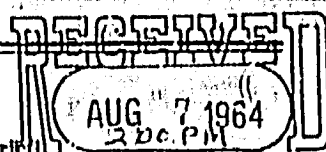


No. 844-2Water Division No. 2 White River
(Blanks to be Filled by the Engineer for the W. R. C.)

District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA
MAP NO. 728-2

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of applicant O. M. Iwan
Postoffice address Stanford, County Jackson, State S. Dak.

I. If a corporation

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract and Direct Labor

- (b) Cash on hand, \$ Adequate (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work O. M. Iwan Pump Irrigation and Water Spreading Proj. No.

3. Amount of water claimed 9.9 C.F.S. cubic feet per second All Unclaimed Flood Waters
Dry Draw Water Spreading 2.6 C.F.S.

4. Source of water supply White River Pump Irrigation 7.3 C.F.S.

5. Location of point of diversion See Attached Sheet

- _____ on _____ bank Jackson County.

6. Annual period or periods during which water is to be used April thru October
Water spreading during runoff; Pump Irr.

7. To be used for: during growing season.

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity Pump

- (a) Number of acres to be irrigated 691 acres.

- (b) Legal subdivisions to be irrigated See Attached Sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dry Draw Dam and Run From White River-----

II. Dimensions of works.

(a) Dam: Height 22 feet; length at bottom 780 feet; length at top 800 feet; thickness at bottom 15 feet; thickness at top 12 feet; slope at front water face 1:1; slope at back face 2:1; material used in construction Clay & Grt

(b) Reservoir: Capacity when filled 176 acre feet. Surface area at highwater mark 23 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

Kadoka Press, Kadoka, South Dakota

STATE OF SOUTH DAKOTA

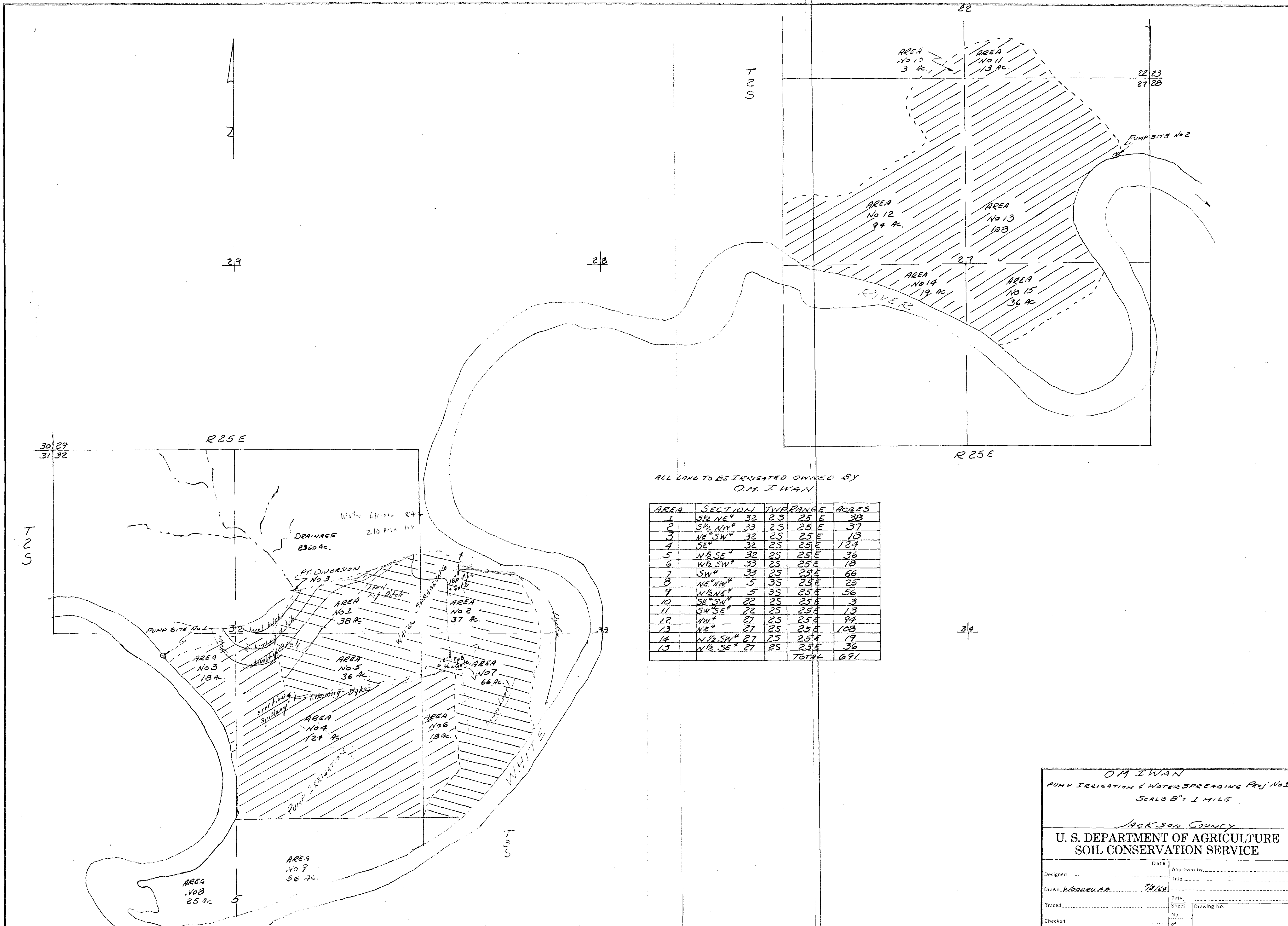
County of ----- ss.

I, -----, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed O. M. JovanSubscribed and sworn to before me this 7th day of August 1914

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Remarks by State Water Resources Commission:

Numerous water rights exist below your diversion point on White River which get their water from the White River. Restrictions under this permit to appropriate water may be necessary during some years to provide supplies for these prior water rights.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, September 24, 1964.

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock

P.m. upon the 7 day of August, 1964.

State Water Resources Commission

By:

Donald W. Duncanson
for: Chief Engineer, Executive Officer

Number of permit 649-2

Date of first receipt of application August 7, 1964.

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____.

Date of receipt of corrected application _____, 19____.

Date from which applicant may claim right August 7, 1964.

Approved September 16, 1964, Recorded in Book 8 Page 297.

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before March 16, 1967.

2nd. The whole of said work is to be completed on or before September 16, 1967.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 16, 1973.

4th. The water appropriated shall be used for the purpose of irrigation.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 9.9 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 September 16, 1973; said water to be used during the following described annual period:

Witness my hand this 5 day of October, 1964.

State Water Resources Commission

By:

Donald W. Duncanson
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 19, 1973.

Water License Issued JUNE 19, 1973.

Remarks by the Applicant:

Areas No. 1, 2, 5, and 7 (177 Ac.) will be water spreading from FT Diversion No. 3 (Dry Draw). The balance of areas shown will be Paap Irrigation from White River at pump sites No. 1 and 2 and along river between sites 1 and 2.

Permit No. 844-2Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That O. M. Iwan

_____ the holder _____ of
Permit No. 844-2, issued upon Application No. 844-2, bearing date of priority of August 7, 1964
_____ authorizing the diversion of 9.9 cu. ft. per second of the waters of _____
dry draws and White River County of Jackson, State of South Dakota at _____
points in the SE 1/4 NE 1/4, Section 32, T2S, R25E

_____, for irrigation

_____, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 10.0 cu. ft. per second of water.

Date June 19, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 844-2

(1) WHEREAS, On the 7th day of August A. D. 19 64
O. H. Iwan

made Water Right Application No. 844-2 for a permit to use 9.9 cubic feet per second of the waters of dry drawn and White River

County of Jackson State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 5th day of October A. D. 19 64
Permit No. 844-2 with a date of priority of August 7, 1964

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 16th day of September A. D. 19 69 and for the application to beneficial use of said water on or before the 16th day of September A. D. 19 69

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.0 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigation of the following land in T2S, R25E

Section 32	SE 1/4 NE 1/4	35 acres
	NE 1/4 SW 1/4	5 acres
	SE 1/4	80 acres
Section 33	SW 1/4 NE 1/4	30 acres
	SW 1/4	60 acres
Total		210 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to O. M. Iwan

_____ of Midland, S.D.

the holder _____ and owner _____ of said permit No. 844-2 a water right, dating from August 7, 1964

_____ to use of 3.0 cubic feet per second of the waters

of dry draws

in the County of Jackson and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at points in the SW 1/4 NE 1/4, Section 32, T2S, R25E

and conduct to and upon portions of Sections 32 and 33, T2S, R25E, more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 844-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of June A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

AREA	SECTION			TWP	RANGE	ACRES
1	S $\frac{1}{2}$	NE $\frac{1}{4}$	32	2S	25 E	38
2	S $\frac{1}{2}$	NW $\frac{1}{4}$	33	2S	25 E	37
3	NE $\frac{1}{4}$	SW $\frac{1}{4}$	32	2S	25 E	18
4	SE $\frac{1}{4}$		32	2S	25 E	124
5	N $\frac{1}{2}$	SE $\frac{1}{4}$	32	2S	25 E	36
6	W $\frac{1}{2}$	SW $\frac{1}{4}$	33	2S	25 E	18
7	SW $\frac{1}{4}$		33	2S	25 E	66
8	NE $\frac{1}{4}$	NW $\frac{1}{4}$	5	3S	25 E	25
9	N $\frac{1}{2}$	NE $\frac{1}{4}$	5	3S	25 E	56
10	SE $\frac{1}{4}$	SW $\frac{1}{4}$	22	2S	25 E	3
11	SW $\frac{1}{4}$	SE $\frac{1}{4}$	22	2S	25 E	13
12	NW $\frac{1}{4}$		27	2S	25 E	94
13	NE $\frac{1}{4}$		27	2S	25 E	108
14	N $\frac{1}{2}$	SW $\frac{1}{4}$	27	2S	25 E	19
15	N $\frac{1}{2}$	SE $\frac{1}{4}$	27	2S	25 E	36
TOTAL						691

Driveway Route

White River apart in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
between 25, T2S, R20E.

A point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
between 27, T2S, R20E

Driveway apart in the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
between 25, T2S, R20E

Permit No. 844-2

Water Division 2 WHITE RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by O. M. Iwan
 of Midland, South Dakota 57552 holder
of Permit No. 844-2, bearing date of priority of August 7, 1964
authorizing the diversion of 2.6 cu. ft. per second of the waters of dry draws
for irrigation purposes, in Jackson County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Natural flow of creek some dyres to collect water, spreader system.

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

C. Works used to apply water to beneficial use.

Level lip ditches and returning dykes to hold water, pipes with gates through dykes to drain off excess water

The system is in the following condition: good

The point of diversion is located in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 32, T2S, R25E

The works are capable of diverting and conveying to the place of use, 16.0 c.f.s.

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: Alf in T2S, R25E

S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 32 35.0 acres SW $\frac{1}{4}$, Section 33 60.0 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 5.0 acres

SE $\frac{1}{4}$, Section 32, 80.0 acres

SW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 33 30.0 acres

comprising a total of 210.0 acres of land.

Date May 22, 1973
Merrin T. Knecht
(Signature)

First Publication on or before August 20, 1964

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., August 7, 1964

Notice is hereby given that O. M. Iwan, whose post office address is Stamford, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 9.9 cubic feet of water per second of time from the White River and a dry draw through the O. M. Iwan Irrigation Project, the points of diversion for the White River are to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T2S, R25E, and for a dry draw which is to be located on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T2S, R25E. Said water is to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 32; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 33; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22; NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, T2S, R25E; NE $\frac{1}{4}$ NW $\frac{1}{4}$ & N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, T3S, R25E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1964, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

CC: L. G. Parkinson, Publisher
Kadoka Press
Kadoka, S. Dak.

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Jackson }

L. G. Parkinson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Kadoka Press 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 Kadoka, County of Jackson, and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Thursday, August 20, 1964

Thursday, August 27, 1964

Thursday, September 3, 1964

Thursday, September 10, 1964

in each and every issue of the full number thereof, the first publication being made on the 20th day of August

1964 and the last publication on the 10th day of

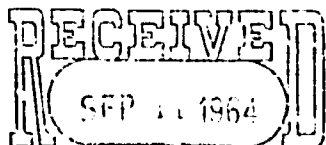
September, 1964 upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Publisher the printer and publisher of the said newspaper.

L. G. Parkinson

Subscribed and sworn to before me this 10th day of September, A. D. 1964



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water
Resources Commission

Pierre, S. Dak., August 7, 1964
Notice is hereby given that O. M. Iwan, whose post office address is Stamford, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for permit to appropriate for beneficial use 9.9 cubic feet of water per second of time from the White River and a dry draw through the O. M. Iwan Irrigation Project, the points of diversion for the White River are to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T2S, R25E, and for a dry draw which is to be located on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32 T2S, R25E. Said water is to be used for the purpose of providing irrigation or portions of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 32; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 33; SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22; NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, T2S, R25E; NE $\frac{1}{4}$ NW $\frac{1}{4}$ & N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, T3S, R25E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water
Resources Commission

By:

BURTON F. JONES

Water Right Specialist

Pub. Aug. 20-27 Sept. 3-10

Notary Public Jackson County, S. D.

STATE OF SOUTH DAKOTA
Office of
WATER RESOURCES COMMISSION
PIERRE, S. DAK.

October 5, 1964

Mr. O. M. Iwan
Stamford, South Dakota

Dear Mr. Iwan:

Enclosed herewith please find your application No. 844-2 for a permit to appropriate 9.9 cubic feet of water per second through the O.M. Iwan System to which we have given our approval, thus authorizing you to make the appropriation requested under the conditions therein stated. As soon as the construction nears completion, this office should be notified so that inspections may be made with a view to issuing you a final water license. For your convenience, we are enclosing blank forms which you may wish to use when notifying us that you are ready for the inspection of your irrigation works and beneficial use of water.

Very respectfully,

STATE WATER RESOURCES COMMISSION

By:

J. W. GRIMES
CHIEF ENGINEER, EXECUTIVE OFFICER

Encls: Application
Forms 16 & 17

CC & Copy of Permit to:

Mr. Keith L. Harner, W.U.C.
Soil Conservation Service
Kadoka, S. Dak.

P. S. Your application proposes a relatively large diversion of water from White River. This office wants you to be informed that if irrigators who have prior water rights on the White River downstream from you report that your irrigation has stopped their irrigation supplies, the State Water Resources Commission has to see that your diversion of water from the White River is reduced, or stopped, to the extent that water becomes available to these downstream irrigators.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 26, 1988

O M Iwan & Sons
SR 62, Box 122
Midland, SD 57552

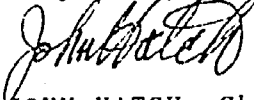
Dear Mr. Iwan:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 844-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1989

C M IWAN & SONS
SR 62 BOX 122
MIDLAND, SD 57552

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1150-2, 844-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1150-2, 844-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 9, 1989

NOTICE OF AMENDMENT OF WATER PERMIT

TO: O M Iwan & Sons
SR 62 Box 122
Midland SD 57552

FROM: Delvin D Brosz, P.E. *Delvin D. Brosz*
Hydrologist
For John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Amendment to Water Permit No(s) 844-2, 1150-2

Pursuant to the provisions of the notice dated February 8, 1989, and following the Hearing March 1, 1989, the Water Management Board has amended Water Permit No(s). 844-2 and 1150-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation.

Please contact Genny McMath (605 773-3352), if you have any questions.

844-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 14, 2023

844-2
1150-2

Joe Wishard
24909 Hwy 248
Midland SD 57552

Dear Mr. Wishard:

I am writing in follow-up to our phone conversation concerning ownership of land described in Water Right Nos. 844-2 and 1150-2. (copies enclosed)

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

The water rights actually cover most of the same land. The difference between them would be the water source. No. 844-2 authorizes diversion of water from dry draws and No. 1150-2 is for direct diversion from the White River. As a side note, each year we mail out irrigation questionnaires to irrigators for reporting water use. You will only receive a questionnaire for 1150-2. You will not be required to report use of water from dry draws.

If you have any questions after reviewing the water rights, please let me know. Thank you in advance for updating the water rights.

Sincerely,

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

enclosures

844-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date February 21, 2023RECEIVED OF Joe/Larissa Wishard 24909 US Hwy Midland SD 57552

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>844-2</u>	<u>\$50.00</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>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

FEB 21 2023

Ck# 6739

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 844-2

Date: _____

I/We request that Water Right No. 844-2

formerly owned by: O M Iwan

be transferred to: (name & address)

Joe and Larissa Wis hard
24909 US Hwy 248, Midland SD 57852

Telephone No. 605 200-0442

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

210 acres – S ½ NE ¼, NE ¼ SW ¼. SE ¼ Section 32; SW ¼ NW ¼, SW ¼ Section 33, all in

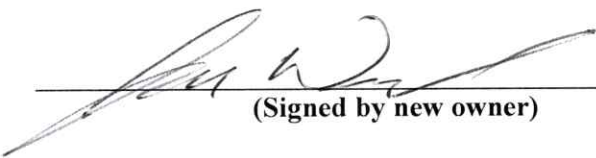
T2S, R25E

I/We understand that the validity of Water Right No. 844-2 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 Joe & Larissa, 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.

RECEIVED

FEB 21 2023

OFFICE OF
WATER

844-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2023

844-2
1150-2

Joe & Larissa Wishard
24909 US Hwy 248
Midland SD 57552

Dear Mr. & Mrs. Wishard:

Thank you for sending in the transfer forms and filing fees for Water Right Nos. 844-2 and 1150-2.

The ownership changes have been completed. The water rights formerly held by O M Iwan and Sons are now listed in your names.

Enclosed are receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

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

enclosures