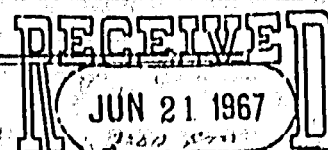


1431-3

1. Considered July 19, 1967
2. Name of Applicant George A. Schmitt
3. Post Office Address Pierre
4. Amount of water claimed 2.9
5. Source of water supply Missouri River
6. Water to be used for Irrigation
Acres to be irrigated 20375
7. Water to diverted and used in Hughes County
about 65 miles 18 E of Pierre.
8. Proof of Publication Received July 18
Not Received _____
9. Application Approved _____
Subject to ✓
Not Approved _____
Action deferred _____
10. Remarks:

No. 1431-3Water 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

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

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

1. Name of applicant George A. Schmitt MYRIL J. ARCH
1504 E. CAPITOL PP # 3
 Postoffice address P.O. #3 Pierre, County Hughes, State S.D.

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)
Employment by others

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

2. Name of diversion work Diversion3. Amount of water claimed 2.9 cubic feet per second4. Source of water supply Missouri River - Lake Sharpe5. Location of point of diversion Between points A & B in the SE 1/4 Sec. 3 T.109 N. R.76 W.Missouri River - Lake Sharpe on North bank Hughes County.6. Annual period or periods during which water is to be used April - May

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity(a) Number of acres to be irrigated 203.75 acres.(b) Legal subdivisions to be irrigated Lot 1 & 2 E. 1/4 NE 1/4 Sec. 3 T.109 N. R.76 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.)

Irrigate Farm land in the NE 1/4 E 1/4 Sec. 3 T.109 N. R.76 W.

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

(a) Nature of use irrigation

(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 # 1041-3

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.)

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	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 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

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

Capital Journal, Pierre

STATE OF SOUTH DAKOTA

County of -----

Hughes

ss.

I, *George A. Schmitt*, 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 -----

George A. Schmitt

Subscribed and sworn to before me this -----

21st

day of -----

June

19*27*

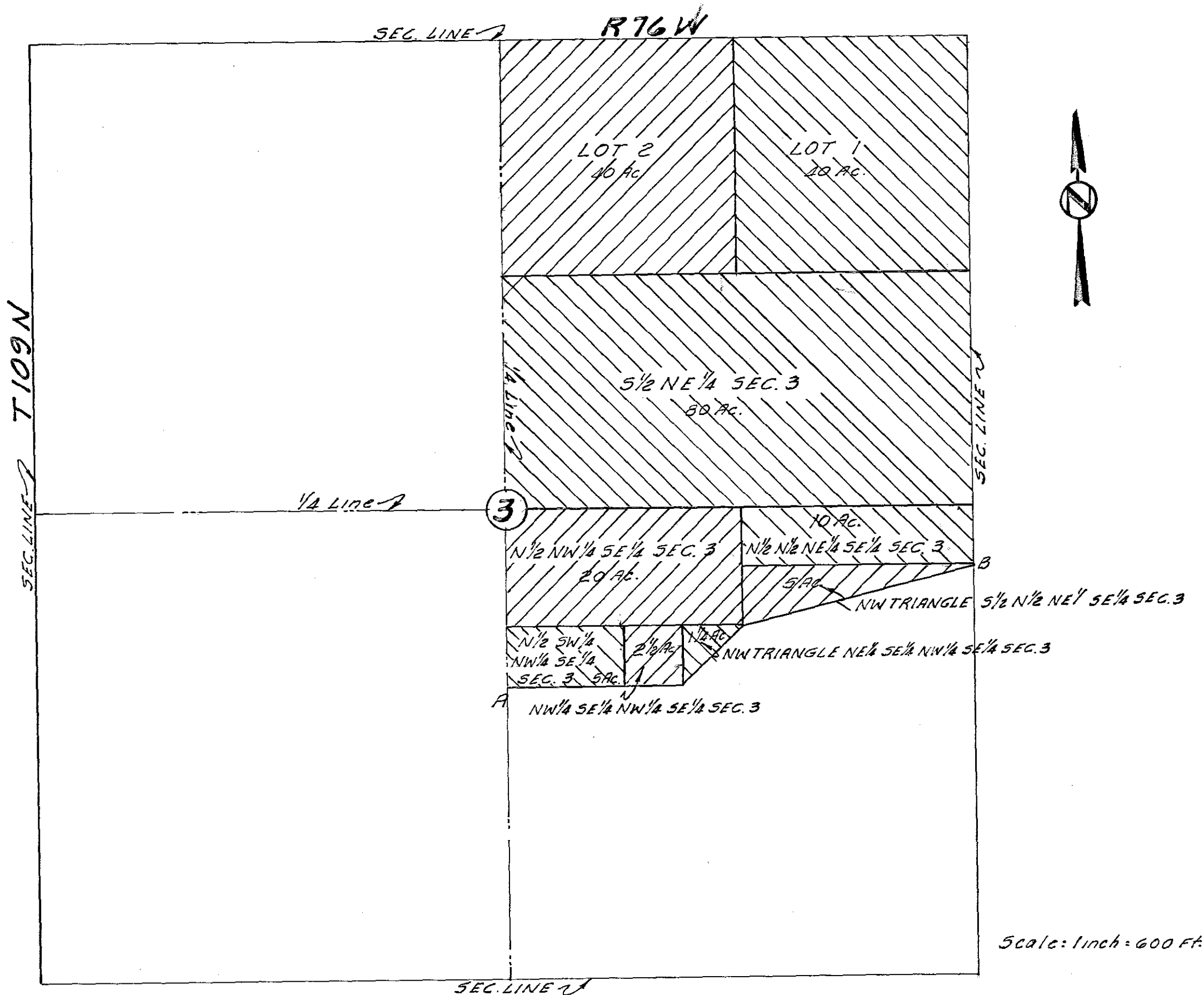
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

PLAT SHOWING AREA & DIVERSION POINTS WHERE WATERS WILL BE
DIVERTED FOR PERMIT TO APPROPRIATE WATER.

GEORGE A. SCHMITT
MAYNARD C. SOMMER

OWNER
SURVEYOR



NOTE: POINT OF DIVERSION NORTH BANK OF
LAKE SHARPE BETWEEN POINTS "A" & "B"

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA 55
COUNTY OF HUGHES

I, MAYNARD C. SOMMER, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE
OF SOUTH DAKOTA, DO HEREBY CERTIFY, THAT AT THE REQUEST OF GEORGE
A. SCHMITT, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE
IRRIGATED WITHIN HIS OWNERSHIP BOUNDRIES ON June 16th 1967
FOR WHICH APPLICATION MAP IS A TRUE REPRESENTATION THEREOF.
WITNESS MY HAND AND SEAL THIS 16th DAY OF June 1967.

Maynard C. Sommer
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA 55
COUNTY OF HUGHES

ON THIS 16 DAY OF June BEFORE ME THE UNDERSIGNED NOTARY
PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
MAYNARD C. SOMMER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED
THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME.
WITNESS MY HAND AND SEAL THIS 16th DAY OF June 1967.

MY COMMISSION EXPIRES: April 26, 1968 *Lawrence E. Mayer*
NOTARY PUBLIC

MAP # 1041-3
(App # 1431-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, July 24, 1967

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock
P.m. upon the 21st day of June, 1967

State Water Resources Commission

By: Richard D Schuyler
for Chief Engineer, Executive Officer

Number of permit 1431-3

Date of first receipt of application June 21, 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 21, 1967

Approved July 19, 1967, Recorded in Book 9 Page 330

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, 1976

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 2.9 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 July 19, 1976; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 24th day of July, 1967

State Water Resources Commission

By: Richard D Schuyler
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

Permit No. 1431-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Myril J. Arch

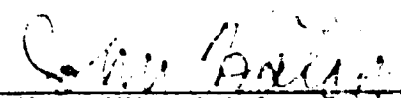
_____ the holder _____ of
Permit No. 1431-3, issued upon Application No 1431-3, bearing date of priority of June 21, 1967

_____ authorizing the diversion of 2.9 cu. ft. per second of the waters of _____
the Missouri River County of Hughes, State of South Dakota at _____
on the Missouri River between points in NW 1/4 SE 1/4 and a point in the NE 1/4 SE 1/4,
Section 3, T109N, R76W

_____ for irrigation

purposes, he 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 4.44 cu. ft. per second of water.

Date August 22, 1980



JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 1431-3

(1) WHEREAS, On the 21st day of June, A. D. 19 67
George A. Schmitt

made Water Right Application No. 1431-3 for a permit to use 2.9 cubic feet per second of the waters of the Missouri River
 County of hughes, State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 19th day of July, A. D. 19 67
 Permit No. 1431-3, with a date of priority of June 21, 1967
 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 1st day of July, A. D. 19 72 and for the application to beneficial use of said water on or before the 1st day of July, A. D. 19 76

WHEREAS, as on May 13, 1974 Permit No. 1431-3 was transferred to Myril J. Arch, Pierre SD

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 2.9 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:

to irrigate the following lands all in Section 3, T109N, R76W

	Acres
<u>NW 1/4 NE 1/4</u>	<u>40</u>
<u>NE 1/4 NE 1/4</u>	<u>40</u>
<u>SW 1/4 NE 1/4</u>	<u>40</u>
<u>SE 1/4 NE 1/4</u>	<u>40</u>
<u>NW 1/4 SE 1/4</u>	<u>28.75</u>
<u>NE 1/4 SE 1/4</u>	<u>15</u>

TOTAL 203.75

(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 Myrl J. Arch

_____ of Pierre, South Dakota
the holder _____ and owner _____ of said permit No. 1431-3 a water right, dating from June 21, 1967
_____ to use of 2.9 cubic feet per second of the water-
of the Missouri River

in the County of Burke and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at on the Missouri River between points in NW 1/4 SE 1/4
and a point in the NW 1/4 SE 1/4, Section 3, T109N, R76W

and conducted to and upon portions of land in Section 3, T109N, R76W more
fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1431-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 22nd day of August A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John H. Heston
Chief Engineer, Executive Officer

On or before
(First Publication June 27, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 23, 1967

Notice is hereby given that George A. Schmitt whose postoffice address is Pierre 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 2.9 cubic feet of water per second of time from the Missouri River through the Schmitt Diversion System, the point of diversion of which is to be located on the north bank of said stream in the N¹/₂ of the SE 1/₄ of Section 3 Twp 109N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

NE¹/₄ and a portion of the N¹/₂ SE¹/₄, all in Section 3, T109N, R76W.

~~and/or~~

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:

~~CHIEF ENGINEER~~
RICHARD D. SCHMOYER
Water Right Specialist

At: Robert Hippie, Publisher
Daily Capitol Journal
Pierre, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. HIPELE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

DAILY CAPITAL JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the -----

CITY of PIERRE County of HUGHES and State of South Dakota;

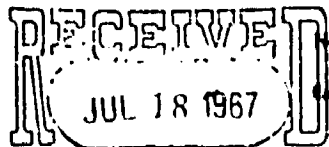
that the said notice was published in said newspaper on the following dates:

June 26, July 3-10-17-67

in each and every issue of the full number thereof, the first publication being made on the 26 day of June 19 67 and the last publication on the 17 day of July 19 67, upon¹ which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

John H. Hippel

Subscribed and sworn to before me this 17 day of July A. D. 19 67



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public
Burt G. Gordin
March 23, 1974

Notary Public HUGHES County, S. D.

No. 298 4tdly June 26 July 3-10-17
APPROPRIATION OF WATER

No. 1431-3

Office of State Water Resources
Commission, Pierre, S. Dak.,
June 23, 1967.

Notice is hereby given that George A. Schmitt whose post-office address is Pierre, 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 2.9 cubic feet of water per second of time from the Missouri River through the Schmitt Diversion System, the point of diversion of which is to be located on the north bank of said stream in the N¹/₂ of the SE¹/₄ of Section 3 Twp. 109N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

NE¹/₄ and a portion of the N¹/₂ SE¹/₄, all in Section 3, T109N, R76W.

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: Richard D. Schmoyer
Water Right Specialist

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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

No. DACW45-2-68-5030

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

George A. Schmitt
Route #3
Pierre, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{coextensive with State} Water Permit No. 1431-3, ~~xxxxxxxxxxxxxx from the date hereof~~ an easement for a right of way for installation, operation and maintenance of a portable irrigation water pipeline and/or 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 Segment "6" Big Bend Dam and Lake Sharpe attached hereto and made a part hereof, and described as follows:

A parcel of land in Section 3, Township 109 North, Range 76 West of the 5th Principal Meridian, Hughes County, South Dakota, more particularly described as follows: A strip of land 33 feet wide lying 16 1/2 feet on either side of the following described line: Beginning at the SE corner of the NE 1/4 NW 1/4 of said Section 3, thence South 45° 00' East to the shoreline of Lake Sharpe. Contains 0.25 acre, 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 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 this easement and right of way is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

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

That prior to 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 3rd
day of October 1967

/s/ Dale Kent

DALE KENT

Chief, Real Estate Division
Omaha District, Corps of Engineers

Form 20.

No. 1431-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date MAY 13, 1974

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

PORTIONS OF THE E² SECTION 3, T109N, R76W,
DESCRIBED IN WATER PERMIT NO 1431-3
(MAP NO 1041-3)

formerly owned by GEORGE A. SCHMITT, PIERRE

has been transferred to MYRIL J. ARCH, 1504, E. CAPITOL,
PIERRE

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1431-3 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 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, MYRIL J. ARCH 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.

Suscribed and sworn to before me this 13TH day of MAY, 19 74

Myril J. Arch
(Signed)

Brian J. [Signature]
(Notary Public)

Land/Water Clerk II

ASSIGNMENT

For One Dollar, and other valuable consideration, the receipt of which is hereby acknowledged, the undersigned George A. Schmitt, Route 3, Pierre, South Dakota, assigns and transfers unto Myril J. Arch, P.O. Pierre, South Dakota, all of assignors interest in a certain Easement located in Hughes County, South Dakota, given by the United States Corp of Engineers, known as Big Bend Easement No. DACW15-2-68-5030.

Dated this 17th day of May, 1974.

George A. Schmitt

STATE OF SOUTH DAKOTA)
 (SS
COUNTY OF HUGHES)

On this 17th day of May, 1974, before me, the undersigned Notary Public, personally appeared George A. Schmitt, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness whereof I hereunto set my hand and official seal.

Notary Public

(SEAL)

This Assignment, including all of the provisions and conditions thereof, is hereby accepted this 20th day of May 1974.

Notary Public
My Comm. No. 1000
July 25, 1973

Myril J. Arch
MYRIL J. ARCH

Approved this 30th day of May 1974.

Joe B. Graham, Jr.

JOE B. GRAHAM, JR.,
Chief, Real Estate Division
Omaha District, Corps of Engineers

Checked on July 17, 1973

The system has been constructed
and is operated by Browning
Brothers.

Addition to the present
not now irrigated we schedule to
be irrigated

D19

✓ Check after July 19, 1976

1973

1-16-77

Range

1-16-77

1-16-77

1-16-77

1-16-77

1-16-77

1-16-77

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1-16-77

Permit No. 1431-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Myril J. Arzh
 of RR #3, Pierre, South Dakota 57501 holder
 of Permit No. 1431-3, hearing date of priority of June 21, 1967
 authorizing the diversion of 2.9 cu. ft. per second of the waters of Missouri River
 for Irrigation purposes, in Hughes 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:

Engine, Chrysler Industrial, 413 CID. V8. Propane.
Pump- Cornell, 6NH B V 62B4-3, Ser # 10437, 11 1/4 -

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

3/4 mile of 12" PVC Pipe.

C. Works used to apply water to beneficial use.

1/4 mile Gated Pip- 12" dia.

The system is in the following condition: Good.

The point of diversion is located Missouri River - between a point in NW 1/4 SE 1/4 and
a point in NE 1/4 SE 1/4 - Sec. 3, T109N R76W

The works are capable of diverting and conveying to the place of use 4.44cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 3, T109N R76W

NW 1/4 NE 1/4 - 40 Ac, NE 1/4 NE 1/4 - 40 Ac, SW 1/4 NE 1/4 - 40 Ac.
SE 1/4 NE 1/4 - 40 Ac, NW 1/4 SE 1/4 - 28.75 Ac, NE 1/4 SE 1/4 - 15 Ac.

comprising a total of 203.75 acres of land.for 2.9 Ac.Date May 16, 1974

Leroy J. Mernagh
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7642

PIERRE, AUGUST 15, 1982

RECEIVED OF Myril J. Arch, RR 3, Pierre, SD 57501

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 1431-3	1	.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1431-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By (A. K. A. H. H. H.)
Chief Engineer, Executive Officer
August 15, 1982



Department of Water & Natural Resources

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

March 23, 1987

MYRIL J ARCH
RR 3 BOX 102
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit(s). 4238A-3 and 1986 Irrigation Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4238A-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4238A-3 qualification:

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

The hearing will also be to determine, if Permit No(s). 1431-3, 4429-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4238A-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 1431-3, 4429-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 13, 1987

1431-3
4238A-3
4429-3

Myril J Arch
RR #3 Box 102
Pierre, SD 57501

Dear Mr. Arch:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1431-3, 4238A-3, and 4429-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



1431-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 2004

1431-3
4429-3

Russell Spaid
351 S Pierre
Pierre SD 57501

RE: Myril Arch land

Dear Mr. Spaid:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 1431-3 and 4429-3. The water rights are currently listed in the name of Myril Arch.

Please review the forms and complete as needed. Upon completion, the forms need to be signed by the new owner(s) and returned to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of Water Right Nos. 1431-3 and 4429-3 in the event you need them. 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

No. 1431-3

Date: 4-30-04

I/We request that Water Right No. 1431-3

formerly owned by: Myril Arch

be transferred to: (name & address) Eric & Nancy Nordstrom

PO Box 421

FT Pierre, SD 57502 Telephone No. 605-223-2015

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

203.75 acres in the NE ¼ and the N ½ SE ¼ Section 3, T109N, R76W

I/We understand that the validity of Water Right No. 1431-3 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 Eric & Nancy Nordstrom, the new owner, certify that the above information is true and correct.


(Signed by new owner) Nancy Nordstrom

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 APRIL 30, 20 04

RECEIVED OF Eric Nordstrom, PO Box 421, Ft Pierre SD 57532

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>143103</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. _____	2.50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL

No.

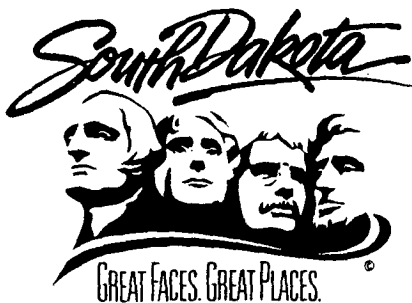
001207

By

Stanley Erbe

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

May 4, 2004

1431-3

Eric & Nancy Nordstrom
PO Box 421
Ft Pierre SD 57532

Dear Mr. & Mrs. Nordstrom:

I am writing to acknowledge receipt of the ownership change for Water Right No. 1431-3. The transfer has been completed. The water right formerly listed in the name of Myril Arch is now listed in your names.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a copy of the 2003 questionnaire submitted by Mr. Arch. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

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



1431-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 7, 2004

Eric Nordstrom
PO Box 421
Ft. Pierre SD 57532-0421

Dear Mr. Nordstrom:

I recently became aware that you applied for a Corps of Engineers' 404 permit to expand the original "Arch" pump site on the Missouri River. This is for the irrigation of ground that Nordstrom Ent. and you recently purchased from Myril Arch east of Pierre.

The notification I received states two new pumps with the total capacity of 2450 gpm will be placed beside an existing pump. The notice further discusses removal of silt and riprapping by the pump site.

I am writing to inform you of what the two water rights that were transferred to Nordstrom Ent. and you authorize for diversion and irrigated acreage. A copy of the water rights is attached.

Permit No	Name	Irrigated Acres	Authorized diversion rate	Works capability*
1431-3	Eric & Nancy Nordstrom	203.75	2.9 cfs ** (1,300 gpm)	4.46 cfs ** (2,000 gpm)
4429-3	Nordstrom Ent.	255	4.25 cfs (1,907 gpm)	6.68 cfs (3,000 gpm)
	TOTAL	458.75	7.15 cfs (3207 gpm)	11.25 cfs (5,000 gpm)

* Represents what works were capable of diverting at the time of licensing. The license was issued for the statutory limit (ie. amount of water allowed for the acres being irrigate).

** 1.0 cubic feet of water per second (cfs) is equal to 448.8 gallons per minute (gpm)

The installation of additional pumps to increase the total capacity of system raises questions as to whether additional water permitting is necessary for your irrigation system. If you intend to irrigate additional acres, a water right permit will need to be obtained.

Additionally, prior to the new pumps the diversion works were capable of exceeding the authorized diversion rate. This is an issue you may also want to address through water permitting. State law allows a permit to be approved for a rate greater than the statutory limit if the method of irrigation, time constraints on the diversion of water or the type of soil so requires.

The water rights you hold are to reflect the system as it operates in the field. A water right holder does not have a legal right to the use of water that exceeds the amounts specified on the water rights.

If you have any questions, please do not hesitate to stop in our Pierre office or give me a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund

Water Rights Program, DENR

(605) 773-3352

enclosures



1431-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: ERIC & NANCY NORDSTROM, PO BOX 421, FT PIERRE, SD 57532 0421

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 1431-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1431-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
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(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

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.

1431-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 5749
Status: **Delivered**

Your item was delivered at 8:51 AM on January 24, 2009 in FORT
PIERRE, SD 57532. The item was signed for by E NORDSSTROM.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5749

ERIC & NANCY NORDSTROM
PO BOX 421
FT PIERRE SD 57532 0421

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2009

1431-3
4429-3

Eric and Nancy Nordstrom
PO Box 421
Ft Pierre SD 57532

Dear Mr. & Mrs. Nordstrom:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 1431-3 and 4429-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED

MAR 30 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1431-3Date: 3-25-09I/We request that Water Right/Permit No. 1431-3 formerly owned by:Eric + Nancy Nordstrom

be transferred to:

New Owner Name: ASS Kicker RanchAddress: 700 W. Bullard AveCity, State, Zip: Pierre SD 57501Telephone No. 623-931-3131Title to the following described land(s)/property has been transferred as described above:
600 acre AZ 85338

☐ I understand that the validity of Water Right/Permit No. 1431-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Jeff Jacobus, 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 3/30, 20 09

RECEIVED OF Ass Kickin' Ranch LLC 700 N Bullard Ave Goodyear AZ 85338

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 _____ 1431-3		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	2	50

No.

428

By

Stanley E. Eichele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 2009

1431-3
4429-3

Jeff Jacobs
Ass Kickin Ranch
700 N Bullard Ave
Goodyear AZ 85338

Dear Mr. Jacobs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring Water Right Nos. 1431-3 and 4429-3. The transfers have been completed. The water rights formerly held by Nordstrom Enterprises Inc and Eric & Nancy Nordstrom are now listed in the name of "Ass Kickin Ranch".

Enclosed are your Receipt Nos. 04098 and 04099 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



1431-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 9, 2016

Jeff Jacobs
Ass Kickin Ranch LLC
700 W Bullard Ave
Goodyear AZ 85338

RE: Water Right No. 1431-3 and Water Permit Nos. 7283-3, 7284-3 and 7443-3

Dear Mr. Jacobs:

I am writing in regard to the irrigation questionnaires you submitted in December, 2015 for the above listed Water Right and Permits. Enclosed are copies of the questionnaires.

I want to be sure what was reported is actually what was irrigated or if I am misunderstanding the forms you submitted. The following is a summary of the forms and discrepancies noted:

No.	Authorized	Reported
1431-3	203.75 acres	260 acres
7283-3	240 acres	255 acres
7284-3	130 acres	260 acres
7443-3	60 acres	240 acres (permit was for adding 60 acres to the system authorized under No. 7284-3)

The above are only a portion of the questionnaires you submitted; however, the other forms seemed consistent with what is authorized. If you are actually irrigating the additional acreage, we will work with you to obtain permits to be in compliance with South Dakota Water Law. If you copied figures back and forth from the questionnaires and did not actually irrigate over and above your permits, I can work with you to correct each of the questionnaires.

Once you have had an opportunity to review the enclosed forms, please give me a call. Thank you in advance for your help in updating the records.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

1431-3

7283-3

7284-3

7443-3

NAME & ADDRESS: Jeff Jacobs, Ass Kickin Ranch LLC, 700 w Bullard Ave, Goodyear, AZ**DATE:** March 15, 2016**TELEPHONE:** 623 931-3131 ex 29**RE:** reported irrigated acreage**COMMENTS:**

On March 9th, I wrote to Mr. Jacobs to find out if he was actually irrigating additional acreage over and above what was permitted. He called and indicated he was not irrigating more than allowed.

The questionnaires should reflect only the authorized acreage. I told him I would make the changes to the forms and asked that he look through the legal descriptions and acreage carefully next year.



Genny McMath
Water Rights Program

1431-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 13, 2021

RECEIVED OF Riverview Organics LLP 12119 Stratford Dr. Ste. B Clive IA 50325

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>1431-3</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
vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

MAY 13 2021

Ck# 05001

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

MAY 13 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1431-3

Date: 05/10/21

I/We request that Water Right/Permit No. 1431-3 formerly owned by:

Ass Kickin' Ranch LLC

be transferred to:

New Owner Name: Riverview Organics, LLLP (as agent for tenants in common)

Address: 12119 Stratford Dr, Ste B

City, State, Zip Clive IA 50325 Telephone No. 515-222-1347

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

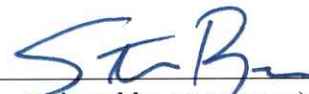
Legal Description of the property is attached as Exhibit A to this Notice of Transfer of Ownership.

★ I understand that the validity of Water Right/Permit No. 1431-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Steve Bruere, for Riverview Organics, LLLP, 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.

EXHIBIT A TO
NOTICE OF TRANSFER OF OWNERSHIP

TOWNSHIP 109 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 2: Lots 2 and 3, N1/2N 1/2SW1/4NE1/4 and SE1/4NW1/4 less USA Take; SECTION 3: Lots 1, 2, 3 and 4, S1/2NE1/4, N1/2SE1/4 less USA Take , E1/2W1/2 less USA Take, SW1/4NW1/4 and NW1/4SW1/4 less USA Take; SECTION 4: Lots 1, 2 and 3, S1/2NE1/4, Lot 7 less USA Take and NE1/4SE1/4 less USA Take; The Northerly 330 feet of the Westerly 330 feet of Lot 6, and the Northerly 330 feet of the Easterly 330 feet of Lot 6; The N1/2SE1/4NW1/4; The 1/2SW1/4SE1/4NW1/4; The E1/2SE1/4SE1/4NW1/4; The NW1/4SE1/4SE1/4NW1/4; The Triangular portion of SW1/4SE1/4SE1/4NW1/4 bounded by the North and East sides of said SW1/4SE1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said SW1/4SE1/4SE1/4NW1/4 to the Northwest corner thereof ; The Triangular portion of NE1/4SW1/4SE1/4NW1/4 bounded by the North and East sides of said NE1/4SW1/4SE1/4NW1/4 and by a diagonal line extending from the Southeast corner of said NE1/4SW1/4SE1/4NW1/4 to the Northwest corner thereof ; TOWNSHIP 110 NORTH , RANGE 76 WEST OF THE 5TH P.M., HUGHES COUNTY, SOUTH DAKOTA: SECTION 33: NE1/4 less Lot H-1 in NW1/4NE1/4 and less Lot H-2 in NE1/4NE1/4; SE1/4 and SE1/4SW1/4; SECTION 34: NW 1 /4, less highway right of way; E1 /2, lying South of highway right of way.



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **Riverview Organics LLLP**

General Information

SOS Business ID **FP201936**
 Filing Type: Limited Partnership - Foreign
 04/29/2021
 Status: Good Standing
 Duration Term: Perpetual

Registered Agent Address
 C T CORPORATION SYSTEM
 319 S COTEAU ST
 PIERRE, SD 57501-3187

Principal Address
 12119 STRATFORD DR, STE B
 CLIVE, IA 50325

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/29/2021	Initial Filing	B0174-6271
04/29/2021	Articles of Amendment	B0174-6275



1431-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 13, 2021

Steve Bruere
Riverview Organics LLLP
12119 Stratford Dr Ste B
Clive IA 50325

RE: Water Permit/Right Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3

Dear Mr. Bruere:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed permits and rights.

The ownership changes have been completed. Nos. 7443-3, 7283-3, 4429-3, 2085-3, 1905-3, 1647-3, 1431-3 formerly held by Ass Kickin' Ranch LLC are now listed under Riverview Organics LLLP, as agent for tenants in common.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

The receipts for the filing fees are enclosed. 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

1431-3

RECEIVED

MAR 07 2025

OFFICE OF
WATER

GREEN OVIATT LAW FIRM LLP

816 South Broadway
P.O. Box 1600
Watertown, South Dakota 57201-6600

Facsimile: 605-886-0934
TELEPHONE: 605-886-5812

Nancy L. Oviatt
John D. Knight
Timothy J. Cummings
Thomas J. Linngren

Ross H. Oviatt 1918-1991
Thomas J. Green 1936-2010

March 6, 2025

Amanda Dewell
DANR Water Rights Program
523 E Capitol Ave
Pierre, SD 57501

Dear Amanda:

Enclosed please find a check for \$300.00 to cover the fees associated with transferring water rights. Also enclosed are the six signed Notice of Transfer of Ownership forms. If you have any questions, please do not hesitate to call or email.

Sincerely,



John D. Knight
For the Firm
john@grolawfirm.com

JDK/mrk

Enclosures

*EMAILED SHANNON 3.7.25

RECEIVED

MAR 07 2025

OFFICE OF
WATER

PAID

MAR 07 2025

Ck# 4312

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1431-3Date: 3/6/25I/We request that Water Permit/Right No. 1431-3formerly owned by: Riverview Organics LLLP - Clive IAbe transferred to: (name & address) SEE ATTACHED

Email: _____

Telephone No. _____

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

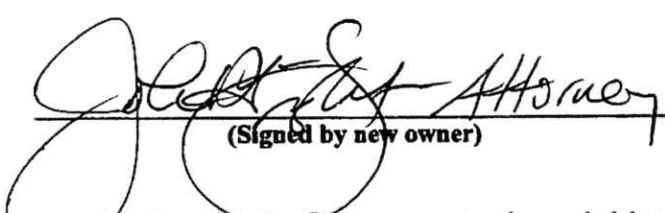
203.75 acres located within the NE ¼ & N ¼ SE ¼ Section 3, T109N, R76W

I/We understand that the validity of Water Permit/Right No. 1431-3 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 Leknarf Associates, LLC, 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

MAR 07 2025

OFFICE OF
WATER

ATTACHMENT

OWNER AND LESSOR

Leknarf Associates, LLC
c/o Michael Smothers
Cushman and Wakefield
575 Maryville Centre Drive, Suite 511
St. Louis, MO 63141
Phone: 1-515-207-9214
Email: Michael.Smothers@cushwake.com

OPERATOR AND LESSEE

McDonald Farms and Organics, LLC
Richard McDonald, Manager
11811 30th St. NE
McVile, ND 58254
Phone: 1-218-779-9933
Email: mcdonaldricky@gmail.com



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2025

Nos. 1431-3, 1647-3, 1905-3
2085-3, 7443-3, and 4429-3

Leknarf Associates LLC
c/o Michael Smothers
575 Maryville Centre Dr, STE 511
St Louis, MO 63141

Dear Mr. Smothers:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3. Enclosed is a receipt of payment for your records.

Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 previously held by Riverview Organics LLLP is now listed under Leknarf Associates LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights (original copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

cc: John Knight, Green Oviatt Law Firm LLP (email)

NOTE: The validity of Water Right Nos. 1431-3, 1647-31905-3, 2085-3, 7443-3, and 4429-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 7th, 2025

RECEIVED OF Green Oviatt Law Firm LLP PO Box 1600 Watertown SD 57201

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>1431-3, 1647-3, 1905-3, 2085-3, 7443-3, 4429-3</u>	<u>\$300.00</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>\$300.00</u>

By

Eric Gronlund
Chief Engineer