

1280-3

1. Considered 7-20, 1966
2. Name of Applicant Dolores & Donald Weber
3. Post Office Address Ethan, Idaho
4. Amount of water claimed 2.17
5. Source of water supply ground water
6. Water to be used for irrigation
- Acres to be irrigated 152
7. Water to diverted and used in Davison County
about 7W 1S miles Ethan of Ethan.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

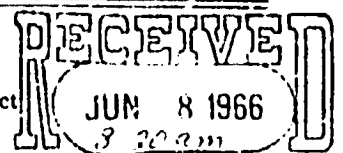
10. Remarks:

See protest letters

all 23' into water
4'-16'- 12' 2' cylinder
4' 16' 12' 2' cylinder
4' 16' 12' 2' cylinder

700600

No. 1280-3
 Water Division No. 3 JAMES RIVER District _____
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT STATE WATER RESOURCES COMM.
To Appropriate Water within the State of South Dakota PIERRE SOUTH DAKOTA

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Delores & Donald Weber
 Postoffice address Etham, County Dakota, State SD

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

2. Name of diversion work Weber
 3. Amount of water claimed 2.17 cubic feet per second
 4. Source of water supply Well
 5. Location of point of diversion 1320 S & 1320 W. of NE Corner Sec 27
T101N, R61W. 5th P.M. on _____ bank Dakota County.
 6. Annual period or periods during which water is to be used Apr. 1st to Nov. 1st
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____
 (a) Number of acres to be irrigated 152 acres.

(b) Legal subdivisions to be irrigated NE 1/4 Sec 27, T101N, R61W
 (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 _____~~

MAP NO 895-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 4000⁰⁰

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures \$.....

Total, \$ 11,000⁰⁰

9. Description of diversion works:

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

Pumping Plant, Turbine

II. Dimensions of works.

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark 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 3 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 Daily Republic Minneapolis, Mitchell, SD

STATE OF SOUTH DAKOTA

County of Minnehaha } ss.

I, Donald E. Weber, 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.

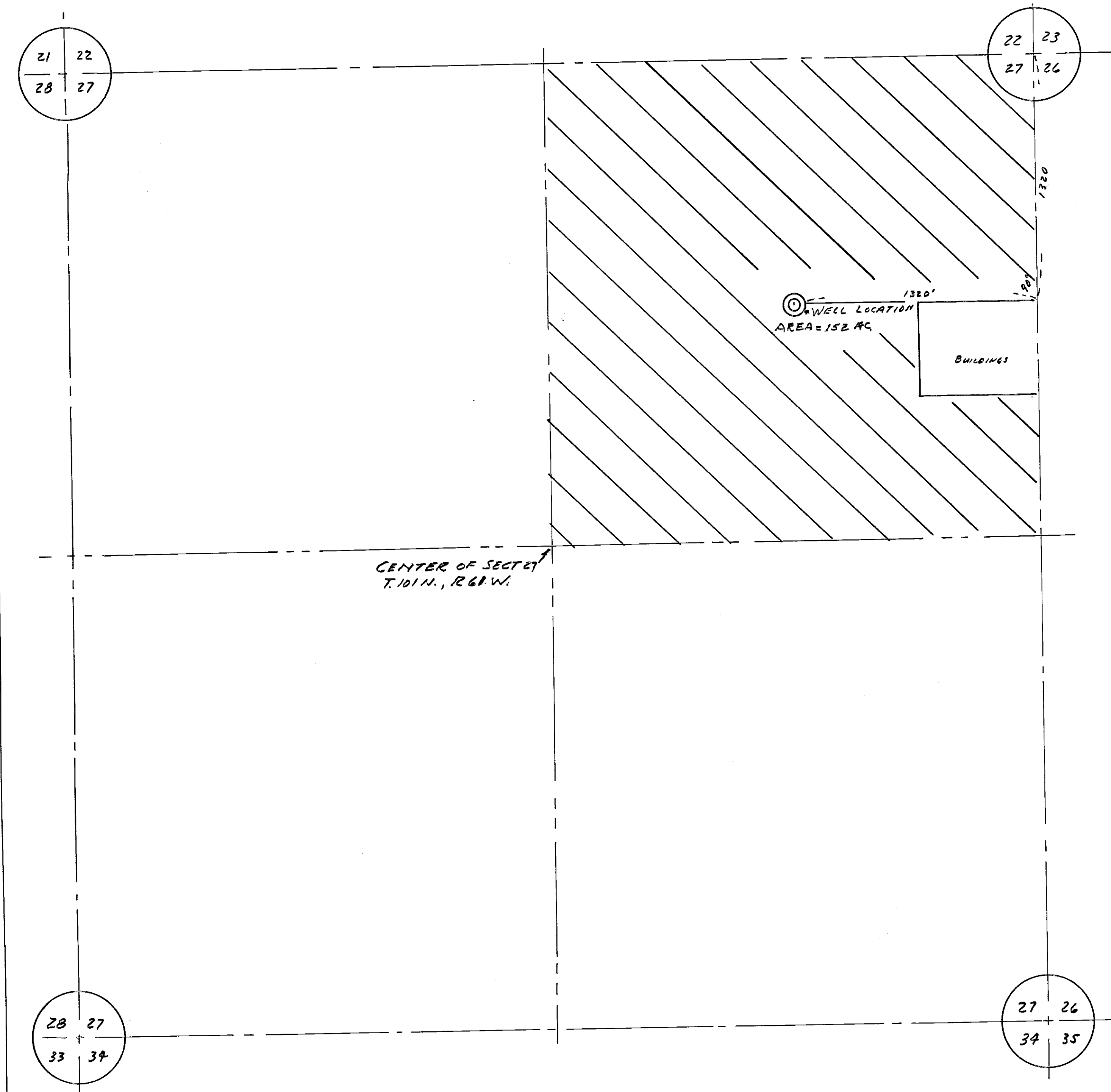
Signed Donald E. Weber

Subscribed and sworn to before me this 11th day of June 1916

Notary Public
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

2



AREA BY LEGAL SUBDIVISION
152 AC. : N.E. 1/4 SECTION 27, T. 101 N., R. 61 W., 5TH RM.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT, AT THE REQUEST OF DONALD WEBER
SOLE OWNER I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON MAY 12, 1966 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 14TH DAY OF MAY 1966

STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE)
SUBSCRIBED AND SWORN TO BEFORE ME THIS 14TH DAY OF MAY 1966
REG. LAND SURV.
NOTARY PUBLIC

DONALD WEBER IRRIGATION PROJECT NO. 1
SHOWING AREA 2, WELL LOCATION WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

DONALD WEBER OWNER
HARLAN W. MEYER SURVEYOR
MAY '66

Remarks by State Water Resources Commission:

The well approved under this permit is located near domestic wells and one other irrigation well which obtain water from the same aquifer. If the well approved under this permit depletes the domestic supplies or interferes with prior water rights, restrictions to the extent necessary of the pumping rate or time of pumping or other arrangements will be required to protect these water supplies.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, November 10, 1966

This is to certify that the foregoing application was received by the Commission at 8:20 o'clock A.m. upon the 8th day of JUNE, 1966.

State Water Resources Commission

By:

Richard D Schroyer
Chief Engineer, Executive Officer

Number of permit 1280-3

Date of first receipt of application JUNE 8, 1966

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 JUNE 8, 1966

Approved November 9, 1966, Recorded in Book 9 Page 184

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 MAY 9, 1968

2nd. The whole of said work is to be completed on or before November 9, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 9, 1974

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 2.17 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 November 9, 1974; said water to be used during the following described annual period:

April 1st to November 1st

Witness my hand this 10th day of November, 1966.

State Water Resources Commission

By:

Richard D Schroyer
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 24, 1970

Water License Issued FEBRUARY 24, 1970

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 120
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing 10 gauge
 Length of casing 100' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Johnson Irrigator
 Size of perforated screen 1/8" (length)
 (diameter)
 Thickness of gravel pack 7 length of gravel pack 120'

(c) Water Bearing Materials

Distance to water 55' Character of water bearing materials
Top soil - 0 to 2, yellow till 2-23, 23 to 54 Gray till
Shale 54 to 62, Chalk Rock 62 to 120

Thickness of water bearing material 58' Chalk Rock

(d) Pump and Motor

Type of pump turbine
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Layne-Bowler size 8" Colum, 10", Bowls
 Kind of motor L.P. Gas or Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 60 HP Name of Motor G.E.

(e) Complete well

Capacity 600 GPM at drawdown of 50' Estimated cost \$400.00

(f) Owner of land upon which well is located

Donald E. Weber
 Name

Address
Ether, S. Ark.

(g) Distance to nearest existing wells

On same owner's property 70 rods. On property owned by others 150 rods

Form 15.

Permit No. 1280-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Delores and Donald Weber

_____ the holder 8 of
Permit No. 1280-3, issued upon Application No. 1280-3, bearing date of priority of June 8,
1966 authorizing the diversion of 2.17 cu. ft. per second of the waters of _____
ground water County of Davison, State of South Dakota at _____
a point 1320' South and 1320' West of the NE Corner, Section 27, T101N, R61W

_____, for irrigation

purposes, have 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 2.04 cu. ft. per second of water.

Date February 24, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1280-3

(1) WHEREAS, On the 8th day of June A. D. 19 66
Delores and Donald Weber

made Water Right Application No. 1280-3 for a permit to use 2.17 cubic feet per second of the water of ground water

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

(2) WHEREAS, On the 10th day of November A. D. 19 66
Permit No. 1280-3, with a date of priority of June 8, 1966

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 9th day of November A. D. 19 69 and for the application to beneficial use of said water on or before the 9th day of November A. D. 19 74

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 2.04 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 irrigating 152 acres in the NE $\frac{1}{4}$, Section 27, T101N, R61W

(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 Delores and Donald Weber

_____ of Ethan, South Dakota
the holder s and owner s of said permit No. 1280-3 a water right, dating from June 8, 1966
_____ to use of 2.04 cubic feet per second of the waters
of ground water

in the County of Davison and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1320' South and 1320' West of the NE Corner,
Section 27, T101N, R61W

_____ and conduct to and upon the NE $\frac{1}{4}$, Section 27, T101N, R61W

_____ for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1280-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of February A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Davison } ss.

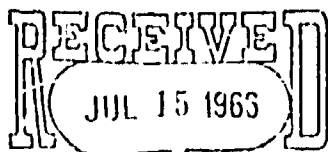
E. M. Brady being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Republic a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City Mitchell of Davison County of Davison and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 22, 23, July 6, 13

in each and every issue of the full number thereof, the first publication being made on the 22nd day of June 1966 and the last publication on the 13th day of July 1966, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was General Manager the printer and publisher of the said newspaper.

E. M. Brady

Subscribed and sworn to before me this 11th day of July A. D. 1966



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

No. 1280-3

Office of State Water Resources Commission.

Pierre, S. Dak., June 8, 1966

Notice is hereby given that Delores and Donald Weber whose postoffice address is Ethan, S. Dak., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.17 cubic feet of water per second of time from ground water through the Weber No. 1 the point of diversion of which is to be located in the Center of the NE 1/4 of Section 27 Twp. 101N Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 Section 27, T101N, R61W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of July, 1966, at 2 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:

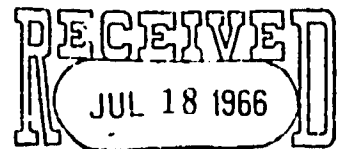
BURTON F. JONES

Water Right Specialist

Notary Public Davison County, S. D.

To the members of the Water Resources Commission
Pierre, South Dakota

Gentlemen



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

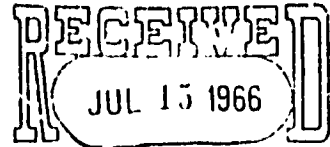
We the undersigned land owners hereby request the water resources commission of the state of South Dakota to make an investigation prior to issuance of a well permit to Mr Donald Weber, which well permit is to be located on the Northeast Quarter of Section 27, Township 101 North, Range 61 West of the 5th P.M., in Davison County, South Dakota. We each believe that the proposed well will interfere with the wells we presently use for domestic purposes on our farms

Ellenora K. Wermers
Ellenora K. Wermers owner of
Northeast Quarter of Section 35
and the Southeast Quarter of Section
26 all in Township 101 North, Range
61 in Davison County.

Peter Bauhs
Peter Bauhs, owner of the Northwest
Quarter of Section 36, Township 101
North, Range 61 West of the 5th P.M.,
in Davison County.

Leonard Storm
Leonard Storm owner of the Southeast
Quarter of section 27, Township 101
North, Range 61 West of the 5th P.M.,
in Davison County, and the Southwest
Quarter of Section 26 in Township
101 North, Range 61 West of the 5th
P.M.,

Norbert Hoffman
Norbert Hoffman owner of the Southwest
Quarter of Section 35, Township 101
North, Range 61 west of the 5th P.M.,
in Davison County, South Dakota



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Dimock, So. Dak.
July 14, 1966.

Water Resources Commission
Pierre, So. Dak.

Dear Sirs:

I am writting this letter in regards to the irrigation well located on the Northeast one-fourth of section thirty-four (34) in Davison county and Tobin twp.

I am asking the commission to give a full investigation into the pumping of this well. My domestic well has been pumped dry on two different ocassions due to the pumping of this well. When the Bormann-Rumbolz well operates for al ng period of time my well goes dry and when they stop their pumping I again get water. I am not sure what my rights are on this matter but it would seem to me that a pumping restriction should be placed on the above described well.

I also request the commission to consider very toughtly the permit requestmade by Delores and Donald Weber for awell to be located on the North-east quarter of section twenty-seven Tobin twp., Davison County. This permit request comes up on July the 20, 1966 at 2:00P.M.

It is my feeling that if one well in this area can pump domestic wells dry what will two wells is this same area do?

Sincerely yours

John Werners

P.S. Operate the North-east one-fourth of section 34 , Tobin twp., Davison County S. D. and the South-east one-fourth of section twenty-six, Tobin twp., Davison Co. So. Dak.

U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Davison Co., S. Dak.
101-61-35bbbbb1

Analyses by Geological Survey, United States Department of the Interior
(parts per million)
9-268 g

Sample number.....	Q-2424					
Date of collection.....	8-11-66					
Silica (SiO ₂).....	9.3					
Iron (Fe).....	.01					
Manganese (Mn).....	.04					
Calcium (Ca).....	23					
Magnesium (Mg).....	7.7					
Sodium (Na).....	453					
Potassium (K).....	10					
Bicarbonate (HCO ₃).....	455					
Carbonate (CO ₃).....	0					
Sulfate (SO ₄).....	596					
Chloride (Cl).....	101					
Fluoride (F).....	1.1					
Nitrate (NO ₃).....	6.6					
Boron (B).....	4.9					
Sodium-adsorption ratio (SAR)...	22					
Dissolved solids						
Calculated.....	1450					
Residue on evaporation at 180°.....	1510					
Hardness as CaCO ₃	89					
Noncarbonate hardness as CaCO ₃ ...	0					
Alkalinity as CaCO ₃	373					
Specific conductance (micromhos at 25°C).....	2270					
pH.....	8.1					
Color.....	3					

Latitude: 43-30-45N; Long.: 9-80-72-2; Source: Domestic well; Owner: Peter Baums;
Dimeck, SD; Depth: 230'; WBF: Sandstone; Producing intervals from 205 to
223'; Water level (static) 65' bel. ground surface; Sampled after 5 min.; Yield:
5 pump; POC: Garden hose; Appear.: Clear; Use: Dom. & stock; Coll. by: D. Driscoll.

Permit No. 1280-3
 Water Division 3 JAMES 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 DELORES AND
DONALD WEBER of ETHAN holder
 of Permit No. 1280-3, bearing date of priority of JUNE 8, 1966
 authorizing the diversion of 2.17 cu. ft. per second of the waters of GROUND WATER
 for IRRIGATION purposes, in DAVISON 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:

120' DEEP WELL - 16" D.I.A.
LAYNE-BOWLER 8" PUMP POWERED BY
CHRYSLER 318 INDUSTRIAL ENGINE (PROPANE)

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

2200' OF 6" MAINLINE

C. Works used to apply water to beneficial use.

4 - 1/4 MILE TOWLINES W/ RAINBIRD #30
SPRINKLER HEADS 11/22

The system is in the following condition: EXCELLENT

The point of diversion is located 1320'S & 1320'W OF THE NE
CORNER, SECTION 27, T10N, R61W

The works are capable of diverting and conveying to the place of use 2.04

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: FOR IRRIGATION

THE NE⁴ SECTION 27, T10N, R61W

comprising a total of 152 acres of land.

Date FEBRUARY 18, 1970
Burton Jones
 (Signature)



Department of Water & Natural Resources

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

January 29, 1988

DONALD WEBER
RR 1 BOX 28
ETHAN, SD 57334

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). (1280-3). The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre 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(s), the Water Management Board can:

1. Amend Permit No(s). 1280-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 12, 1988

1280-3

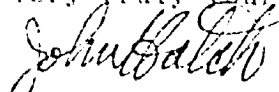
Donald Weber
RR 1, Box 28
Ethan SD 57334

Dear Mr. Weber:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1280-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 3, 2005

1280-3

Donald Weber
219 E 15th Ave
Mitchell SD 57301-1450

Dear Mr. Weber:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 26633 404th Ave, Ethan SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIVED
NOV 14 2005
WATER RIGHTS
PROGRAM

enclosures

*We did not irrigate in 2005
We sold our farm and the new
Owner is Marty Neugebauer - His address
is 40676 - 268th St. Dimock, S.D. 57331
Our new address is Don Weber 219 E 15th Ave
Mitchell S.D. 57301*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2005

1280-3

Marty Neugebauer
40676 268th St
Dimock SD 57331

Dear Mr. Neugebauer:

I am contacting you in regard to ownership of land described in Water Right No. 1280-3. Enclosed is a copy of the water right for your review. Donald Weber has notified us that he sold the land to you.

For informational purposes, South Dakota Water Law states that in order to maintain a water right, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. The three year period is waived if legal excuse exists for the non-use of water. I am including excerpts of our water laws and Water Management Board Rules dealing with these issues.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN - 4 2006

WATER RIGHTS
PROGRAM

No. 1280-3

Date: Jan 3 - 06

I/We request that Water Right No. 1280-3

formerly owned by: Donald & Delores Weber, 219 E 15th Ave, Mitchell SD 57301

be transferred to: (name & address) Marty Nungesser 40676 264th St
Dimock SD 57331

Telephone No. 227-4257

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

152 acres - NE 1/4 Section 27, T101N, R61W

I/We understand that the validity of Water Right No. 1280-3 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 Marty Nungesser, the new owner, certify that the above information is true and correct.

Marty Nungesser
(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 January 4, 20 06

RECEIVED OF Marty Neugebauer, 40676 268th St., Dincock SD 57331

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>1280-3</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.

002141

By

Darlene Elshel
Chief Engineer
gr-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2006

1280-3

Marty Neugebauer
40676 268th St
Dimock SD 57331

Dear Mr. Neugebauer:

I am writing to acknowledge receipt of the ownership change you submitted for Water Right No. 1280-3. The transfer has been completed. The water right, formerly listed in the names of Donald and Delores Weber, is now listed in your name.

Enclosed is your Receipt No. 002141 in the amount of \$2.50 which you paid for filing the ownership change. You may keep the receipt for your records.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure