

**ASSIGNMENT OF
PERFECTED WATER PERMIT NO. 2149**

This is to certify that the information stated in a Department of Water Resources staff memorandum dated May 1, 2023 indicates said permit is to be assigned:

From: Name: **LANDIS, PHILIP & EVELYN**

Mailing Address: **3966 29TH AVE NE**

City: **ORR** State: **ND** Zip: **58244-9714**

To: Name: **LANDIS BROTHERS FARM LLLP**

Mailing Address: **3966 29TH AVE NE**

City: **ORR** State: **ND** Zip: **58244**

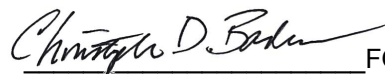
Perfected Water Permit No. 2149 Point(s) of Diversion:

- (1) **SW1/4 NW1/4 of Sec. 05, T. 147 N., R. 063 W., Foster County**
- (2) **NW1/4 NE1/4 of Sec. 06, T. 147 N., R. 063 W., Foster County**
- (3) **SE1/4 NE1/4 of Sec. 06, T. 147 N., R. 063 W., Foster County**

The Department of Water Resources hereby approves the above Assignment of Perfected Water Permit No. 2149.

Perfected Water Permit No. 2149 remains subject to the terms, limitations, and conditions stated in the conditional water permit as authorized by Section 61-04-06.2 of the North Dakota Century Code.



 FOR
John Paczkowski, P.E.
State Engineer

Date: May 4, 2023

Document electronically signed.

ASSIGNMENT OF PERMIT

Permit No. 2149 Priority Date September 27, 1974
 Name of Permit Holder E. Wayne Kelly
 Address 490 - 4th Street South - Carrington, North Dakota 58421
 Source of Water Ground Water
water annually to irrigate a total of 615.0 acres **
 Quantity of Water Approved In Permit 840.0 acre-feet of / Nature of Use Irrigation
 ** May 10, 1984: Perfected Water Permit issued for 810.0 acre-feet, 540.0 acres and 2400 GPM
 Date Permit Issued 12-16-74 & 7-14-80 Date Water Beneficially Used 1979

This is to certify that the holder(s) of the permit to divert and appropriate water as indicated above ^{has} ~~have~~ requested that said permit be assigned to Philip J. Landis
PO Box 329 - Larimore, North Dakota 58251

Now, therefore, by virtue of the authority vested in me by the laws of the State of North Dakota, I hereby approve and confirm the above assignment of said Permit No. 2149, a right dating from September 27, 1974 to appropriate and divert from a point or points located in:

Sec.	Twp.	Rge.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	147	63		X		X													
5	147	63							X										

a quantity of water limited to the amount that can be beneficially used herein but not to exceed 810.0
 at an authorized pumping rate of 2400 gallons per minute
 acre feet annually/for irrigating a total of 540.0 acres

(Purpose)
 and if purpose is irrigation, water is to be applied to the following lands to which this water permit is appurtenant:

Sec.	Twp.	Rge.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5	147	63					33.75	33.75	33.75	33.75	33.75	33.75	33.75	33.75					270.0
6	147	63	33.75	33.75	33.75	33.75									33.75	33.75	33.75	33.75	270.0
																			TOTAL 540.0

Estimated return flow to stream _____

This water permit is subject to the limitation on the use of water as set forth in the laws of this State and to the rights of prior claimants recognized under the laws of North Dakota, and to the following additional limitations The same conditions shall hereby apply which were stipulated on conditional
water permit No. 2149.

The right to use water for irrigation set forth herein is limited to the above described lands and is subject to cancellation for nonuse.

WITNESS my hand and seal at Bismarck, North Dakota, this 14th day of September, 1992

SEAL

David A. Sprynczynatyk

David A. Sprynczynatyk
 State Engineer - State of North Dakota

STATE OF NORTH DAKOTA)

) ss.

COUNTY OF BURLEIGH)

On this 14th day of September, 1992, before me a Notary Public, personally appeared David A. Sprynczynatyk, known to me to be the same person who executed this Assignment Of Permit and acknowledged to me that he executed the same.

Rosemary Pedersen

Notary Public

Rosemary Pedersen
 Notary Public, BURLEIGH CO., N. DAK.
 My Commission Expires NOV. 12, 1994

OFFICE OF STATE ENGINEER
STATE OF NORTH DAKOTA

Perfected Water Permit No. 2149

Conditional Permit No. 2149 Priority Date September 27, 1974
Name of Conditional Permit Holder E. Wayne Kelly
Address Carrington, North Dakota 58421
Source of Water Ground Water
Quantity of Water Approved in Conditional Permit 840.0 acre-feet / of water annually to irrigate a total of 615.0 acres
Nature of Use Irrigation
Date Application Approved and Conditional Permit Issued December 16, 1974 and July 14, 1980
Date Water Beneficially Used 1979

This is to certify that the holder(s) of the conditional permit to divert and appropriate water as indicated above has completed construction of the works as set forth therein. And that the holder(s) of said conditional permit did, on the 5th day of July, 1979, submit proof of the application to beneficial use of 810.0 acre feet of water for the following purpose to irrigate a total of 540.0 acres (October 17, 1983: 30.0 acre-feet of water and 75.0 undeveloped acres Forfeited, Abandoned and Void)

Now, therefore, by virtue of the authority vested in me by the laws of the State of North Dakota, I hereby grant and confirm to E. Wayne Kelly of Carrington, North Dakota 58421 holder(s) of said Conditional Permit No. 2149, a right dating from September 27, 1974 to appropriate and divert from at a point located in the NW 1/4 and SE 1/4 of Section 6; and SW 1/4 NW 1/4 Sec. 5, Twp. 147N, Rge. 63W, a quantity of water limited to the amount that can be beneficially used herein, but not to exceed 810.0 acre feet at a total pumping rate not to exceed 2400 gallons per minute annually for irrigating a total of 540.0 acres (Purpose)

and if purpose is irrigation, water is to be applied to the following lands to which this Water Permit is appurtenant:

Sec.	Twp.	Rge.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5	147	63					33.75	33.75	33.75	33.75	33.75	33.75	33.75	33.75					270.0
6	147	63	33.75	33.75	33.75	33.75									33.75	33.75	33.75	33.75	270.0
																		TOTAL	540.0

Estimated return flow to stream

This Water Permit is subject to the limitation on the use of water as set forth in the laws of this State and to the rights of prior claimants recognized under the laws of North Dakota, and to the following additional limitations The same conditions shall hereby apply which were stipulated on conditional water permit #2149.

The right to use water for irrigation set forth herein is limited to the above described lands and is subject to cancellation for nonuse.

WITNESS my hand and seal at Bismarck, North Dakota, this 10th day of May, 1984

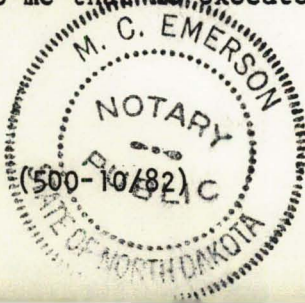
(SEAL)

Vernon Fahy

State Engineer — State of North Dakota

STATE OF NORTH DAKOTA, } ss.
COUNTY OF BURLEIGH.

On this 10 day of May, 1984, before me a notary public, personally appeared Vernon Fahy, known to me to be the same person who executed the Perfected Water Permit and acknowledged to me that he executed the same.



M. C. Emerson

Notary Public

SWC Form No. 113

(500-10482) C

M. C. EMERSON
Notary Public, BURLEIGH CO., N. DAK.
My Commission Expires MAR. 1, 1987

"Buy North Dakota Products"



Permit No. 2149

Application for a Permit to Divert and Appropriate
the Water of the State of North Dakota

Date received and filed in State Engineer's office.....
E. Wayne Kelly, whose post office
(Name of Applicant)

address is Carrington, State of North Dakota 58421, hereby applies
for a permit to divert and appropriate water of the State of North Dakota as stated herein, subject to exist-
ing rights.

1. Source of proposed appropriation groundwater
which is tributary to 84000 total acre-feet
2. A. Amount of water requested 1248.0 acre-feet annually
B. Proposed rate of withdrawal of water 7.8 cubic feet per second
or 3510 2400 gallons per minute
3. Points of Diversion: Well sites to be determined from test wells.
A. (1) SW 1/4 NW 1/4 Sec. 5 Twp. 147 Rge. 63
(2) NW 1/4 NE 1/4 Sec. 6 Twp. 147 Rge. 63
(3) SE 1/4 NE 1/4 Sec. 6 Twp. 147 Rge. 63
B. If water is to be delivered from storage reservoir complete the following:
and file NDSWC Form 110:
Location of dam 1/4 1/4 Sec. Twp. Rge.
Height embankment above stream bed Ft.
Capacity of Reservoir acre-feet. Area of water surface acres.
C. If water is to be obtained from well complete the following Test wells not completed
Proposed depth well 59' Depth to top of Aquifer 20'
Proposed size well or well casing 12" Depth to Bottom of Aquifer 59'
Has pump test been performed Yes, if so, by whom Fredrickson's
Computed capacity of well Sec. 5, 2 wells - 1500 gpm; Sec. 6, 2 wells - 1400 gpm
4. Purpose Irrigation
A. If purpose is irrigation:
Type of irrigation system sprinkler Dates of use May to October
Estimate of time required for completion of system 4 years
5. Has the quality of water analysis been made? No Class water C S
Date Sample taken
6. Description of land to be irrigated (show lot numbers where applicable):

Sec.	Twp.	Rge.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5	147	63					39	38	39	40	40	39	38	39					312
6	147	63	38	39	40	39									39	40	39	38	312

Total number of acres to be irrigated 624.0

Located in Foster County, North Dakota.
Estimated quantity of water that will be returned to the approximate source from which diverted: None

E. Wayne Kelly
(Applicant's Signature)

615.0 total
acres
granted

NOTE: Above application is merely a declaration of intention to create a water
right, approval does not create such right. Water right will be created only if and
when water is beneficially used, pursuant to conditions and stipulations specified by
the State Engineer.

C O N D I T I O N A L P E R M I T

All water appropriations are subject to prior water permits and in all cases where the use of water for different purposes conflicts such uses shall conform to the following order of priority as are set forth in the North Dakota Century Code:

1. Municipal and Domestic Use
2. Livestock Use
3. Irrigation and Industrial Use
4. Fish, Wildlife and Outdoor Recreation Use.

When the source of appropriation is from surface waters such as a lake, river, stream or reservoirs the rate of withdrawal shall not exceed 2400 gallons per minute and the withdrawals are subject to the natural flows in or entering such lakes, rivers, streams or reservoirs unless otherwise modified by the State Engineer.

When the water is from an underground source, the State Engineer may, in order to determine the allowable quantity of water, the rate of withdrawal and the well spacing, require the applicant to provide acceptable pump test data and other pertinent information for that specific aquifer prior to approval of such application.

When the source of appropriation is from a river or stream for storage in a dam or reservoir, the rate of withdrawal shall not exceed the natural flows less the amount of flow needed for downstream domestic and livestock uses.

Prior to the granting of a Perfected Water Permit the rate of withdrawal and the acre-feet for any Conditional Permit are subject to modification by the State Engineer and failure to comply with any order of the State Engineer may result in forfeiture of this permit.

*** This permit is granted for 740.0 acre-feet to irrigate 540.0 acres in the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 6, and the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 5, all in Township 147 North, Range 63 West. The withdrawal rate shall not exceed 2400 gallons per minute. An additional 100 acre-feet may be granted to irrigate 75 acres if production data from the wells prove the water to be available without having detrimental effects on the aquifer or prior appropriators. The priority date shall remain September 27, 1974.

The well (or wells) shall be placed in such a location, constructed to such a depth and have such an efficiency that will not unreasonably restrict further development of the aquifer system.

Prior to the beneficial use of water, a continuous recording meter shall be installed on the discharge line to measure the quantity of water pumped from the well. The meter shall conform to specifications set forth by the North Dakota State Water Commission and be available for inspection by representatives of the Commission.

Failure to comply with any order of the State Engineer may result in forfeiture of water permit.

This is to certify that I have examined the foregoing application and hereby approve the same. ***

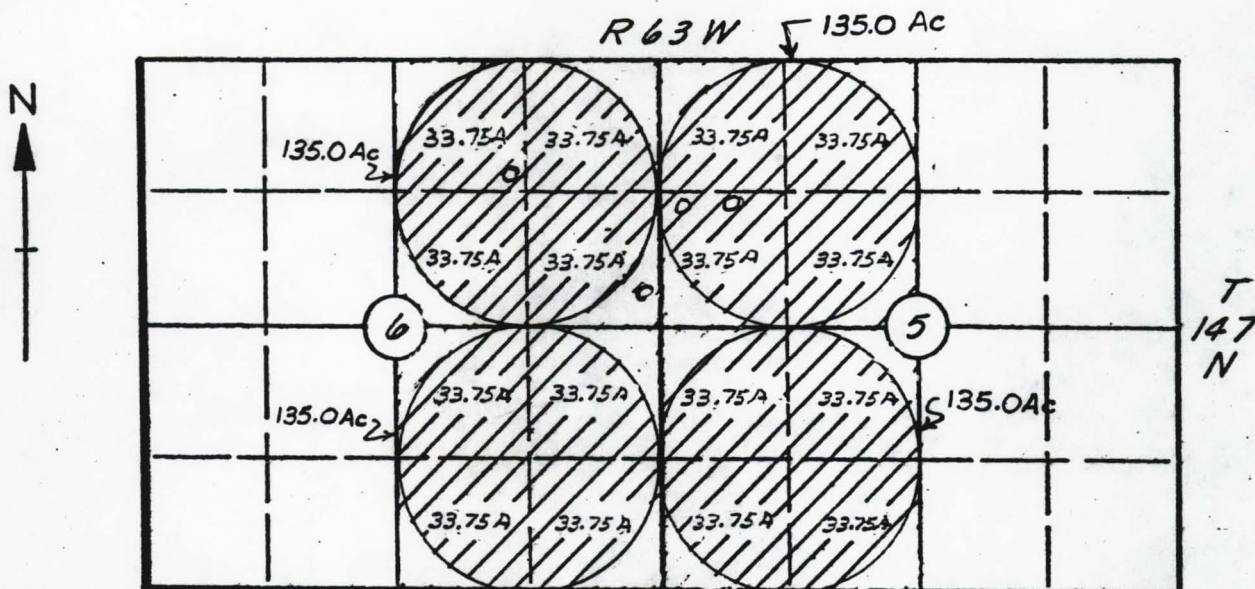
The amount of water to be appropriated shall be limited to the amount that can be used beneficially, not to exceed *** acre feet each year.

1. Date of priority September 27, 1974
2. Date of hearing on application October 28, 1974
3. Date of approval by State Water Commission Pontine December 16-17, 1974; Balance July 14, 1980
4. Water shall be beneficially used on or before January 1, 1979

WITNESS my hand and seal this 17th day of January, 19 75

Vernon Lakey
State Engineer
Secretary, State Water Commission

Revised Map



540.0 Ac Developed For
Irrigation 2/18/82

Scale: 1" = 2000'

*Irrigation by sprinkler
system.
Well locations will be
determined after tests*

APPROVED

Wayne E. Kelly
State Engineer

STATE OF NORTH DAKOTA } ss
COUNTY OF BURLEIGH

I, Peter L. Bolkan of Bismarck, N. Dakota do hereby certify that this map was made from notes taken during an actual survey made by me, (or, made under my direction by _____, for whose work I stand personally responsible); on June 26, 1973; and that it correctly represents the irrigation works described in the accompanying application, together with a meander of streams, and shows accurately the location and area of the lands proposed to be irrigated in each sub-division.

Peter L. Bolkan
Surveyor

MAP

To accompany application

No. 2149 for

**KELLY IRRIGATION
PROJECT**

Foster County, N. Dakota

Wayne E. Kelly
Carrington, North Dakota
APPLICANT