

WATER PERMIT NO. 6563-3

Name of Applicant: **Roger Hansen**

Address: **Box B, Centerville SD 57014**

Phone: **605 563-2212**

Amount of Water Claimed: **1.56 cfs**

Total Acres: **248**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **5 miles south of Centerville**

PRIORITY

Date Received: **1-4-05**

Application/License Fee: **\$350**

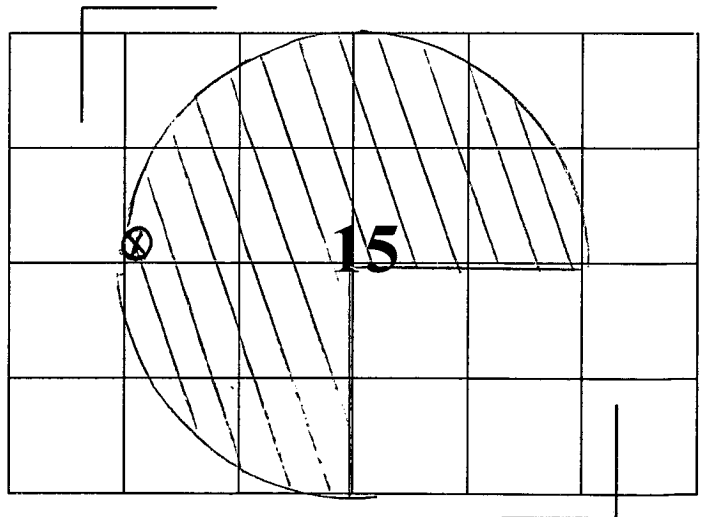
Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Using the existing well authorized by Water Right No. 1569-3**

Diversion Point: **SW ¼ NW ¼ Sec 5-T95N-R52W**

Land to be Irrigated: **N ½, SW ¼ Sec 5-T95N-R52W**



Depth of Well: **158 feet deep**

Well Driller: **Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **1-11-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6563-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Vermillion Plain Talk</u>

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JAN - 4 2005
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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.)

- Roger A Hansen dba
- Name of Applicant Roger Hansen Properties Phone 605-563-2212
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box B Centerville State SD 57014
(Street, RR, or Box and City) (Zip Code)
 - Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 248 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
 - Source of water supply Ground Water
 - Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
existing well located in SW1/4 NW1/4 Section 15 T95N R52W
need to correct location under No. 1569-3 to be for this location
 - County or counties where water will be used Clay
 - Annual period during which water is to be used April 1 - October 31
 - List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
See attached sheet			

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

Plan to install a ~~3~~ quarter 1/2 mile pivot to irrigate 3 quarter sections. Existing well under WR. No. 1569-3 will be used and pump reconfigured to produce 1500 gpm (present capacity is 800 gpm). NE quarter has not been irrigated under No. 1569-3. SW quarter under No. 6009-3 not constructed

STATE OF SOUTH DAKOTA) SS
County of Hughes

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)

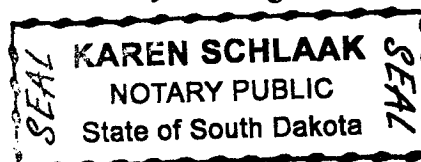
I, Roger Hansen, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Roger A. Hansen

Subscribed and sworn to before me this 4th day of January 20 05

Karen Schlaak

Notary Public signature



ATTACHMENT

Roger Hansen's water permit application for irrigation in the NW ¼, NE ¼ & SE ¼ Section 15, T95N, R52W

Explanation:

Mr. Hansen currently holds Water Right No. 1569-3 for irrigation in the N ½ of Section 15, T95N, R52W. However, only a center pivot irrigating 132 acres has been continuously used on this property. The current well is capable of diverting 800 gallons per minute. In addition, Water Permit No. 6009-3 authorizes irrigation of the SW ¼ of this section. However, this irrigation project was not developed within the construction period.

This application proposes to replace the existing quarter section pivot with a half section pivot and reconfigure the existing pump to produce a total of 1500 gpm. The pivot will make a ¾ rotation to irrigate a total of 380 acres in the N ½ and SW ¼ of Section 15, T95N, R52W.

This application also seeks to change the location of the well to the SW ¼ NW ¼ Section 15, T95N, R52W. The well was relocated to this location in 1997 by Don Hunter.

This application proposes to appropriate an additional 700 gpm and irrigate 248 additional acres to Water Right No. 1569-3.

Total acreage to be irrigated under Water Right No. 1569-3 and this application
All in Section 15, T95N, R52W

NW ¼ NW ¼	15 acres	SW ¼ NE ¼	40 acres
NE ¼ NW ¼	36 acres	SE ¼ NE ¼	36 acres
SW ¼ NW ¼	36 acres	NW ¼ SW ¼	36 acres
SE ¼ NW ¼	40 acres	NE ¼ SW ¼	40 acres
NW ¼ NE ¼	36 acres	SW ¼ SW ¼	15 acres
NE ¼ NE ¼	15 acres	SE ¼ SW ¼	35 acres
			380 total acres

**SOUTH DAKOTA
WATER PERMIT NO. 6563-3**

Date of first receipt of application January 4, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6563-3 to Roger A Hansen, dba Hansen Properties, Box B, Centerville SD 57014 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. 6563-3 appropriates an additional 1.56 cubic feet of water per second (cfs) and authorizes irrigation of 248 additional acres to what is currently authorized by Water Right No. 1569-3. Water Right No. 1569-3 is currently diverting 1.78 cfs from one existing well completed into the Lower Vermillion Missouri Aquifer (158 feet deep) located in the SW ¼ NW ¼ Section 15 to irrigate 132 acres located in the NW ¼ Section 15-T95N-R52W. Water Permit No. 6009-3 changed the well location to the present location. This permit authorizes an additional 1.56 cfs from the existing well to irrigate an additional 248 acres located in the N ½ and SW ¼ Section 15-T95N-R52W. When developed, a total of 3.34 cfs will be appropriated from this existing well to irrigate 380 acres. This permit, with the incorporation of Water Right No. 1569-3, authorizes a diversion of 3.34 cfs from this existing well to irrigate 380 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: April 1 – October 31.
3. The dates from which applicant may claim right are January 4, 2005 (1.56 cfs for 248 acres) and April 22, 1968 (1.78 cfs for 132 acres).
4. The date of approval of Permit No. 6563-3 is March 14, 2005.
5. One-fifth of the construction is to be completed on or before September 14, 2007.
6. All construction is to be completed on or before March 14, 2010.
7. Water is to be put to beneficial use on or before March 14, 2014.
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. Water Permit No. 6563-3 incorporates the applicable portions of Water Permit No. 6009-3 and Water Right No. 1569-3. The non-constructed portion of No. 6009-3 and forfeited portion of No. 1569-3 are cancelled.
3. 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

APR 01 2005

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) ~ Drill Hole Diameter 32" Depth 158'
- b) Casing Type Plastic Diameter 16" Thickness SCH 40
- c) Screen Type Plastic Diameter 16" Thickness Sch 40
- d) Gravel Pack Road Gravel Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material Gravel @ 92' down to 158'
- f) Depth to Water (ground surface to water level) 60'
- 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

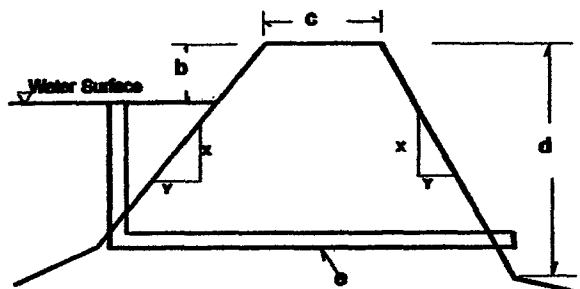
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 6, 20 05

RECEIVED OF Roger Hansen, PO Box B, Centerville SD 57014

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

Fee for Application for Permit No. <u>6563-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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>6563-3</u>	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	350.00	

No.

001608

By

Darlene E. Eide

Chief Engineer

gm

Water Permit Application filed by Roger Hansen for expansion of irrigation
from the existing well authorized by Water Right No. 1569-3



- Well authorized by Water Right No. 1569-3 and located in the SW 1/4 NW 1/4 Section 15, T95N, R52W will be used. The existing pivot located in the NW 1/4 will be removed.
- Water Permit No. 6009-3 for irrigation of the SW 1/4 of Section 15 has not been constructed and is subject to cancellation.
- The NE 1/4 of Section 15 which was originally authorized by Water Right No. 1569-3 has not been historically irrigated. The area outlined in RED represents the entire area to be irrigated.



Eric Gronlund
Eric Gronlund
Water Rights Program
Map Prepared - 1/5/2005

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MAR 23 2005

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March 21, 2005

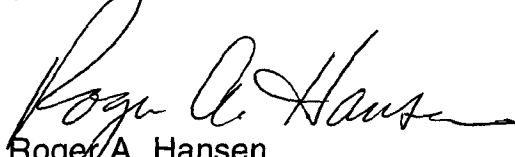
Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre, SD 57501-3181

Re: Water appropriation applications # 6563-3 through # 6573-3

Dear Eric,

Upon further discussion with my attorney, we will be recording the eleven water appropriation permits. To be most correct and cover any previously discussed forms, the permits should be issued in the name of: Roger A. Hansen, dba Hansen Properties, P.O. Box B, Centerville, SD (Ph. # 605-563-2212) Hansen Properties is a sole proprietorship of Roger A. Hansen, not a corporation or L.L.C.

Thank you for your assistance in the various steps along the way to get these permits issued.



Roger A. Hansen
dba Hansen Properties



CRWS

Clay Rural Water System

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MAR 14 2005

WATER RIGHTS
PROGRAM

GM

30376 SD Hwy. 19
Wakonda, SD 57073-6416
605-267-2088
FAX 605-267-2085

March 10, 2005

Water Rights Program
ATTN: Chief Engineer
Foss Building - 523 East Capitol
Pierre SD 57501

Hansen Properties
POB B
Centerville SD 57014

RE: Applications to Appropriate Water

To Whom It May Concern:

The Clay Rural Water System has taken note of the eleven applications to appropriate water in Riverside Township, Clay County and would like to provide comment.

The proposed site of these diversions is within two to six miles of the Clay Rural Water System well field. All but one of the diversions is located in the same aquifer - the Lower Vermillion-Missouri - as the Clay Rural Water well field.

Our initial concern regarding these applications is the impact it could have on the Clay Rural Water Systems' sole supply. Clay Rural Water supplies water to over 4,200 residents in southeast South Dakota.

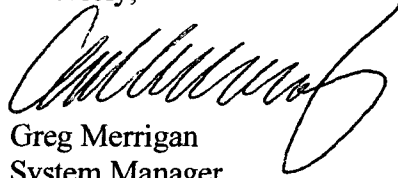
The applications request total withdrawals of 21.2 cubic feet per second. In discussions with Jim Goodman of your program, indications are that this withdrawal is not of concern for this aquifer. Mr. Goodman states that no safe withdrawal rate has been set for the aquifer, as the current diversion is not significant. Clay Rural Water acknowledges these statements.

An additional concern is that of possible use of the irrigation units for chemigation. The proposed diversions are located within one to five miles of the Clay Rural Water Source Water Protection Area. As chemigation can present a direct link to the aquifer in the event of an equipment malfunction, the possible threat to the aquifer could be significant. The Clay Rural Water System requests that any chemigation from these units require a permit and be routinely monitored.

In closing, the requested diversions are a substantial increase in the amount of irrigation that has historically taken place in this area. We hope DENR will review them closely and monitor all activity granted as a result of approval of the applications.

Thank you for the opportunity to comment and please contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Merrigan', with a large, stylized flourish at the end.

Greg Merrigan
System Manager



CRWS

Clay Rural Water System

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MAR 17 2005

WATER RIGHTS
PROGRAM

30376 SD Hwy. 19
Wakonda, SD 57073-6416
605-267-2088
FAX 605-267-2085

March 15, 2005

Water Rights Program
ATTN: Chief Engineer
Foss Building – 523 East Capitol
Pierre SD 57501

Hansen Properties
POB B
Centerville SD 57014

RE: Applications to Appropriate Water

To Whom It May Concern:

This letter is a follow up to my letter of March 10, 2005 regarding the Applications to Appropriate Water from Hansen Properties in Riverside Township, Clay County.

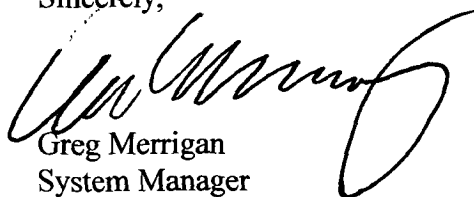
I have had the opportunity to meet with Mr. Hansen and discuss the applications. At his request I am writing this letter to clarify our comments.

The Clay Rural Water System is not opposed to the issuance of these permits and is not requesting a hearing before the Water Rights Board. We are not requesting the applicant obtain a special permit for any chemigation activities, only that it be inspected and regulated as per existing DENR protocol.

The intent of our original letter was to make our concerns known. If existing DENR regulations are followed it appears the diversions will not have an adverse effect on the Clay Rural Water System or its members.

Thank you again for the opportunity to comment and please contact me if you have any additional questions.

Sincerely,



Greg Merrigan
System Manager

March 22, 2005

Water Management Board
ATTN: Chief Engineer
Foss Building - 523 E. Capital
Pierre, SD 57501

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MAR 25 2005
WATER RIGHTS
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Hansen Properties
PO Box B
Centerville, SD 57014

RE: Applications to Hansen Properties to Appropriate Water; Clay County

To Whom It May Concern:

As a rural resident, customer of rural water, and landowner in Clay County, I have noted the 11 applications by Hansen Properties to appropriate water in Riverside Township, Clay County. I have also sought information from officials of the state Water Management Board, the South Dakota Geological Survey and the Clay Rural Water System in an effort to determine whether the proposed water appropriation would be in the public interest, as required by state water rights laws and regulations.

Though no safe withdrawal rate has been determined, both Jim Goodman, state Groundwater Supervisor, and Derric Iles of SD Geological Survey indicated their belief that, given the capacity of the Missouri-Lower Vermillion Aquifer, the withdrawal of 21.2 cubic feet per second will not pose a threat to the public water supply.

I have not, however, received satisfactory assurance from any of the several persons with whom I have spoken, that the use of the proposed irrigation systems for the application of chemicals and fertilizer will not pollute the aquifer, which is vital to the 4,200 residents who rely on the Clay Rural Water System. Given that no alternative source of water is available to county residents, I believe that the public interest, protected by state law, must ensure that no pollution of the aquifer be allowed.

Borings by the SD Geological Survey indicate that in at least four of the 10 sections for which permits are requested -- sections 11, 14, 22 and 28 -- the Missouri-Lower Vermillion is a shallow aquifer, possibly as near as 10 to 20 feet below the surface, and with little or no clay layer between the very porous sand and gravel soil and the water, a condition that presents the possibility of nitrogen or chemicals leaching into the aquifer, especially if water and or chemicals are over-applied, or in the case of equipment malfunction.

I understand that the SD Geological Survey has two monitoring wells in section two of Riverside Township, and that in the shallower of these two wells, nitrates above the drinking water standard of 10 milliliters per liter were detected in 2002. But these monitoring wells are up-gradient from the proposed 11 well sites, so they would not be likely to detect any pollution that might occur as a result of the proposed

developments.

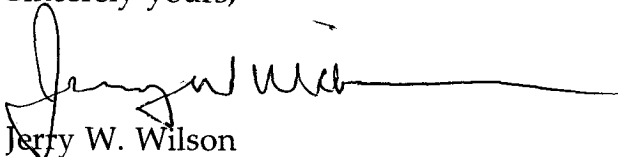
I understand that the Chief Engineer has tentatively determined that this project is in the public interest. I do not know whether the approval of these permits could lead to degradation of water quality for residents of Clay County at any future time, but if the county's water supply is in any way put at risk by this very large project, then I question whether the approval is in the public interest, or only a private interest.

I propose that one or two conditions be attached if these applications are to be approved:

1. Stipulate that no chemigation of any sort will be allowed over the shallow aquifer; and/or
2. Establish a monitoring well or wells down-gradient (i.e., between the closest of the proposed wells and the well-field of the Clay Rural Water System), and stipulate that any increase in nitrates or chemical pollutants detected by the monitoring well(s) will trigger the shut-down of these wells.

Thank you for your defense of the public interest. Nothing is more important to the public this year, in 10 years, in 100 years and far beyond, than clean, safe water.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jerry W. Wilson", followed by a long horizontal line extending to the right.

Jerry W. Wilson
30959 Frog Creek Road
Vermillion, SD 457069



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 2005

Jerry W. Wilson
30959 Frog Creek Road
Vermillion SD 57069

Dear Mr. Wilson:

The Water Rights Program received your letter regarding the eleven permit applications to appropriate water for irrigation filed by Roger Hansen. Since your letter was submitted after the March 14, 2005, published date to file a petition to intervene a hearing will not be scheduled before the Water Management Board. Water Rights law directs the Chief Engineer to issue the water permits as recommended.

We do however note your concerns regarding potential pollution to the aquifer from applying of chemicals and fertilizer through the irrigation systems. There are state requirements that irrigators, who apply chemicals through an irrigation system, must follow to prevent the sort of concerns which you express. These rules are intended to protect the environment by prohibiting the back flow of fluid towards the water source and shutting down the system if any component malfunctions. A copy of these rules is attached.

The handling, disposal, transportation and storage of fertilizers and pesticides are subject to additional requirements administered by the South Dakota Department of Agriculture. I encourage you contact the Department of Agriculture at (605) 773-4432 if you have questions on the regulations they administer.

If you have any questions on the water right permitting process, please feel free to contact us.

Sincerely,

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

enclosure

c: Roger Hansen, Box B, Centerville SD 57014

REPORT ON WATER PERMIT APPLICATION NO. 6563-3

For Roger Hansen

January 21, 2005

Application No. 6563-3 proposes to appropriate an additional 1.56 cfs (700 gpm) and to irrigate an additional 248 acres from an existing 158 feet deep well authorized by Water Right No. 1569-3 and Water Permit No. 6009-3. Water Right No. 1569-3 is currently diverting 1.78 cfs from the well authorized by Water Permit No. 6009-3 and located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 to irrigate 132 acres located in the NW $\frac{1}{4}$ of section 15, T95N R52W in Clay County. This application will result in 248 additional irrigated acres located in the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of section 15, T95N R52W and a total diversion rate of 3.34 cfs (1500 gpm) from the existing well.

AQUIFER – LOWER VERMILLION MISSOURI (LVM)

The Lower Vermillion Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 100,800 acres and contains an estimated 1.5 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Turner and Lincoln County to the north (where it blends into the Parker Centerville and Upper Vermillion Missouri aquifers), to the south where the aquifer blends into the Missouri Elk Point aquifer and the aquifer is also hydraulically connected to the Vermillion River. The aquifer appears to be under slightly confined conditions at this site but generally behaves like it is under water table conditions over most of Clay County. Ground water movement has a basic component of northwest to southeast with locally movement toward the Vermillion River (Christensen, 1967). This means most of the time the river is a discharge zone for ground water.

The well for this application was completed in 1997. The completion report indicates sand and gravel from 92 to 158 feet with a 60 feet static water level. The well was capable of producing 800 gpm with 25 feet of drawdown (specific capacity of 32 gpm/ft of drawdown). This is not a high specific capacity for a well in this area. Also, it appears from the county study mapping that the aquifer could be as much as 175 feet thick in this area (Christensen, 1967).

The Water Rights Program monitors an observation well CL-66A located just one-half mile south 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 sustaining additional withdrawals (Water Rights, 2005).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water right No. 5319-3 with a well within one mile of the well for this application (irrigation of 132 acres, 1.89 cfs). Also there are three water permit applications that will have wells located within one mile of the well for this application.

Interference is not expected to be a problem. The observation well record presently does not indicate that drawdown created by pumping is significant.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer appears to be under slightly artesian conditions at this site, however, the aquifer behaves like a water table situation. Interference is not a concern.
3. This is an existing well and has been constructed in accordance with SD Well Construction Standards.
4. Approval of this application should cancel water right No. 1569-3 and water permit No. 6009-3.
5. Approval of this application means a total of 3.34 cfs can be diverted from the existing well to irrigate a total of 380 acres all in section 15 of T95N R52W.
6. It is assumed that the effective priority date for application Nos. 6563-3 through 6573-3 would be arranged by the permit number. That is first priority would be 6563-3 and the last priority would be 6573-3 all following in numerical order.



James A Goodman
Natural Resources Engineer

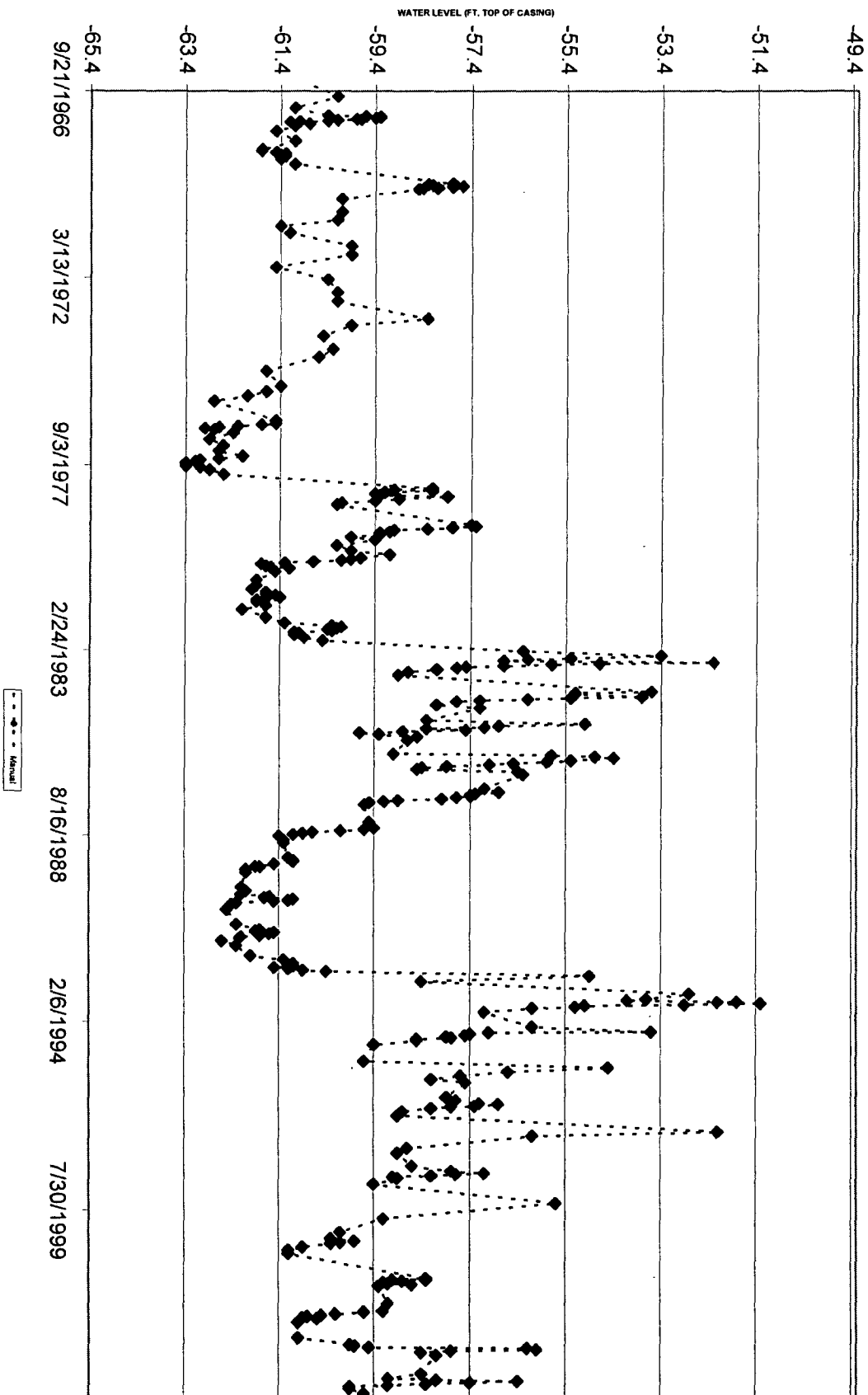
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Water Resources of Clay County, South Dakota, Bulletin 19, Part II Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CL-66A





**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. 6563-3, Roger Hansen**

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. 6563-3, Roger Hansen, Box B, Centerville SD 57014.

The Chief Engineer is recommending APPROVAL of Application No. 6563-3 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:

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.
4. Water Permit No. 6563-3 incorporates the applicable portions of Water Permit No. 6009-3 and Water Right No. 1569-3. The non-constructed portion of No. 6009-3 and forfeited portion of No. 1569-3 are cancelled.
5. 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
February 17, 2005

Note: Water Permit No. 6009-3 appropriates 1.94 cfs from one well to irrigate 136 acres in the SW ¼ Section 15, T95N, R52W. This well was also to be used to irrigate the land in the NW ¼ of Section 15 authorized by Water Right No. 1569-3. The well is constructed however the land in the SW ¼ of Section 15 was not developed by the time to complete construction. In addition, Water Right No. 1569-3 is licensed for the irrigation of 270 acres in the N ½ of Section 15, however, the applicant concedes that the NE ¼ of this section has not been irrigated in recent years and is therefore subject to forfeiture for nonuse.

Instruction to Newspaper - Publish first Notice on February 25, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATIONS TO APPROPRIATE WATER

Notice is given that ~~Roger Hansen~~ ^{Hanson Properties}, Box B, Centerville SD 57014 has filed eleven applications for water permits to irrigate in Clay County. Specifics on each application are as follows:

Application No. 6563-3 proposes to appropriate an additional 1.56 cubic feet of water per second (cfs) and irrigate 248 additional acres to what is currently authorized by Water Right No. 1569-3. Water Right No. 1569-3 is currently diverting 1.78 cfs from one existing well completed into the Lower Vermillion Missouri Aquifer (158 feet deep) located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 to irrigate 132 acres located in the NW $\frac{1}{4}$ Section 15, T95N-R52W. Water Permit No. 6009-3 changed the well location to the present location. This application proposes to appropriate an additional 1.56 cfs from the existing well to irrigate an additional 248 acres located in the N $\frac{1}{2}$ and SW $\frac{1}{4}$ Section 15-T95N-R52W. When developed, a total of 3.34 cfs will be appropriated from this existing well to irrigate 380 acres.

Application No. 6564-3 proposes to appropriate 2.83 cfs from one well to be completed into the ^{corner} Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located 1320 feet south of the N $\frac{1}{4}$ Section 16 to irrigate 228 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; all in T95N-R52W.

Application No. 6565-3 proposes to appropriate 1.94 cfs from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the center of the NW $\frac{1}{4}$ Section 21 to irrigate 136 acres located in the NW $\frac{1}{4}$ Section 21; all in T95N-R52W.

Application No. 6566-3 proposes to appropriate 1.22 cfs from one well completed into the Lower Vermillion Missouri Aquifer (44 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14 to irrigate 86 acres located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; all in T95N-R52W.

Application No. 6567-3 proposes to appropriate 0.56 cfs from two wells completed into the ^{corner} Lower Vermillion Missouri Aquifer (approximately 75 feet deep) located 1320 feet north of the S $\frac{1}{4}$ Section 14 (existing well authorized by Water Right Nos. 229-3 and 974-3) and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 to irrigate 39 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; all in T95N-R52W.

Application No. 6568-3 proposes to appropriate an additional 0.86 cfs to irrigate an additional 60 acres to what is currently developed under Water Permit No. 3543-3. Water Permit No. 3543-3 is currently diverting 1.52 cfs from one well completed into the Parker Centerville Aquifer (45 feet deep) located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 and irrigates 107 acres developed in the SW $\frac{1}{4}$ Section 11, T95N-R52W. This application proposes to appropriate an additional 0.86 cfs from the existing well to irrigate 60 additional acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11-T95N-R52W. If approved, the application will accommodate the installation of a larger windshield wiper pivot on the property.

Application No. 6569-3 proposes to appropriate 1.11 cfs from two wells completed into the Lower Vermillion Missouri Aquifer (one approximately 42 feet deep, the other 150 feet deep) located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 (existing well authorized by Water Right Nos. 215-3 & 973-3) and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22 to irrigate 42 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

(continued)

Application No. 6570-3 proposes to appropriate 1.11 cfs from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the center of the SW $\frac{1}{4}$ Section 10 to irrigate 55 acres located in the SW $\frac{1}{4}$ Section 10; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6571-3 proposes to appropriate 3.56 cfs from two wells to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the centers of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 27 to irrigate 250 acres located in the SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; all in T95N-R52W.

Application No. 6572-3 proposes to appropriate 1.33 cfs from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28 to irrigate 78 acres located in the SE $\frac{1}{4}$ Section 28; all in T95N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Application No. 6573-3 proposes to appropriate 1.84 cfs from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28 to irrigate 130 acres located in the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28; all in T95N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 and 6573-3 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. 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 application 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.

interest
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 March 14, 2005.

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 this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Gronlund, Eric

From: Roger Hansen [rhansen@fireballd decals.com]
Sent: Friday, February 18, 2005 3:10 PM
To: Eric Gronlund
Subject: Water permit applications

Eric,

Per our conversation moments ago at 2:45 p.m. 2/18/05, please put the following request to amend in my file concerning these 11 water permit applications.

Thank you,

Roger Hansen

Gentlemen,

Upon the advice of my counsel, in order to maintain consistency in the paper trail pertaining to my property, I hereby request that you amend my water permit applications # 6564-3 through #6573-3 to show Hansen Properties as the applicant rather than Roger Hansen. The address will remain the same. I will ask the publishing paper to make that change as well before publication.

Thank you,

Roger A. Hansen

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATIONS TO

APPROPRIATE WATER

Application No. 6563-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 25th day of February 20 05, and that the succeeding publications were severally

on Friday, the 4th day of March, 20 05,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

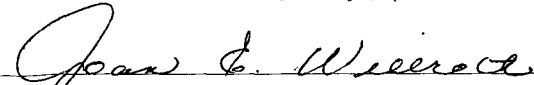
One hundred thirteen dollars and 44 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the 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.



Subscribed and sworn to before me

this 4th day of March, 20 05



My Commission Expires
April 17, 2005

Notary Public

RECEIVED

MAR - 9 2005

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATIONS TO APPROPRIATE WATER

Notice is given that Hansen Properties, Box B, Centerville SD 57014 has filed eleven applications for water permits to irrigate in Clay County. Specifics on each application are as follows:

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Application No. 6565-3 proposes to appropriate 1.94 cfs from one well to be completed into the Lower Vermillion Missouri Aquifer (approximately 158 feet deep) located in the center of the NW 1/4 Section 21 to irrigate 136 acres located in the NW 1/4 Section 21; all in T95N-R52W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 and 6573-3 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 application or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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

Publish: February 25 & March 4, 2005



APR 01 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roger A Hansen
Hansen Properties
Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed are Water Permit Nos. 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 and 6573-3 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,

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

enclosures



6563-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 215-3, 229-3, 973-3 & 974-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 6563-3, 6564-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014
PHONE (605) 563-2212 FAX (605) 563-2640

2-8-07

Jenny -

I HAVE RENTED my Ground
to KEN LESS FROM Merrill, IA. for
the last 3 years. I won't be
renting to him next year Ased
He's not Happy about it. I'm
Enclosing a copy of a note I sent
him 10/31/06 with the questionnaires
Asking him to get them filled
out and returned to you. When
you called & said they had not
arrived, I finally found out from
him that he had not filled them
out or sent them. Retaliation
I Guess.

I am finally able to get the
info together so I know these
are late.

Roger Hansen

RECEIVED

FEB 12 2007

OVER 35 YEARS OF SERVICE WORLDWIDE

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2007

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Permit/Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6564-3, 6565-3, 6566-3,
6567-3, 6568-3, 6569-3, 6570-3, 6571-3, 6572-3 & 6573-3

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for the water permits and rights listed above. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for the note concerning the difficulties you had with obtaining the information from your past renter. The forms you completed are fine and nothing more is needed for last season. The 2007 questionnaires will be mailed to you in October 2007.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



6563-3
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 23, 2009

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 215-3, 229-3, 973-3 & 974-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 215-3, 229-3, 973-3 & 974-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 2009

Roger Hansen
Hansen Properties
PO Box B
Centerville SD 57014

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. The questionnaires were received on February 20th. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 215-3, 229-3, 973-3, 974-3, 6563-3, 6565-3, 6566-3, 6567-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811-3, 6812-3, 6813-3, 6814-3, 6815-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6920-3, 6921-3, 6822-3, 7001-3, 7002-3 & 7003-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We have also received the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 1813-3. The transfer has been completed. The water right formerly held by Richard and Carole K Myers is now listed in your name.

Enclosed is your Receipt No. 04039 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

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

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, July 25, 2012, made a thorough examination of the water use system constructed by Roger Hansen, dba Hansen Properties of Centerville, SD holder of Permit No. 6563-3, bearing the priority of April 22, 1968 (1.78 cfs for 132 acres) and January 4, 2005 (1.56 cfs and 248 acres) authorizing the diversion of 3.34 cu. ft. per second of the waters of Lower Vermillion Missouri aquifer for irrigation purposes, in Clay County.

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

A. Works used to divert the water:

One well is in place with a turbine pump that is capable of producing 1.78 cfs (800 gpm).

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

For the pivot in the NW ¼ Section 15: Well head is 1,845 ft from the pivot point. Water from the well is conveyed to the pivot point in a buried PVC pipeline.

For the pivot in the SW ¼ Section 15: Well head is 1,770 ft from the pivot point. Water from the well is conveyed to the pivot point in a buried PVC pipeline. The entire system is powered by an electric 50 hp motor.

C. Works used to apply water to beneficial use:

For the pivot in the NW ¼ Section 15: one, seven-tower Zimmatic center pivot

For the pivot in the SW ¼ Section 15: one, seven-tower Zimmatic center pivot

The systems are in the following condition good. The point of diversion is located as follows:

Measurements made from the SW corner of Sec 15, T95N-R52W: 2,630 ft. north and 20 ft. east; NW ¼ SW ¼ Sec. 15, T95N-R52W; 96.98322° W, 43.04685° N

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 Sec. 15 T95N-R52W:

NW ¼ NW ¼ - 33	NE ¼ NW ¼ - 28	SE ¼ NW ¼ - 28	SW ¼ NW ¼ - 30.5
NW ¼ SW ¼ - 32.5	NE ¼ SW ¼ - 29	SE ¼ SW ¼ - 29.5	SW ¼ SW ¼ - 32

comprising a total of 242.5 acres of land and the license should be issued for 1.78 cfs. Applicable permit qualifications have been complied with Yes. Exceptions to compliance are: None. Comments: Water Permit No. 6563-3 has already incorporated portions of Water Permit Nos. 1569-3 and 6009-3. The priority dates should be as follows: April 22, 1968 for 1.78 cfs and 119.5 acres (all located in the NW ¼ Sec. 15) and January 4, 2005 for 123 acres (all located in the SW ¼ Sec. 15). This is due to the development or lack thereof for portions Permit Nos. 1569-3 and 6009-3. The two center pivot systems overlap some ground with two center pivots in the E ½ Sec. 15 authorized by Permit No. 6815A-3.

Date: August 22, 2013



Adam Mathiowetz

DENR Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 6563-3

DATE: 7/25/12

Other permit(s) associated with the project:

DIVERIONS POINT LEGAL LOCATION: NW ¼ SW ¼ Sec. 15, T95N-R52W; 96.98322° W, 43.04685° N

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s), feet: 158
- 4) Well Log is available, Y/N: Yes
- 5) Comments: Well log is in file for 6009-3.

Casing:

- 1) Diameter, inches: 16
- 2) Type: PVC
- 3) Length, feet: 108

Screen:

- 1) Type: PVC
- 2) Static water level, feet: 60
- 3) Length, feet: 50

Pump:

- 1) Model: Turbine
- 2) Capacity, GPM: 800

Motor:

- 1) Make: Emerson
- 2) Model No.: BF-54A
- 3) Horsepower rating, hp: 50

DISTRIBUTION LINES OR CANALS:

- 1) TYPE: PVC, buried in ground
- 2) Length, feet: NW ¼: 1,845 and SW ¼: 1,770

SYSTEM TYPE:**Center pivot:**

- 1) Make: Zimmatic
- 2) Overall length, feet: NW ¼: 1,329 and SW ¼: 1,367
- 3) Number of towers: NW ¼: 7 and SW ¼: 7
- 4) Distance between towers, feet: approx. NW ¼: 190 and SW ¼: 195
- 5) End gun, Y/N: Yes
- 6) High or low pressure: Low, NW ¼: 40 and SW ¼: 35
- 7) Capacity, GPM: 800

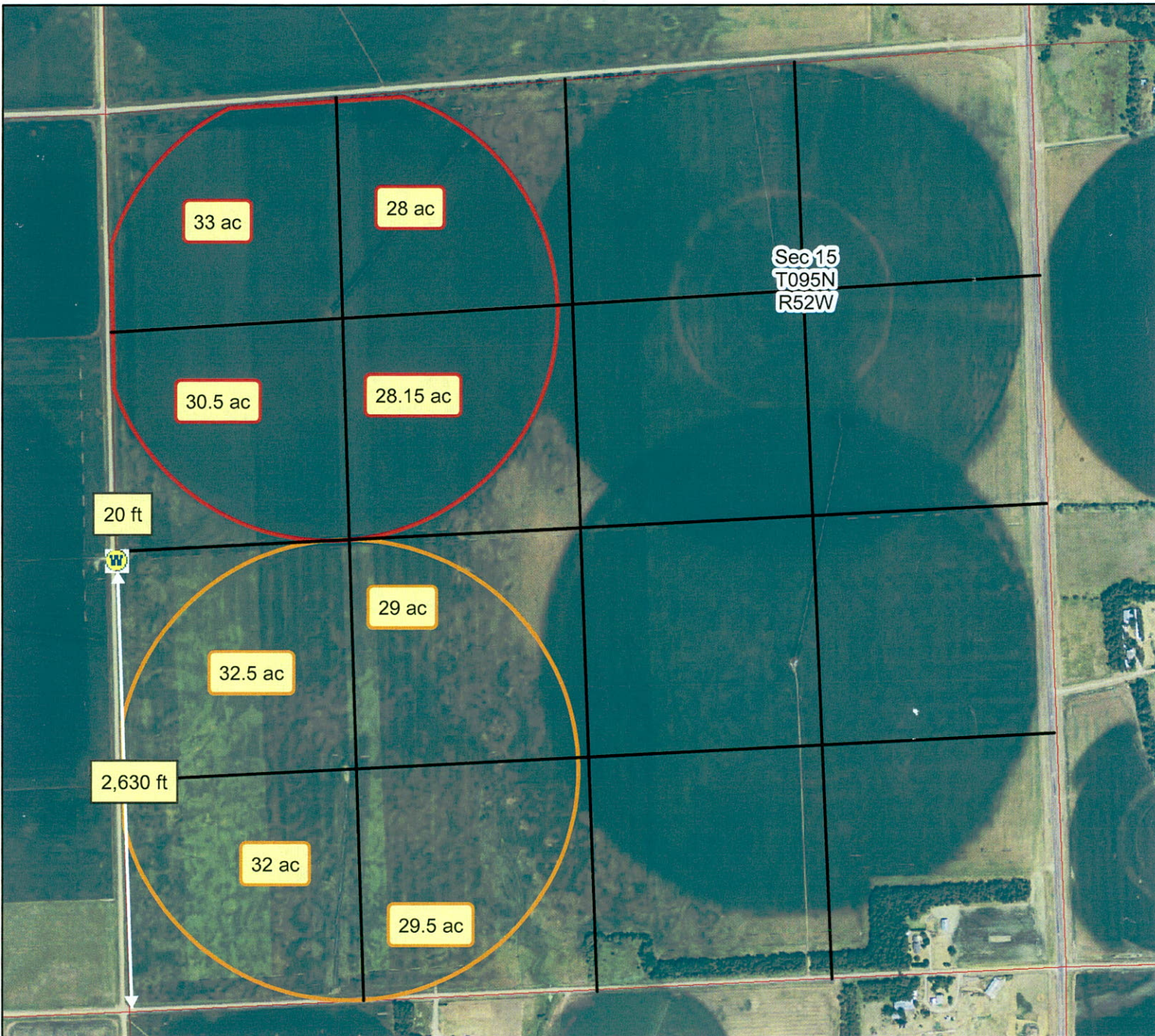
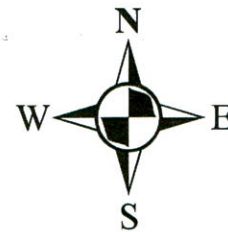
CHEMIGATION EQUIPMENT:

- 1) Does chemigate, Y/N: No

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and land listed on permit, Y/N: Yes
- 2) Special qualifications to permit being abided by, Y/N: Yes
- 3) All structures, wells and lands on map, Y/N: Yes
- 4) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period, Y/N: Yes

Roger Hansen
Hansen Properties
PO Box B
Centerville, SD - Clay County
Water Permit No. 6563-3



0 0.1 0.2 0.4 Miles

- Well Locations
- Acreage under 6563-3
- Acreage under 6563-3
- Section Boundaries - PLSS

Adam Mathiowetz

Adam Mathiowetz
DENR Water Rights Program
August 22, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 09 2013

6563-3

Roger Hansen
Hansen Properties
Box B
Centerville SD 57014

Dear Mr. Hansen:

Enclosed is Water License No. 6563-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6563-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6563-3**

(1) Hansen Properties, Box B, Centerville SD 57014 made Application No. 6563-3, January 4, 2005 for a water permit to divert 1.56 additional cubic feet of water per second (cfs) from ground water (one well – Lower Vermillion Missouri Aquifer), located in Clay County, South Dakota for irrigation purposes. Permit No. 6563-3, with priority dates of April 22, 1968 and January 4, 2005 was approved March 14, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 14, 2010 and for the application to beneficial use of water on or before March 14, 2014.

Water Permit No. 6563-3 appropriated an additional 1.56 cfs of water and authorized irrigation of 248 additional acres to what was authorized by Water Right No. 1569-3. Water Permit No. 6009-3 was obtained to change the well location to the present location. Approval of Water Permit No. 6563-3 incorporated the applicable portions of both Water Right No. 1569-3 and Water Permit No. 6009-3 and authorized diversion of 3.34 cfs from the existing well to irrigate 380 acres.

(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 1.78 cubic feet of water per second for beneficial use.

The location of the diversion point is 2,630 feet north and 20 feet east of the SW corner of Section 15, T95N, R52W (NW ¼ SW 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:

Section 15, T95N, R52W

Priority date – April 22, 1968 Established by 1569-3		Priority date – January 4, 2005 Established by 6563-3	
NW ¼ NW ¼	33.0 acres	NW ¼ SW ¼	32.5 acres
NE ¼ NW ¼	28.0 acres	NE ¼ SW ¼	29.0 acres
SE ¼ NW ¼	28.0 acres	SE ¼ SW ¼	29.5 acres
SW ¼ NW ¼	30.5 acres	SW ¼ SW ¼	32.0 acres

Total 242.5 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hansen Properties, Box B, Centerville SD 57014 the holder and/or owner of Water Right No. 6563-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Lower Vermillion Missouri Aquifer) with priority dates of April 22, 1968 (1.78 cfs & NW ¼) and January 4, 2005 (SW ¼) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6563-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

Page 2

Water License No. 6563-3

- Water Permit No. 6563-3 incorporated the applicable portions of Water Permit No. 6009-3 and Water Right No. 1569-3. The non-constructed portion of No. 6009-3 and forfeited portion of No. 1569-3 are cancelled.
- 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

OCT 09 2013

date



6563-3



1-6-14

700 BROADWAY CENTERVILLE SOUTH DAKOTA 57014
PHONE (605) 563-2212 FAX (605) 563-2640

Genny - SEE Permit #'s 6815A-3

And # 6565-3

And compare to Map Enclosed.

I think some of the Acres on #6815A-3
ARE for Pivots #10 & 11 which SHARE
the same well and belong on
Permit # 6563-3.

ALSO: SEE #6568-3 And Permit #7002-3

They Refer to Pivots #30 and #6

Compare to Map of Pivots Enclosed, And
my NOTES on #6563-3 Questionnaire
Maybe you can help get this straightened
out.

Thanks!

Roger Hansen

RECEIVED

JAN 08 2015

WATER RIGHTS
PROGRAM

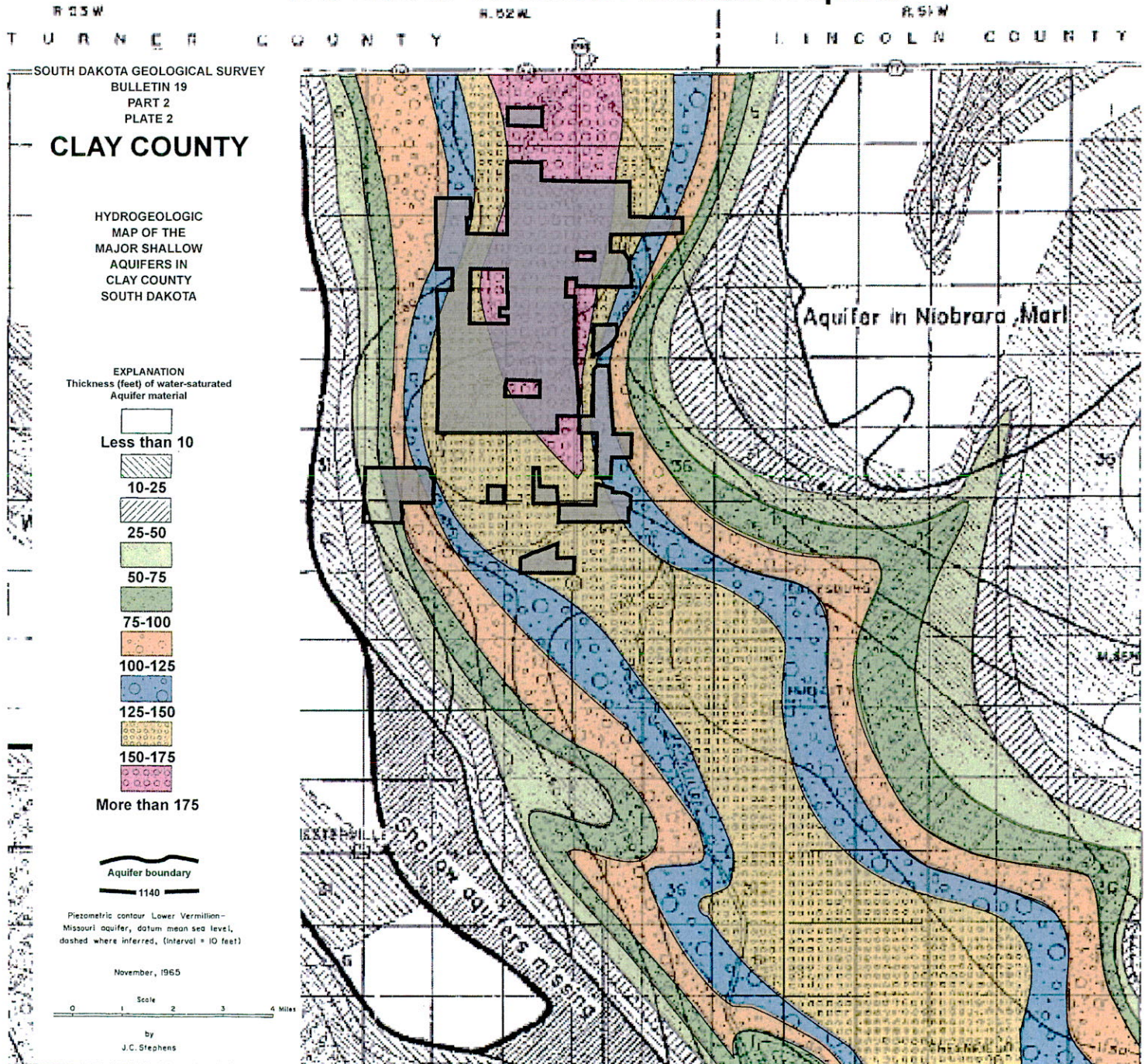
CELEBRATING 40^{years} of SERVICE Worldwide



Roger Hansen Farms - Clay County, SD

Superimposed on

U.S. Geological Survey Map of The Lower Vermillion Missouri Aquifer



**LOCATION OF COMBINED FARMS
- APPROX. 5300 ACRES -
ENTIRELY ON LARGE AQUIFER
75 TO OVER 175 FEET THICK**

RECEIVED
JAN 08 2015
WATER RIGHTS
PROGRAM



Hansen Irrigated Farms, LLC.

Approximately 4360 Acres Tillable

Approximately 3595 Irrigated (84.5%)- 43 Pivots before #44

 Irrigation Locations
by Pivot Number

 Additional Pivot #44
on new ground

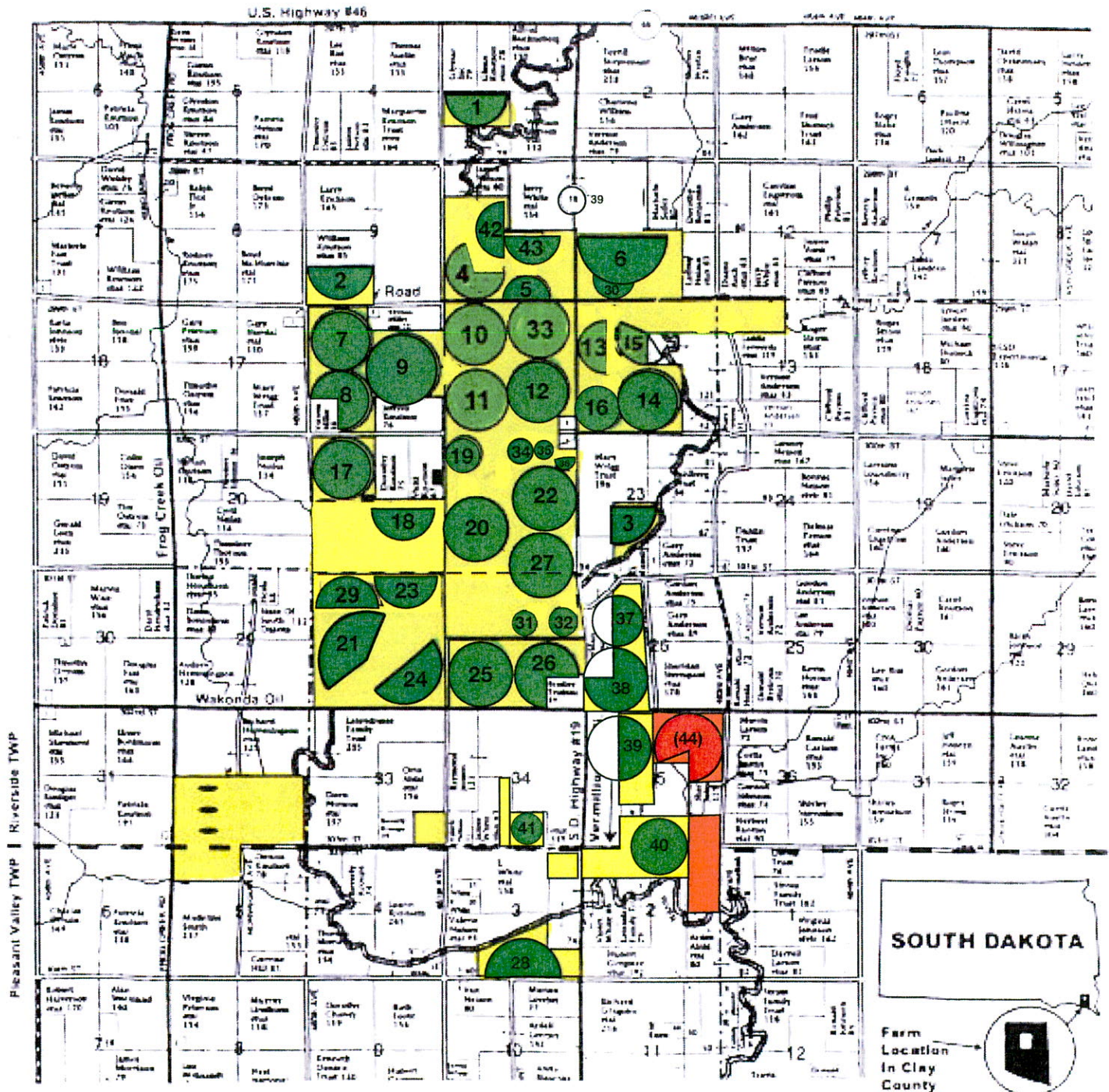
 New Ground

(COMING)

RECEIVED

JAN 08 2015

WATER RIGHTS
PROGRAM





Hansen Irrigated Farms, LLC.

- - Tillable tracts
- - Not included in Consideration
- - Proposed New Purchase



Bin Site - Tract 43

RECEIVED

JAN 08 2015

WATER RIGHTS PROGRAM

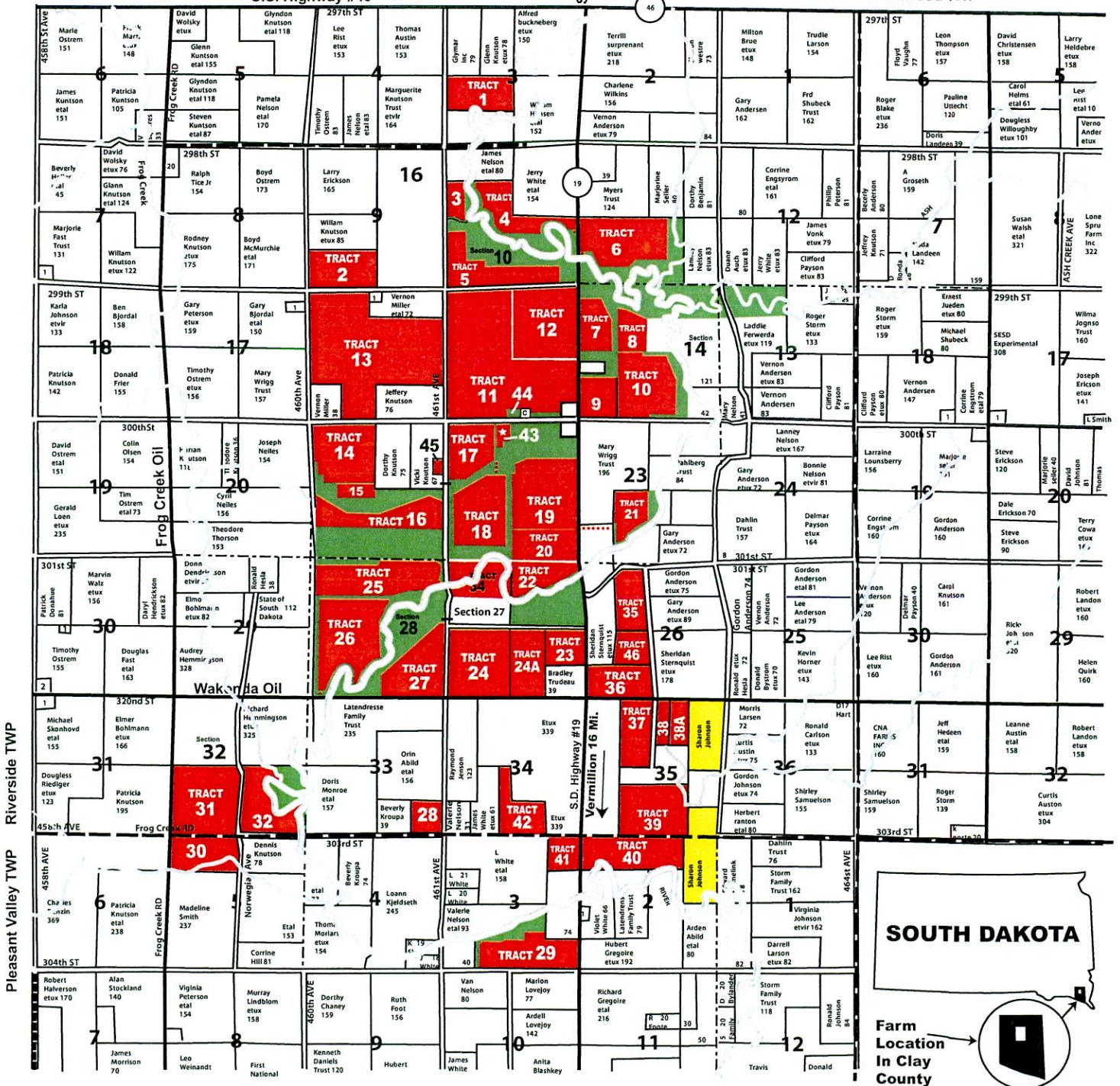
Beresford & I-29 10 Mi.

Riverside TWP Glenwood TWP

U.S. Highway #46

S.D. Highway #19

Centerville 2 Mi.





6563-3
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 15, 2016

NOTICE

TO: HANSEN PROPERTIES, ROGER A HANSEN, PO BOX B, CENTERVILLE, SD 57014
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 973-3, 974-3 & 1813-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 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) 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 973-3, 974-3 & 1813-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 3, 2016** 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.



6563-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 25, 2016

Roger A Hansen
Hansen Properties
PO Box B
Centerville SD 57014

RE: Water Right or Permit Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6819-3, 6820A-3, 6821-3, 6822-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3 & 7995-3 for Hansen Properties and Water Permit Nos. 8070-3, 8071-3 & 8072-3 for Hanson Irrigated Farms LLC

Dear Mr. Hansen:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the above listed water rights and water permits. 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

6563-3



121 E. 5th St. / P.O. Box 1307 / Storm Lake, IA 50588
Phone: 712.732.4117 / Fax: 712.749.7502
www.metabank.com

March 6, 2019

RECEIVED

Member FDIC

MAR 11 2019

WATER RIGHTS
PROGRAM

PAID

MAR 11 2019

Ck# 66142870

Ms. Genny McMath
DENR – Water Rights Program
Joe Foss Building
523 E Capital
Pierre, South Dakota 57501

Dear Ms. McMath,

Please find enclosed the signed transfer agreements of the water rights previously owned by Hansen Properties. Also, please find enclosed a check in the amount of \$1,750 for the fees for the transfers. Please contact me at 712-749-7545 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron W. Wilcke".

Ron W. Wilcke
Market President

PAID

MAR 11 2019

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

Ck# 66142870

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

MAR 11 2019 Water Right/Permit No. 6563-3

WATER RIGHTS
PROGRAM

Date: 2-21-19

I/We request that Water Right/Permit No. 6563-3 formerly owned by:

Hansen Properties

be transferred to:

New Owner Name: MetaBank

Address: 5501 Broadband Lane

City, State, Zip Sioux Falls SD 57108 Telephone No. 605-361-4347

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

section 15-T95N-R52W. NW 1/4 NW 1/4 = 33.0 acres, NE 1/4 NW 1/4 = 28.0 acres, SE 1/4 NW 1/4 = 28.0 acres, SW 1/4 NW 1/4 30.5 acres, NW 1/4 SW 1/4 = 32.5 acres, NE 1/4 SW 1/4 = 29.0 acres, SE 1/4 SW 1/4 = 29.5 acres, SW 1/4 SW 1/4 32.0 acres for a total of 242.5 acres.

☒ I understand that the validity of Water Right/Permit No. 6563-3 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, Jon W. Wilcke, Market President, MetaBank, the new owner, certify that the above information is true and correct.

Jon W. Wilcke
(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 March 11, 2019

RECEIVED OF MetaBank 5501 Broadband Lane 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>6563-3</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. **09085**

By

Jeanne Goodman
Chief Engineer
JMG



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 2019

Jon W Wilcke
MetaBank
PO Box 1307
Storm Lake IA 50588

RE: Ownership changes for Hansen Properties – MetaBank transfers

Dear Mr. Wilcke:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by MetaBank for transferring water permits/rights from Hansen Properties to MetaBank. The ownership changes have been completed.

Water Permit/Right Nos. 973-3, 974-3, 1813-3, 6563-3, 6565-3, 6566-3, 6568-3, 6569-3, 6571-3, 6572-3, 6810-3, 6811A-3, 6812-3, 6813-3, 6815A-3, 6816-3, 6817-3, 6818-3, 6818-3, 6819-3, 6820A-3, 6821-3, 7001-3, 7002-3, 7003-3, 7383-3, 7384-3, 7693-3, 7947-3, 7948-3, 7949-3, 7993-3, 7994-3, 7995-3, 8070-3, 8071-3, 8072-3 once held by Hansen Properties are now listed under “MetaBank” 5501 Broadband Lane, Sioux Falls SD 57108.

Please keep in mind the annual irrigation questionnaires will be mailed out in October, 2019 and any water use will need to be reported. If the bank has the land managed by someone, please let them know to keep track of water use during the irrigation season.

If you have any questions, please contact me.

Sincerely,

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

enclosures: Receipts for the filing fees

6563-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 2020

Marion Rus
Rus Farms Real Estate LLC
3283 Dogwood Ave
Rock Valley IA 51247

RE: Ownership changes for Water Right Nos. 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3

Dear Mr. Rus:

I am writing in follow-up to our phone conversation concerning land you purchased from MetaBank under the above Water Right numbers. Prior to MetaBank, the property was owned by Roger Hansen or Hansen Properties.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$250). The check or money order for the fee can be made payable to the Water Rights Program.

I have made changes to the irrigation questionnaire database to allow the annual forms to be sent to PBP Farms in Hurley SD. 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

6563-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date September 23, 2020RECEIVED OF Rus Farms, Inc. 3283 Dogwood Avenue, Rock Valley IA 51247

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>6563-3</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 Em

NOTICE OF TRANSFER OF OWNERSHIP

PAID

SEP 23 2020

RECEIVED

SEP 23 2020

WATER RIGHTS
PROGRAM

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

No. 6563-3

Date: _____

Ck# 1079

I/We request that Water Right No. 6563-3

formerly owned by: MetaBank

be transferred to: (name & address) Rus Farms Real Estate LLC

3283 Dogwood Avenue, Rock Valley IA 51247

Telephone No. 712 540-2134

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

242.5 acres – NW ¼ and SW ¼ of Section 15, T95N, R52W

I/We understand that the validity of Water Right/Permit No. 6563-3 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 Martin Jones - Rus Farms Real Estate, the new owner, certify that the above information is true and correct.

Martin Jones

(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.

6563-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 2020

Marion Rus
Rus Farms Real Estate LLC
3283 Dogwood Ave
Rock Valley IA 51247

RE: Water Right or Permit Nos. 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3

Dear Mr. Rus:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right or Permit Nos. 6563-3, 6571-3, 6813-3, 6815A-3 and 7001-3.

The ownership changes have been completed. The above listed permits and rights formerly held by MetaBank are now listed under Rus Farms Real Estate LLC.

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

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: PBP FARMS, OPERATOR, 45610 282ND ST, HURLEY, SD 57036

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3500-3 & 3501-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3500-3 & 3501-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://denr.sd.gov/iq> using this password: PDUVFL**

C: JAY W PARSONS, PO BOX 177, VIBORG SD 57070-0177

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.

6563-3



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**DEPARTMENT of ENVIRONMENT
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February 2, 2021

Brett or Paul Petersen
PBP Farms
45610 282nd St
Hurley SD 57036

RE: Water Right/Permit Nos. 3500-3, 3501-3, 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3 & 7001-3

Dear Sirs:

I am writing to acknowledge receipt of the 2020 irrigation questionnaires for PBP Farms.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water permits or rights. 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,

A handwritten signature in blue ink that reads "Genny McMath".

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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: PBP FARMS, BRETT PETERSEN, 45610 282ND ST, HURLEY SD 57036

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 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) 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WKAPQX**

**cc: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY IA 51247
BUZZ WILSON LLC, 44220 271ST ST, MARION SD 57043
ALLTHATISLEFT LLC, 8787 LOCUST AVE 14, FONTANA CA 92336**

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.

Water Rights Program File Documentation

Permit/Right No. and Owner:

Permit No.	Owner	Status	Uses
973-3	Nicholas & Courtney Blake	License	Irrigation
974-3	Hansen Ventures LLC	License	Irrigation
1813-3	Hansen Ventures LLC	License	Irrigation
1916-3	Troy & Sheila Gust	License	Irrigation
3905-3	Clay Rural Water System Inc	License	Rural Water System
4731-3	Richard & Gayle Johnson	License	Irrigation
5979-3	Clay Rural Water System Inc	License	Rural Water System
6563-3	Rus Farms Real Estate LLC	License	Irrigation
6565-3	Rus Farms Real Estate LLC	License	Irrigation
6566-3	Hansen Ventures LLC	License	Irrigation
6569-3	Smit Family Trust	Permit	Irrigation
6571-3	Rus Farms Real Estate LLC	License	Irrigation
6572-3	Brad & Linda Trudeau Living Trust	License	Irrigation
6808-3	Lovejoy Family Trust	License	Irrigation
6813-3	Rus Farms Real Estate LLC	License	Irrigation
6815A-3	Rus Farms Real Estate LLC	License	Irrigation
6817-3	Hansen Ventures LLC	Permit	Irrigation
6818-3	Hansen Ventures LLC	Permit	Irrigation
6819-3	Hansen Ventures LLC	License	Irrigation
6821-3	Tim Gregoire	License	Irrigation
6822-3	Hansen Properties	Permit	Irrigation
7001-3	Rus Farms Real Estate LLC	License	Irrigation
7003-3	Hansen Ventures LLC	License	Irrigation
7383-3	Hansen Ventures LLC	Permit	Irrigation
7693-3	Hansen Ventures LLC	Permit	Irrigation

Date: January 14, 2025

County: Clay

RE: aquifer designation

COMMENTS:

Jensen (2025) as part of a review of the Lower Vermillion Missouri aquifer (LVM) determined that Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, should have the aquifer reassigned. In reviewing the best information currently available for aquifer and management unit naming

conventions, the best aquifer designation for Water Rights previously listed is the Southern management unit of the Upper Vermillion Missouri aquifer (UVM:S) shown in Figure 1.

This change of aquifer designation, to the Southern management unit of the Upper Vermillion Missouri aquifer, does not represent a physical change in the water source. It is an update to the name of the aquifer materials to reflect the currently best available information for aquifer extents. This update to the aquifer name does not authorize any increase in the amount of water appropriated by Water Right Nos. 973-3, 974-3, 1813-3, 1916-3, 3905-3, 4731-3, 5979-3, 6563-3, 6565-3, 6566-3, 6569-3, 6571-3, 6572-3, 6808-3, 6813-3, 6815A-3, 6817-3, 6818-3, 6819-3, 6821-3, 6822-3, 7001-3, 7003-3, 7383-3, & 7693-3, relocation of existing wells, or completion of additional wells into the aquifer. Going forward, issuance of any pertinent documents will reflect the updated aquifer designation.

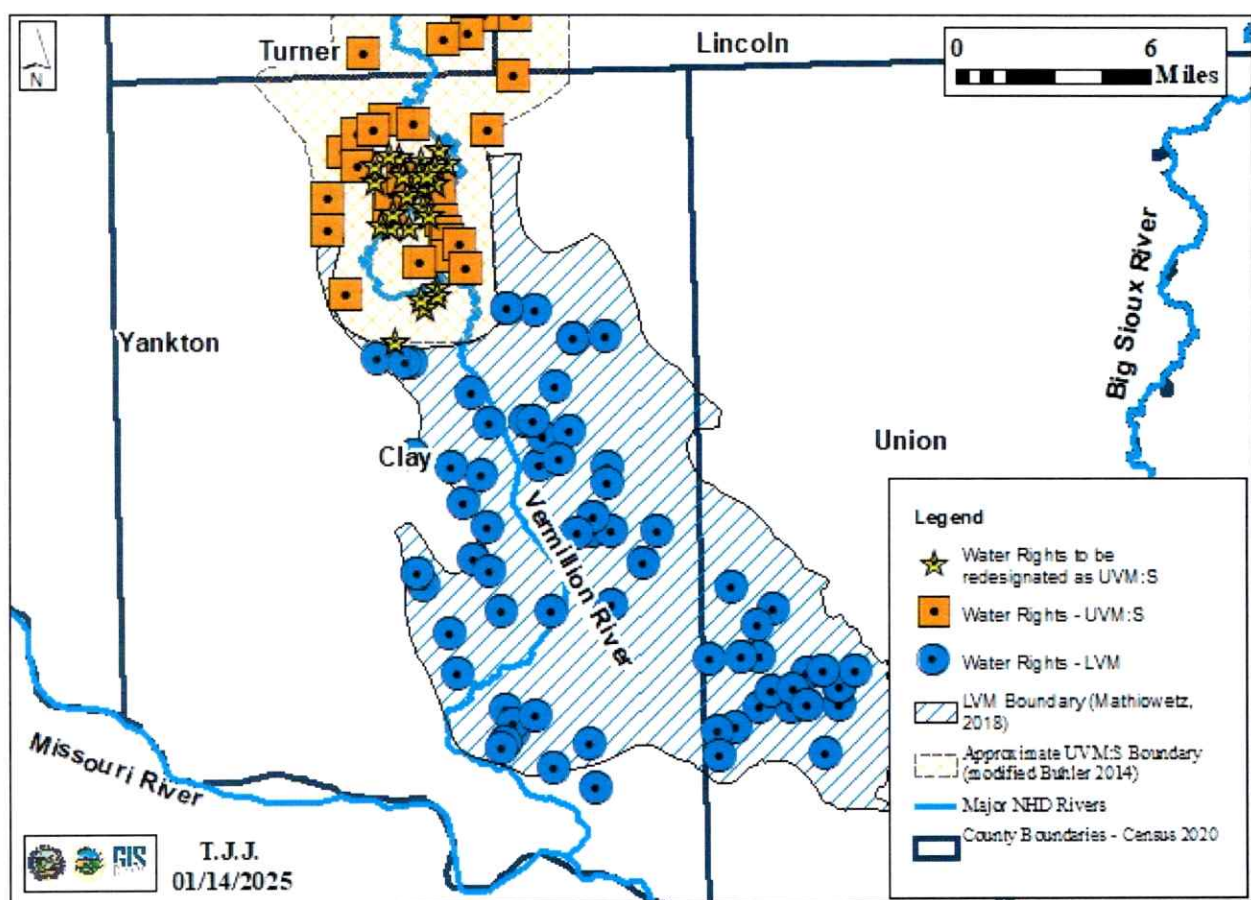


Figure 1. Map of the approximate Upper Vermillion Missouri: South aquifer boundary (Buhler, 2014), map of the approximate Lower Vermillion Missouri aquifer boundary (Mathiowetz, 2018), Water Rights/Permits for Upper Vermillion Missouri: South aquifer, Water Rights/Permits for Lower Vermillion Missouri aquifer, and Water Rights/Permits for Upper Vermillion Missouri: South aquifer previously assigned Lower Vermillion Missouri aquifer.



Tyler Jensen
Natural Resources Engineer I



Eric Gronlund
Chief Engineer

References

Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

Jensen, T. 2025. Report to the Chief Engineer on Water Permit Application No. 8910-3. SD DANR-Water Rights Program. Joe Foss Building, Pierre, South Dakota.

Mathiowetz, A. 2018. Report to the Chief Engineer on Water Permit Application 8335-3. Natural Resource Engineer IV, SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

Water Rights Program File Documentation

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7003-3	Hansen Ventures LLC	License	Irrigation
7383-3	Hansen Ventures LLC	Permit	Irrigation
7693-3	Hansen Ventures LLC	Permit	Irrigation

Date: January 14, 2025

County: Clay

RE: aquifer designation

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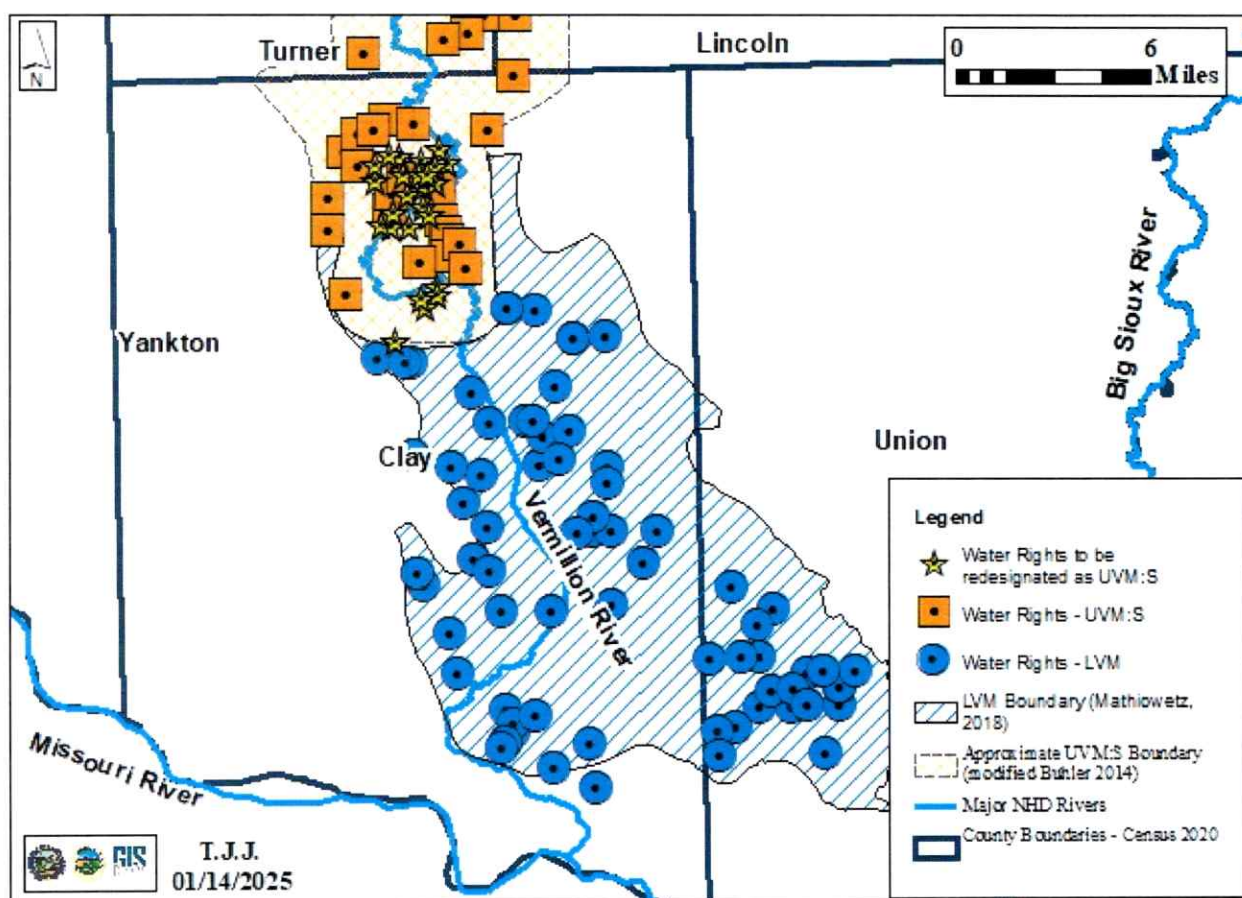


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Tyler Jensen
Natural Resources Engineer I



Eric Gronlund
Chief Engineer

References

Buhler, K. A. 2014. Report to the Chief Engineer on 21 Water Permit Applications from the Upper Vermillion Missouri Aquifer. SD DANR – Water Rights Program, Joe Foss Bldg. Pierre, SD.

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 17, 2025

4737-3, 6563-3, 6571-3, 6813-3,
6815A-3, 7001-3, 8557-3, 8558-3

PBP Farms
c/o Brett Peterson
45610 282nd St
Hurley SD 57036

Dear Mr. Peterson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4737-3, 6563-3, 6571-3, 6813-3, 6815A-3, 7001-3, 8557-3 & 8558-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: RUS FARMS REAL ESTATE LLC, 3283 DOGWOOD AVE, ROCK VALLEY IA 51247
cc: BUZZ WILSON LLC, 44220 271ST ST, MARION SD 57043
cc: ALLTHATISLEFT LLC, 8787 LOCUST AVE 14, FONTANA CA 92336