

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC - 1 2005

WATER RIGHTS
PROGRAM
1074-3

No.

~~1074-3~~ (1074A-3)

Date:

Nov. 1-05

I/We request that Water Right No.

formerly owned by: Elvern Varilek

be transferred to: (name & address)

Michael Varilek

29208 374th Ave

Geddes, SD 57342

Telephone No. 605-337-2261

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

230 acres - SW 1/4 Sec. 30, N 1/2 N 1/2, NW 1/4 NW 1/4, NE 1/4 NE 1/4, SE 1/4 NE 1/4, Section 31, T96N, R66W

170 acres - SW 1/4 Sec. 30, N 1/2 N 1/2, NW 1/4 NW 1/4, Sec. 31, T96N, R66W

I/We understand that the validity of Water Right No. 1074-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) 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 Michael Varilek, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, , 20 05,

RECEIVED OF Michael Varilek, 29208 374th Ave, Geddes SD 57342

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	2	50
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>1074-3</u> <u>(107414-3)</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

002025

By

Jarland Ebele
Chief Engineer gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 17 2006

1074A-3

Michael Varilek
29208 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

Enclosed is you reissued Water License No. 1074A-3.

Based on the "Notice of Transfer of Ownership" you submitted in December, 2005, Water Right No. 1074-3, listed in the name of Elvern Varilek, has been divided and reissued to reflect separate ownership as follows:

- **No. 1074A-3 – Michael Varilek:** authorizing diversion of 2.22 cfs from the Missouri River to irrigate 170 acres in the SW ¼ Section 30 and N ½ N ½ NW ¼ NW ¼ Section 31, T96N, R66W;
- **No. 1074B-3 – Tom Varilek:** authorizing diversion of 0.78 cfs from the Missouri River to irrigate 60 acres in the NE ¼ NE ¼ and E ½ SE ¼ NE ¼ Section 31, T96N, R66W.

Enclosed is your Receipt No. 002025 in the amount of \$2.50 which you paid for filing the ownership change.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to the use of the water. If you have any questions, please contact our program.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1074A-3
DIVISION OF WATER LICENSE NO. 1074-3 INTO 1074A-3 & 1074B-3

(1) George W Kern was issued Water License No. 1074-3, July 5, 1966 for a water right to divert 3.00 cubic feet of water per second (cfs) from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Water Right No. 1074-3, with a priority date of November 1, 1963 was issued to the permit holder for diversion of water with construction of the water supply system and the application of water to beneficial use completed.

In 1981, Water Right No. 1074-3 was transferred to Elvern Varilek.

The original license authorized irrigation of 230 acres in portions of the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ Section 31, T96N, R66W. Due to ownership changes, the water right is being divided and reissued to reflect separate ownership.

- **No. 1074A-3 – Michael Varilek, 29208 374th Ave, Geddes SD 57342:** authorizing diversion of 2.22 cfs from the Missouri River to irrigate 170 acres in the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T96N, R66W;
- **No. 1074B-3 – Tom Varilek, 29274 374th Ave, Geddes SD 57342:** authorizing diversion of 0.78 cfs from the Missouri River to irrigate 60 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T96N, R66W.

(2) The water supply system is completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Michael Varilek the holder and/or owner of Water Right No. 1074A-3 is issued a license, bearing a priority date of November 1, 1963 to appropriate 2.22 cubic feet of water per second from the Missouri River to irrigate 170 acres.

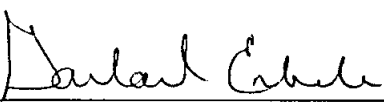
The diversion point is located between points S 52°45'W 2,371 feet and N 42°15'W 3,440 feet from the E $\frac{1}{4}$ corner, Section 25, T96N, R67W.

The acres authorized for irrigation are as follows:

Section 30, T96N, R66W	SW $\frac{1}{4}$	160 acres
Section 31, T96N, R66W	N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres
	Total	170 acres

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1074-3, including the following qualification added by the Water Management Board on May 15, 1985:

This permit is subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2006

date

