

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAR 16 2015

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6804B-3Date: 3-10-2015

I/We request that Water Right/Permit No. East pivot formerly owned by:

DAN Heine

be transferred to:

New Owner Name:

Scott Heine

Address:

56368 886 RD

City, State, Zip

Hartington NE 68739

Telephone No.

402-254-2559
402-640-1999

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

Section 22 T92 N R52W		
NW 1/4	NE 1/4	1.2 Acres
NE 1/4	NE 1/4	1.0 Acres
SW 1/4	NE 1/4	36.1 Acres
SE 1/4	NE 1/4	35.9 Acres
NW 1/4	SE 1/4	32.9 Acres
NE 1/4	SE 1/4	31.3 Acres

East Pivot

☒ I understand that the validity of Water Right/Permit No. _____ 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, Scott Heine, the new owner, certify that the above information is true and correct.

Scott Heine
(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 3/17, 20 15

RECEIVED OF Bow Valley Elevator 56368 886th Rd Hartington NE 68739

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>6804B-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. 07325

By Jeanne Goodman
Chief Engineer

Permit No. 6804-3Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day, July 24, 2012, made a thorough examination of the water use system constructed by Daniel Heine of Vermillion, SD holder of Permit No. 6804-3, bearing the priority of February 5, 2007 authorizing the diversion of 2.71 cu. ft. per second of the waters of Missouri: Elk Point aquifer for irrigation purposes, in Clay County.

Note: Water Permit No. 6804-3 authorized an additional 144 acres and 2.71 cfs to that authorized by Water Right No. 2315-3, which is 7.00 cfs and 536 acres.

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

A. Works used to divert the water: Three turbine pumps with motors as follows;

	West System	Middle System	East System
Make	U.S. Electric	U.S. Electric	U.S. Electric
Model No.	405 TPWPI	BF6B	BF6B
Horsepower Rating	125	100	100

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

- 1) Type: PVC Mainline
- 2) Size (inches): 12 inch
- 3) Length (feet): West: 15-20 ft., Center: 20-25 ft., East: 15-20 ft.

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

	West System	Center System	East System
Make	Valley	Valley	Valley
Overall Length (ft.)	1829	1829	1294
# of Towers	10	10	7
Distance between towers (ft.)	203	203	215
End Gun (Y/N)	Y	Y	Y
High or Low Pressure	Low	Low	Low
Capacity (GPM)	1000	1000	1000

The system is in the following condition good. The points of diversion are located as follows:

All measurements made from the NW corner of Sec 22 T92N-R52W and all wells are in T92N-R52W:

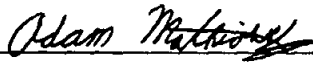
- 1) SW ¼ NE ¼ Sec 22; 2,594 ft. south and 3,953 ft. east; 42.77232° N, 96.96852° W
- 2) SW ¼ NW ¼ Sec 22; 1,946 ft. south and 920 ft. east; 42.77393° N, 96.80002° W
- 3) NW ¼ SE ¼ Sec 21; 3,259 ft. south and 2,534 ft. west; 42.77025° N, 96.99263° W

The works are capable of diverting and conveying to the place of use 6.69 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:

<u>East System</u>	<u>Middle System</u>	<u>West System</u>
<u>Sec 22 T92N-R52W</u>	<u>T92N-R52W</u>	<u>Sec 21 T92N-R52W</u>
NW¼ NE¼-1.2 ac	NE¼ NE¼ Sec 21-14.7 ac	SW¼ NW¼-4.4 ac
NE¼ NE¼-1 ac	SE¼ NE¼ Sec 21-29.7 ac	SE¼ NW¼-36.3 ac
SW¼ NE¼-36.1 ac	NE¼ SE¼ Sec 21-11.8 ac	SW¼ NE¼-35.4 ac
SE¼ NE¼-35.9 ac	NW¼ NW¼ Sec 22-36.7 ac	SE¼ NE¼-7.3 ac
NW¼ SE¼-32.9 ac	NE¼ NW¼ Sec 22-28.8 ac	NW¼ SW¼-14.2 ac
NE¼ SE¼-31.3 ac	NW¼ NE¼ Sec 22-0.3 ac	NE¼ SW¼-40 ac
	SW¼ NW¼ Sec 22-40 ac	NW¼ SE¼-40 ac
	SE¼ NW¼ Sec 22-40 ac	NE¼ SE¼-21.5 ac
	SW¼ NE¼ Sec 22-2.5 ac	SW¼ SW¼-1.9 ac
	NW¼ SW¼ Sec 22-34.9 ac	SE¼ SW¼-27.7 ac
	NE¼ SW¼ Sec 22-25.1 ac	SW¼ SE¼ -32.1 ac
		SE¼ SE¼-6.9 ac

comprising a total of 670.6 acres of land and the license should be issued for 6.69 cfs. Applicable permit qualifications have been complied with Yes. Exceptions to compliance are: none.

Date: August 23, 2012



Adam Mathiowetz
Natural Resources Engineer
DENR Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 6804-3

DATE: 7/24/12

Other permit(s) associated with the project:

DIVERIONS POINT LEGAL LOCATION: All measurements made from the NW corner of Sec 22 T92N-R52W and all wells are in T92N-R52W:

- 1) SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22; 2,594 ft. south and 3,953 ft. east
- 2) SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 22; 1,946 ft. south and 920 ft. east
- 3) NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 21; 3,259 ft. south and 2,534 ft. west

WELL INFORMATION:

- 1) Well Drilling Firm: West and East Wells: Empire Irrigation Drilling Company, Center Well: Hammond-Wetmore Drilling
- 2) No. of Wells 3
- 3) Depth(s) feet West: 89 ft., Center: 90 ft., East: 100 ft.
- 4) Well Log is available Y/N Only for the Center well
- 5) Comments:

Casing:

The wells at the West and East Pivots are the wells that were there during the licensing of 2315-3. The Center well is the replacement well that has a well log in the Water Right file.

	West Pivot	Center Pivot	East Pivot
Diameter (in)	18	16	18
Length (ft.)	89	72	100
Type	Concrete	PVC	Concrete

Screen:

	West Pivot	Center Pivot	East Pivot
Type	Unknown	PVC	Unknown
Length (ft.)	20		
Static Water Level (ft.)	20		

Pump:

All three pumps are turbine pumps

Motor:

	West Pivot	Center Pivot	East Pivot
Make	U.S. Electric	U.S. Electric	U.S. Electric
Model No.	405 TPWPI	BF6B	BF6B
Horsepower Rating	125	100	100

DISTRIBUTION LINES OR CANALS:

- 1) Type: PVC Mainline
- 2) Size (inches): 12 inch
- 3) Length (feet): West: 15-20 ft., Center: 20-25 ft., East: 15-20 ft.

SYSTEM TYPE:**Center pivot:**

	West Pivot	Center Pivot	East Pivot
Make	Valley	Valley	Valley
Overall Length (ft.)	1829	1829	1294
# of Towers	10	10	7
Distance between towers (ft.)	203	203	215
End Gun (Y/N)	Y	Y	Y
High or Low Pressure	Low	Low	Low
Capacity (GPM)	1000	1000	1000

Gun:

Not Applicable

Towline:

Not Applicable

Sideroll:

Not Applicable

Siphons:

Not Applicable

DAM INFORMATION:

Not Applicable

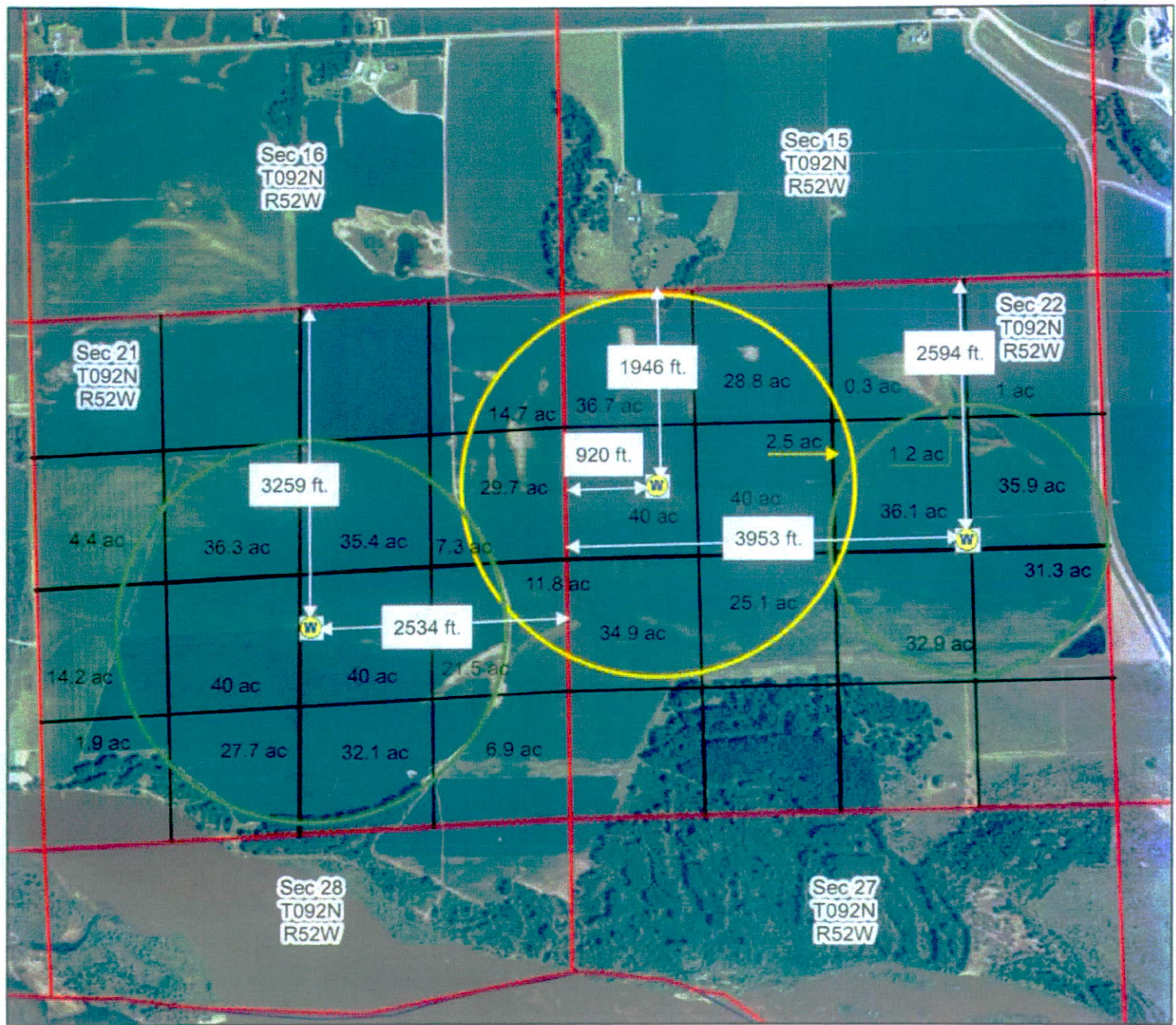
CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Daniel Heine
 46067 Timber Rd
 Vermillion, SD-Clay County
 Water Permit No. 6804-3



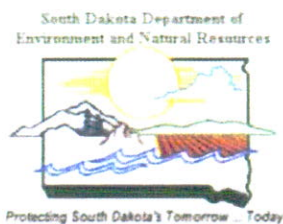
0 0.125 0.25 0.5 0.75 1 Miles

Legend

- Section Boundaries - PLSS
- W Well

Adam Mathiowetz

Adam Mathiowetz
 Natural Resources Engineer
 DENR Water Rights Program
 08/22/2012





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

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

JUN 01 2015

6804B-3

Scott Heine
56368 886th Rd
Hartington NE 68739

Dear Mr. Heine:

Enclosed is your Reissued Water License No. 6804B-3. Included with the license is Receipt No. 07323 in the amount of \$50 which you paid for filing an ownership change.

Based on the ownership change you filed on March 16, 2015, Water Right No. 6804-3 was divided and reissued as follows:

- **No. 6804A-3: Daniel Heine** – authorizing diversion of 4.71 cfs from two wells to irrigate 532.2 acres in portions of Section 21 and 22, T92N, R52W (middle and west pivots);
- **No. 6804B-3: Scott Heine** – authorizing diversion of 1.98 cfs from one well to irrigate 138.4 acres in portions of the E ½ Section 22, T92N, R52W (east pivot). *The diversion authority is based on the statutory limit of one cfs for 70 acres.*

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6804B-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 6804B-3
DIVISION OF NO. 6804-3 INTO 6804A-3 AND 6804B-3

(1) Daniel Heine, 46067 Timber Rd, Vermillion SD 57069 was issued Water License No. 6804-3, September 14, 2012 for a water right to divert 6.69 cubic feet of water per second (cfs) from ground water – 3 existing wells (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6804-3, with priority dates of July 18, 1975 and February 5, 2007 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

The original water license authorized irrigation of 670.6 acres in portions of Section 21 and 22, T92N, R52W described as “East pivot system”, “Middle pivot system” and “West pivot system”. On March 16, 2015, an ownership change was filed by Scott Heine for 138.4 acres within the E ½ Section 22, T92N, R52W irrigated under the “East pivot system”.

Based on the ownership change filed, Water License No. 6804-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 6804A-3: Daniel Heine, 46067 Timber Rd, Vermillion SD 57069** – authorizing diversion of 4.71 cfs from two wells to irrigate 532.2 acres in portions of Section 21 and 22, T92N, R52W (middle and west pivots);
- **No. 6804B-3: Scott Heine, 56368 886th Rd., Hartington NE 68739** – authorizing diversion of 1.98 cfs from one well to irrigate 138.4 acres in portions of the E ½ Section 22, T92N, R52W (east pivot).

(2) It is certified that the water right 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 1.98 cubic feet of water per second for beneficial use.

The location of the diversion point is:

- 3,259 feet south & 2,534 feet west of the NW corner of Section 22, T92N, R52W (NW ¼ SE ¼ Sec 21)

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land (known as the east pivot system)

Section 22, T92N, R52W	NW ¼ NE ¼	1.2 acres
	NE ¼ NE ¼	1.0 acre
	SW ¼ NE ¼	36.1 acres
	SE ¼ NE ¼	35.9 acres
	NW ¼ SE ¼	32.9 acres
	NE ¼ SE ¼	31.3 acres
Total irrigated		138.4 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Scott Heine, 56368 886th Rd., Hartington NE 68739 the holder and/or owner of Water Right No. 6804B-3 is issued a license to appropriate water, the right to use 1.98 cubic feet of water per second from ground water – one well (Missouri Elk Point Aquifer) with a priority date of July 18, 1975 from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6804B-3 and subject to the following qualifications:

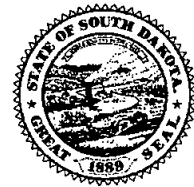
- The wells authorized under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUN 01 2015

date





6804B-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 20, 2017

NOTICE

TO: SCOTT HEINE, 56368 886TH RD, HARTINGTON, NE 68739

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6804B-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 6804B-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 1, 2017 at 11:00 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) 6804B-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 1, 2017** 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

denr.sd.gov

January 30, 2017

6804B-3

Scott Heine
56368 886th Rd
Hartington NE 68739

Dear Mr. Heine:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 6804B-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,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 6804B-3Date: June 9, 2017I/We request that Water Right/Permit No. 6804B-3 formerly owned by:DANIEL HEINE

be transferred to:

New Owner Name: Adirondack Farmland Holdings, GPAddress: 18 Crescent KeyCity, State, Zip Bellevue WA 98006 Telephone No. (425) 301-0728

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

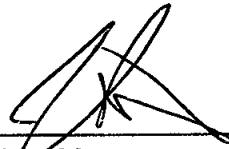
The E 1/2 of Section 22, in T92N, R52W

☒ I understand that the validity of Water Right/Permit No. 6804B-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, Jay Girotto, Attorney in fact for, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 12, 2, 2007

RECEIVED OF Adirondack Farmland Holdings, 18 Crescent Key Bellevue WA 98006

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>6804B-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. **08260**

By

Jeane Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 15, 2017

6804B-3

Jay Girotto
Adirondack Farmland Holdings GP
18 Crescent Key
Bellevue WA 98006

Dear Mr. Girotto:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership of Water Right No. 6804B-3.

The ownership change has been completed. The water right formerly held by Scott Heine is now listed in the name of "Adirondack Farmland Holdings GP".

Enclosed for your records is Receipt No. 08260 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure

6179-3, 6180-3, 6181-3, 6642-3, 6804B-3, 7389B-3, 8022-3
8023-3, 8024-3, 8025-3, 8211-3, & 8325-3



FARMLAND
OPPORTUNITY

RECEIVED

NOV 01 2023

OFFICE OF
WATER

September 30, 2023

Everyone,

The Farmland Opportunity mailing address/ office changed.

Please send all future USPS, Fedex, UPS, DHL mail and packages to the addresses listed below:

Farmland Opportunity, LLC or [Entity Name] c/o Farmland Opportunity, LLC
1661 Ringling Blvd.
PO Box 2139
Sarasota, FL 34230

If you plan to visit us in person, tell us when you are coming 😊

We are physically located @ 645 S. Orange Ave, Sarasota, FL 34236. DO NOT SEND ANYTHING TO THIS ADDRESS.

Sincerely,

Jay Girotto

Farmland Opportunity LLC
M: 425.301.0728
F: 319.538.0034
jgirotto@farmopp.com

Florida Mailing Address:
1661 Ringling Blvd
PO Box 2139
Sarasota, FL 34230

Iowa Mailing Address:
4926 Autumn Dr
Cedar Rapids, IA 52411

Farmland Opportunity Brokerage PLLC, Cedar Rapids, IA is a licensed broker in Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Washington, Wisconsin