

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

SEP 04 2002

WATER RIGHTS
PROGRAM

No. 1456-3

Date: Sept 3-02

I/We request that Water Right No. 1456-3

formerly owned by: Norman Shutler Trust

be transferred to: (name & address) Ralph Brodersen & Kevin Brodersen

NE 605-854-3885 605-854-3100
31 1/2 Front St, De Smet, SD 57231 Telephone No.

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

62 acres - W 1/4 SE 1/4 Section 15, T110N, R56W

I/We understand that the validity of Water Right No. 1456-3 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 Kevin & Ralph Brodersen the new owner, certify that the above information is true and correct.

X Kevin Brodersen

X Ralph Brodersen

(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 September 4, 20 02

RECEIVED OF Ralph Broderson, 314 Front St. NE, DeSmet SD 57231

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>1456-3</u>			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	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. 000084

By Intendant Eshel
Chief Engineer gri

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1456B-3
DIVISION OF NO. 1456-3 INTO 1456A-3 & 1456B-3

(1) Leonard Penney was issued Water License No. 1456-3, August 16, 1968 for a water right to divert 2.00 cubic feet of water per second (cfs) from ground water (two wells), Kingsbury County, South Dakota for irrigation purposes. Water License No. 1456-3, carries a priority date of November 9, 1967.

In 1997, the water right was transferred to the Norman Shutler Trust. On August 13, 2002, portions of the land authorized for irrigation under No. 1456-3 were transferred to Sam Geyer. The remaining land was transferred September 4, 2002 to Ralph Brodersen and Kevin Brodersen.

The original water right authorized diversion of 2.00 cfs from two wells to irrigate 186 acres. Water Right No. 1456-3 is being divided and reissued to reflect separate ownership. The water right is being divided as follows:

- **Water Right No. 1456A-3, Sam Geyer**, authorizes diversion of 1.33 cfs from one well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 124 acres located in the NE $\frac{1}{4}$ Section 15, T110N, R56W.
- **Water Right No. 1456B-3, Ralph & Kevin Brodersen**, authorizes diversion of 0.67 cfs from one well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 to irrigate 62 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 15, T110N, R56W.

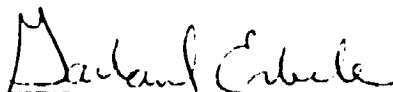
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Ralph & Kevin Brodersen, 314 Front St NE, DeSmet, SD 57231 the holders and/or owners of Water Right No. 1456B-3 are issued a license, bearing a priority date of November 9, 1967 to appropriate 0.67 cubic feet of water per second from ground water (one well) located as follows: N48°W, 2200' from the SE corner of Section 15, T110N, R56W (SW $\frac{1}{4}$ SE $\frac{1}{4}$).

The acres authorized for irrigation are as follows:

Section 15, T110N, R56W	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>31 acres</u>
	Total	62 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1456-3 including the following qualification:

- This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements will be required to protect the domestic water supply.



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

SEP 17 2002

date





SEP 17 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1456B-3
2086-3

Ralph & Kevin Brodersen
314 Front St NE
DeSmet SD 57231

Dear Sirs:

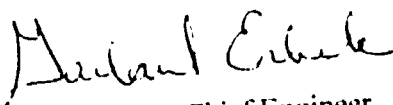
Enclosed are Water License Nos. 1456B-3 and 2086-3. Also included are Receipt Nos. 000264 and 000265 in the amounts of \$2.50 each which you paid for ownership changes.

Water Right No. 1456-3, formerly held by the Norman Shutler Trust, was divided and reissued to reflect separate ownership. Once the division occurred, Nos. 1456B-3 and 2086-3 authorized irrigation of the same land. Water License No. 2086-3 was reissued to incorporate the applicable portions of Water Right No. 1456B-3. The incorporation of both water rights means that the entire system is now covered by only one water right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2086-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures