

Water Right Number 1319-7

1. Considered 1-22, 1976
2. Name of Applicant JOSEPH & INEZ SCHUBAUER
3. Post Office Address CROOKSTON, NEBRASKA
4. Amount of water claimed ~~FEET~~ 12.8
5. Source of water supply GROUND WATER (7-200' DEEP WELLS)
6. Water to be used for IRRIGATION
Acres to be irrigated 900
7. Water to be diverted and used in TODD County
about 10S, 4W Miles of MISSION
8. Proof of Publication
Received 1-5-76 ✓
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1319-2Map No. 1117-2Water Division No. 2 KEYAPAH RIVER
(Blank to be filled by the Engineer for the W. F. C.)

DEC 10 1975

10:00 am

APPLICATION FOR PERMIT

STATE WATER RIGHT
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant JOSEPH M & INEZ SCHUBADER
 Post-office address CROOKSTON NEBR 69212, State TODD S. DAK
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work SCHUBADER IRRIGATION
4. Amount of water claimed (cubic feet per second) 14 CF
5. Source of water supply WELLS
6. Location of point of diversion CENTER OF NW 1/4 SEC 27 - 37 - 29 NE 1/4 SEC 27 - 37 - 29
CENTER OF NW 1/4 SEC 26 - 37 - 29 NE 1/4 SEC 26 - 37 - 29
 County TODD
7. Annual period or periods during which water is to be used MAY - 3 Sept
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, Total number of acres to be irrigated 900

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 27-37-29	140	NW 1/4 26-37-29	140
NE 1/4 27-37-29	140	NE 1/4 26-37-29	140
SE 1/4 27-37-29	30	SW 1/4 26-37-29	120
SW 1/4 27-37-29	140	NE 1/4 SE 1/4 26-37-29	80

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication TODD CO. TRIBUNE MISSION S.D.
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
- B. Works proposed to transport water to place of use.
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 300,000.00Attachments: Attach Form 2A if diversion from a well or dug-out, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ToddI, Joseph M & Inez Schubader, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Joseph M & Inez SchubaderSubscribed and sworn to before me this 4th day of December, 1975Joseph R. M. Brantner
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1319-2
JOSEPH M. E. INEE SCHUBAUER CROOKSTON
 (Applicant) (Post Office Address)
NEBRASKA 69212 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

THIS PERMIT AUTHORIZES CONSTRUCTION OF TWO OF THE 7 PROPOSED WELLS, ONE IN THE E 1/2, SECTION 27, AND IN THE NE 1/4, SECTION 26, T 87N, R 29W. THE REMAINING WELLS WILL BE PLACED IN A DEFERRED STATUS

Date of first receipt of application DECEMBER 10 1975
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved JANUARY 22 1976, Recorded in Book 14 Page 185

WATER RIGHT PERMIT NO. 1319-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1319-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 10 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22 1978
3. The whole of said work is to be completed on or before JANUARY 22 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22 1981
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 3.9 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 22 1981; said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 27TH day of JANUARY 1976

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

WATER RIGHT APPLICATION APPROVAL

Ronald McCune

The Water Resources Commission hereby approves Water Right Application No. 1319-2JOSEPH M & INEZ SCHUBAUERRR #1 GROCKSTON, CLARK COUNTY(Applicant's Town) 51632

(Post Office Address)

NEBRASKA 68422

With the following modifications:

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

THIS PERMIT SUPERSEDES PERMIT NO. 1319-2 ISSUED JANUARY 27, 1976, AND REFLECTS THE COMMISSION'S ACTION APPROVING THE FIVE ADDITIONAL WELLS, AND INCREASING THE AMOUNT OF WATER FROM 3.75 CFS. TO 12.8 CFS.

Date of first receipt of application DECEMBER 10, 1975Date of return to applicant for correction, amendments or changes required —, 19—Date of receipt of amended application MARCH 28, 1977Approved JANUARY 27, 1976, Recorded in Book 14 Page 105WATER RIGHT PERMIT NO. 1319-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1319-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 10, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 24, 1979
3. The whole of said work is to be completed on or before MARCH 24, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 24, 1982
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 12.8 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 24, 1982; said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 15TH day of APRIL, 1977

WATER RESOURCES COMMISSION

By

John Hatch
Chief Engineer, Executive OfficerCertificate of Construction Issued —, 19—Water License Issued —, 19—

Form 2A: Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 3 1/2", Depth 200'
(2) Casing, Type STEEL (wood, concrete, steel, etc), Diameter 16", Thickness .219
(3) Perforated Screen, Type 5/16" L, Diameter 16", Length 100'
(4) Gravel Pack, Thickness 8", Length of gravel pack 200'

~~E. Dugout Information or Estimates~~

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of water bearing materials: SUBSOLIC 9 SANDSTONE
W/ SOME MEDIUM SANDS

Depth to top of water bearing material 25'

Depth to bottom of water bearing material 135'

Thickness of water bearing material 200'

Depth to water (ground surface to water level) 75'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 80 rds. On property owned by others 120 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Signature of Applicant

Conservation
Commission
Form W1 01

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: ASB

Disapproved: _____

NAME: JOSEPH M SCHREADER & LNEZ J. SCHREADER

ADDRESS: WROCKSTON AFBP 69212

COUNTY: TODD S DAK

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4, NW 1/4, NE 1/4, and the north 1/2 of SE 1/4 of Sec 26 Twp 57N
2. AREA TO BE IRRIGATED: Same Ring 2912

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): _____
4. CROPS TO BE IRRIGATED: CORN ALFALFA GRASS BARLEY
MILK

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 4-21%, 3-7%, 0-3%, 0-3%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Ansclmo - Velal fine sandy loam,
Ansclmo-Tassel fine sandy loam, Hett-Velal fine sandy loam, Hett fine sandy loam,
Elmore loamy fine sand

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO: 75-862
8. EC = 368 μ mhos/cm (low-med)
9. SAR = 0.18 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and; the land capability for irrigation information has been acquired from

Sec 26 - 37 - 29

and;

that the legal description for the location of the well and land to be irrigated is true and correct.

Joseph M. Schiban

Subscribed and sworn before me this

4 day of Sept 19 75

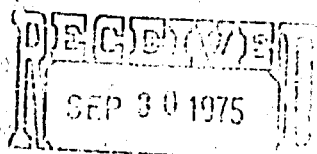
Josephine Lopez

JOSEPHINE LOPEZ

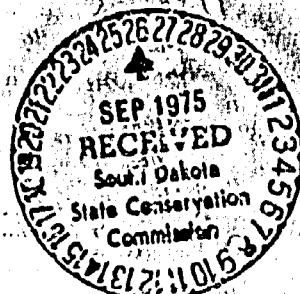
GENERAL NOTARY

Box 160 Valerina

(Title of Nebraska Com. Expires 7/19/78)



STATE WATER RIGHTS
HARDY COUNTY, S.D.



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Joseph M. Bohmbauer Date Rec'd: September 11, 1975
 Address: Crookston, Nebraska 69212 Sample No. 75-862
 Identification: Well-
Sec. 26, T. 37N, R. 29W

WATER ANALYSIS

Calcium (Ca)	50	ppm*	2.50	me/l**
Magnesium (Mg)	10	ppm	0.82	me/l
Sodium (Na)	5	ppm	0.23	me/l
Potassium (K)	0	ppm	0.21	me/l
Sulfate (SO ₄)	1	ppm	0.02	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	224	ppm	3.68	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	184	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	368	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18			
Sodium	6.11	% of cations		
Residual sodium carbonate	0.36	me/l		
pH	7.55			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 3.76 me/l
 Total anions 3.78 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-862

Amount Enclosed \$

Signed

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: [Signature]
Disapproved: _____

NAME: JOSEPH M SCHROEDER & JANEZ J SCHUBAUER
ADDRESS: CROOK STOR NEBR 69212
COUNTY: TODD S. DAK

LEGAL DESCRIPTION

1. WELL LOCATION: 41st Sec 27 TWP 37 N Range 29 W
2. AREA TO BE IRRIGATED: SAME

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): SPRINKLER
4. CROPS TO BE IRRIGATED: CORN ALFALFA BRASS
BARLEY MILK

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-3% 3-9% 0-2% 9-21% 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Holt fine sandy loam, Holt-Vetal
fine sandy loam, Keya silt loam, Anselmo-Tassell fine sandy loam,
Anselmo-Vetal fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-863
8. SALINITY: EC = 347 μ mhos/cm (low-medium)
9. SODIUM: SAR = 0.20 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Sec 27 - 37 - 29

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Joseph M. Schutte

Subscribed and sworn before me this

14 day of Sept 19 75

Josephine Lopez

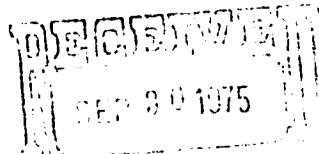
JOSEPHINE LOPEZ

GENERAL NOTARY

Box 180 Valentine

(Title)

State of Nebraska Com. Expires 7/19/78



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Joseph M. Schubauer Date Rec'd: September 11, 1975
 Address: Brookston, Nebraska 69212 Sample No. 75-863
 Identification: Well
Sec. 27, T 37N, R 29W

WATER ANALYSIS

Calcium (Ca)	45	ppm*	2.25	me/l**
Magnesium (Mg)	9	ppm	0.74	me/l
Sodium (Na)	6	ppm	0.25	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	1	ppm	0.02	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.04	me/l
Bicarbonate (HCO ₃)	212	ppm	3.48	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	174	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	347	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.20			
Sodium	7.24	% of cations		
Residual sodium carbonate	0.49	me/l		
pH	7.60			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 3.45 me/l
 Total anions 3.54 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-863

Amount Enclosed \$

Signed

Form 6 - Notice of Intent to Appropriate Water

No. 1319-2

Publish first publication, on or before January 3, 19 76

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

Dec 12, 19 75

Notice is hereby given that Joseph M. & Inez Schubauer
whose post office address is Crookston, Nebraska have
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

12.8 cubic feet of water per second of time from the ground water through the
Schubauer Irrigation Project s are
the point of diversion of which is to be located in the
center NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 27:
center of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$

of Section 26, Twp. 37N, Range 29W. Said water to be used for the purpose
of providing irrigation on the following described land:

All of Section 27, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 26, T 37N, R 29W

This application No. 1319-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 19 76, at 2:30 P.M. All interested
persons may appear and be heard.

cc: Joseph and Inez
Schubauer

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1319-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }

County Todd } ss.

I, Margaret Tigert hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd County Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Mission

County of Todd and State of South Dakota;
that the said notice was published in said newspaper on the following
dates:

Thursday, Dec. 18, 1975

Thursday, Dec. 25, 1975

Margaret Tigert
(Signature)

Co-owner
(Title)

12-31-75
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that Joseph M. & Inez Schubauer whose post office address is Crookston, Nebraska, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 12.8 cubic feet of water per second of time from ground water through the Schubauer Irrigation Project, the points of diversion of which are to be located in the center NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 27; center of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Twp. 37N, Range 29W. Said water to be used for the purpose of providing irrigation on portions of the following described land: all of Section 27, NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26, T37N, R29W.

This application No. 1319-2 will be considered by the Water Rights Commission at their office at Pierre upon the 22nd day of January, 1976, at 2:30 p.m. All interested persons may appear and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights
Specialist

Publ. Dec 18 and 25



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401
December 30, 1975

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on January 22, 1976, at 2:30 p.m., a Hearing will be held by the Water Rights Commission at their office at Pierre, South Dakota, on the application of Joseph M. & Inez Schubauer, of Crookston, Nebraska, for a permit to appropriate for beneficial use 12.8 cubic feet of water per second of time from the ground water, the point of diversion being in the Center NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 27; and the Center of the NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 26, all in T. 37 N. R. 29 W. for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 313 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director
Superintendent, Rosebud Indian Reservation
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Joseph M. & Ms. Inez Schubauer, Crookston, Nebraska 69212

FORM 20

No. 1319-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: Feb. 9, 1979



This is to notify you that title to the lands described as follows:

900 acres: 140 ac.-NW $\frac{1}{4}$ Sec. 27; 110 ac.-NE $\frac{1}{4}$; 30 ac.-SE $\frac{1}{4}$; 140-SW $\frac{1}{4}$ all in T37N, R29W(Sec. 27)
and 140 ac.-NW $\frac{1}{4}$ Sec. 26; 140 ac.-NE $\frac{1}{4}$ Sec. 26; 120 ac.-SW $\frac{1}{4}$ Sec. 26; 80 ac.-N $\frac{1}{2}$ of SE $\frac{1}{4}$ all
in T27N, R29E
formerly owned by Joseph & Inez Schubauer, Valentine, NE

has been transferred to Ronald McCunn, Clarinda, IA 51632

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1319-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF Iowa)
~~SOUTH DAKOTA~~)
County of Page) ss.

I, R. L. McCunn being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

R. L. McCunn
(Signed)

Subscribed and sworn to before me this 9th Day of FEBRUARY 1979.

[Signature]
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6784

PIERRE, February 12, 1979

RECEIVED OF Deanna McCunn, McCunn Farm, Route 4, Clarinda, IA 51632
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of water right No. 1319-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH gy

376-2407
Todd Co.
Joseph Schubert
421 W 2nd Apt E
Valentine, NB 69201

*Ready for inspection
on all permits*

1319-2
1615-2

1319-2

1543-2

1596-2

1597-2

1615-2

No. _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

April 12, 1983

Don Covey, Att
Box 1766
Winner SD 57580

Dear Mr. Covey:

Please find enclosed a copy of our Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a filing fee of \$2.50. (total \$12.50)

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name.

Section 66 of House Bill 1001 as passed by the 1983 Legislature and effective March 8, 1983 requires Notice of any sale, grant, lease, conveyance or other transfer of a permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosures

1319-2, 1543-2
1596-2, 1597-2,
1615-2

September 20, 1983

Don Covey, Attorney
Box 1766
Winner, South Dakota 57580

SECOND NOTICE

Dear Mr. Covey:

On April 12, 1983 notice was sent to you concerning the transfer of Water Permit Nos. 1319-2, 1543-2, 1596-2, 1597-2 and 1615-2 in the name of Ronald McCunn. These permits cover irrigation of 1,619 acres in portions of Sections 26 and 27, T37N, R29W and Section 22, T36N, R29W. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. They should be signed by the owner before a notary and returned to this office with a \$2.50 filing fee for each (total of \$12.50). The permits can then be transferred to the new owner (s). It is very important that ownership records be kept current. The first notice sent to you made reference to South Dakota Water Law 46-5-30.3 which requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GK:ms
Enc.

1319-2

SENDER: _____
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Don Convey, Att'y
Box 1766
Winner, SD 57580

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
P 200 480 176
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent
[Signature]

4. DATE OF DELIVERY
SEP 21 1993

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
SEP 21 1993
ATLANTA
GA

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 21, 1983

This is to notify you that the title to the lands described as follows:

900 acres - Section 27; N $\frac{1}{2}$, SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26, T37N, R29W

formerly owned by Ronald McCunn, Clarinda IA

has been transferred to First National Bank of Council Bluffs, IA

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1319-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

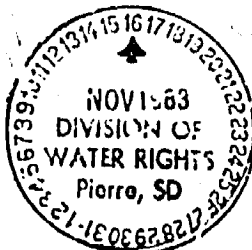
IOWA
STATE OF ~~SOUTH DAKOTA~~)
County of Pottawattamie) ss.

I, Ronald McCunn being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Ronald McCunn
(Signed)

Subscribed and sworn to before me this 21st Day of June, 1983

Rhonda D. Lunter
(Notary Public)



RECEIPT

Division of Water Rights

No 4 9403 -

South Dakota Department of Water and Natural Resources

Pierre, November 16, 1983

RECEIVED OF Donald E. Covey Box 1766, Winner, SD 57580 (for 1st Natl Bank, Council Bluffs IA)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 WR# 1319-2	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH/MS

No. 1319-2

1543-2

1596-2

1597-2

1615-2

December 20, 1983

Donald E. Covey
Box 1766
Winner, South Dakota 57580

Dear Mr. Covey:

4-9403
4-9400 4-9401

Enclosed is receipt Nos. 4-9494 4-9402 In the amount of \$ 2.50 each which you
paid for transfer of Water Right Nos. 1319-2, 1543-2, 1596-2, 1597-2 & 1615-2

Our records now show First National Bank, Council Bluffs, to be owner of these Water Rights.
~~you as the owner of this Water Right.~~

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

Water Rights Division - GWNK
Conversation or File Documentation

File No. 1319-2

NAME OF PERSON OR FILE: Tom Johns

1543-2

1596-2

1597-2

1615-2

ADDRESS: 1st Nat'l Bank of Council Bluffs COUNTY

500 W Broadway, Council Bluffs, IA 51501

DATE: May 21, 1984

TELEPHONE 712-322-3456

RE: Submission of 1983 Irrigation Questionnaire

COMMENTS:

Mr. Johns stated Irrigation was done last year
on the above permits - send ques. to him and
he will complete forms.

Questionnaires were original y sent to Ronald McCann -
permits were transferred to the Bank during 1983.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

4/82

NAME: Jenny McMath

1319-2
1543-2
1596-2
1597-2
1615-2

May 21, 1984

Tom Johns
1st National Bank of Council Bluffs
500 W. Broadway
Council Bluffs, Iowa 51501

Dear Mr. Johns:

In reference to our telephone conversation of May 21, 1984, enclosed are copies of the 1983 Irrigation Questionnaire pertaining to Water Permit Nos. 1319-2, 1543-2, 1596-2, 1597-2 and 1615-2.

Please complete and return the data sheets to our office by June 15, 1984. If you have any questions, or need assistance in filling out the forms, please contact us.

Sincerely,

Genny McMATH
Natural Resources Analyst

GM:ms
Enc.

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1615-2

DEC 20 1985

Dave Luerns
Agri- Management
220 W Pleasant
Pierre SD 57501

RE: Water License for permit held by First National Bank of
Council Bluffs, IA

Dear Mr. Luerns:

Enclosed herewith is, Water License No. 1615-2. This is the
final water right document completing your process of obtaining a
water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:

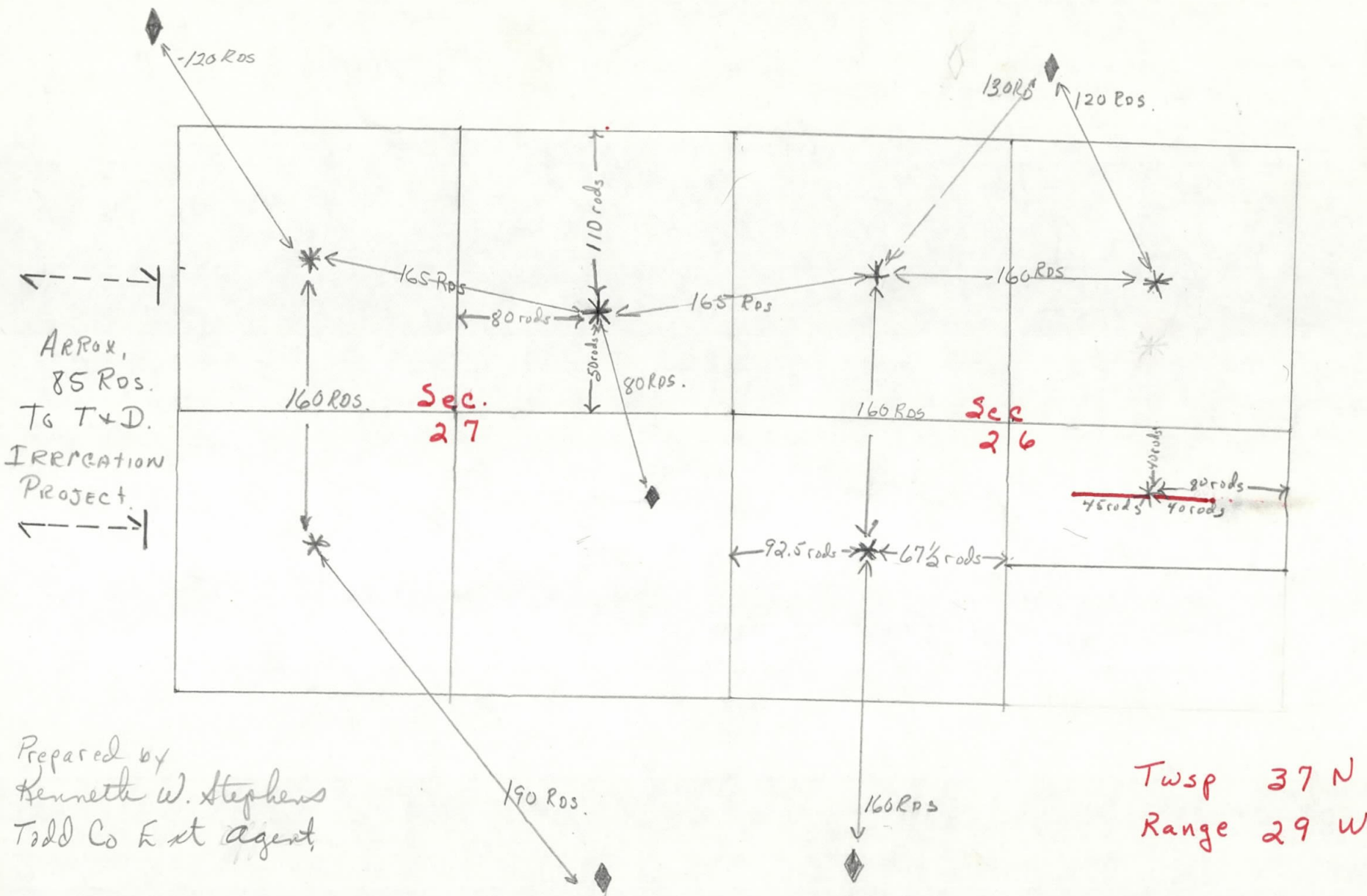
Enclosures

NOTE: The applicable portions of Water Permit No. 1315-2 have been
incorporated into this Water License No. 1615-2.

WNR-817 3/83
Transmittal of Water License

1615-2

N



Prepared by
Kenneth W. Stephens
Toll Co Ext Agent

- * PROPOSED DEEP WELL 32"
- ◆ EXISTING WINDMILLS. 100' TO 180' MAX 2" PIPE

— Permanent Pipeline

All Land owned by Joseph M. & Inez Schubauer

1319-2