

WATER PERMIT NO. 6763-3

Name of Applicant: Kenneth Hoogestraat

Address: 46117 276th St, Chancellor SD 57105

Phone: 605 647-5617

Amount of Water Claimed: 1.78 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: 3 miles southeast of Parker

PRIORITY

Date Received: 10-18-06

Application/License Fee: \$300

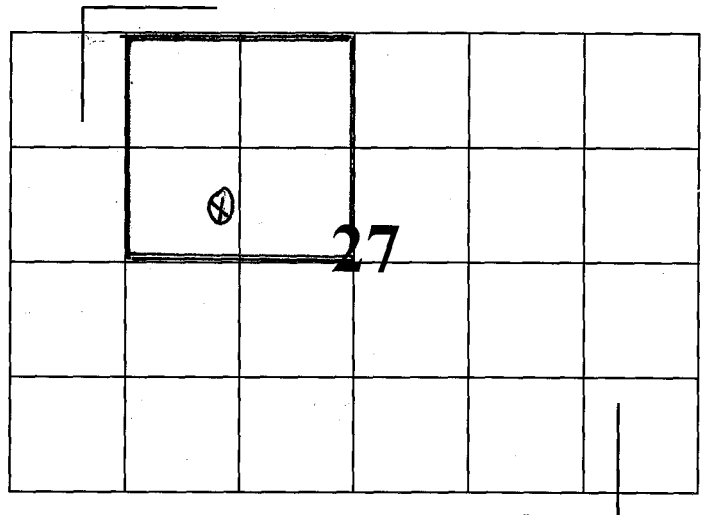
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 27-T99N-R53W

Land to be Irrigated: NW ¼ Sec 27-T99N-R53W



Depth of Well: 60 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Jennifer Smith, Turner Co FSA

Reviewed and the Number Assigned on: 10-19-06

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>6763-3</u> (office use only)
	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>The New Era</u>

RECEIVED
OCT 18 2006
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Kenneth Hoogestraat (check one) Owner ☒ Tenant/lessee ☐ Phone 605-447-5627
Mailing Address 46117 276th st C. Chancellor State SD 57015
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well
NW 1/4 Sect 27-T99N-R53W
(SW 1/4 NW 1/4) 27-T99N-R53W County Turner
5. County or counties where water will be used Turner
6. Annual period during which water is to be used April-Oct 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 27-98-53	40		
SW 1/4 NW 1/4 27-98-53	40		
NE 1/4 NW 1/4 27-98-53	40		
SE 1/4 NW 1/4 27-98-53	40		

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

Permit to put in a well at center of SW NW 1/4 - 27-53 for irrigation purpose. Actual well site will end up on the SW 1/4 of NW 1/4 27-99-52

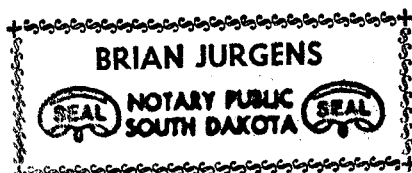
STATE OF SOUTH DAKOTA) SS
County of Turner

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Kenneth Hoogestraat, 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 Kenneth Hoogestraat

Subscribed and sworn to before me this 16 day of October 2006



Brian Jurgens
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6763-3**

Date of first receipt of application October 18, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6763-3 to Kenneth Hoogestraat, 46117 276th St, Chancellor SD 57015 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. 6763-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the SW ¼ NW ¼ Section 27 to irrigate 160 acres located in the NW ¼ Section 27; all in T99N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 18, 2006.
4. The date of approval of Permit No. 6763-3 is January 2, 2007.
5. One-fifth of the construction is to be completed on or before June 2, 2009.
6. All construction is to be completed on or before January 2, 2012.
7. Water is to be put to beneficial use on or before January 2, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6763-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

FEB 06 2007

date



Supplemental Information

(type or print in ink)

There is a test well
log on file for this
from 1998

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 60'
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 19' - 54'
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property 2000' On property owned by others 3000'

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 _____

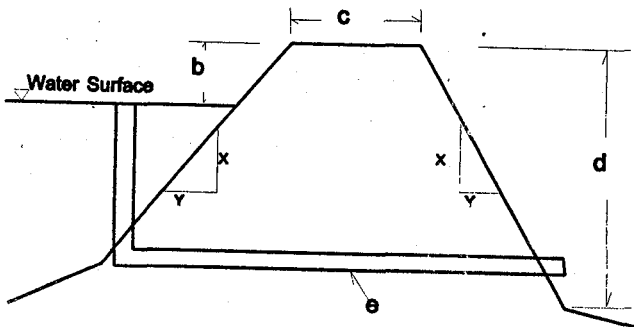
3. Dugout Information

- 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:

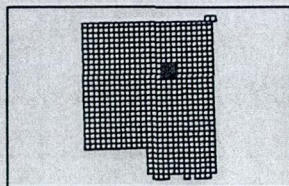


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

#5/22 JWB



USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota Turner County 27-99N-53W

Legend

- Wetlands
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Hoag. ✓

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

May 02, 2006

SOUTH DAKOTA WATER WELL COMPLETION REPORT

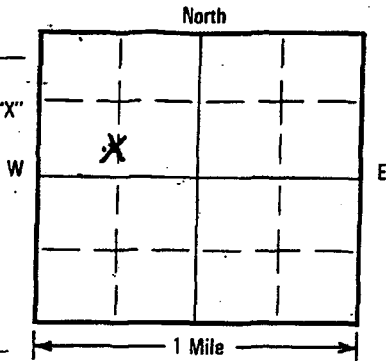
07-92

Location SW 1/4 NW 1/4 Sec 27 Twp 99 Rg 53

County

Jarner

Please mark well location with an "X"



Well Completion Date

5/20/98Well Owner: Kenneth Hoogestraat

Business Name:

Address: 46117 276th St
Chancellor S.D.

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0'</u>	<u>3'</u>
<u>Dry gravel</u>	<u>3'</u>	<u>19'</u>
<u>Water bearing</u>		
<u>Sand & gravel</u>	<u>19'</u>	<u>54'</u>
<u>Blue Clay</u>	<u>54'</u>	<u>55'</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

4" augerCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft.	_____ ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

____ YES, How: _____

____ NO, Why Not? _____

Laboratory sent to for water
quality analysis _____

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 478

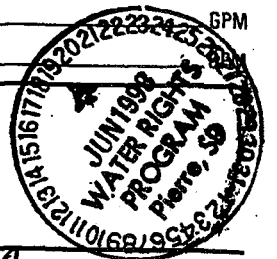
And this report is true and accurate.

Drilling firm Reiners Well Drilling

Signature of License Representative

Don Reiner

Signature of Well Owner or Equitable Property Holder:

Kenneth HoogestraatDate: June 15, 1998

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 18, 2006, 20__

RECEIVED OF Kenneth Hoogestraat, 46117 276th, Chancellor sD 57015

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

Fee for Application for Permit No. <u>6763-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6763-3</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	300.00

No.

By

Darland Ebele
Chief Engineer
gm

02609



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2006

Kenneth Hoogestraat
46117 276th St
Chancellor, SD 57105

Dear Mr. Hoogestraat:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a test well constructed prior to approval of a water permit. The test well is to be completed by a licensed well driller in the NW¼ Sec. 27, T99N-R53W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

Dear Sir:

I would like to put in a test well with a 16" casing yet this fall. I understand that I am at risk in the case I don't get a permit but would like to put the well in at this time. I understand that I can receive a testwell permit to do this - if so how much is it and when could I receive one.

Thank you -

Kenneth Hoagstra
Chancellor S.D.

647-5627



**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. 6763-3, Kenneth Hoogestraat**

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. 6763-3, Kenneth Hoogestraat, 46117 276th Street, Chancellor SD 57105.

The Chief Engineer is recommending APPROVAL of Application No. 6763-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6763-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
December 4, 2006

REPORT ON WATER PERMIT APPLICATION NO. 6763-3

For Kenneth Hoogestraat

November 17, 2006

Application No. 6763-3 1.78 cfs (800 gpm) from one well approximately 54 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 27 to irrigate 160 acres located in the NW $\frac{1}{4}$ of section 27; all the T99N R53W in Turner County.

AQUIFER – PARKER CENTERVILLE (PAC)

The Parker Centerville is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 74 square miles and contains an estimated 322,000 acre-feet of water in storage in Turner County (Lindgren, 1990). Ground water movement is from northwest to southeast across the area of this application and towards the Vermillion River (Lindgren, 1990). Recharge to the aquifer probably averages about 4.9 inches per year (Hedges, 1983). Using the area of 74 square miles (47,360 acres) times the recharge rate would yield approximately 19,340 acre-feet annually. According to water use records, the average water use from the Parker Centerville aquifer for the time period from 2000 through 2005 (six years of records) is about 13,300 acre feet per year. This is a total water use for irrigation of 79,820 acre feet during that six year time span with the single greatest water use of 14,850 acre-feet in 2004.

The Water Rights Program monitors an observation well TU-79A completed into the Parker Centerville aquifer and located about one mile south of 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. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). Hydrographs for this observation well and another observation well TU-79E (included because the water level record goes back about 20 more years and is also completed into the Parker Centerville aquifer) are included with this report.

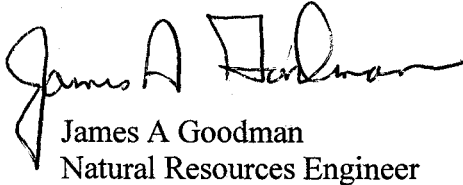
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three other water permits/rights located in this same section. The nearest existing irrigation well is located about one-half mile to the southeast of this proposed well. Interference is not expected to be a concern. These wells are all under water table conditions and drawdown is not expected to be significant especially at this distance between production wells.

CONCLUSIONS

1. Water is available from the Parker Centerville aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not significant. This is shown by the observation well hydrographs. Interference is not a concern.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

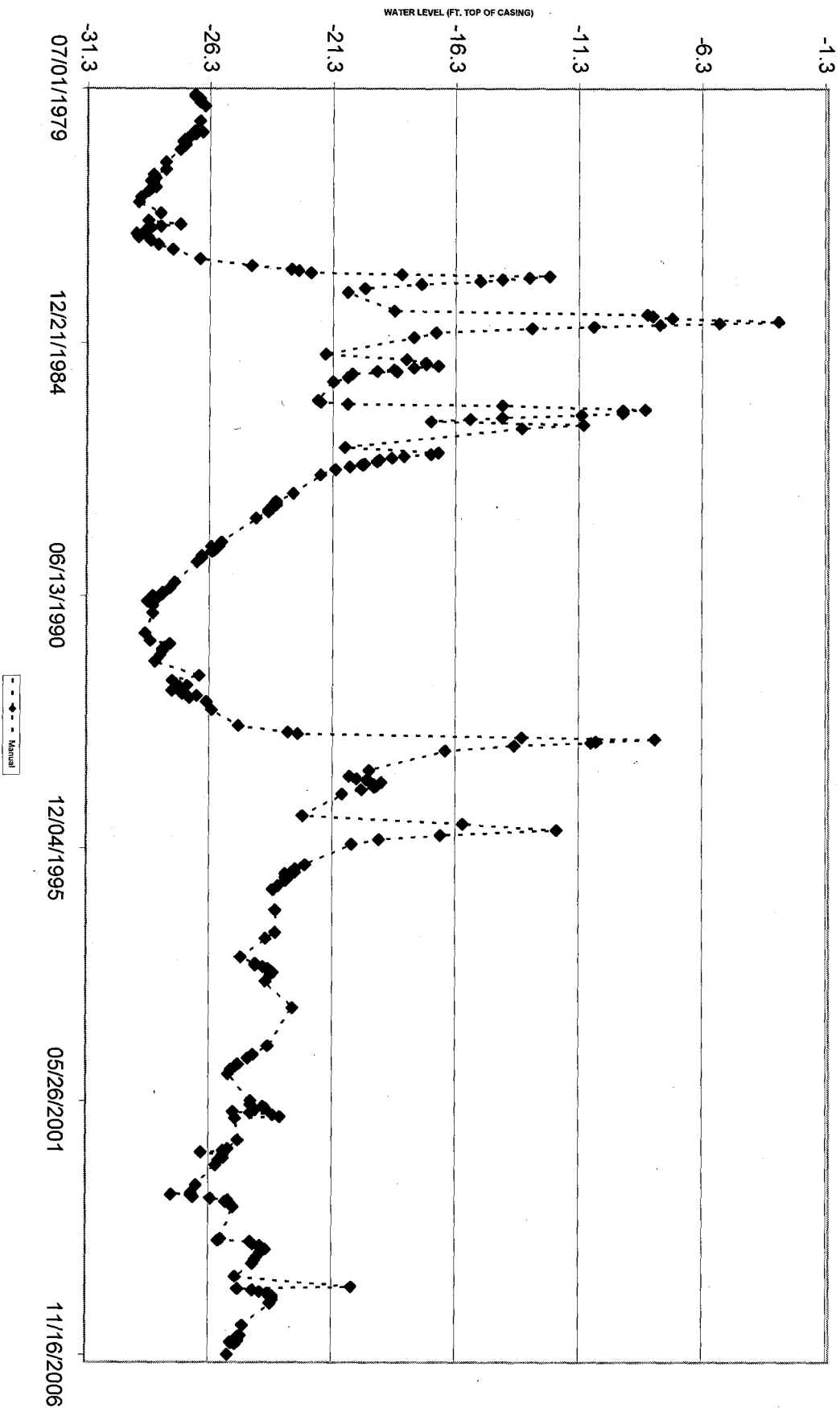
BIBLIOGRAPHY

Hedges, L.S., and others, 1983, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River South Dakota and Iowa, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

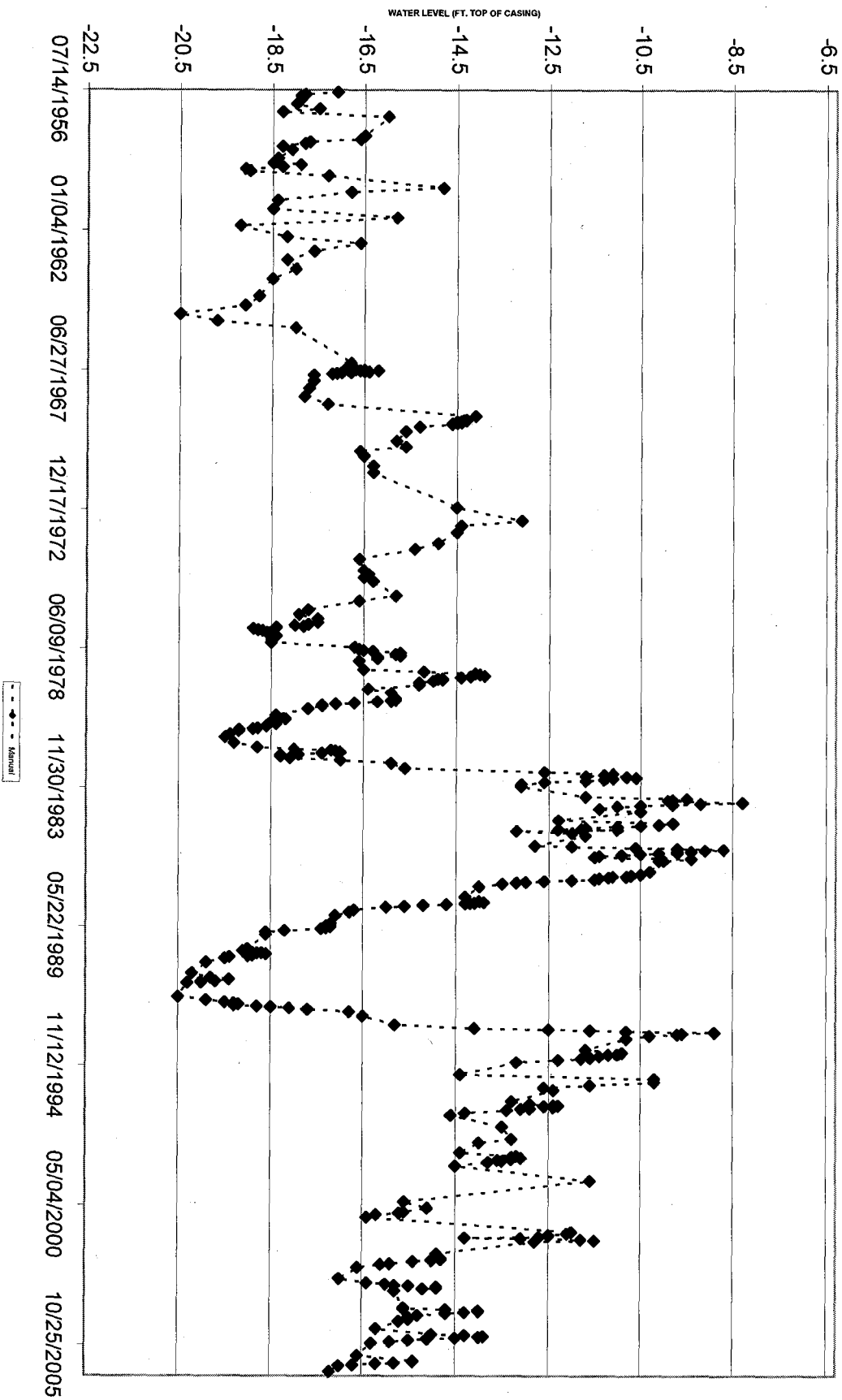
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2006, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-79A



WATER RIGHTS' OBSERVATION WELL
TU-79E



Affidavit of Publication

RECEIVED

DEC 26 2006

WATER RIGHTS PROGRAM

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

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

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

4131 - notice of application to appropriate water

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

On Thursday, the 14th day of Dec., 2006;
On Thursday, the 21st day of Dec., 2006;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

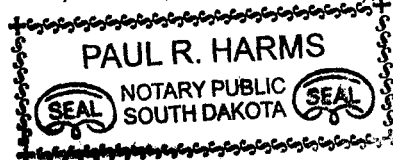
That \$ 49.23 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Lisa Joffer

Subscribed and sworn to before me this 22nd day of December, 20 06

Paul R Harms

Notary Public, Turner County, South Dakota



My Commission Expires:

02/10
20 12

Notice of application no. 6763-3 to appropriate water

Notice is given that Kenneth Hoogestraat, 46117 276th St., Chancellor, SD 57015 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the SW 1/4 NW 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 27; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6763-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 2, 2007.

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

Steven M. Pimer, Secretary,
Department of Environment and
Natural Resources
(#4131, 12/14/07, 12/21/06,
The New Era)

Publication Fees \$._____

Notary Fees ... \$._____

Total \$ 49.23
1st wk 27.36, 2nd wk
Received Payment, 21.87



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 4, 2006

The New Era
PO Box 579
Parker SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6763-3 to Appropriate Water to be published twice. Please publish the first notice on December 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kenneth Hoogestraat, 46117 276th St., Chancellor SD (Ph # 605-647-5627).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 6763-3

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

Date _____

We are in receipt of your letter of December 4, 2006 enclosing Notice to Appropriate Water by Application No. 6763-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

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

December 4, 2006

Kenneth Hoogestraat
46117 276th St
Chancellor SD 57105

Dear Mr. Hoogestraat:

Water Permit Application No. 6763-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the The New Era printed at Parker, SD (Ph # 605-297-4419). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on December 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6763-3 to Appropriate Water

Notice is given that Kenneth Hoogestraat, 46117 276th St, Chancellor SD 57105 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the SW ¼ NW ¼ Section 27 to irrigate 160 acres located in the NW ¼ Section 27; all in T99N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6763-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 2, 2007.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 06 2007

Kenneth Hoogestraat
46117 276th St
Chancellor SD 57015

Dear Mr. Hoogestraat:

Enclosed is Water Permit No. 6763-3 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

File No. 4748-3

6763-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kenneth Hoogestraat, Chancellor, SD

DATE: May 1, 2007

RE: Water Right No. 4748-3 and Water Permit No. 6763-3

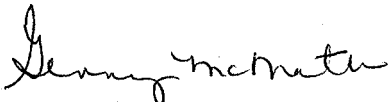
COMMENTS:

Neil Hoogestraat (Kenneth's son) called about permits listed in Kenneth's name. He indicated that recently, due to the onset of Alzheimer's disease, Kenneth was placed in a nursing home.

For now, Neil said both 4748-3 and 6763-3 should remain in Kenneth's name until the family makes a decision about what they wanted to do. Paul Peterson from Hurley still operates the irrigation systems and would still receive the annual irrigation questionnaires.

If anything else needs to be done with the permits, contact Neil as follows:

Neil Hoogestraat
46080 276th St
Chancellor SD 57015
phone: 605 351-5057



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

February 26, 2008

6763-3

Neil Hoogestraat
46080 276th St
Chancellor SD 57015

Dear Mr. Hoogestraat:

Thank you for contacting us about Water Permit No. 6763-3 listed in the name of Kenneth Hoogestraat. Enclosed is a copy of the permit for your records.

As you requested, the annual irrigation questionnaire for Permit No. 6763-3 (NW ¼ Section 27) will be directed to your attention starting in 2008. The questionnaire for Water Right No. 4748-3 (SW ¼ Section 27) will continue to be directed to Paul Petersen in Hurley until you notify us that a change has occurred.

If you have any questions, please contact me.

Sincerely,

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



6763-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 23, 2009

NOTICE

TO: HOOGESTRAAT FARM PARTNERSHIP, NEIL HOOGESTRAAT, 46080 276TH ST,
CHANCELLOR, SD 57015

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) 2962-3 & 3675-3 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) 6763-3 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) 6763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2962-3 & 3675-3 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.

6763-3



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

March 5, 2009

2962-3
3675-3
4748-3
6763-3

Neil Hoogestraat
46080 276th St
Chancellor SD 57015

Dear Sir:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2962-3, 3675-3 and 6763-3. Paul Petersen had already returned the questionnaire for No. 4748-3.

As you requested, I have made the following changes to the operator status for the above water permits/rights.

- Nos. 2962-3 and 3675-3 will be directed to Hoogestraat Farm Partnership;
- Nos. 4748-3 and 6763-3 (owned by Kenneth Hoogestraat) will be directed to you as operator.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 22, 2010

NOTICE

TO: NEIL HOOGESTRAAT, OP, 46080 276TH ST, CHANCELLOR, SD 57015

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4748-3 & 6763-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 4748-3 & 6763-3 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 10, 2010** 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:

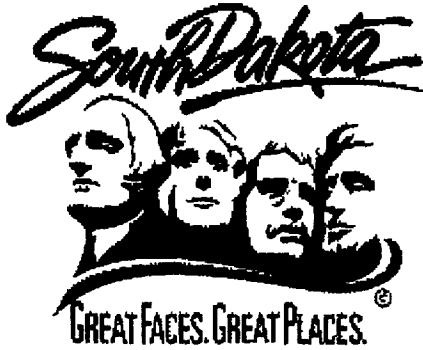
1. Suspend or cancel Permit No(s) 4748-3 & 6763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 on/or before **March 5, 2010**, 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 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/asp>

c: KENNETH HOOGESTRAAT, 46117 276TH ST, CHANCELLOR SD 57015

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
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February 2, 2010

Neil Hoogestraat
46080 276th St
Chancellor SD 57015

RE: 2009 Irrigation Questionnaires for Water Right Nos. 2962-3, 3675-3, 4748-3 & 6763-3

Dear Mr. Hoogestraat:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2962-3, 3675-3, 4748-3 and Water Permit No. 6763-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With reference to your notation on ownership changes needed for Water Right Nos. 2962-3 and 3675-3 from Hoogestraat Farm Partnership to Hoogestraat Farms LLC, enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

c: Kenneth Hoogestraat



6763-3
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 24, 2012

NOTICE

TO: NEIL HOOGESTRAAT, OP, 46080 276TH ST, CHANCELLOR, SD 57015

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2962-3 & 3675-3 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) 4748-3 & 6763-3 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 7, 2012** 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) 4748-3 & 6763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2962-3 & 3675-3 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 2, 2012**, 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>

c: KENNETH HOOGESTRAAT, 46117 276TH ST, CHANCELLOR SD 57015

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.

6763-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 13, 2012

Neil Hoogestraat
46080 276th St
Chancellor SD 57015

RE: Water Right Nos. 2962-3, 3675-3, 4748-3 and Water Permit No. 6763-3

Dear Mr. Hoogestraat:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2962-3, 3675-3, 4748-3 and Water Permit No. 6763-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Right No. 4748-3 and Water Permit No. 6763-3 are listed in the name of Kenneth Hoogestraat. Do they need to be transferred to the farm partnership or to your name? If so, I am enclosing partially completed transfer forms to be used for changing ownership. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures



6763-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 18, 2013

NOTICE

TO: NEIL HOOGESTRAAT, 46080 276TH ST, CHANCELLOR, SD 57015
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2962-3 & 3675-3 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) 4748-3 & 6763-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 4748-3 & 6763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2962-3 & 3675-3 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 4, 2013**, 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.

6763-3



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 29, 2013

2962-3
3675-3
4748-3
6763-3

Neil Hoogestraat
Hoogestraat Farm Partnership
46080 276th St
Chancellor SD 57015

Dear Mr. Hoogestraat:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2962-3, 3675-3 & 4748-3 and Water Permit No. 6763-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I note from the files that Water Right Nos. 4748-3 and 6763-3 are still listed in Kenneth Hoogestraat's name with you as the operator. If an ownership change is needed, please complete the enclosed forms and return them to us with a required filing fee of \$50 each (total of \$100).

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

Bo.

RECEIVED

FEB 27 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6763-3

Date: 2-18-13

I/We request that Water Permit No. 6763-3

formerly owned by: Kenneth Hoogestraat

be transferred to: (name & address) Hoogestraat Farms LLC

46080 276th St, Chancellor SD 57015

Telephone No. 605-647-5620

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

160 acres – NW ¼ Section 27, T99N, R53W

I/We understand that the validity of Water Permit No. 6763-3 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 Hoogestraat Farms LLC, the new owner, certify that the above information is true and correct.

Neil Hoogestraat

Neil Hoogestraat

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/27, 20 13

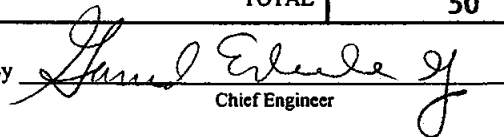
RECEIVED OF Hoogestraat Farm Partnersip 46080 276th St Chancelllor SD 57015

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>6763-3</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. 06178

By


Chief Engineer



6763-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2013

4748-3
6763-3

Neil Hoogestraat
Hoogestraat Farms LLC
46080 276th St
Chancellor SD 57015

Dear Mr. Hoogestraat:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring ownership of Water Right No. 4748-3 and Water Permit No. 6763-3.

The ownership changes have been completed. Water Right No. 4748-3 and Water Permit No. 6763-3 formerly held by Kenneth Hoogestraat are now listed in the name of Hoogestraat Farms LLC.

Enclosed for your records are Receipt Nos. 06177 and 06178 in the amount of \$50 each. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



6763-3
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 24, 2014

NOTICE

TO: HOOGESTRAAT FARMS LLC, NEIL HOOGESTRAAT, 46080 276TH ST, CHANCELLOR, SD 57015

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 2962-3 & 3675-3 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) 4748-3 & 6763-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 4748-3 & 6763-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2962-3 & 3675-3 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 3, 2014**, 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.

6763-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2014

2962-3
3675-3
4748-3
6763-3

Neil Hoogestraat
Hoogestraat Farms LLC
46080 276th St
Chancellor SD 57015

Dear Mr. Hoogestraat:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 6763-3 and Water Right Nos. 2962-3, 3675-3 and 4748-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

6763-3

DALE L. STRASSER, P.C.

ATTORNEYS AT LAW
P.O. BOX 428
FREEMAN, S.D. 57029

Dale L. Strasser
dale@strasserlawoffice.com

Diana L. Randall, Associate
diana@strasserlawoffice.com

OFFICE (605) 925-7745
FAX (605) 925-7480

www.strasserlawoffice.com

January 5, 2016

RECEIVED
JAN - 8 2016
WATER RIGHTS
PROGRAM

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

RE: PluckerFamily/Hoogestraat Real Estate Transaction

Dear Sir/Madam:

Enclosed, please find the Notice of Transfer of Ownership, along with my Trust Account check in the amount of \$50.00 for the transfer fee.

If you have any questions, please feel free to contact my office.

Very truly yours,



Dale L. Strasser

DLSeW
Enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/8, 20 16

RECEIVED OF Dale L Strasser PO Box 428 Freeman SD 57029

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>6763-3</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. 07630

By Jeanne Kordman J
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JAN - 8 2016

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6763-3Date: 1/5/2016I/We request that Water Right/Permit No. 6763-3 formerly owned by:Hoogetraat Farms, LLC

be transferred to:

New Owner Name:

Plucker Family Limited Partnership I

Address:

46320 27th Street

City, State, Zip

Chancellor SD 57015Telephone No. 605.647.5306

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

NW 1/4 § 27-99-53
Turner County SD

☒ I understand that the validity of Water Right/Permit No. 6763-3 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, Marianne Plucker, General Partner, the new owner, certify that the above information is true and correct.

Marianne Plucker G.P.
(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.



6763-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 11, 2016

6763-3

Marianne Plucker
Plucker Family Limited Partnership I
46320 277th St
Chancellor SD 57015

Dear Ms. Plucker:

I am writing to acknowledge the transfer form and filing fee submitted for changing ownership on Water Permit no. 6763-3.

The ownership change has been completed. Water Permit No. 6763-3, formerly held by Hoogestraat Farms LLC is now listed in the name of **Plucker Family Limited Partnership I**. I have you listed as the contact person.

Receipt No. 6763-3 in the amount of \$50 is being forwarded to Dale Strasser in Freeman SD by copy of this letter. If you have any questions, please get in touch with me.

Sincerely,

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

c: Dale Strasser, Attorney at Law, PO Box 428, Freeman SD 57029



6763-3
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 26, 2018

NOTICE

TO: PLUCKER FAMILY LIMITED PARTNERSHIP I, MARIANNE PLUCKER, GENERAL PARTNER, 46320 277TH ST, CHANCELLOR, SD 57015

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6763-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 6763-3 qualification:

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

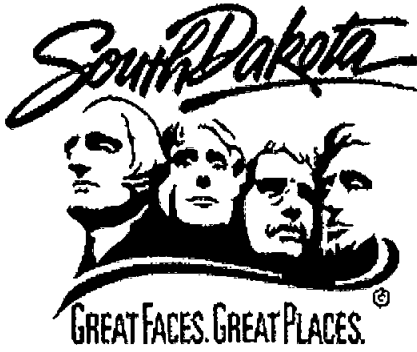
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 6763-3 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 7, 2018** 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2018

6763-3

Marianne Plucker
Plucker Family Limited Partnership
46320 277TH St
Chancellor SD 57015

Dear Ms. Plucker:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit No. 6763-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6763-3

I have this day, November 12, 2024, made a thorough examination of the water use system constructed by Plucker Family Limited, 45678 275th St, Parker, SD 57053 of Permit No. 6763-3, bearing the priority of October 18, 2006 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Parker:Centerville Aquifer for irrigation purposes, in Turner County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 73 feet
- 4) Well log is available Y

Comments: xx

Casing:

- 1) Diameter 16 inches
- 2) Length 33 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 30 feet

Pump:

- 1) Make Turbine
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 700 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

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

- 1) Type Above ground Aluminum 2) Size 8 inches 3) Length 20 feet

Comments: xx

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Reinke
2) Overall length 1300 feet
3) Number of towers 7
4) End gun Y
5) Capacity 700 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATION
2. From the NW corner Sec 27 T99N R53W, 1320 ft S & 1320 ft E, Lat 43.36929 Long -97.0972 (approx. center NW 1/4 , Sec 27, 99N, 53W).

3. The works are capable of diverting and conveying to the place of use 1.56 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:

legal description/acreage
NW 1/4 NW 1/4 - 33 acres
NE 1/4 NW 1/4 - 33 acres
SE 1/4 NW 1/4 - 33 acres
SW 1/4 NW 1/4 - 33 acres

comprising a total of 132 acres of land and the license should be issued for 1.56 cfs

4. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

FSA maps and the ArcGIS program were used to construct the attached well location and irrigated area map which was used to estimate irrigated acreage.

The flow rate reported on the 2023 Irrigation Questionnaire was used to establish the system flow capacity.

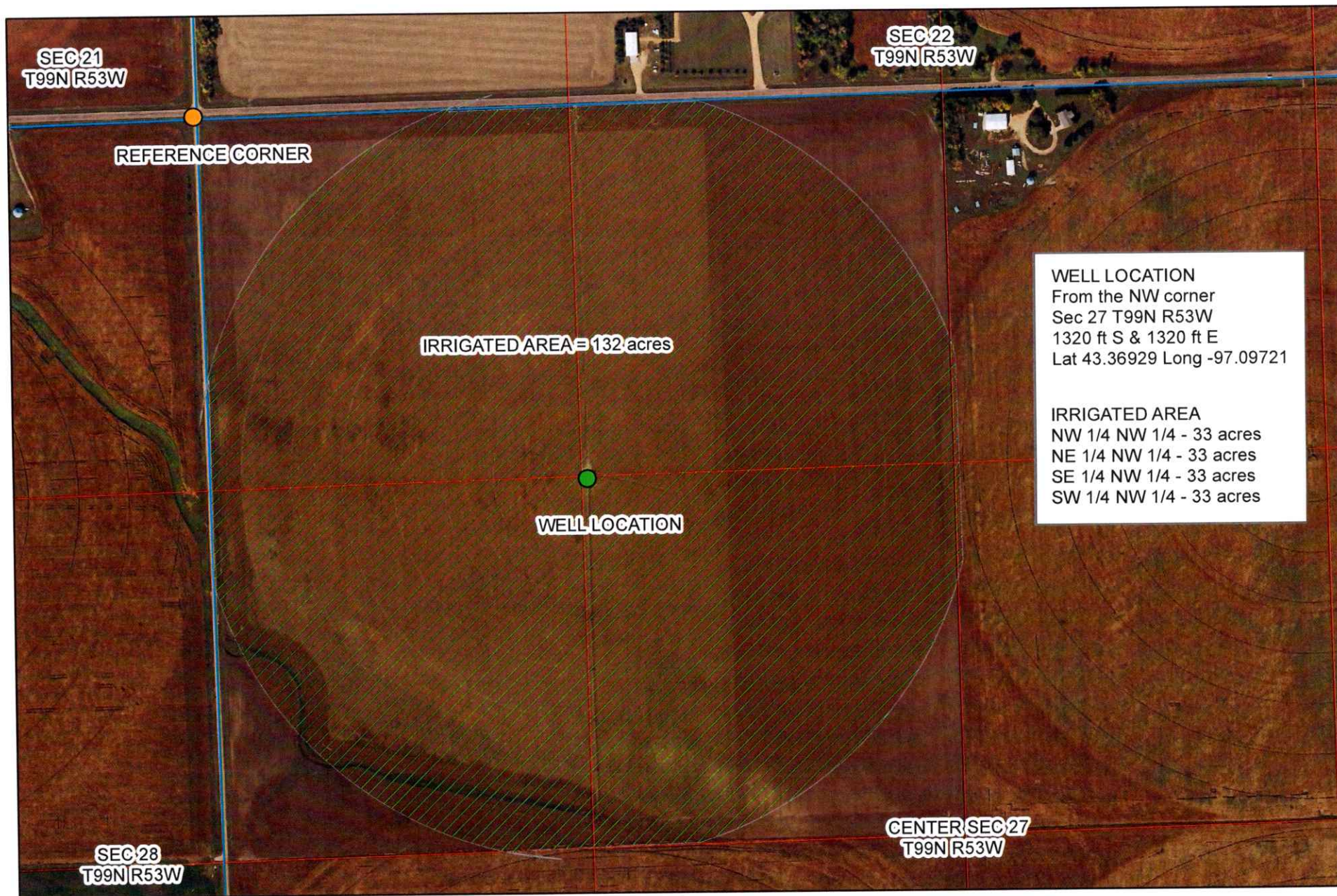
The address and phone number in the permit application are for Kenneth Hoogestraat who sold the property to the Plucker's. Plucker's phone number is 605/750-0478 and address is 45678 275th St, Parker, SD 57053.

I talked to Mr. Joseph Plucker during the field visit regarding Permit details.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 14, 2024



0 385 770 1,540 2,310 3,080 Feet

Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

FEB 26 2025

Plucker Family Limited Partnership
c/o Joseph Plucker
45678 275th St
Parker, SD 57053

6763-3

Dear Mr. Plucker:

Enclosed is Water License No. 6763-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6763-3**

(1) Kenneth Hoogestraat, made Application No. 6763-3, October 18, 2006, for a water permit to divert 1.78 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 6763-3, with a priority date of October 18, 2006, was approved January 2, 2007, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2012, and for the application to beneficial use of water on or before January 2, 2016.

Ownership of Permit No. 6763-3 was transferred to Plucker Family Limited Partnership in January 2016.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1320 ft S and 1320 ft E of the NW corner Sec 27, T99N, R53W (approx. center NW $\frac{1}{4}$)

(3) The amount of 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.

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

Section 27, T99N, R53W
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 acres
TOTAL – 132 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Plucker Family Limited Partnership, the holder and/or owner of Water Right No. 6763-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Parker Centerville Aquifer), with a priority date of October 18, 2006, 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. 6763-3 and subject to the following qualifications:

1. The well approved under this permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6763-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

FEB 26 2025

date

