

Permit No. 7323-3
Missouri River - Water District

Contact Person & Address: **Barry Vculek, 1109 S 7th St, Oakes ND 58474**

Report of Examination of Works

On, 5/27/16, I made a thorough examination of the water use system constructed by **Barry & Robin Vculek** holder of Permit No. **7323-3**, bearing the priority of **February 15, 2012** authorizing the diversion of **3.56** cu. ft. per second of the waters of **ground water (Spring Creek-McPherson Aquifer)** for **irrigation** purposes, in **McPherson** County.

The system is in the following condition **good**. The points of diversion are located from the **SE corner of Sec 16 T127N-R71W: Div Pt 1; 1335 ft N & 50 ft W** with latitude of **45.81406** and a longitude of **-99.40749**; from the **NE corner of Sec 21 T127N-R71W: Div Pt 2; 1310 ft S & 50 ft W** with latitude of **45.80683** and a longitude of **-99.40748** as determined using **GPS**.

The works are capable of diverting and conveying to the place of use **3.56** 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:

Land is located in **Sec 15 T127N-R71W**

NW 1/4 SW 1/4 - 33 ac NE 1/4 SW 1/4 - 33 ac SE 1/4 SW 1/4 - 33 ac SW 1/4 SW 1/4 - 33 ac

Land is located in **Sec 16 T127N-R71W**

NE 1/4 SE 1/4 - 33 ac SE 1/4 SE 1/4 - 33 ac

Land is located in **Sec 21 T127N-R71W**

NW 1/4 NE 1/4 - 33 ac NE 1/4 NE 1/4 - 33 ac

comprising a total of **264** acres of land and the license should be issued for **3.56** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

System Information:

Well Information: Well No. 1 supplies center pivot in **SE 1/4 Sec 16 & SW Sec 15** all in **T127N-R71W**

- 1) Well Drilling Firm: **M&W Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **66** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **12** inches
- 2) Length **46** feet
- 3) Type **pvc**

Screen:

- 1) Type **stainless steel**
- 2) Length **20** feet
- 3) Static water level **12.6** feet

Pump:

- 1) Make **NA**
- 2) Model **submersible**
- 3) Size **9 in**
- 4) Capacity **800** GPM

Motor:

- 1) Make **NA**
- 2) Model No. **submersible**
- 3) Horsepower rating **NA** hp

Center pivot: Located in SE 1/4 Sec 16-T127N-R71W

- 1) Make **Zimmatic**
- 2) Overall length **1280** feet
- 3) Number of towers **9**
- 4) End gun **yes**

- 5) High or low pressure low 6) Capacity 800 GPM
Center pivot: Located in SW ¼ Sec 15-T127N-R71W
1) Make Reinke 2) Overall length 1280 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 800 GPM

Well Information: Well No. 2 supplies center pivot in NE ¼ Sec 21-T127N-R71W

- 1) Well Drilling Firm: M&W Drilling 2) No. of Wells 1 3) Depth(s) 95 feet 4) Well log is available yes

Casing:

- 1) Diameter 12 inches 2) Length 55 feet 3) Type pvc

Screen:

- 1) Type pvc 2) Length 40 feet 3) Static water level 10.2 feet

Pump:

- 1) Make NA 2) Model submersible 3) Size 7 4) Capacity 800 GPM

Motor:

- 1) Make NA 2) Model No. submersible 3) Horsepower rating NA hp

Distribution lines:

- 1) Type pvc 2) Size 8 inches 3) Length 1400 feet

Center pivot: Located in NE ¼ Sec 21-T127N-R71W

- 1) Make Valley 2) Overall length 1280 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source no 6) Interlock type electric
7) Injection pump type positive displacement 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules no, I discussed with well owner, Mr. Vculek, the need to install a hose to provide for low pressure drain discharge 20 feet away from the wells. Mr. Vculek said he would have them installed before the irrigation season starts.

Comments : none



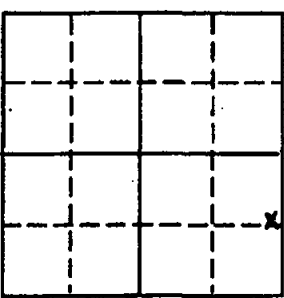
September 6, 2016

Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

7323-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location <u>NE 1/4 SE 1/4</u> Sec <u>16</u> Twp <u>127</u> Rg <u>71</u> County <u>McPherson</u> Please mark well location with an "X"  Well completion Date <u>12-12-12</u> Distance from nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) <u>2000</u> ft. from <u>Stock Pond</u> (identify source)		Well Owner: <u>Barry Kulek</u> Business Name: <u>Four Star Ag</u> Address 1: <u>1109 7th St Oakes</u> Address 2: _____ City, State, Zip: <u>Oakes, ND 58474</u> WELL LOG: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Top Soil</td> <td>0</td> <td>1</td> </tr> <tr> <td>Yellow Clay</td> <td>1</td> <td>3</td> </tr> <tr> <td>Sand & Gravel</td> <td>3</td> <td>8</td> </tr> <tr> <td>Blue Clay</td> <td>8</td> <td>21</td> </tr> <tr> <td>Fine Sand</td> <td>21</td> <td>34</td> </tr> <tr> <td>Coarse Sand & Gravel</td> <td>34</td> <td>66</td> </tr> <tr> <td>Shale</td> <td>66</td> <td></td> </tr> </tbody> </table>		FORMATION	DEPTH		FROM	TO	Top Soil	0	1	Yellow Clay	1	3	Sand & Gravel	3	8	Blue Clay	8	21	Fine Sand	21	34	Coarse Sand & Gravel	34	66	Shale	66	
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PROPOSED USE: ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes ☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well METHOD OF DRILLING: <u>Forward Rotary</u>		STATIC WATER LEVEL: <u>12'6"</u> 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? _____																											
CASING DATA: ☐ Steel ☒ Plastic ☐ Other If other describe _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>SDR21 LB/FT</td> <td>12 IN</td> <td>0 FT</td> <td>46 FT</td> <td>17 1/2 IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table>		PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	SDR21 LB/FT	12 IN	0 FT	46 FT	17 1/2 IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	WELL TEST DATA: ☒ Pumped Describe: <u>Submersible Pump</u> ☐ Bailed ☐ Other Pumping Level Below Land Surface <u>35</u> Ft. After <u>5</u> Hrs. pumped <u>990</u> GPM _____ Ft. After _____ Hrs. pumped _____ GPM If pump installed, pump rate: _____ GPM							
PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER																									
SDR21 LB/FT	12 IN	0 FT	46 FT	17 1/2 IN																									
LB/FT	IN	FT	FT	IN																									
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GROUTING DATA: Grout Type <u>Polymer Grout</u> No. of Sacks <u>9</u> Grout Weight <u>10</u> Lb/gal From <u>0</u> Ft. To <u>32</u> Ft. Describe grouting procedure <u>Inject from Bottom to Top</u>		REMARKS RECEIVED DEC 26 2012 WATER RIGHTS PROGRAM																											
SCREEN: ☐ Perforated pipe ☒ Manufactured Diameter <u>12</u> Inches Length <u>20</u> Feet Material <u>Stainless Steel</u> Slot Size <u>1060</u> Set From <u>46</u> Feet to <u>66</u> Feet Other Information _____		This well was drilled under license # <u>285</u> And this report is true and accurate. Drilling firm: <u>MANILOWSKI Well Drilling, INC.</u> Signature of License Representative: <u>[Signature]</u> Signature of Well Owner or Equitable Property Holder: _____ Date: _____																											
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? <u>Chlorine</u> ☐ No, Why Not? _____ Lab sample sent to for water quality analysis _____																													

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

RECEIVED

APR 27 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7323A-3

Date: 4-23-18

I/We request that portions of Water Right No. 7323-3

formerly owned by: Barry & Robin Vculek

be transferred to: (name & address)

Mark & Kim Hoffman
35415 Plum Rd
Leola, SD 57456

Telephone No. 605-577-6523

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

66 acres - E 1/2 SE 1/4 16-127-71

132 acres - SW 1/4 15-127-71

I/We understand that the validity of Water Right No. 7323-3 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 Mark & Kim Hoffman, the new owner, certify that the above information is true and correct.


Kim Hoffman (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 April 30, 20 18

RECEIVED OF Mark or kim Hoffman 35415 Plum Rd. Leola, SD 57456

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>7323A-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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 08663

By

Janne Goodman
Chief Engineer

ym



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 29 2018

7323A-3

Mark & Kim Hoffman
35415 Plum Rd
Leola SD 57456

Dear Mr. & Mrs. Hoffman:

Enclosed is Reissued Water License No. 7323A-3.

Based on the ownership changes filed by both you and Mark & Heidi Morlock, Water Right No. 7323-3 has been divided and reissued to reflect separate ownership as follows:

- **No. 7323A-3: Mark & Kim Hoffman** - authorizing diversion of 2.67 cfs from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T127N, R71W to irrigate 198 acres located in the SW $\frac{1}{4}$ Section 15 and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16, T127N, R71W;
- **No. 7323B-3: Mark & Heidi Morlock** - authorizing diversion of 0.89 cfs from one well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T127N, R71W to irrigate 66 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21, T1127N, R71W.

A map of the entire area showing the location of the wells and pivots is included with your license.

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, 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. 7323A-3
(DIVISION OF WATER RIGHT NO. 7323-3 INTO 7323A-3 AND 7323B-3)

(1) Barry & Robin Vculek, Oakes ND 58474 were issued Water License No. 7323-3, September 12, 2016 for a water right to divert 3.56 cubic feet of water per second (cfs) from ground water, two wells (Spring Creek – McPherson Aquifer), McPherson County, South Dakota to be used for irrigation purposes. Water License No. 7323-3, with a priority date of February 15, 2012 was issued to the permit holders authorizing irrigation of 264 acres located in the SW ¼ Section 15; E ½ SE ¼ Section 16; and N ½ NE ¼ Section 21, all in T127N, R71W.

Based on ownership changes filed April 27, 2018 and May 21, 2018, Water Right No. 7323-3 is being divided and reissued to reflect separate ownership as follows:

- **No. 7323A-3: Mark & Kim Hoffman, 35415 Plum Rd, Leola SD 57456** authorizing diversion of 2.67 cfs from one well located in the NE ¼ SE ¼ Section 16, T127N, R71W to irrigate 198 acres located in the SW ¼ Section 15 and E ½ SE ¼ Section 16, T127N, R71W;
- **No. 7323B-3: Mark & Heidi Morlock, 33820 112th St., Eureka SD 57437** authorizing diversion of 0.89 cfs from one well located in the NE ¼ NE ¼ Section 21, T127N, R71W to irrigate 66 acres located in the N ½ NE ¼ Section 21, T127N, R71W.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law and are entitled to divert 2.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,335 feet N & 50 feet W of the SE corner of Section 16, T127N, R71W (NE ¼ SE ¼ Section 16);

The acreage authorized for irrigation is as follows:

Section 15, T127N, R71W		Section 16, T127N, R71W	
NW ¼ SW ¼	33.0 acres	NE ¼ SE ¼	33.0 acres
NE ¼ SW ¼	33.0 acres	SE ¼ SE ¼	33.0 acres
SE ¼ SW ¼	33.0 acres		
SW ¼ SW ¼	33.0 acres	Total 198 acres	

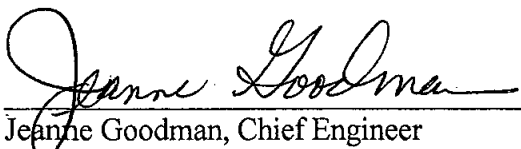
Water Right No. 7323-3 authorized diversion of 3.56 cfs. The diversion authority for irrigation of land described in Nos. 7323A-3 & 7323B-3 is based on the prorated share of the acreage.

(3) Pursuant to South Dakota Water Law 46-5-30.1 Mark & Kim Hoffman, 35415 Plum Rd, Leola SD 57456 the holders and/or owners of Water Right No. 7323A-3 are issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from ground water, one well (Spring Creek – McPherson Aquifer) with a priority date of February 15, 2012 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. 7323-3 (originating water right) and subject to the following qualifications:

- The wells 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.
- The wells authorized by Permit No. 7323-3 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 now described in No. 7323A-3 was completed in 2012. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 29 2018

date



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JAN 11 2021

Ck# 1046

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

RECEIVED

JAN 11 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 7323A-3

Date: 01/05/2021

I/We request that Water Right/Permit No. 7323A-3 formerly owned by:

Mark & Kim Hoffman

be transferred to:

New Owner Name: Larry Braun Farms LP

Address: PO BOX 108

City, State, Zip Warner SD 57479 Telephone No. 605-380-0166

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

NE1/4 SE 1/4 Section 16, T127N, R71W to irrigate 198 acres located in the SW 1/4 Section 15 and
E 1/2 SE 1/4 Section 16, T127N, R71W

☒ I understand that the validity of Water Right/Permit No. 7323A-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, Larry Braun, 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 January 11, 2021RECEIVED OF Larry Braun Farms Limited Partnership PO Box 108 Warner SD 57479

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>7323A-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer
zm



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 2021

7323A-3

Larry Braun Farms LP
PO Box 108
Warner SD 57479

Dear Mr. Braun:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Right No. 7323A-3.

The ownership change has been completed. The water right formerly held by Mark & Kim Hoffman is now listed under "Larry Braun Farms LP".

Enclosed for your records is your receipt for the filing fee that was paid. If I can answer any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

enclosure