

WATER PERMIT NO. 6978-3

Name of Applicant: Marquardt Farms

Address: PO Box 1098, Yankton SD 57078

Phone: 605 660-6969

Amount of Water Claimed: 1.78 cfs

Total Acres: 133.5

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: ½ mile northwest of Meckling

PRIORITY

Date Received: 2-19-08

Application/License Fee: \$300

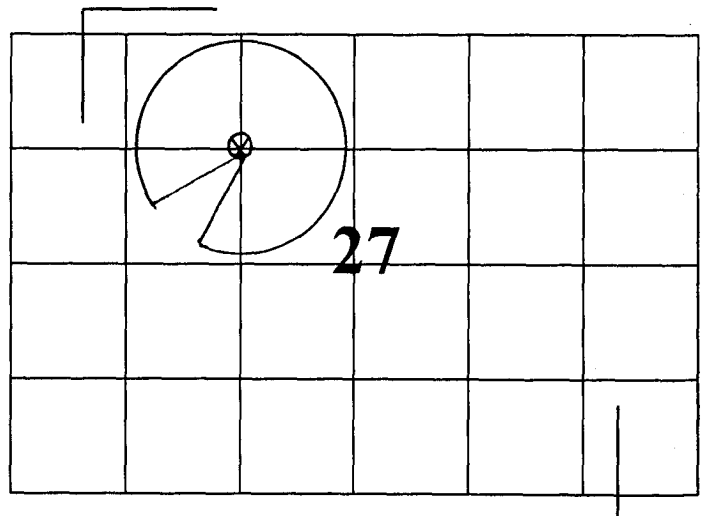
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: center of NW ¼ Sec 27-T93N-R53W

Land to be Irrigated: NW ¼ Sec 27-T93N-R53W



Depth of Well: 120 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Valorie Scherschlight, YA Co FSA

Reviewed and the Number Assigned on: 2-20-08

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

(office use only)
No. 6978-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Plain Talk P.O. Box 256
605-624-2695 (Fax) Vermillion 57069

RECEIVED
FEB 19 2008
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 MARQUARDT FARMS Phone 605-660-6969
(check one) ☐ Owner ☒ Tenant/lessee
- Mailing Address PO BOX 109B YANKTON State SD 57078
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 133.5
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply WELL
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County CLAY
1 WELL - CENTER OF NW 1/4 OF SECTION 27-T93N-R53W
NE 1/4
5. County or counties where water will be used CLAY
6. Annual period during which water is to be used APRIL 1 - OCTOBER 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
<u>NE 1/4 NW 1/4 SEC 27-T93N-R53W</u>	<u>34.5</u>		
<u>NW 1/4 NW 1/4 SEC 27-T93W-R53W</u>	<u>34.5</u>		
<u>SE 1/4 NW 1/4 SEC 27-T93W-R53W</u>	<u>34.5</u>		
<u>SW 1/4 NW 1/4 SEC 27-T93W-R53W</u>	<u>30.0</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
PLAN TO INSTALL A CENTER PILOT SYSTEM IN NW 1/4 SEC 27-93N-53W

STATE OF SOUTH DAKOTA) SS
County of Yankton

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, JASON MARQUARDT, 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 [Signature]

Subscribed and sworn to before me this 14th day of February 20 08

Aileen Biegan
Notary Public signature
my commission expires 3-23-12

**SOUTH DAKOTA
WATER PERMIT NO. 6978-3**

Date of first receipt of application February 19, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6978-3 to Marquardt Farms, PO Box 1098, Yankton SD 57078 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. 6978-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the NE 1/4 NW 1/4 Section 27 to irrigate 133.5 acres located in the NW 1/4 Section 27; all in T93N-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 February 19, 2008.
4. The date of approval of Permit No. 6978-3 is April 28, 2008.
5. One-fifth of the construction is to be completed on or before October 28, 2010.
6. All construction is to be completed on or before April 28, 2013.
7. Water is to be put to beneficial use on or before April 28, 2017.
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. 6978-3 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

MAY 01 2008

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness 3/4
- c) Screen Type PVC Diameter 16" Thickness 3/4
- d) Gravel Pack 1/8 - 3/8 PERKIN Length of Gravel Pack 65'
- e) Depth to Top of Water Bearing Material 55'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:

On applicants property Ø

On property owned by others 1/4 MILE TO NEAREST FARM

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

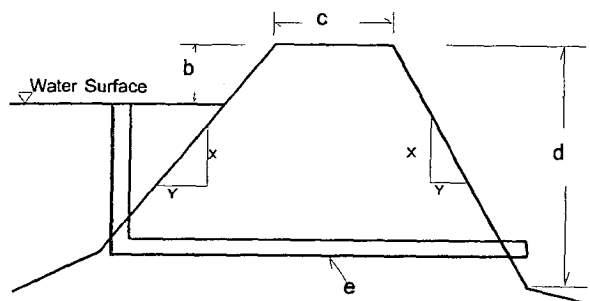
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

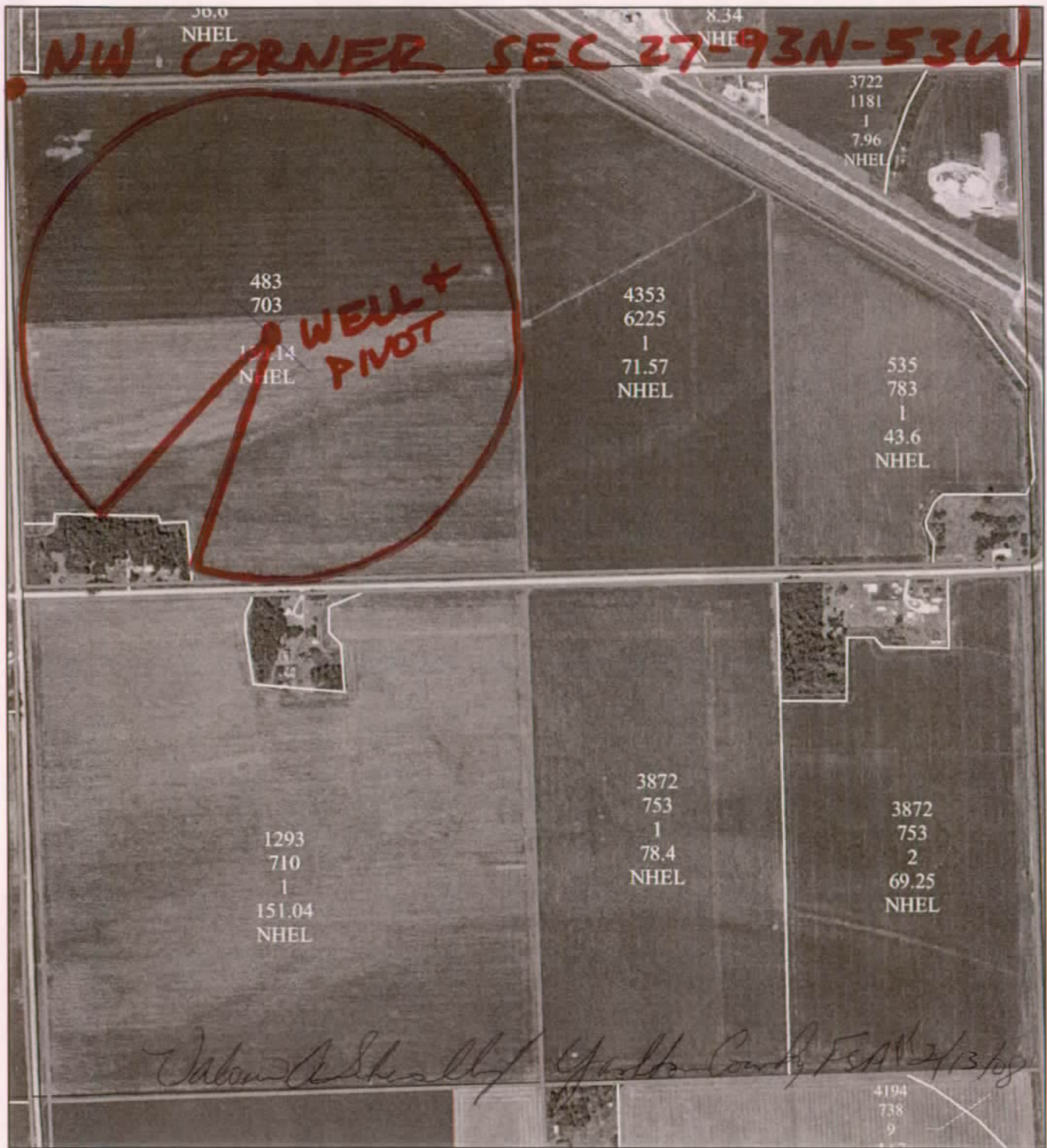
4. Water Storage Dams

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

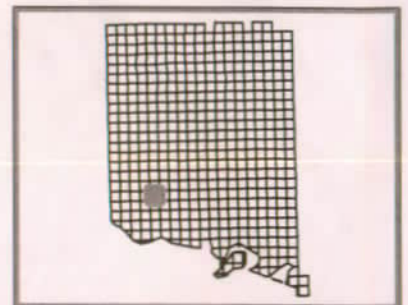


United States Department of Agriculture
Farm Service Agency



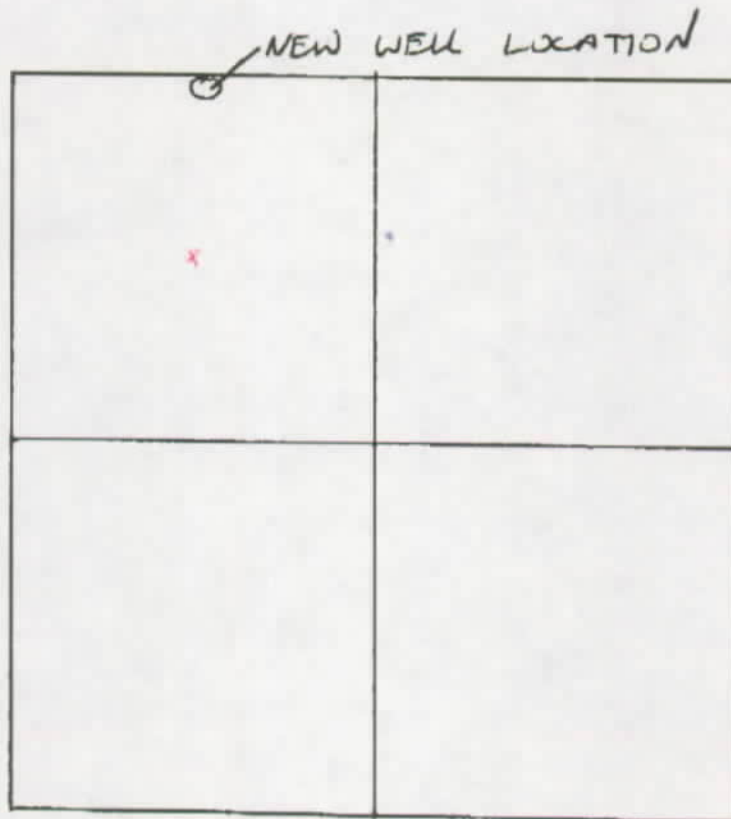
1:8,696

South Dakota
Clay County
27-93N-53W



February 28, 2007

APPLICATION # 6978-3



SECTION 27

T-93N R-53W

CLAY COUNTY

NW 1/4 SEC 27-93N-53W
OWNED BY RALPH +
LUCILLE MARQUANDT

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 19, 20 08

RECEIVED OF Marquardt Farms, PO Box 1040, Yankton SD 57078

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	275	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	325.00

No.

03535

By

Garland Erskine

Chief Engineer

KS



**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. 6978-3, Marquardt Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6978-3, Marquardt Farms, c/o Jason Marquardt, PO Box 1098, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6978-3 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. 6974-3 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
March 28, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6978-3
For Marquardt Farms
March 26, 2008

Application No. 6978-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 120 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 27 to irrigate 133.5 acres located in the NW $\frac{1}{4}$ of section 27; all in T93N R53W in Clay County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in Clay County. At this site however the aquifer is probably under artesian conditions. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, into Yankton County to the west, blends into the Upper Vermillion Missouri aquifer to the north and is hydraulically connected to both the Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 100 to 125 feet thick in this area. Christensen described the aquifer as follows "On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--- gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash" (Christensen, 1967).

No test well was drilled for this application. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site and should be capable of producing the amount of water requested. An irrigation well located about one mile to the west of this application indicates brown clay from the surface to 36 feet, blue clay from 36 to 71 feet and medium to coarse gravel from 71 to 100 feet all below land surface. This well had a static water level of nine feet below land surface and was capable of producing 1,000 gpm with 19 feet of drawdown for a specific capacity of 52.6 gpm/ft of drawdown.

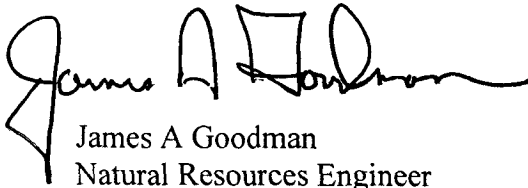
The Water Rights Program monitors an observation well CL-80B that is located about three miles south of this application. Water level records for this observation well go back in time to 1958. Water level records for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report. Note the slight decline in water levels for this observation well over time. This is probably due to entrenching of the Missouri River which in turn causes ground water to discharge into the river thus lowering the ground water level especially near to the river. This phenomenon is not obvious a few miles from the river.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted user is Water Permit No. 6772-3 (2.22 cfs, 72 acres). That well is located about one-quarter mile to the south of the well proposed for this application. Interference is not a concern. Even though the aquifer appears to be under artesian conditions at this site drawdown created by pumping is not expected to be significant at this distance. Certainly this should not cause adverse interference. This is also shown by the observation well record. Also there has never been any reported water availability problems for the Missouri Elk Point aquifer in Clay County.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer appears to behave like it is under water table conditions. Until a test well is drilled it can not be determined if a well would be water table or artesian at this site. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. 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

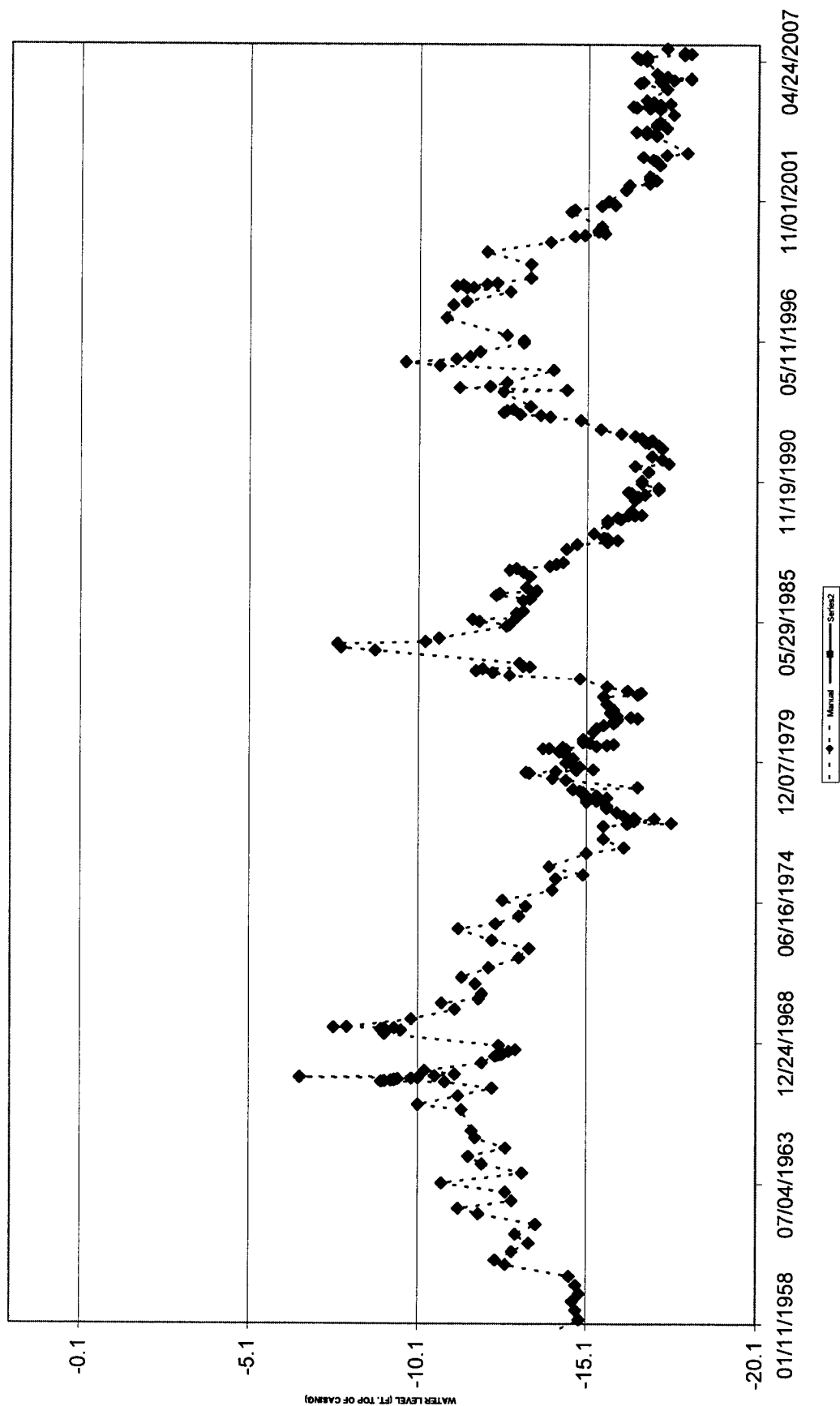
BIBLIOGAPHY

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

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

Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
CL-80B**



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

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

THE PLAIN TALK

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

NOTICE OF APPLICATION NO. 6978-3

TO APPROPRIATE WATER

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

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

was on Friday, the 11th day of April, 20 08, and that the succeeding publications were severally

on Friday, the 18th day of April, 20 08,

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

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

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

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

Thirty-nine dollars and 92 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 21st day of April, 20 08

Deane J. Savoie
Exp. 9-5-2013

Notary Public

NOTICE OF APPLICATION

NO. 6978-3 to Appropriate Water

Notice is given that Marquardt Farms, c/o Jason Marquardt, PO Box 1098, Yankton, SD 57078, 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 Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the NE 1/4 NW 1/4 Section 27 to irrigate 133.5 acres located in the NW 1/4 Section 27; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6978-3 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 this 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 this 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 April 28, 2008.

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.

Publish: April 11 & 18, 2008

RECEIVED

APR 22 2008

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 31, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

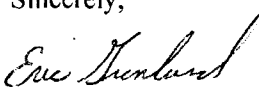
Enclosed is a Notice on Application No. 6978-3 to Appropriate Water to be published twice. Please publish the first notice on April 11, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Marquardt Farms, Jason Marquardt, PO Box 1098, Yankton SD 57078 (Ph # 605-660-6969).

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. 6978-3

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

Date _____

We are in receipt of your letter of March 31, 2008 enclosing Notice to Appropriate Water by Application No. 6978-3 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.

March 31, 2008

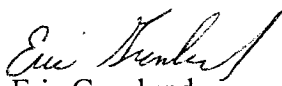
Marquardt Farms
Jason Marquardt
PO Box 1098
Yankton SD 57078

Dear Mr. Marquardt:

Water Permit Application No. 6978-3 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 Plain Talk printed at Vermillion SD (Ph #605-624-2695). 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 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 April 11, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6978-3 to Appropriate Water

Notice is given that Marquardt Farms, c/o Jason Marquardt, PO Box 1098, Yankton SD 57078 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 Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the NE 1/4 NW 1/4 Section 27 to irrigate 133.5 acres located in the NW 1/4 Section 27; all in T93N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6978-3 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 this 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 this 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 April 28, 2008.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 01 2008

Marquardt Farms
c/o Jason Marquardt
PO Box 1098
Yankton SD 57078

Dear Mr. Marquardt:

Enclosed are Water Permit Nos. 6978-3, 6979-3 and 6980-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

These applications were submitted with application/license filing fees in the amount of \$975.00. The correct fee for the three applications was \$950.00. Therefore, a refund of \$25.00 is due to you. You should be receiving the refund check within the next two weeks.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

05/01/2008

PAYMENT REQUEST FORM

PAYEE: Marquardt Farms
Jason Marquardt
PO Box 1098
Yankton SD 57078

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on 6978-3 thru 6980-3

AMOUNT: \$25.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: *Debra E. Eide* 5/1/08

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location ne ¼ nw ¼ Sec 27 Twp 93n Rg 53w

County

Clay

North

Please mark well location with an "X"

W

E

Well Completion Date

3/28/2008

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,500.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	70.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	67.0 Ft
bent grout	23	9.4		

Describe grouting procedure
tremie

SCREEN:

☒ Perforated pipe ☐ Manufactured
Diameter 16.00 Inches Length 40.0 FeetMaterial PVCSlot Size .080 Set From 70.0 Feet to 110.0 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? hth tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Ralph Marquardt

Business Name:

Address: 1317 Golf View LaneCity, State, Zip: Yankton SD 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, dk brn, silty	0	57
sand, fine, silty	57	67
Gravel, med to coarse, sandy	67	114

STATIC WATER LEVEL 11.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ 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: _____ GPM

RECEIVED

FEB - 2 2008

WATER RIGHTS PROGRAM

REMARKS

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/10/08



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 22, 2010

NOTICE

TO: MARQUARDT FARMS, JASON MARQUARDT, PO BOX 1098, YANKTON, SD 57078

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) 6978-3, 6979-3 & 6980-3. 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) 6978-3, 6979-3 & 6980-3 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) 6978-3, 6979-3 & 6980-3 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.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
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 9, 2010

6978-3
6979-3
6980-3

Jason Marquardt
Marquardt Farms
PO Box 1098
Yankton SD 57078

Dear Mr. Marquardt:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit Nos. 6978-3, 6979-3 and 6980-3.

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



6978-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: MARQUARDT FARMS, JASON MARQUARDT, PO BOX 1098, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6978-3, 6979-3 & 6980-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 6978-3, 6979-3 & 6980-3 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 9, 2011** 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) 6978-3, 6979-3 & 6980-3 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 4, 2011**, 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.

6978-3

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Service(s): Signature Confirmation™

Status: Delivered

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- Delivered, January 24, 2011, 11:09 am, YANKTON, SD 57078
- Notice Left, January 22, 2011, 9:47 am, YANKTON, SD 57078
- Sorting Complete, January 22, 2011, 8:25 am, YANKTON, SD 57078
- Arrival at Post Office, January 22, 2011, 8:02 am, YANKTON, SD 57078
- Processed through Sort Facility, January 22, 2011, 3:55 am, SIOUX FALLS, SD 57104

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0379

**MARQUARDT FARMS
JASON MARQUARDT
PO BOX 1098
YANKTON SD 57078**

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

6978-3

McMath, Genny

From: Carie [cariel@marquardttrans.com]
Sent: Wednesday, January 26, 2011 11:33 AM
To: McMath, Genny
Subject: RE: Reporting Requirement for 2010 Irrigation Questionnaire
Send them all to 1040, please.

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, January 26, 2011 11:29 AM
To: cariel@marquardttrans.com
Subject: RE: Reporting Requirement for 2010 Irrigation Questionnaire

Yep, they most likely crossed in the mail. The secretary handed the forms to me this morning. The matter is all taken care of and I am in the process of writing a follow-up letter indicating we have now received all the forms.

I do have a question though - for future mailings should all the forms go to PO Box 1040? Two of them I have listed in the name of Ralph and Lucille with a PO Box of 1040. The remaining three (6978-3, 6979-3 and 6980-3 we have listed in the name of Marquardt Farms with a PO Box of 1098.

We can definitely put them all to one box if you wish. This doesn't change ownership, just where things are mailed.

-----Original Message-----

From: Carie [mailto:cariel@marquardttrans.com]
Sent: Wednesday, January 26, 2011 11:20 AM
To: McMath, Genny
Subject: Reporting Requirement for 2010 Irrigation Questionnaire

Genny,

We received notice dated 1/21/11 that you had not received the 2010 Irrigation Questionnaire(s) for Permit No.s 6978-3, 6979-3, 6980-3, 277-3 and 1919-3.

We mailed those last week. Can you verify whether you have received the questionnaires? I am thinking they crossed in the mail.

Carie LaBrie
MARQUARDT FARMS
PO Box 1040
Yankton, SD 57078
Phone: 605-665-1053
Fax: 605-665-5697
cariel@marquardttrans.com

6978-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 26, 2011

Carie LaBrie
Marquardt Farms
PO Box 1040
Yankton SD 57078

RE: Water Permit or Right Nos. 277-3, 1919-3, 6978-3, 6979-3 & 6980-3

Dear Ms. LaBrie:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for Marquardt Farms.

Please disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 277-3, 1919-3, 6978-3, 6979-3 & 6980-3. The information was received in our office prior to the Water Management Board meeting and the issue 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



6978-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 25, 2019

NOTICE

TO: MARQUARDT FAMILY LTD PARTNERSHIP, PO BOX 1040, YANKTON, SD 57078
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3 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 6, 2019** 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.

6978-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 6, 2019

Marquardt Family Ltd Partnership
PO Box 1040
Yankton SD 57078

RE: Water Permit/Right Nos. 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3,
7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3

Dear Sir:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5391A-3, 5658A-3, 6978-3, 6979-3, 6980-3, 7152-3, 7213-3, 7214-3 & 7800-3, 7801-3, 7802-3 & 7803-3. 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 cursive script that reads "Genny McMath".

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. 6978-3**

I have this day, March 17, 2022, made a thorough examination of the water use system constructed by Marquardt Farms, PO Box 1040, Yankton, SD 57078, holder of Permit No. 6978-3, bearing the priority of February 19, 2008, authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for the irrigation of 133.5 acres located in Clay County.

Inspection contacts: Dave Husby and Breyton Nelson

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling
- 2) No. of Wells: 1
- 3) Depth(s): 114 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 70 feet
- 3) Type: Plastic

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 11 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800S500
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Franklin
- 2) Serial No.: 22619-21-002258
- 3) Horsepower rating: 50 hp

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

- Type: PVC Size: 8 inches Length: 1,280 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make: Valley
- 2) Overall length: 1,298 feet
- 3) Number of towers: 7
- 4) End gun: Yes
- 5) Capacity: 800 GPM

Chemigation Equipment:

- 1) Does chemigate: No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
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:
The well is 1,300 feet east and 40 feet south of the northwest corner of Section 27-T93N-R53W (Latitude 42.85171, Longitude -97.09718 – NW1/4 of the NW1/4).
2) The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All in Section 27-T93N-R53W

NW1/4NW1/4 34 acres

NE1/4NW1/4 34 acres

SW1/4NW1/4 21 acres

SE1/4NW1/4 33 acres

comprising a total of 122 acres of land and the license should be issued for 1.74 cfs.
(1.74 cfs is the statutory limit for the 122 acres developed – Genny)

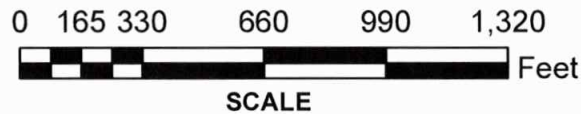
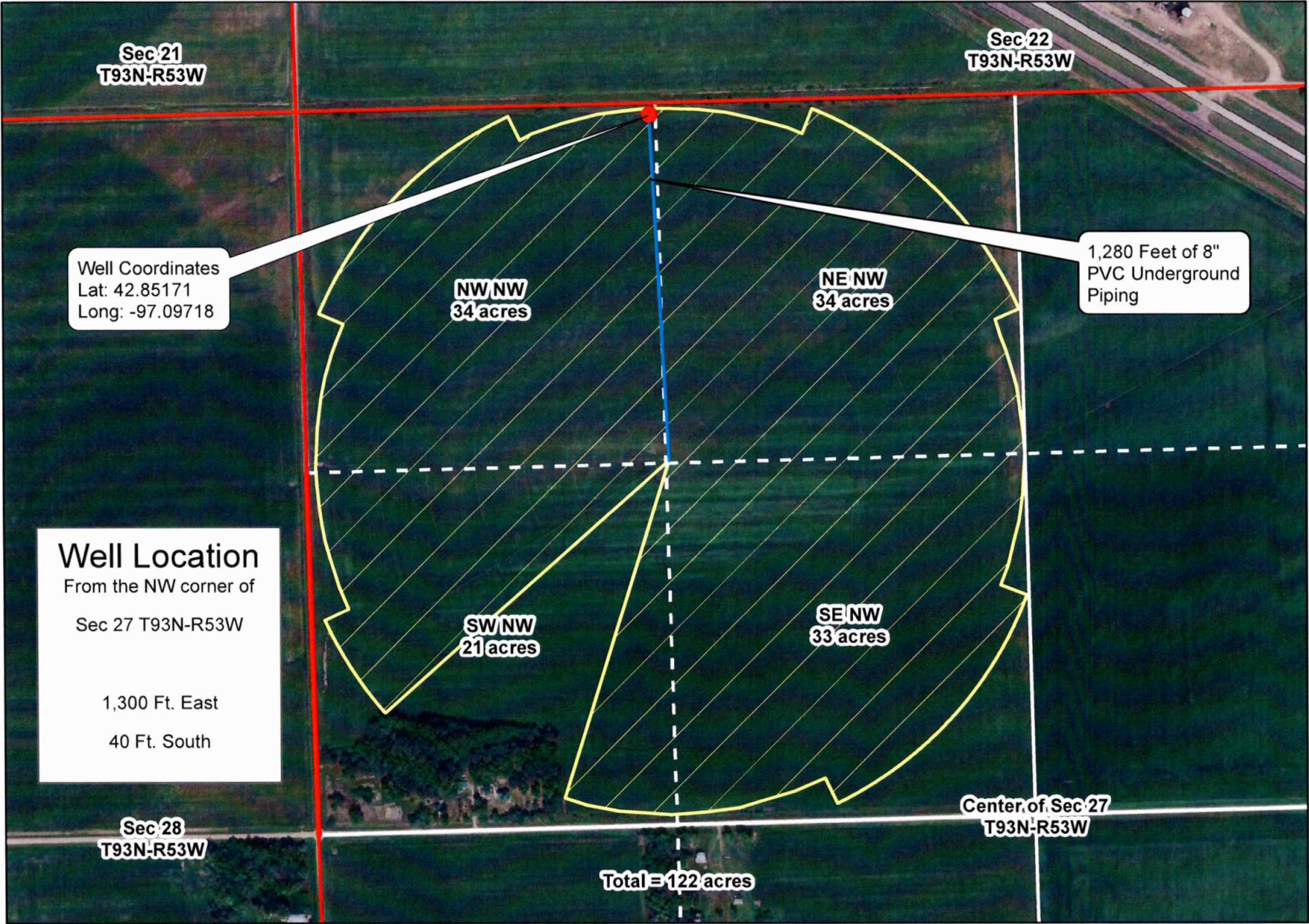
- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: The well is in the NW1/4 of the NW1/4.

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 7, 2022

Water Permit No. 6978-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
September 7, 2022

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Marquardt Farms

ADDRESS: PO Box 1040, Yankton SD 57078

DATE: 09-14-2022

COUNTY: Clay

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct a 120 foot deep well into the Missouri: Elk Point Aquifer in the NE1/4 NW1/4 of Section 27 for irrigation of 133.5 acres in the NW1/4 of Section 27; all in T93N-R53W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The permit holder was authorized to construct an approximate 120 foot well into the Lower Missouri: Elk Point Aquifer located in the NE ¼ NW ¼ Section 27 T93N-R53W with a diversion rate of 1.78 cfs but constructed a 114 ft well into the Missouri: Elk Point Aquifer in the NW1/4 NW1/4 of Section 27 T93N-R53W at a diversion rate of 1.78 cfs

- **If irrigation, no new land is irrigated**

The permit holder developed irrigation of 122 acres of the 133.5 acres authorized in the NW1/4 of Section 27 T93N-R53W

- **Review of Existing Diversions**

There are six existing water permits/rights within a mile of where this well was developed. One of these was an existing permit/right when this permit was issued. The other five were permitted and developed after this permit was issued. When any of these permits were issued it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



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

SEP 21 2022

6978-3

Ralph Marquardt
Marquardt Farms
PO Box 1040
Yankton SD 57078

Dear Mr. Marquardt:

Enclosed is Water License No. 6978-3. 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.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. 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. 6978-3

(1) Marquardt Farms, PO Box 1040, Yankton SD 57078 made Application No. 6978-3, February 19, 2008, for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6978-3, with a priority date of February 19, 2008, was approved April 28, 2008, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 28, 2013, and for the application to beneficial use of water on or before April 28, 2017.

An investigation conducted for licensing purposes found the diversion point developed slightly outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

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

- 1,300'E and 40'S of the NW corner of Section 27, T93N, R53W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 42.85171, Longitude -97.09718

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

T93N, R53W Section 27	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	21 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres
Total		122 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marquardt Farms, PO Box 1040, Yankton SD 57078 the holder and/or owner of Water Right No. 6978-3 is issued a license to appropriate water, the right to use 1.74 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of February 19, 2008, 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. 6978-3 and subject to the following qualifications:

- The well approved 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.

continued

- The well authorized by Permit No. 6978-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***The well was drilled in March 2008 by Hammond-Wetmore Drilling. A copy of the well completion report is on file with the Water Rights Program.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

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

SEP 21 2022

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 6978-3

Date: 1/31/25

PAID

FEB 04 2025

Ck# 004584
Rec't# 2/4/25

I/We request that Water Right/Permit No. 6978-3 formerly owned by:
Marquardt Farms - Yankton SD be transferred to:

New Owner Name: Dakota RE Holdings LLC, a Delaware limited liability company
Address: 501 Silverside RD Suite 87A02 mobile: 773-960-2515
City, State, Zip: Wilmington DE 19809 email: matthewlebenso@gmail.com

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

NW 1/4 Section 27, T93N, R53W - 122 acres

☒ I understand that the validity of Water Right/Permit No. 6978-3 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, Matthew Lebenson as Manager of Dakota RE Holdings LLC, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date February 5th 2025

RECEIVED OF Dakota RE Holding LLC 501 Silverside Rd Ste 87AZQ Wilmington DE 19809

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #6978-3, #7152-3, #7802-3	\$ <u>150.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>150.00</u>

By

Eric Grodzinski
Chief Engineer



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

February 6, 2025

6978-3
7152-3
7802-3

Dakota RE Holdings LLC
c/o Matthew Lebenson
501 Silverside Rd, Ste 87AZQ
Wilmington DE 19809

Dear Mr. Lebenson:

I have received the "Notice of Transfer of Ownership" forms and the required fees for the transfer of Water Right Nos. 6978-3, 7152-3 & 7802-3. Enclosed is a receipt of payment for your records.

Water Right Nos. 6978-3, 7152-3 & 7802-3, previously owned by Marquardt Farms, Marquardt Family LP & Ralph Marquardt, respectively, are now all listed under Dakota RE Holdings LLC (a Delaware Limited Liability Company). I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the licenses, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

NOTE: The validity of Water Nos. 6978-3, 7152-3 & 7802-3, has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure