

# Hutchinson County **LAND AUCTION**

**289.04  
Acres**

Friday  
**March 13<sup>th</sup>**  
at 10:30 A.M.

OWNERS:

**Dave & Elizabeth  
Huber**

**WIEMAN**  
LAND & AUCTION

44628 SD HWY 44, Marion SD phone: 800-251-3111

web: [wiemanauction.com](http://wiemanauction.com)

fax: 605-648-3102

*"We Sell The Earth And Everything On It!"*

**289.04 ACRES OF IRRIGATED MOLAN TOWNSHIP HUTCHINSON COUNTY LAND  
OFFERED IN ONE TRACT AT PUBLIC AUCTION**

Due to health reasons, we have decided to offer the following land for sale at public auction at the Wieman Auction Facility located 1-mile south and ½ mile west of Marion on Hwy 44 on:

**FRIDAY MARCH 13<sup>TH</sup>  
10:30 A.M.**

It is our privilege to offer this outstanding, high producing, irrigated land that has been developed into one of the top producing tracts in Hutchinson County. The improvements of drain tile and irrigation allows the new buyer to counter act mother nature and achieve predictable top yield potential. The property has an outstanding new home, or acreage site, with a heated & cooled steel span shop, and pristine hip roof barn, existing trees and is bordered to the north by Hwy 18. New buyer able to farm or lease out for the 2020 crop year. Come take a look!

**LEGAL:** The NW ¼, and the NW ¼ of the SW ¼ and the E ½ of the SW ¼ all in Section 7, 97-56 Hutchinson County, SD.

**LOCATION:** From Menno, SD go 3-miles east south side of road or from Junction of Hwy 81 & 18 go 4 ½ miles west.

- 273.49 acres tillable, approx. 8 acres in trees and building site, 4-acres in waterways and low spots balance found in Road Right of Ways
- Soil production rating of 77.4 with the Predominant soils Clarno-Bonilla loams (88)
- (2) Valley pivots & (2) Zimmatic pivots provide excellent coverage and are supplied water from a 16" X 60' well that pumps 1500 gal/minute
- Improvements include a 40' X 67' heated & cooled shop and 30' X 40' barn that is insulated & heated, rewired and new concrete floor.
- New buyer able to farm or lease out for the 2020 crop year. Annual Taxes are \$5,847.30.
- Base & Yield, aerial and soil maps, and other pertinent info can be found in the buyers packet

**TO INSPECT THE PROPERTY:** We invite you to inspect the property at your convenience. Buyers packets can be mailed out by calling the auctioneers at 800-251-3111 or visit [www.wiemanauktion.com](http://www.wiemanauktion.com) for a buyers packet and view drone video footage of the property. Open house to inspect the buildings will be February 28<sup>th</sup> from 1:00 to 5:00 p.m. or contact the owners for private showing.

**TERMS:** Cash sale with 15% non-refundable down payment auction day with the balance on or before May 20, 2020. Warranty Deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Sellers to pay the 2019 taxes in full. Buyer responsible for all of the 2020 taxes. Sold subject to owners approval and all easements and restrictions of record. Auctioneers represent the sellers. Remember auction to be held at the Wieman Auction Facility.

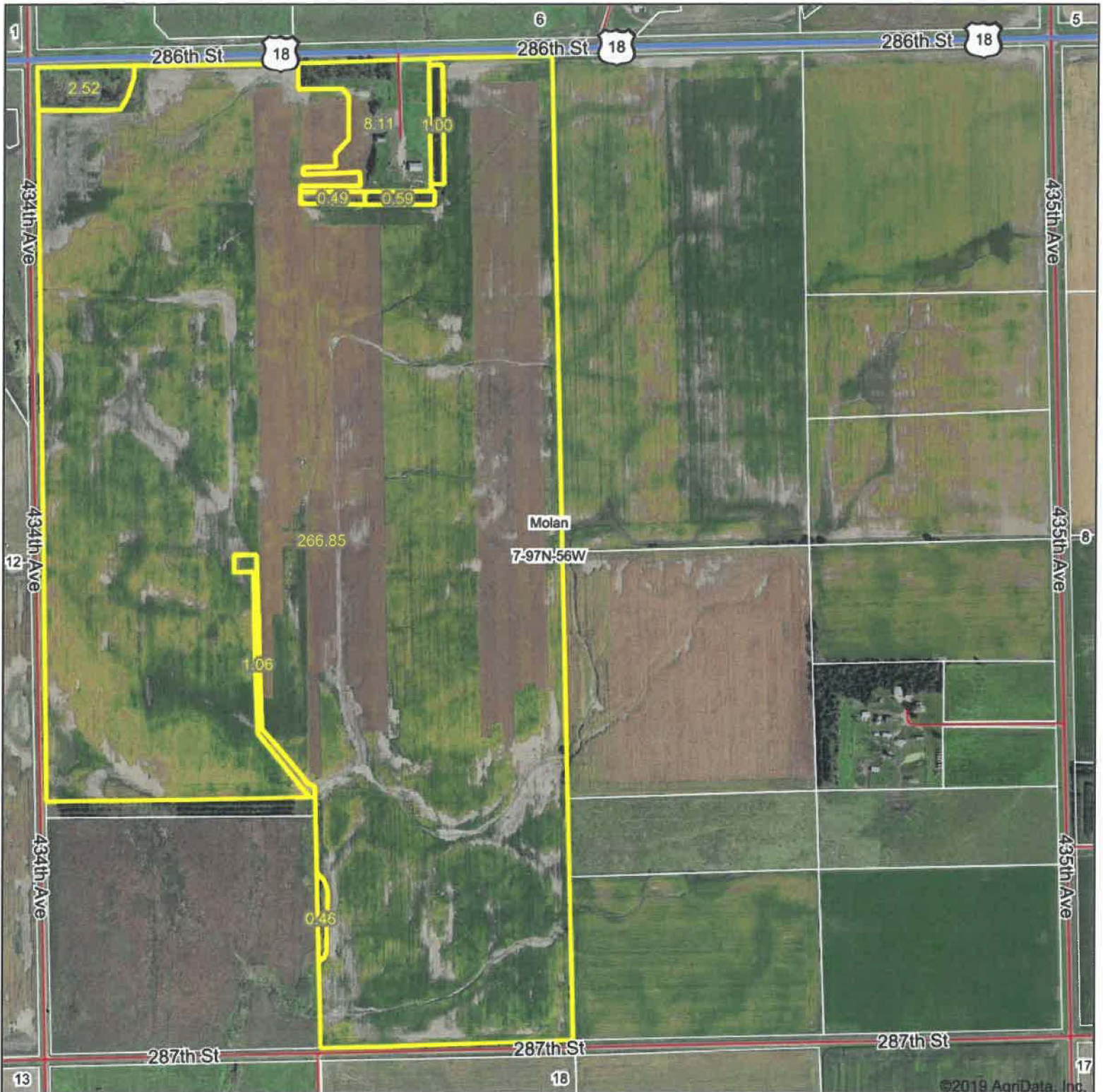
**DAVE & ELIZABETH HUBER – OWNERS  
605-222-5564 or 605-208-6092**

Wieman Land & Auction Co. Inc.  
Marion, SD 800-251-3111

Ken Bertsch  
Closing Attorney  
605-387-5658



# Aerial Map



Map Center: 43° 14' 2.76, -97° 30' 30.7



**7-97N-56W**  
**Hutchinson County**  
**South Dakota**



1/28/2020

Maps Provided By:

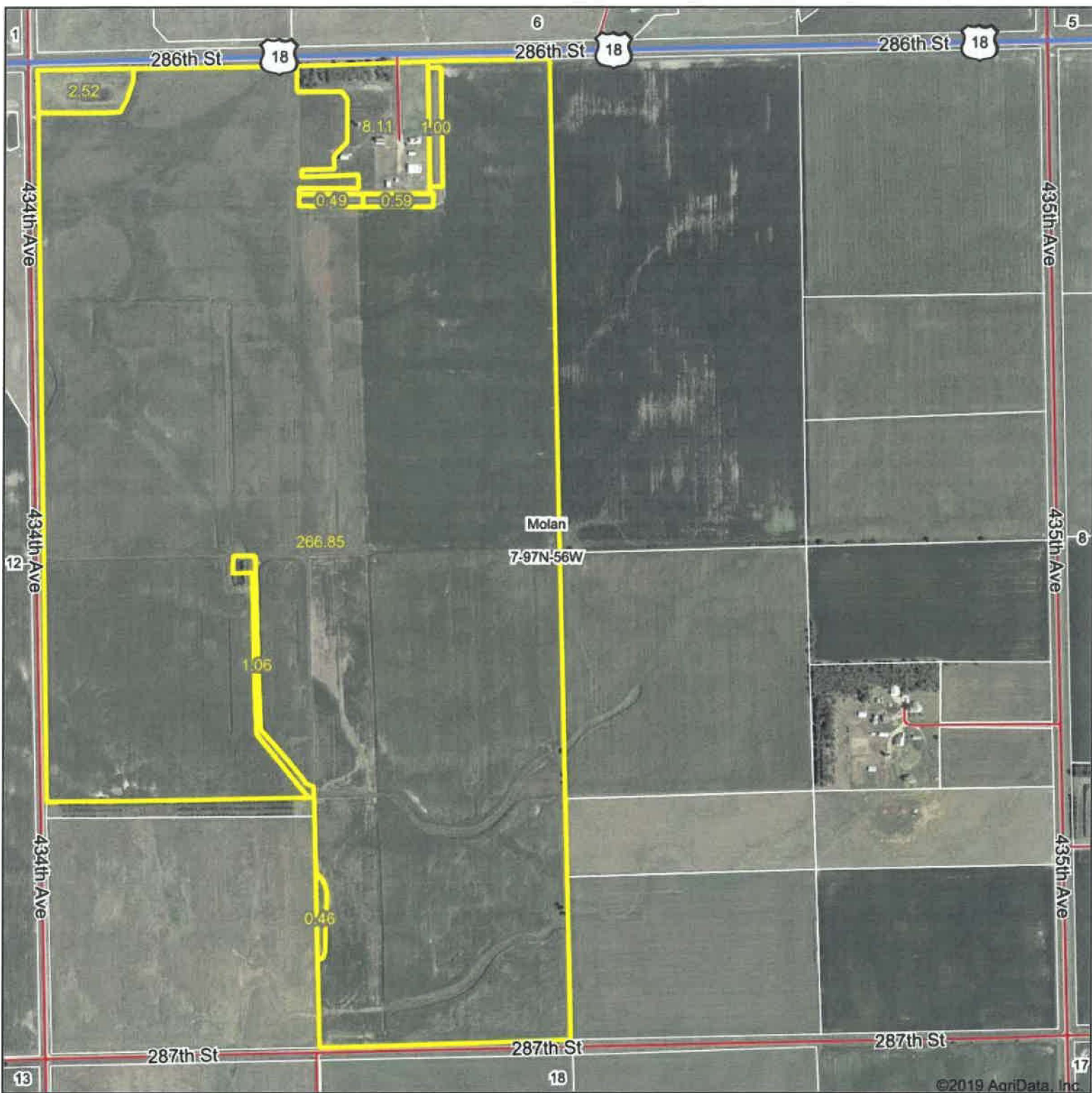


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Field borders provided by Farm Service Agency as of 5/21/2008.



# Aerial Map

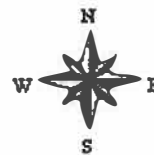


©2019 AgriData, Inc.

Map Center: 43° 14' 2.76, -97° 30' 30.7



**7-97N-56W**  
**Hutchinson County**  
**South Dakota**

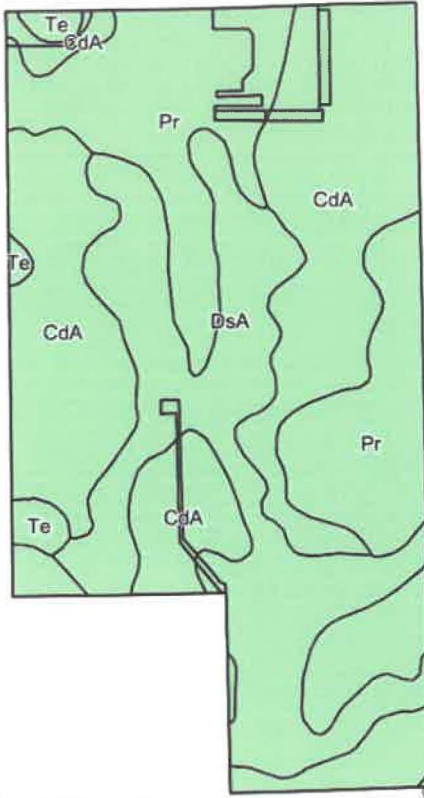


1/28/2020

Maps Provided By:  
 **surety**  
CUSTOMIZED ONLINE MAPPING  
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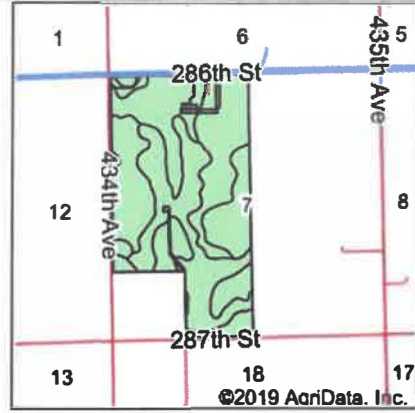
Field borders provided by Farm Service Agency as of 5/21/2008.

# Soils Map



©2019 AgriData, Inc.

Soils data provided by USDA and NRCS.



©2019 AgriData, Inc.

State: **South Dakota**  
 County: **Hutchinson**  
 Location: **7-97N-56W**  
 Township: **Molan**  
 Acres: **281.08**  
 Date: **1/2/2020**



Maps Provided By:



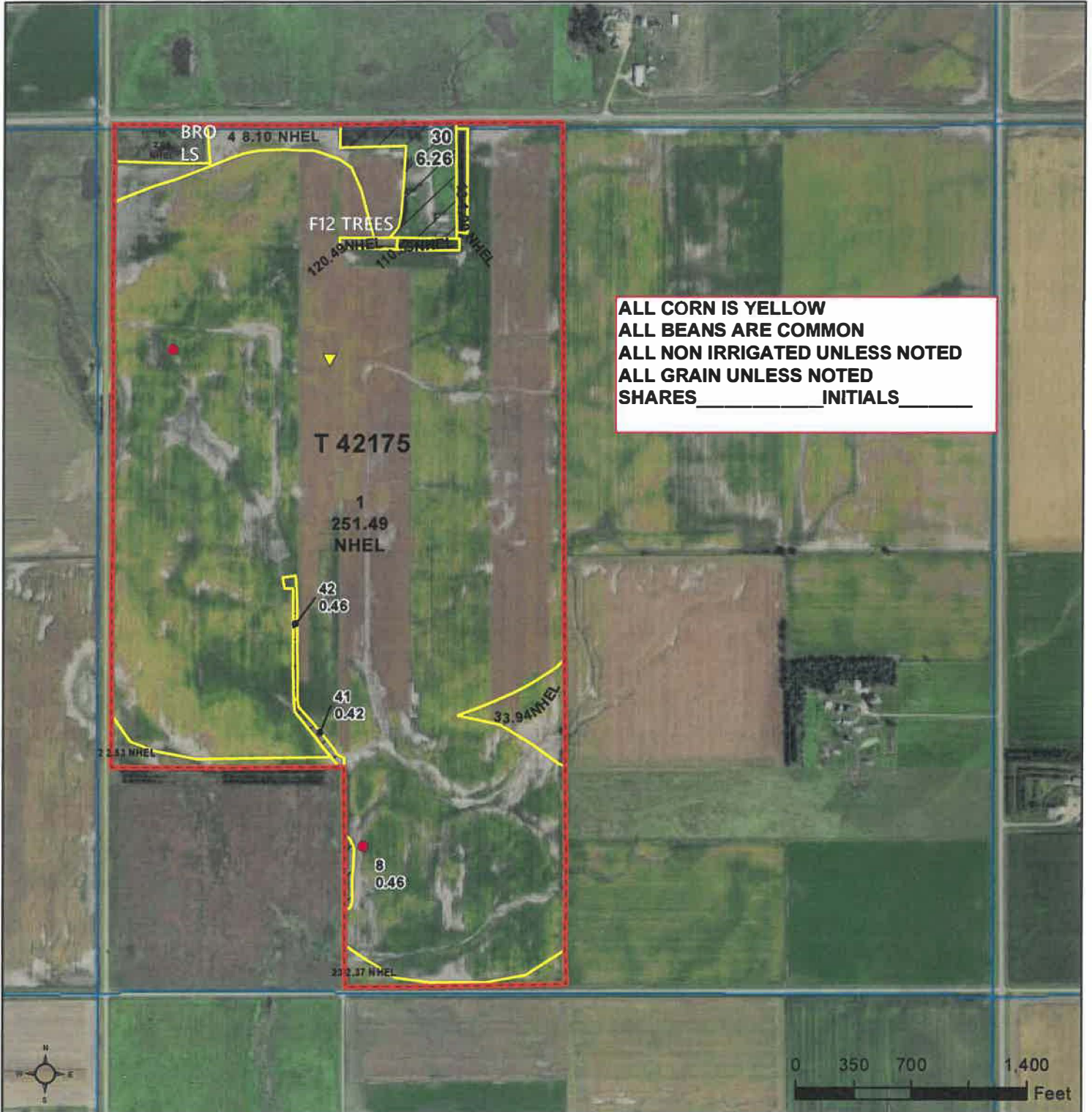
Area Symbol: SD602, Soil Area Version: 21

Code	Soil Description	Acres	Percent of field	Non-Irr Class *c	Productivity Index
CdA	Clarno-Bonilla loams, 0 to 2 percent slopes	128.95	45.9%	IIc	88
DsA	Stickney-Dudley silt loams, 0 to 2 percent slopes	76.18	27.1%	IIIs	54
Pr	Prosper-Stickney complex, 0 to 2 percent slopes	70.75	25.2%	IIc	85
Te	Tetonka silt loam, 0 to 1 percent slopes	5.20	1.9%	IVw	56
<b>Weighted Average</b>					<b>77.4</b>

\*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.





**Common Land Unit**

- Tract Boundary
- Non-Cropland
- Cropland
- PLSS

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

2019 Program Year

Map Created March 18, 2019

**Farm 11306**

**7 -97N -56W**

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

**DAVE & ELIZABETH HUBER  
LAND AUCTION  
ADDITIONAL INFORMATION**

**PHYSICAL ADDRESS:** 43437 SD HWY 18 MENNO, SD 57045

**IMPROVEMENTS LIST:**

**1942 30' X 40' BARN HAD THE FOLLOWING UPDATES COMPLETED**

2010 NEW STEEL ROOF INSTALLED

2011 NEW CEMENT FLOOR POURED

2012 SPRAY FOAM INSULATION ON GROUND LEVEL, ELECTRIC FORCED AIR HEATER INSTALLED  
AND COMPLETELY REWIRED

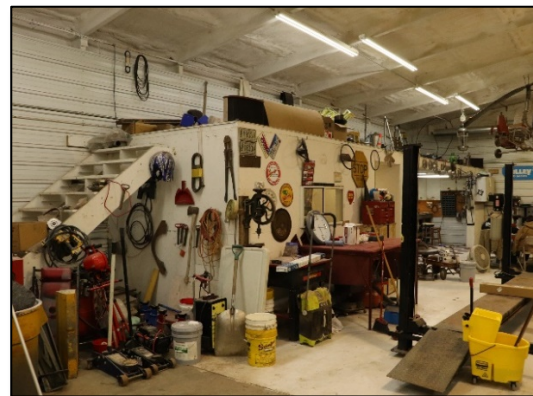
2019 EXTERIOR PAINTED

THE BARN HAS A 9 X 9 OH DOOR FOR ACCESS AND THE HAY MOUND IS USED FOR STORAGE





**1979 CHIEF 40' X 67' SHOP BUILDING WITH 13' X 38' HYDRAULIC DOOR OTHER FEATURES INCLUDE**  
YORK CENTRAL AIR WITH PROPANE FURANCE AND HEAT PUMP  
PAINTED 8" CONCRETE FLOOR REINFORCED WITH REBAR  
8' X 42' LOFT WITH OFFICE COMBINATION TV ROOM, WORK BENCHES & CABINETS  
BATHROOM WITH HOT WATER & WASH SINK  
2015 NEW SEPTIC TANK AND DRAINFIELD INSTALLED FOR SHOP AND 1500 GAL. CISTERN  
INSTALLED WITH 1-YR OLD PUMP LOCATED INSIDE OF THE SHOP  
(21) 8' LED LIGHTS AND AIRLINES RAN THRU THE BUILDING, VENTILATION FAN  
RURAL WATER IS LOCATED IN HWY. 18 RIGHT OF WAY. NO HOOKUP AT PRESENT  
3" SPRAY FOAM ON THE CEILING WITH BLOWN IN INSULATION ON SIDEWALLS BEHIND LINER





### **ADDITIONAL INFORMATION ON THE WELLS & PIVOTS**

IRRIGATION IS CURRENTLY SUPPLIED BY (2) 16" X 60' PLASTIC CASING WELL. PROPERTY ALSO HAS A 4" PLASTIC CASING WELL THAT IS CAPPED AND HAS NEVER BEEN HOOKED UP OR USED.

POWER FOR IRRIGATION IS SUPPLIED BY NORTHWESTERN PUBLIC SERVICE. OWNERS REPORT THAT IRRIGATORS ARE SELDOM TURNED OFF DURING PEAK HOURS. APPROX. COST TO PUMP 1 INCH OF WATER IS \$1.00/ACRE DUE LARGELY TO THE SHALLOW WELLS. WATER PUMPS ARE LINED SHAFT TURBINES.

### **DESCRIPTION OF IRRIGATION TOWERS**

NORTHWEST PIVOT 2013 VALLEY 4-TOWER WITH LOW PRESSURE AND DROPS

NORTHEAST PIVOT 2014 VALLEY 4-TOWER WITH LOW PRESSURE & DROPS, GPS READY

CENTER PIVOT IS ZIMMATIC 7-TOWER SYSTEM WITH LOW PRESSURE & SPRAYS OVERHEAD

SOUTH PIVOT IS ZIMMATIC 4-TOWER LOW PRESSURE SYSTEM WITH DROPS

THE PROPERTY WAS APPROVED FOR DRAIN TILE IN 2008 WITH IT'S PERMIT NUMBER 08-02. PLEASE SEE MAP FOR LOCATION AND SIZE OF ALL TILES.



**SOUTH DAKOTA** DEPARTMENT OF  
**ENVIRONMENT & NATURAL RESOURCES**  
*PROTECTING SOUTH DAKOTA'S TOMORROW...TODAY!*



≡ Menu

≡ SubMenu

## Search Results for South Dakota Water Rights

Search Again

<b>Permit No:</b>	<b>Status:</b>	<b>Link:</b>	
6708-3	LICENSE	PDF image of permit/right file	
<b>Name/Business:</b>	<b>County:</b>	<b>Type of use:</b>	<b>Priority Date:</b>
DAVID HUBER	HUTCHINSON	IRRIGATION	4/3/2006
<b>Pump Rate (cubic feet of water per second):</b>		<b>If Irrigation (acres):</b>	
1.78		271	
<b>Legal Description:</b>	<b>Basin:</b>	<b>Source:</b>	
NE1/4NW1/4 Sec. 7 T97N-R56W	JAMES RIVER BASIN	GROUNDWATER	
<b>Aquifer:</b>			
NIOBRARA			
<b>Comments:</b>			
LICENSE WAS REISSUED 4-24-2015 TO CORRECT ACREAGE OMITTED FROM ORIGINAL LICENSE			

**Kristi Noem, Governor**

Hunter Roberts, Department Secretary

Vicki Murray, Executive Assistant

605.773.5559 - fax 605.773.6035

Email SD DENR

### Division of Environmental Services

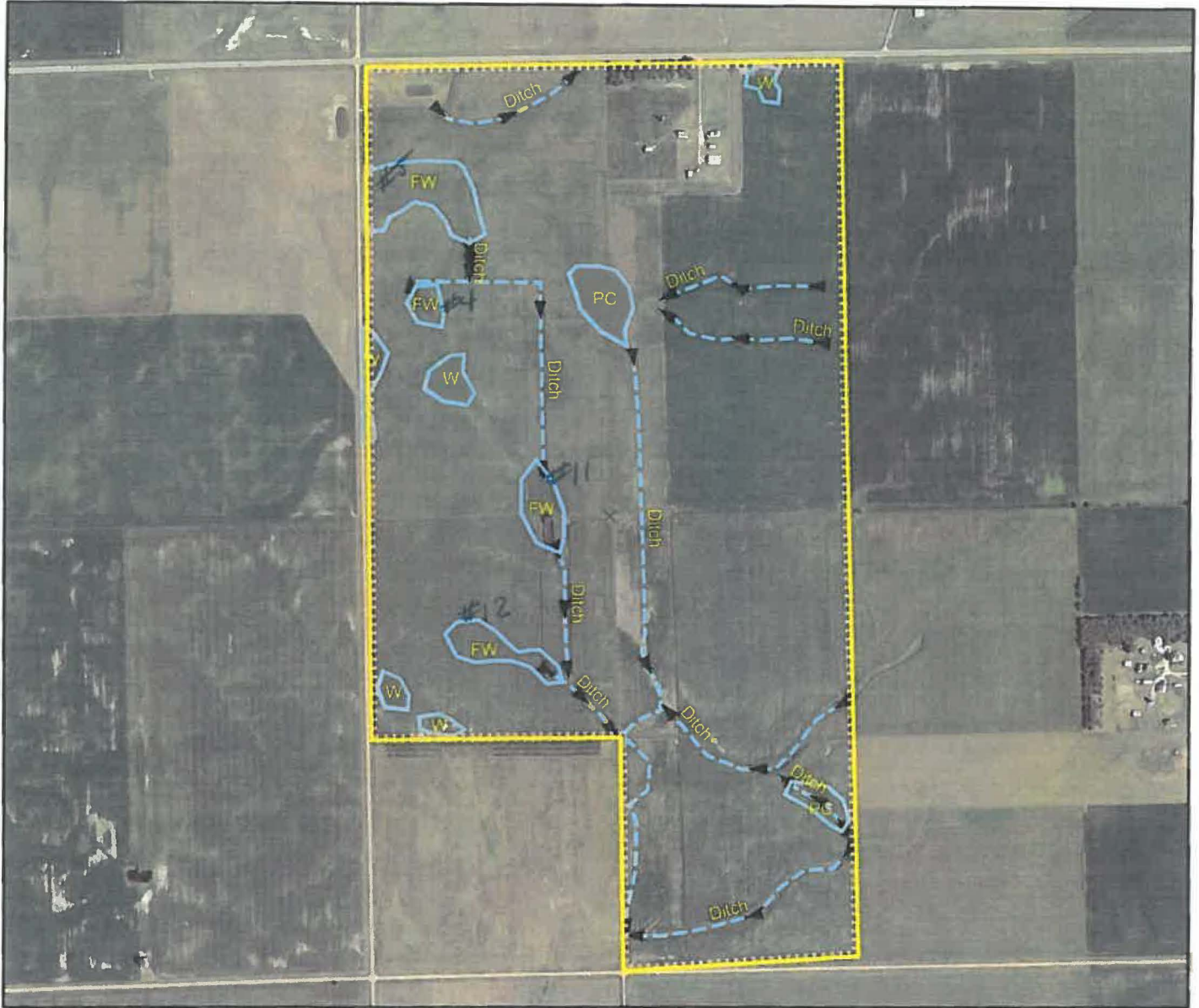
- |                      |                       |
|----------------------|-----------------------|
| Air Quality          | Minerals & Mining     |
| Drinking Water       | Surface Water Quality |
| Feedlot Permit       | Waste Management      |
| Ground Water Quality | Water Rights          |










# Certified Wetland Determination

Field Office: Parkston FO  
 Certified By: T Sommer/ R Assmus  
 Legal Desc: S 7, T 97N, R 56W

Agency: USDA-NRCS  
 Certified Date: 6/7/2007  
 Tract: 42175



## Legend

-  Certified Wetland Determination Boundary
-  Wetlands
-  Wetlands
-  Ditch
-  NI
-  NI/Ditch
-  Tile



**W** Wetland  
**FW** Farmed Wetland Drained or modified & cropped prior to 12-23-1985, but still meets wetland criteria  
**PC** Prior Converted  
**NW** Non Wetland  
**NI** Not Invented Potential Waters of the US  
 See NRCS CPA-O26E for definitions and additional info.



South Dakota  
Hutchinson

U.S. Department of Agriculture  
Farm Service Agency

FARM: 11306

Prepared: 1/24/20 1:37 PM

Crop Year: 2020

Page: 3 of 3

Report ID: FSA-156EZ

Abbreviated 156 Farm Record

DISCLAIMER: This is data extracted from the web farm database. Because of potential messaging failures in MIDAS, this data is not guaranteed to be an accurate and complete representation of data contained in the MIDAS system, which is the system of record for Farm Records.

---

Tract Number: 42175      Description NW;NSW;SESW 7-97-56

FSA Physical Location : Hutchinson, SD      ANSI Physical Location: Hutchinson, SD

BIA Range Unit Number:

HEL Status: NHEL: no agricultural commodity planted on undetermined fields

Wetland Status: Tract contains a wetland or farmed wetland

WL Violations: None

Farmland	Cropland	DCP Cropland	WBP	WRP/EWP	CRP Cropland	GRP
281.09	273.49	273.49	0.0	0.0	0.0	0.0
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL/FWP	Native Sod	
0.0	0.0	273.49	0.0	0.0	0.0	

Crop	Base Acreage	PLC Yield	CCC-505 CRP Reduction
CORN	145.02	121	0.0
GRAIN SORGHUM	0.25	62	0.0
SOYBEANS	97.08	37	0.0
<b>Total Base Acres:</b>	<b>242.35</b>		

Owners: HUBER, ELIZABETH

HUBER, DAVID W

Other Producers: None

---



**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

Oplinger Abstract & Title, Inc.  
PO Box 133  
Olivet, SD 57052-0133  
Telephone: (605) 387-2335  
Fax: (605) 387-2337

Office File No.: TI-2141

1. Effective Date: January 14, 2020, 8 AM

2. Policy or Policies to be issued:

A.  Owner's Policy(6/17/06)     Standard Coverage     Extended Coverage

Amount: \$1,000.00 / To Be Determined.

Proposed Insured: To Be Determined.

B.  ALTA Loan Policy(6/17/06)     Standard Coverage     Extended Coverage

Amount:

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE

4. Title to the FEE SIMPLE estate or interest in said land is at the effective date hereof vested in:

David W. Huber and Elizabeth A. Huber, husband and wife, as joint tenants  
with right of survivorship.

5. The land referred to in this Commitment is described as follows:

Government Lots 1 and 2 and the E $\frac{1}{2}$ NW $\frac{1}{4}$  (all of which can be described as the NW $\frac{1}{4}$ );

**AND**

Government Lot 3 (also described as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ );

**AND**

The E $\frac{1}{2}$ SW $\frac{1}{4}$ ;

**ALL BEING IN** Section 7, Township 97 North, Range 56 West 5<sup>th</sup> P.M.,  
Hutchinson County, South Dakota.

Parcel Identification Numbers:	097.56.07.2010	E $\frac{1}{2}$ NW $\frac{1}{4}$ -7-97-56
	097.56.07.2020	W $\frac{1}{2}$ NW $\frac{1}{4}$ -7-97-56
	097.56.07.3010	Lot 3 and E $\frac{1}{2}$ SW $\frac{1}{4}$ -7-97-56

**SCHEDULE A**

Commitment – Stewart Title Guaranty Company  
0042 ALTA Commitment (6/17/06)

## SCHEDULE B-SECTION 1

Office File No.: TI-2141

Page 1

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records, or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

### GENERAL EXCEPTIONS:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the Public Records.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

### C. SPECIAL EXCEPTIONS:

(See Schedule B-Section 2 beginning on next page)

### SCHEDULE B-SECTION 1

Commitment – Stewart Title Guaranty Company



## SCHEDULE B-SECTION 2

Office File No.: TI-2141

Page 1

### SPECIAL EXCEPTIONS:

1. Real Estate Taxes for year 2019, due and payable in year 2020, in the following amounts:
  - \$1,688.72 upon the E $\frac{1}{2}$ NW $\frac{1}{4}$ -7-97-56.
  - \$1,763.14 upon the W $\frac{1}{2}$ NW $\frac{1}{4}$ -7-97-56.
  - \$2,395.44 upon Lot 3 and the E $\frac{1}{2}$ SW $\frac{1}{4}$ -7-97-56.
2. Rights of the public in and to the following described parcels of land used for road purposes:
  - The statutory easement for section line road right-of-way.
  - Lot H-1 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ -7-97-56, recorded in PC 1-#16(97-56) on January 28, 1948.
  - Lot H-1 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ -7-97-56, recorded in PC 1-#17(97-56) on January 28, 1948.
3. An easement for the construction, operation, and maintenance of a telephone line or system and rights incidental thereto as set forth in a document granted to BISON STATE TELEPHONE COMPANY (no representation is made as to the present ownership of said easement) as recorded in Book E1 page 22 on May 25, 1977, affecting a strip of land 12 feet in width with its centerline being 75 feet South of the North boundary of the N $\frac{1}{2}$ NW $\frac{1}{4}$ -7-97-56.
4. Claims of vested drainage rights for the drainage of water and rights incidental thereto as set forth in the following recorded documents:
  - from the W $\frac{1}{2}$ SE $\frac{1}{4}$ -7-97-56 onto the SW $\frac{1}{4}$ -7-97-56, as recorded in Book D1 page 480 on April 26, 1991.
  - from the W $\frac{1}{2}$ SE $\frac{1}{4}$ -7-97-56 onto the SW $\frac{1}{4}$ -7-97-56, as recorded in Book D1 page 481 on April 26, 1991.
  - from the NW $\frac{1}{4}$ -7-97-56 onto the SW $\frac{1}{4}$ -18-97-56, as recorded in Book D1 page 393 on April 9, 1991.
5. Terms, conditions, and provisions of Hutchinson County Drainage Permit #08-02 dated May 21, 2008, affecting the NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 7-97-56, as recorded in Book D5 page 003 on May 21, 2008.
6. Mortgage, Assignment of Rents and Security Agreement, by David W. Huber and Elizabeth A. Mehlhaf-Huber, also known as Elizabeth A. Huber, a married couple, husband and wife, as grantor, to Metropolitan Life Insurance Company, a New York corporation, as mortgagee, dated June 15, 2015, as recorded on June 16, 2015, in Book 153 page 566 of the official real estate records of Hutchinson County, South Dakota.

----- End of Schedule B -----

This Commitment is not valid without Schedule B-Section 1

SCHEDULE B-SECTION 2

Commitment - Stewart Title Guaranty Company



Hutchinson County, South Dakota  
REGISTER OF DEEDS  
Filed for record this 21 day  
of May . 2008  
at 11 o'clock a.m and recorded  
in Book D5 Page 003  
Julie Horholt  
Register of Deeds RDR  
824  
081193  
Deputy

## HUTCHINSON COUNTY DRAINAGE PERMIT #08-02

LAND OWNER: David W. Huber and Elizabeth A. Huber, husband and wife (Hubers')

### DESCRIPTION OF LAND TO BE DRAINED:

The Northwest Quarter (NW $\frac{1}{4}$ ), and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ), and the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Seven (7), Township Ninety-seven (97) North, Range Fifty-six (56), West of the 5<sup>th</sup> P.M. (Molan Township), Hutchinson County, South Dakota (approximately 289 acres)

TYPE OF DRAINAGE: Underground tile system with no greater than eight inch tubes.

LOCATION OF DRAIN TILE SYSTEM: See aerial map attached

### RESTRICTIONS/CONDITIONS:

- a) Hubers' shall place a shutoff block at the south end of the main tile line for the purpose of shutting off the flow of water into the natural drain that runs through the real property described as the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 18, Township 97 North, Range 56, West of the 5<sup>th</sup> P.M., Hutchinson County, South Dakota, currently owned and occupied by Douglas Handel and Linda Handel (Handels'). See #1 on diagram for location of shutoff block.



- b) Handels' shall have the permanent right to demand the Hubers' and their successors and assigns to shut off the flow of water from the drain tile into the natural drain if the Handels' believe that the flow of water from the drain tile is causing flooding or excessive water flow into the natural drain that runs through their farmyard and feedlots. This permanent right is granted to the Handels' and their successors and assigns, and if this right is exercised, upon written notice of their demand, Hubers' or their successors and assigns shall immediately comply with such demand and shall shut off the flow of water from the drain tile into the natural drain and will immediately take necessary steps to divert the flow of water around the Handels' farmyard and feedlots so that it does not detrimentally affect their real property, and such diversion of the flow of water shall be the expense of the Hubers' or their successors and assigns.

These conditions and restrictions shall run with the land.

**FURTHER RESTRICTIONS:** The drain tile system is also subject to South Dakota Department of Environment and Natural Resources and local Natural Resources Conservation Service - Parkston Service Center and also the Hutchinson County Conservation Restrictions, if any.

**PUBLIC HEARING DATE AND TIME:** April 15, 2008 @9:30 o'clock A.M., and continued to May 6, 2008 @10:00 o'clock A.M. After hearing from the permit applicants and other interested parties, the County Commission moved to grant a drainage permit as modified as to the location of the drainage tile system as shown on the aerial map and the type of drainage and subject to the restrictions and conditions set forth above. There was a unanimous vote in favor of granting permit by the commissioners.

Permit Number 08-02 is hereby granted.

Dated this 21<sup>st</sup> day of May, 2008.



ATTEST:

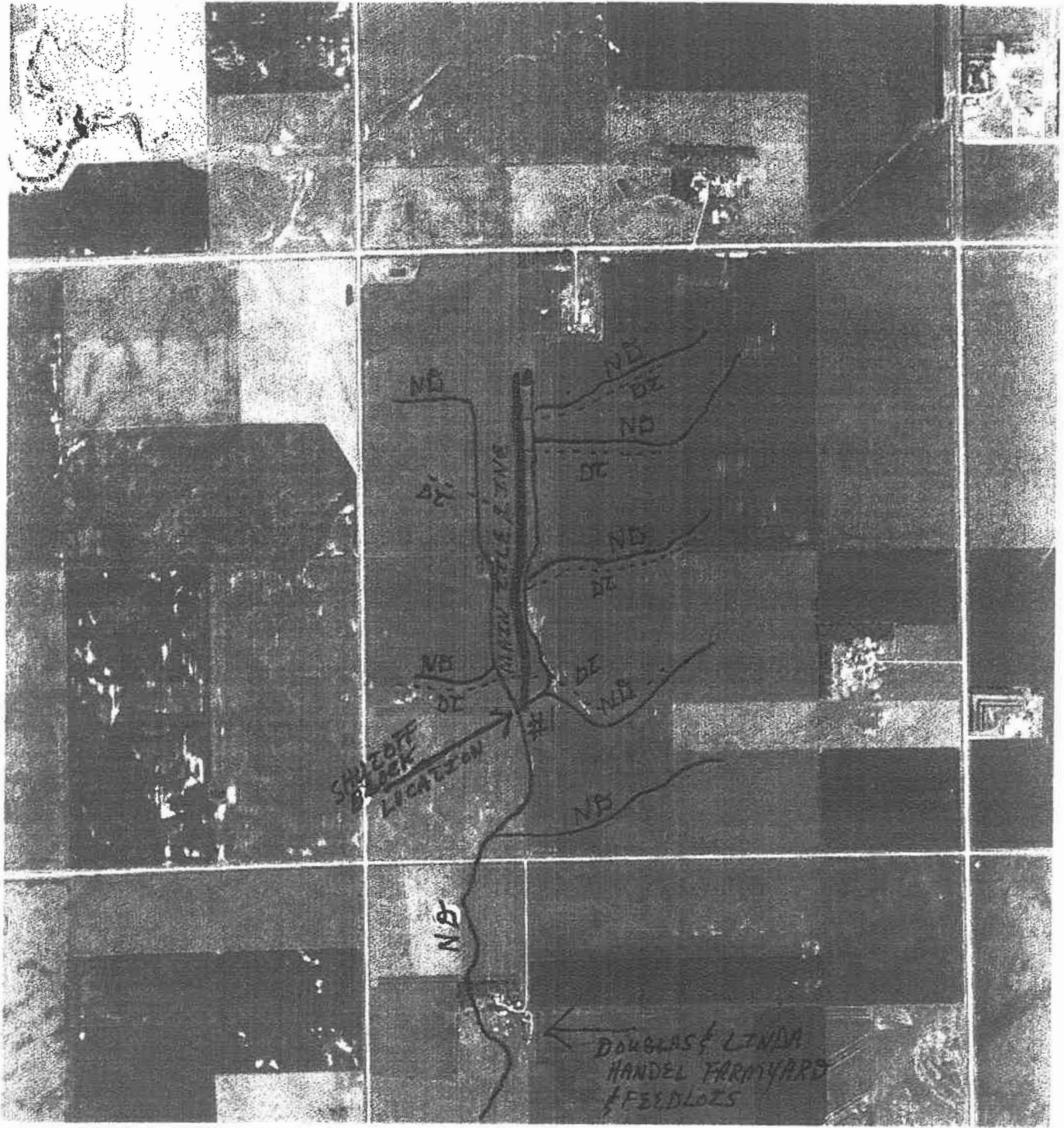
Wilma J. Simonsen  
WILMA J. SIMONSEN  
Hutchinson County Auditor

HUTCHINSON COUNTY BOARD OF  
COUNTY COMMISSIONERS:

BY:

Gillas Stern  
GILLAS STERN  
Its Chairman

# Section 7



NATURAL DRAIN (NB)

DRAIN ZILE (DT)



Scale 1:13720







# Hutchinson County **LAND AUCTION**

# 289.04 Acres



**TERMS:** Cash sale with 15% non-refundable down payment auction day with the balance on or before May 20, 2020. Warranty Deed to be granted with the cost of title insurance split 50-50 between buyer and seller. Sellers to pay the 2019 taxes in full. Buyer responsible for all of the 2020 taxes. Sold subject to owners approval and all easements and restrictions of record. Auctioneers represent the sellers. Remember auction to be held at the Wieman Auction Facility.

Friday  
**March 13th**  
at 10:30 AM



44628 SD HWY44, Marion SD phone: 800-251-3111

web: [wiemanauction.com](http://wiemanauction.com) fax: 605-648-3102

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