Jo's Family Farms LLC.

The receipt for the filing fee is being forwarded by copy of this letter to Taylor Law Firm. If you have any questions, please let me know.

Sincerely,

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

c: John Taylor, Taylor Law Firm w/receipt