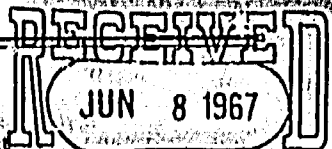


1407-3

1. Considered July 19, 1962
2. Name of Applicant Warren Eldridge
3. Post Office Address Lake Arrow
4. Amount of water claimed 2.0
5. Source of water supply Missouri River
6. Water to be used for irrigation
 Acres to be irrigated 140
7. Water to diverted and used in Chas. Mix County
 about 35 miles 24 of Lake Arrow.
8. Proof of Publication Received _____
 Not Received _____
9. Application Approved ✓ _____
 Subject to Proof _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 1407-3Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA
9:17 A.M.

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant WALTER SOULEK
 Postoffice address Box 110, Charles Mix, S.D.

I. If a corporation REL. BOX 120

- (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, \$ Admire

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Elbridge #13. Amount of water claimed Maximum 2.0 max cubic feet per second4. Source of water supply Fort Randall Reservoir Missouri River5. Location of point of diversion 1500 ST. South 1.666 FT. West of the Quarter
Common To Sections 19 & 30 196-65 on 5th P.M. out of the Ft. Randall Reservoir County.6. Annual period or periods during which water is to be used 12/1/65 to 5/31/66

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 110 acres(b) Legal subdivisions to be irrigated Sec 30, 96-65-W

(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.)

Dugout in the NW 1/4 of Sec 30, 96-65-W

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 _____

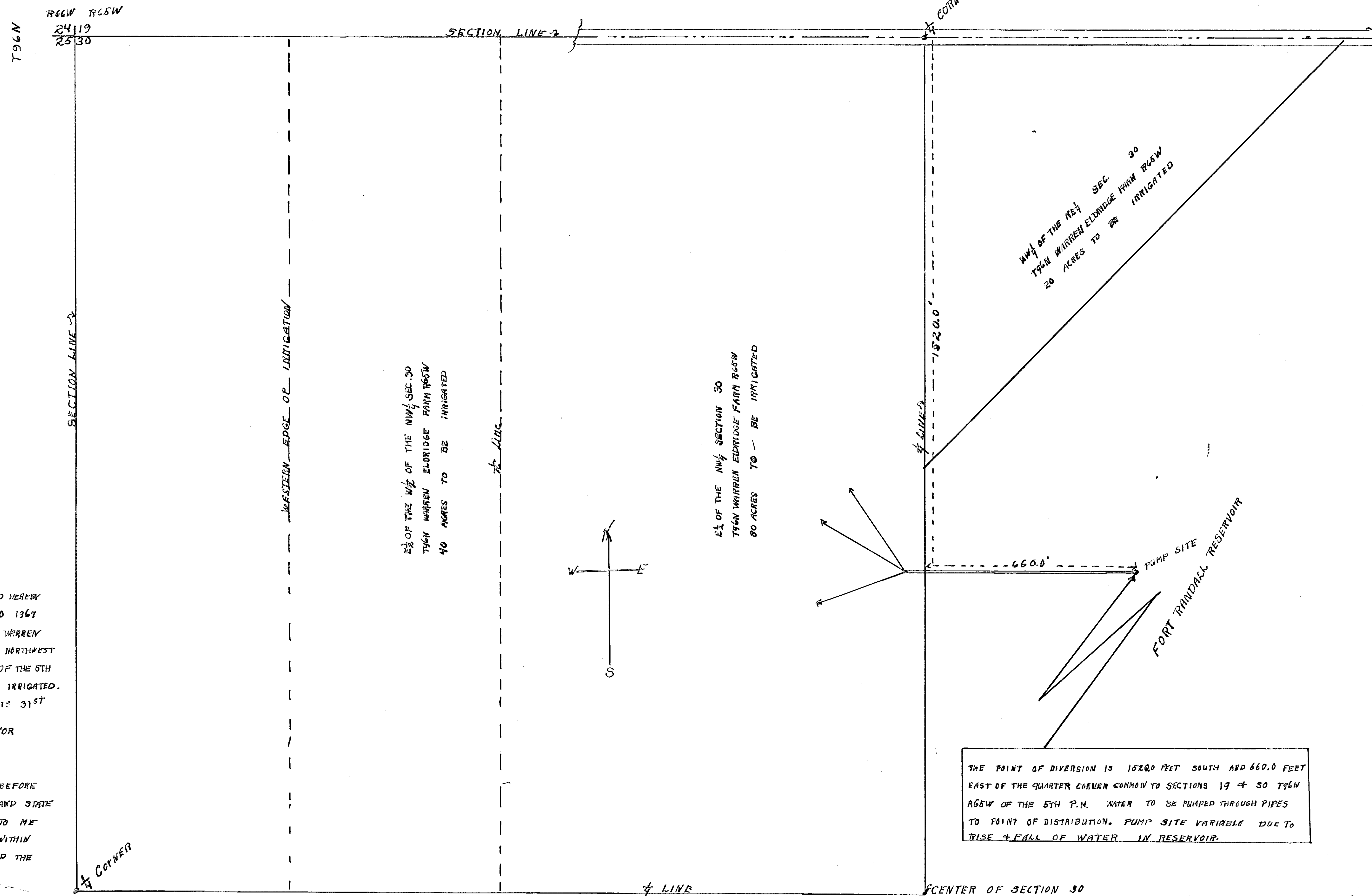
(c) Location of plant _____

(d) Method of developing power _____

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

MAP # 1017-3

PLAT OF
SPRINKLER SYSTEM OF IRRIGATION
WARREN ELDRIDGE FARM
NW $\frac{1}{4}$ NE $\frac{1}{4}$ AND NW $\frac{1}{4}$ SEC 30
T26N R65W OF THE 5TH PM
140 ACRES TO BE IRRIGATED



I, RAY C. GILL, A DULY REGISTERED LAND SURVEYOR DO HEREBY
CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY ME MA 20 1967
FOR THE PURPOSE OF A SPRINKLING IRRIGATION SYSTEM ON THE WARREN
ELDRIDGE FARM LOCATED IN THE NORTHWEST QUARTER AND THE NORTHWEST
QUARTER OF THE NORTHEAST QUARTER OF SECTION 30 T96N R66W OF THE 5TH
P.M. CONDITIONS ARE AS SHOWN ON PLAT. 140 ACRES TO BE IRRIGATED.
IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 31ST
DAY OF MAY 1967.

Ray C Gill

STATE OF SOUTH DAKOTA)
COUNTY OF CHARLES MIX)SS
ON THIS 30ST DAY OF MAY 1967 BEFORE
ME THE UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE
AFORESAID NAMED, PERSONALLY APPEARED RAY C. GILL KNOWN TO ME
TO BE THE PERSON DESCRIBED IN WHO EXECUTED THE WITHIN
INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE
SAME.
MY COMMISSION EXPIRES Apr 6, 1975
Notary Public,
South Dakota.

THE POINT OF DIVERSION IS 15200 FEET SOUTH AND 660.0 FEET EAST OF THE QUARTER CORNER COMMON TO SECTIONS 19 & 30 T96N R65W OF THE 5TH P.M. WATER TO BE PUMPED THROUGH PIPES TO POINT OF DISTRIBUTION. PUMP SITE VARIABLE DUE TO RISE & FALL OF WATER IN RESERVOIR.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, August 1, 1967

This is to certify that the foregoing application was received by the Commission at 8:17 o'clock
A m. upon the 8th day of JUNE, 1967

State Water Resources Commission

By: Richard D Schroyer
For Chief Engineer, Executive Officer

Number of permit 1407-3

Date of first receipt of application JUNE 8, 1967

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, 1967

Approved JULY 19, 1967 Recorded in Book 9 Page 332

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 _____

JANUARY 19, 1970

2nd. The whole of said work is to be completed on or before JULY 19, 1972

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

JULY 19, 1975

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 2.0 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 JULY 19, 1975; said water to be used during the following described annual period:

APRIL 1st through November 1st

Witness my hand this 1st day of AUGUST, 1967

State Water Resources Commission

By: W. H. Guiness
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 16, 1968

Water License Issued SEPTEMBER 16, 1968

Permit No. 1407-3MISSOURI
Water Division No. 3 RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Warren Eldridge

of Lake Andes, County of Charles Mix, and State of South Dakota, the holder of Permit No. 1407-3 issued upon Application No. 1407-3 bearing date of priority of June 8, 1967, authorizing the diversion of 2.0 cu. ft. per second of the waters of the Missouri River County of Charles Mix, State of South Dakota, at a point 1530' S and 660' E of the NW $\frac{1}{4}$ Corner, Section 30, T96N, R65W.

for irrigation purposes, has 8 fully 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 2.2 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

140 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T96N, R65W

Witness my hand this 16th day of September A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1407-3

WHEREAS, On the 8th day of June A. D. 1967
Warren Eldridge
 of Lake Andes County of Charles Mix and State of
South Dakota duly made application (No. 1407-3) to us for a permit to use 2.0
 cubic feet per second of the waters of the Missouri River
 County of Charles Mix, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 1st day of August A. D. 1967
 Permit No. 1407-3 was issued to said applicant... for the diversion of said water and providing for the
 completion of the works of diversion therein described on or before the 19th day of
July A. D. 1972 and for the application to beneficial use of said
 water on or before the 19th day of July A. D. 1975
 and,

WHEREAS, On the 12th day of September A. D. 1968
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of
2.2 cubic feet per second of said waters, as evidenced by our Certificate No. 1407-3
 dated September 16, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of
 priority of July 8, 1967 and,

WHEREAS, On the 12th day of September A. D. 1968
 proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water;
for irrigating 140 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 Section 30, T96N, R65W.

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 Warren Eldridge
of Lake Andes the holder and owner of said permit No. 1407-3
a water right, dating from June 8, 1967 to the use of 2.0
cubic feet per second of the waters of the Missouri River
in the County of Charles Mix and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point 1520' S. and 660' E.
of the N $\frac{1}{2}$ Corner, Section 30, T96N, R65W
and conducted to and upon 140 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 30, T96N, R65W

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of September A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. GRIM
Chief Engineer, Executive Officer

on or before June 22, 1967
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 12, 1967

Notice is hereby given that Warren Eldridge whose postoffice address is Lake Andes 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 2.0 cubic feet of water per second of time from the Missouri River through the Eldridge #1 the point of diversion of which is to be located on the left bank of said stream in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30 portions of Twp. 96N Range 65W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 30, T96N, R65W

~~SECTION~~ SECTION
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1967, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD D. SCHMOYER
Water Right Specialist

CC: Ervin E. Palmer, Publisher
Lake Andes Wave
Lake Andes, S.D.

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Charles Mix

ss

Charles E. Peltner Being first duly sworn,
says that the Lake Andes Wave is a legal, weekly newspaper for
publication of legal and other official notices as required by
Chapter 293 of the Session Laws of South Dakota, 1939; that it
has a bona fide paid circulation of more than two hundred copies
weekly; that it is published in English language in the City of
Lake Andes, Charles Mix County, South Dakota, and has been
admitted to the United States mail under second class mailing
privilege for more than one year prior to the first publication of
the notice herein mentioned, and that it is printed in an office
maintained at the place of publication at Lake Andes, South
Dakota, and that deponent is publisher in charge of the advertis-
ing department of said newspaper; that the advertisement
headed *Appropriation of Water*

a printed copy of which is hereto attached, was printed and pub-
lished in said newspaper for successive weeks, upon the
following dates:

<i>June 12</i>	19 <i>67</i>		19.....
<i>June 19</i>	19 <i>67</i>		19.....
<i>June 26</i>	19 <i>67</i>		19.....
<i>July 3</i>	19 <i>67</i>		19.....

That the full amount of the fee charged for the publication of
said notice, \$*11.95*, inures to the benefit of the publication
of said newspaper, that no agreement or understanding for the
division thereof has been made with any other person, and that
no part has been agreed to be paid to any person whomsoever.

Charles E. Peltner.....

Subscribed and sworn to before me

this *5* day of *July*, 19*67*
Charles E. Peltner.....

Notary Public, South Dakota

My Commission expires *June 23*, 19*72*

RECEIVED
JUL 27 1967

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resource
Commission, Pierre, S. Dak. June 12,
1967.

Notice is hereby given that War-
ren Eldridge, whose postoffice ad-
dress is Lake Andes, 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 2.0
cubic feet of water per second of
time from the Missouri River through
the Eldridge No. 1, the point of di-
version of which is to be located on
the left bank of said stream in the
SW¹/₄ of the NE¹/₄ of Section 30 Twp.
96N Range 65W. Said water to be
used for the purpose of providing
irrigation on portions of the follow-
ing described land:

NW¹/₄ and NW¹/₄ NE¹/₄, Section
30, T96N, R65W.

This application will be taken up
by the State Water Resources Com-
mission at their office at Pierre for
consideration upon the 19th day of
July, 1967, 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 infor-
mation presented.

State Water Resources Commission
By: RICHARD D. SCHMOYER
Water Right Specialist
June 14-21-28-July 5

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON FORT RANDALL DAM, LAKE FRANCIS CASE PROJECT, SOUTH DAKOTA

No. DACW45-2-68-5178

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

Warren Eldridge
Lake Andes, South Dakota

hereinafter designated as the grantee, for a period ~~not to exceed~~ ^{coextensive with State Water}
~~not to exceed~~ ^{Permit No. 1407-3,}
 an easement for right of way for the installation, operation and maintenance of
 portable irrigation water pipeline and portable pump unit,

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" entitled Fort Randall Reservoir, Segment "B" attached hereto and made a part hereof, and described as follows:

A strip of land 66 feet in width in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 96 North, Range 65 West of the Fifth Principal Meridian, Charles Mix County, South Dakota, lying 33 feet on each side of the following described line: Commencing at the NW corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence South along the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 33 feet to the point of beginning; thence East parallel to the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the shoreline of Lake Francis Case. Said strip contains 1.35 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of **fifty** and no/100 dollars - - - - - (\$50.00) for the term , payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to **the District Engineer, Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse, Omaha, Nebraska 68102.**

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That the grantee shall not discharge waste or effluent from the granted property in such a manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

16. That this easement and right of way for a water pipeline and pumping plant is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

Prior to the execution of this easement Conditions Nos. 15 and 16 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 10th day of May 19 66.

/s/ Dale Kent
DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers

Permit No. 1407-3
MISSOURI
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~

~~I~~ I have this day made a thorough examination of the diversion works constructed by WARREN ELDRIDGE of LAKE ANDES
CHARLES MIX County, South Dakota, holder of Permit No. 1407-3, issued
 upon Application No. 1407-3, bearing date of priority of JUNE 8, 1967, authorizing the
 diversion of 2.0 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 6" BERKELEY PUMP (MODEL B32PL),
POWERED BY CENTURY 50 HP ELECTRIC MOTOR, 1/2
MILE 6" MAINLINE - 2 - 1750' 4" TOW LINES w/
RAINBIRD 30 WS SPRINKLER HEAD (3/64) @ 40'
SACINGS

and the system is in the following condition: EXCELLENT

The point of diversion is located 1520' S & 660' E OF THE N 1/4
CORNER, SECTION 30, T 96N, R 65W

The works are capable of diverting and conveying to the place of use 2.2 cu. ft. per second of water,
 which is to be used for

The legal sub-divisions to be irrigated are: E²W²NW⁴, E²NW⁴ & NW⁴NE⁴,
SECTION 30, T 96N, R 65W

comprising a total of 140 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 12TH day of SEPTEMBER, 1968

—SEAL—

Burton J. Jones
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Form 20.

No. 1407.3

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RESOURCES COMMISSION~~ WATER RIGHTS COMMISSION
State Office Building No. 2
Pierre, South Dakota 57501

Date FEBRUARY 23, 1976

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

PORTIONS OF THE N²NW⁴ & E²NW⁴ & NW²NE⁴,
SECTION 30, T96N, R65W

formerly owned by WARREN ELDRIUGE

has been transferred to WALTER SOULEK, LAKE ANDES

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1407.3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of HUGHES) ss.

I, WALTER J. SOULEK 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.

Walter J. Soulek
(Signed)

Suscribed and sworn to before me this 23RD day of FEBRUARY, 19 76

Justin R. Ziebrick
(Notary Public)

My Commission Expires 3/27/83



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 8, 2022

WJ Soulek Family Land LLLP
38001 295th St
Lake Andes SD 57356

RE: Water Right Nos. 330-3, 1407-3, 1928-3, 4623-3 and 6543-3

Dear Sir:

Thank you for returning the 2022 irrigation questionnaires by the deadline. Based on the notations on each form, all five water rights need to be transferred.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. 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 (\$250 total). 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 let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2023

WJ SOULEK FAMILY LAND LLLP
38001 295TH ST
LAKE ANDES, SD 57356

Dear Soulek Family:

I am writing to acknowledge the receipt of your transfer forms and filing fees.

The ownership changes have all been completed. The water rights under Walter's name are now listed under WJ Soulek Family Land LLLP.

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

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

No. 1407-3

MAY 12 2023
Ck# 1181
Rec't# 5/12/23

Date: 5-9-23

I/We request that Water Right No. 1407-3

formerly owned by: Walter Soulek

be transferred to: (name & address)

WJ SOULEK FAMILY LAND LLP

38001 295th St

Lake Andes, SD 57356

WJ SOULEK FAMILY LAND LLP

38001 295th St

Lake Andes, SD 57356

Telephone No. 605-645-7632

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

140 acres – within N ½ Section 30, T96N, R65W

I/We understand that the validity of Water Right No. 1407-3 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 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 **WJ SOULEK FAMILY LAND LLP** the new owner, certify that the above information is true and correct.
38001 295th St
Lake Andes, SD 57356

Paul Soulek Partner

Jayne Soulek Partner
(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

MAY 12 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 12, 2023

RECEIVED OF Wj Soulek Family Land LLLP 38001 295th ST., Lake Andes, SD 57356

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>1407-3</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
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: PAUL SOULEK, 38001 295TH ST, LAKE ANDES, SD 57356

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 330-3, 1407-3 & 1928-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4623-3 & 6543-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4623-3 & 6543-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 330-3, 1407-3 & 1928-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QNAFUR**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

330-3, 1407-3, 1928-3
4623-3, 6543-3

WJ Soulek Family Land LLLP
c/o Paul Soulek
38001 295th St
Lake Andes SD 57356

Dear Mr. Soulek:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 330-3, 1407-3, 1928-3, 4623-3 & 6543-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us