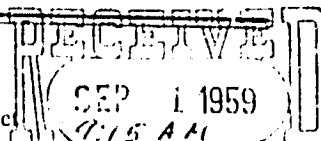


1. Considered _____, 19____
2. Name of Applicant _____
3. Post Office Address _____
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
Acres to be irrigated _____
7. Water to be diverted and used in _____ County about
_____ miles _____ of _____.
8. Proof of Publication Received _____
 Not Received _____
9. Application Approved ☒ _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 658-3
 Water Division No. 3 Big Sioux River
 (Blanks to be filled by the Engineer for the W. R. C.)

District



STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Anneus and Olive Buus
 Postoffice address Elkton, County Moody, State S. Dak.

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Employment of others and direct labor.
Sufficient to carry out project.
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Buus No. 1
 3. Amount of water claimed 1.68 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion 1630 feet from NW corner Sec. 4, T. 108 N,
R. 47 W on _____ bank Moody County.
 6. Annual period or periods during which water is to be used April through October

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler

- (a) Number of acres to be irrigated 117.6 acres.
 (b) Legal subdivisions to be irrigated N W 1/4 Sec. 4, T. 108 N, R. 47 W

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use None
 Name any of the above uses claimed _____
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

Map No. 501-3

2. Estimated cost of work:

Sprinkler and

(a) Head Gate, \$.....

(b) Pumping plant, \$2000.00

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

3. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at backmaterial used in construction

(b) Reservoir: Capacity when filledacre feet in level area at mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work3.....years.

11. Time required for complete application of water to the proposed beneficial use2..... years.

12. Choice of newspaper for publication of notice of intention to appropriate Moody County
Enterprise, Flandreau, S. Dak.

STATE OF SOUTH DAKOTA

County of Lincoln

ss.

I, Anna Olive Davis, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

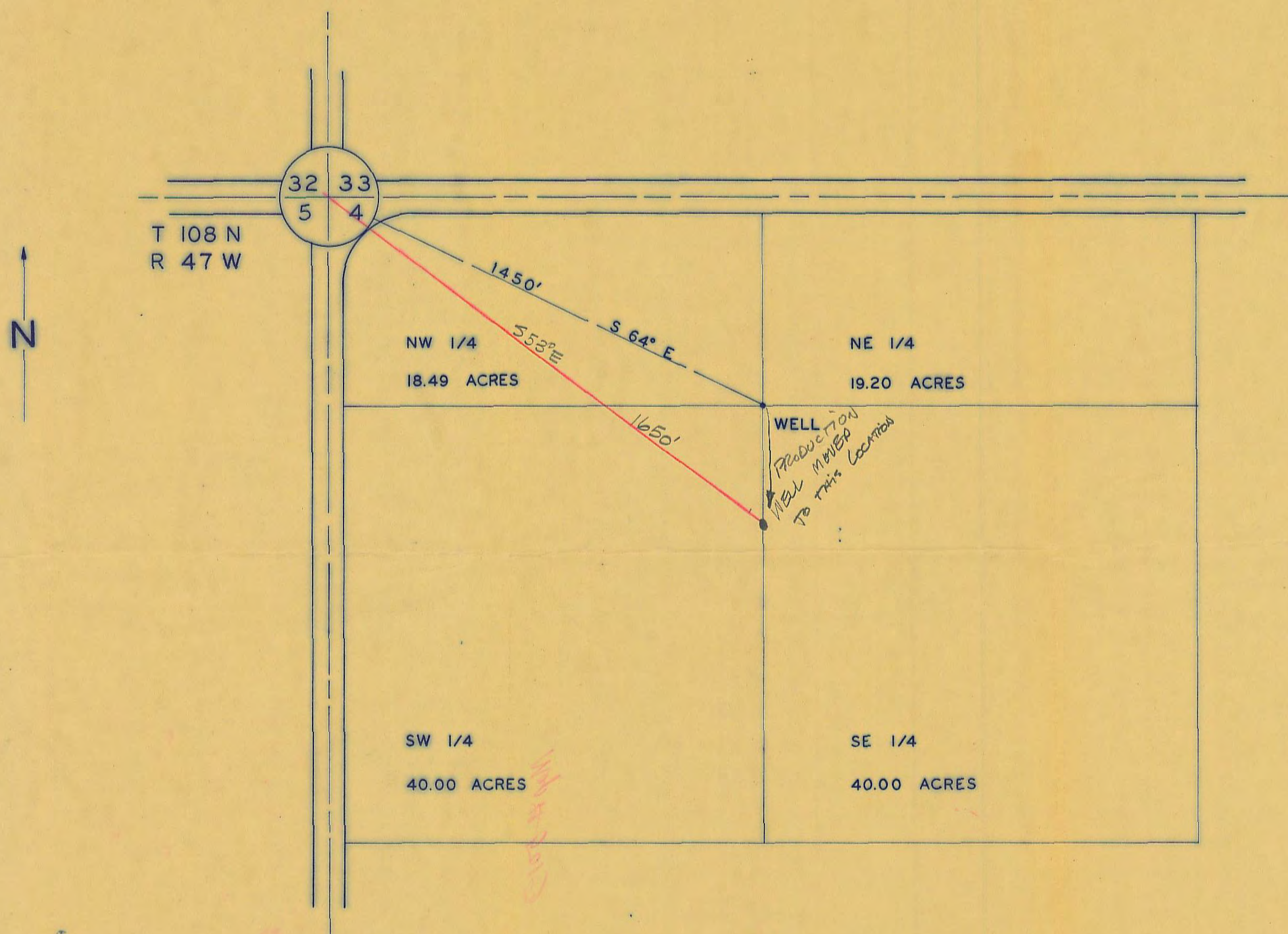
Signed Anna Olive Davis

Subscribed and sworn to before me this 31st day of August 1939

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

BUUS IRRIGATION PROJECT NO. 1



LOCATION OF LAND TO BE IRRIGATED
ALL IN NW 1/4, SEC. 4, T 108 N, R 47 W, MOODY CO.
ANNEUS AND OLIVE BUUS, OWNERS.

FIELD	ACRES
NW 1/4	18.49
NE 1/4	19.20
SW 1/4	40.00
SE 1/4	40.00
TOTAL	117.69

NOTE: ALL LAND TO BE SPRINKLER IRRIGATED
WITH PORTABLE MAINLINE.

SCALE: 1" = 200'

Certified correct: Martin M. Fogel
Martin M. Fogel
Extension Irrigation Specialist
South Dakota State College
Brookings, South Dakota

Subscribed and sworn to before me
this 2nd day of September
Geneva D. Noble
Notary Public

Map No. 501-3 (Appl. No. 65-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, October 14, 1959

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock
A.m. upon the 1st day of September, 1959.

State Water Resources Commission

By:

J. J. J. J.
Chief Engineer, Executive Officer

Number of permit 6583

Date of first receipt of application September 1, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 1, 1959

Approved October 7, 1959, Recorded in Book 5 Page 230

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before October 7, 1960

2nd. The whole of said work is to be completed on or before October 7, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 7, 1964

4th. The water appropriated shall be for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.68 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before October 7, 1964; said water to be used during the following described annual period:

April to October, inclusive

Witness my hand this 14th day of October, 1959.

State Water Resources Commission

By:

J. J. J. J.
Chief Engineer, Executive Officer

Certificate of Construction issued August 2, 1963

Water License issued August 2, 1963

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" , Depth 70'
Type of casing Steel
(wood, concrete, steel, etc.)
Size of casing 18" , Thickness of casing 12 ga.
Length of casing 70' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Dempster
Size of perforated screen 18" , 24'
(diameter) (length)
Thickness of gravel pack 6" , length of gravel pack 70'

(c) Water Bearing Materials

Distance to water 22' Character of water bearing materials
Coarse graded sand and gravel
.....
.....
Thickness of water bearing material 48'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Western Land Roller , size 6"
Kind of motor Electric
(gasoline, electric, diesel, etc.)
Horsepower 40 , Name of Motor U. S.

(e) Completion

Capacity 1000 gpm at drawdown of 25' Estimated cost \$900

(f) Owner of land upon which well is located Anneus and Olive Buus
Name
Elkton, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 70 rods. On property owned by others 200 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 658-3

WHEREAS, On the 1st day of September A. D. 1959

Anneus and Olive Buns

of Elkton County of Moody and State of South Dakota duly made application (No. 658-3) to us for a permit to use 1.63 cubic feet per second of the waters of ground water County of Moody, State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 14th day of October A. D. 1959

Permit No. 658-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 7th day of October 62 A. D. 19 and for the application to beneficial use of said water on or before the 7th day of October 64 A. D. 19 and,

WHEREAS, On the 16th day of July A. D. 1963

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.68 cubic feet per second of said waters, as evidenced by our Certificate No. 658-3 dated August 2, 1963 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.63 cubic feet per second of water, with date of priority of September 1, 1959 and,

WHEREAS, On the 16th day of July A. D. 1963

proof was duly made of the application to beneficial use of 1.63 cubic feet per second of said water; for irrigating 117.69 acres in the NW 1/4, Section 4, T103N, R47W

NCW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota.
We hereby grant and confirm to Annous and Olive Buus

of Elkton the holder and owner of said permit No. 658-3

a water right, dating from September 1, 1959 to the use of 1.68

cubic feet per second of the waters of ground water

in the County of Moody and State of South Dakota, or so much thereof as may be

diverted for the purposes hereinbelow mentioned, to be diverted at a point S53° 1650 ft. from the

NW corner, Section 4, T103N, R47W

and conducted to and upon 117.69 acres in the NW¼, Section 4, T103N, R47W, more specifically

described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 2nd day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 658-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That James and Olive Buus

of Elkton, County of Moody, and State of South Dakota, the holder of Permit No. 658-3, issued upon Application No. 658-3, bearing date of priority of September 1, 1959, authorizing the diversion of 1.68 cu. ft. per second of the waters of ground water

County of Moody, State of South Dakota, at a point S53°E, *
1650 feet from the NW corner, Section 4, T108N, R47W

for irrigation purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.68 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in Section 4, T108N, R47W

<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>18.49</u>	<u>acres</u>
--	--------------	--------------

<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>19.20</u>	<u>"</u>
--	--------------	----------

<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>40.00</u>	<u>"</u>
--	--------------	----------

<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>40.00</u>	<u>"</u>
--	--------------	----------

<u>Total -</u>	<u>117.69</u>	<u>"</u>
----------------	---------------	----------

* Production well drilled approximately 350'S of the location specified in the Application to a point S53°E, 1650 ft. from the NW corner of Section 4, T108N, R47W.

Witness my hand this 2nd day of August A. D. 1963

State Water Resources Commission

By: J. W. CRIMES
 Chief Engineer, Executive Officer

(First Publication before September 11, 1959)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., September 5, 1959

Notice is hereby given that Anneis and Olive Buus whose postoffice address is Elkton S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.68 cubic feet of water per second of time from ~~xxx~~ ground water through the Buus No. 1, the point of diversion of which is to be located on the ~~xxxxxx~~ xxxxxx in the NW $\frac{1}{4}$ of the xx $\frac{1}{4}$ of Section 4 Twp. 108N Range 47W Said water to be used for the purpose of providing irrigation on parts of the following described land:

NW $\frac{1}{4}$, Sec. 4, T 108N, R 47W~~xxxx~~ and for ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

cc Mr. H.D. Dawson, Publisher
The Moody County Enterprise
Flandreau, South Dakota

~~xxxxxx~~
Les Wyborny, Water Right Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Moody } ss.

L. W. McConnell

being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Moody County Enterprise a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Pierre County of _____

Moody and State of South Dakota; that the said notice was published in said newspaper on the following dates:

September 10, 1959

September 17, 1959

September 24, 1959

October 1, 1959

In each and every issue of the full number thereof, the first publication being made on the 10th day of September 1959 and the last publication on the 1st day of October 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was foreman the printer and publisher of the said newspaper.

L. W. McConnell

Subscribed and sworn to before me this 1 day of October A. D. 1959

Harry D. Danner

Notary Public Moody County, S. D.

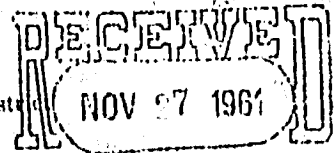
APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak.
 September 3, 1959
 Notice is hereby given that Arneus and Olive Buus whose postoffice address is Elkton, S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.68 cubic feet of water per second of time from ground water through the Buus No. 1, the point of diversion of which is to be in the NW1/4 of Section 4, Twp. 103N, Range 47W. Said water to be used for the purpose of providing irrigation on parts of the following described land: NW1/4, Sec. 4, T. 103N, R. 47W.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October 1959, at 2:00 P.M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 By: Les Wyborny,
 Water Right Engineer
 (Sept. 10, 17, 24 & Oct. 1)

RECEIVED
 OCT 2 1959

STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

Permit No. 658-3Water Division No. 1

Water District



NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 30 days before the time set for completion of works

(P. O.) Elkton, S. Dak.(Date) Nov. 22, 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.68 cu. ft. per second of the waters of the state from through the Buus M. L. for Irrigation purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

- The name of the person or corporation holding said permit is Annous and Olive Buus
- The postoffice address of such person or the place of business of such corporation is Elkton County of Meade State of South Dakota
- The number of such permit is 658-3 and the date set for the completion of such work is Sept. 1, 1962
- Said water to be used for Irrigation purposes.
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intent, in accordance with the plans accompanying the application for such permit, is 1.68 cubic feet per second.
- The amount of land for which said water is available is 117.6 acres, particularly described as follows: NW 1/4, Section 4, Twp 108N Range 47W

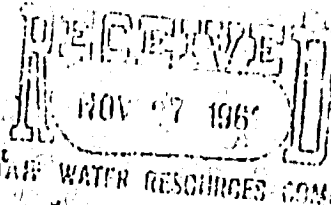
I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Annous BuusOlive Buus

Permit No. 658-3Water Division No. 1

Water District



Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Elkton, S. Dak(Date) Nov. 22, 1961

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 22 day of Nov.at Elkton County of Moody State of South Dakota,

before _____ proof will be submitted of the application to beneficial use

of 1.68 cubic feet per second of the waters of well

in accordance with the terms and conditions of Permit No. 658-3 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are Anneus and Olive Buus
- The use to which said water has been applied is Irrigation
- The amount applied to beneficial use is 1.68 cfs
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) NW 1/4, Sect. 4, Twp 108 N, Range 41W
117.6 acres
- The name of the canal or ditch or other works by which said water is conducted to such place of use is ground water from well
- The right to take the water from such works is based upon permit No. 658-3
- The source of supply from which such water is diverted is Ground water
- The date of priority which said user is prepared to establish is Sept. 1, 1959

(Sign)

Anneus BuusOlive Buus

Permit No. 658-33FILE 51002

Water Division No. _____

RIVERA Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by ALNEUS & OLIVE BROS. of ELSTONMOODYCounty, South Dakota, holder of Permit No. 658-3, issuedupon Application No. 658-3, bearing date of priority of SEPTEMBER 1, 1959, authorizing the diversion of 1.68 cu. ft. per second of the waters of GROUND WATER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise:

WESTERN TURBINE PUMP #K360-551111
POWERED BY INTERNATIONAL PROPANE ENGINE MODEL UG221
1800 RPM @ FULL LOAD 75HP 1480' 6" LINE W/ 140
VERMEER PUMP - 4' DIAMETER @ 750 GPM
68' DEEP WELLand the system is in the following condition: EXCELLENTThe point of diversion is located S 53° E, 1650' from the NW cornerSECTION 1, T108N R 47W #1 (PRODUCTION WELL DRILLED APPROX 250' S OF PROPOSED LOCATION)The works are capable of diverting and conveying to the place of use 1.68 cu. ft. per second of water, which is to be used for _____

The legal sub-divisions to be irrigated are:

ALL 110 SECTION 1, T108N R 47W;
NW¹ NW² 18.44 ac; NE¹ NW² 18.70 ac; SW¹ NW² 40 ac.
and SE¹ NW² 40 ac.comprising a total of 117.64 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 16 day of July A.D. 1963

—SEAL—

Examining Engineer

OFFICER

WATER RIGHTS DIVISION
(605) 773-3352

January 5, 1984

Anneus Buus
Elkton, South Dakota 57026

Dear Mr. Buss:

This letter is in regard to your 1983 Irrigation Questionnaire pertaining to Water Right No. 658-3. The data sheet, returned by Wayne Buus, indicated you have retired.

In checking your previous year's questionnaires for 1980, 1981 and 1982, you reported that you have retired and had not irrigated. Under South Dakota Water Law 46-5-37, "when any person entitled to the use of appropriated water fails to beneficially use all or part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and be regarded as unappropriated public water." Water Right No. 658-3 is subject to cancellation for non-use.

Water Right No. 658-3 will be brought before the Water Management Board for cancellation consideration at their April, 1984 meeting. You will be notified of the exact date and time.

If you have any questions, or do not feel the water right should be cancelled please contact this office.

Sincerely,

Genny McMath
Water Resources Analyst

GH:ms

Ec: Wayne Buus
Rt#1, Box 96
Elkton, SD 57026

1-13-83

Dear Sir:

I am writing to inform you that my Dad passed away in 1983. My wife Lois and I are now the owners of the land that has Water Right No. 658-3

I have farmed with my Dad and operated it alone since he retired.

Would you please transfer the Water Rights to Lois and I.

Sincerely,
Wayne Beers
E. Epton





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 658-3

January 24, 1984

Wayne Buus
RR#1, Box 96
Elkton, South Dakota 57026

Dear Mr. Buus:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-1-84

This is to notify you that the title to the lands described as follows:

117.69 Acres NW¼, Section 4, T108N, R47W

formerly owned by Anneus & Olive Buus

has been transferred to Wayne Buus, RR#1, Box 96, Elkton, SD 57026
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 658-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA }
County of Brookings } ss.

I, Wayne Buus being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Wayne Buus
(Signed)

Subscribed and sworn to before me this 1 Day of February, 1984.

Dennis J. Schmeckel
(Notary Public)

My commission expires May 28, 1991

WNR-820-9/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

No 4 9532

South Dakota Department of Water and Natural Resources

Pierre, February 3, 1984, 19

RECEIVED OF Wayne Buus, RR#1, Box 96 Elkton, SD 57026

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 for WR# 658-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH/ms

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

February 9, 1984

Wayne Buus
Route #1, Box 96
Elkton, South Dakota 57026

Dear Mr. Buus:

Enclosed is receipt No. 4 9532 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 658-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 7, 1989

658-3

2332-3

Wayne Buus
Box 128
Elkton, SD 57026

Dear Mr. Buus:

Enclosed are your 1989 irrigation questionnaires. In order for us to calculate the amount of water used, we need more specific information included on the forms.

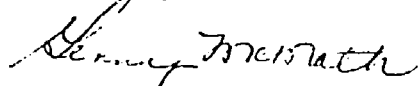
Please include the following information on the questionnaires:

1. Number of days pumped;
2. Average number of hours pumped per day; and
3. Average pump rate in gallons per minute.

Upon completion of the forms, return them to our office in the enclosed postage paid envelope. The forms must be returned to our office before December 30, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



658-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 10, 1994

658-3
2332-3

Dave Gullickson
Farmers Implement & Irrigation
Box 29
Brookings, SD 57006

Dear Mr. Gullickson:

Enclosed are copies of Water Right No. 658-3, Water Permit No. 2332-3 and maps for each. They are currently listed in the name of Wayne Buus. I believe both pertain to the area you inquired about.

In comparing the water right and permit with their respective maps, it would appear that the whole N 1/2 of Section 4, T108N, R47W was authorized for irrigation. Even though the entire acreage is permitted, if irrigation was not developed by the end of the construction period described in Water Permit No. 2332-3 (November 13, 1980), the permit would not be valid.

As you requested, I am enclosing water permit application forms and an instruction sheet. We had discussed the possibility of partially completing the forms here and forwarding them on to you for signature. I do not believe this would be in the best interest of your client. If I were to complete the forms with the wrong legal descriptions, it would slow down the permitting process and possibly cost your client time and money.

Please review the enclosed permit and water right copies to determine which acreage will need a new water permit. Complete the water permit application accordingly. I have highlighted areas on the instruction sheet needed for a complete application.

Also enclosed are two partially completed "Notice of Transfer of Ownership" forms. Your client will need to complete the forms with his/her name and mailing address and then sign them in the presence of a notary public. Please remit a total of \$5.00 with the completed transfer forms.

If I can answer any questions for you please contact me at (605) 773-3352.

Sincerely,

Genny McMuth
Environmental Scientist
Water Rights Division

658-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 658-3
Date: 2-15-94

I\We request that Water Right No. 658-3

formerly owned by: Wayne Buus

be transferred to: (name & address) Gary W. Ploeger
Box 745 Pipestone Mn 56164 (Telephone No) 507-825-4259

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

117.69 acres in the NW 1/4 Section 4, T108N, R47W

I\We understand that the validity of Water Right No. 658-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of _____)

I\We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Gary W. Ploeger
(Signed)

Subscribed and sworn to before me this 15th day of February, 19 94.

[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

414051

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 22, 19 94

RECEIVED OF Gary Floeger, Farmers Imp & Irr, Inc., PO Box 29, Brookings, SD 57006
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 _____ Water Right No. 658-3		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 1, 1994

No. 658-3
2332-3

Gary W. Ploeger
Box 745
Pipestone, MN 56164

Dear Mr. Ploeger:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 658-3 and Water Permit No. 2332-3.

Our records now show you as the owner of Water Right No. 658-3 and Water Permit No. 2332-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

658-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

NOTICE

TO: GARY PLOEGER
BOX 745
PIPESTONE, MN 55164

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 658-3 & 5804-3

The first notice to file chemigation report(s) for Permit No(s) 658-3 & 5804-3 was dated December 9, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 658-3 & 5804-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 658-3 & 5804-3 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. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

658-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 27, 1995

Permit Nos. 658-3
5804-3

Gary Ploeger
Box 745
Pipestone, MN 56164

Dear Gary:

I am writing to acknowledge receipt of your 1994 chemigation questionnaires. You may disregard the February 7, 1995 notice of "Failure To Submit Chemigation Questionnaire." The questionnaires have been received and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

A handwritten signature in cursive script, reading "Barry A. McLary".

Barry A. McLary
Environmental Scientist
Water Rights Division



January 9, 1998

6-58-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: GARY W PLOEGER, PO BOX 745, PIPESTONE, MN 56164

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 658-3 & 5804-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 658-3 & 5804-3 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. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

TO: GARY W PLOEGER, PO BOX 745, PIPESTONE, MN 56164 0745

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5804-3, 658-3, 2332-3, 3047-3 & 4213-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 658-3, 2332-3, 3047-3 & 4213-3 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) 5804-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5804-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 658-3, 2332-3, 3047-3 & 4213-3 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 on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



January 28, 1998

658-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Heartland Colony
RR 2 Box 157
Lake Benton, MN 56149

Attention: John

Dear John:

I am contacting you in follow-up to our January 20th telephone conversation concerning ownership of land under Water Permit/Right Nos. 658-3, 2332-3, 3047-3, 4213-3 and 5804-3, currently in the name of Gary Ploeger. There are three separate issues to address as far as updating the water permits and rights.

First of all, the existing water rights will need to be transferred to the Colony. Enclosed are partially completed "Notice of Transfer of Ownership" forms for each water right. Please review the forms and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)...*", on each of the forms. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

Secondly, information for the 1997 irrigation season must be submitted. Enclosed are 1997 irrigation questionnaires pertaining to each of the water permits and rights. To assist you, I have included the legal description on the forms of the acreage authorized by each water right. Please complete the forms and return them to our office by February 20th.

The last item concerns the licensing requirement for Water Permit No. 5804-3. On June 11, 1996, a field investigation was conducted to determine the extent of development under Water Permit No. 5804-3. Statutes require that we charge a \$50.00 fee for the investigation and issuance of the water license. The \$50.00 fee is still required prior to licensing No. 5804-3.

Thank you for contacting our office concerning the ownership change. I did not realize that Mr. Ploeger no longer owned the land. If you have any questions concerning the enclosed materials, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 658-3

Date: Feb 6 98

I/We request that Water Right No. 658-3

formerly owned by: Gary W Plesger

be transferred to: (name & address) Heartland HBI RR 2 Box 157
Lake Benton Minn 56149 Telephone No. 507 368-9589

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

85 acres - NW 1/4 Section 4-T108N-R47W

I/We understand that the validity of Water Right No. 658-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

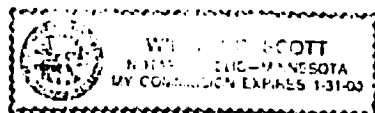
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF ~~SOUTH DAKOTA~~ ^{MINNESOTA})
County of PIPESTONE)

I/We HEARTLAND HBI by John Wipf being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

John Wipf Feb 6 98
(Signed)

Subscribed and sworn to before me this 6th day of February 19 98



[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

42 415652

Pierre, February 19, 1998

RECEIVED OF Heartland HEI, RR 2, Box 1587 Lake Benton, MN 56149
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>Water Right No. 658-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

Joe Hatch (P)



658-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

APR 23 1998

John Wipf
Heartland HBI
RR 2 Box 157
Lake Benton, MN 56149

RE: Water Right/Permit Nos. (658-3), 2332-3, 3047-3, 4213-3 & 5804-3

Dear Mr. Wipf:

Enclosed is your Water License No. 5804-3. The water license was issued based upon a June 11, 1996 investigation of the water use system. As long as you use the water beneficially, as stated in the license, SD Water Laws provide that you have a continuing right to the use of the water.

Enclosed are Receipt Nos. 415652, 415653, 415654-3, 415655, 415656 which you paid for filing ownership changes on Water Right/Permit Nos. 658-3, 2332-3, 3047-3, 4213-3 & 5804-3. They were originally listed in the name of Gary Ploeger and are now listed under Heartland HBI. Also enclosed is Receipt No. 415657 in the amount of \$50.00 which you paid for issuance of the water license.

If you have any questions concerning the enclosed water license, please contact Genny McMath with our program at (605) 773-3352.

Yours truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

Note: The applicable portions of Water Right No. 658-3 and Water Permit No. 2332-3 have been incorporated into Water License No. 5804-3.

Encl

Gm