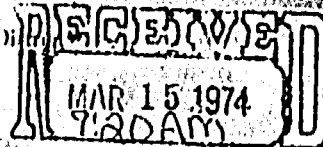


Water Right Number 2069-3

1. Considered 5-5 1974
DENNIS & BETTY BIRSCHBACH
2. Name of Applicant JOHN & SHIRLEY LIEBELT
3. Post Office Address MOBRIDGE
4. Amount of Water claimed 12.6
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 884
7. Water to be diverted and used in WALWORTH County
about 7E, 4S miles of MOBRIDGE
8. Proof of Publication Received 5-2-74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 1472-3 Water Division No. 3 Missouri River
 (Blanks to be Filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

STATE WATER RIGHTS COM. PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

 1. Name of Applicant Dennis and Betty Bierschback and John and Shirley Liebelt
 Postoffice address Mobridge, State South Dakota

If a corporation show date and place of incorporation _____

* 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work Bierschback and Liebelt Irrigation Project # 14. Amount of water claimed (cubic feet per second) Maximum permitted 12.65. Source of water supply Gage-Reservoir MISSOURI RIVER
 6. Location of point of diversion Anywhere along back up of reservoir where it abutts
owners property in the N.W 1/4 of Sect. 8, 123, 78
County Walworth7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 680

List below each forty acre subdivision, or lot, or tract, in thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
S.W. 1/4, Sect. 5, 123, 78	160	N.E. 1/4, Sect. 18, 123, 78	80
S.W. 1/4, Sect. 8, 123, 78	160	N.W. 1/4, Sect. 17, 123, 78	160
N.W. 1/4, Sect. 8, 123, 78	120	N.E. 1/4, Sect. 17, 123, 78	160
S.E. 1/4, Sect. 7, 123, 78	160		

Attach sheet if more space is needed

 * 10. Time required to complete construction of water supply system Three years. Additional time required to complete application of water to the proposed beneficial use Two years.
* 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Mobridge Tribune

* 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Electric pump from point of diversion

B. Works proposed to transport water to place of use.

Thru pipeline to sprinkler system

C. Works proposed to apply water to beneficial use.

Overhead sprinkler system tow lineEstimated Total Cost \$ 20,000.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

* STATE OF SOUTH DAKOTA)

) ss.

County of Walworth)Dennis Bierschback-John Liebelt

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

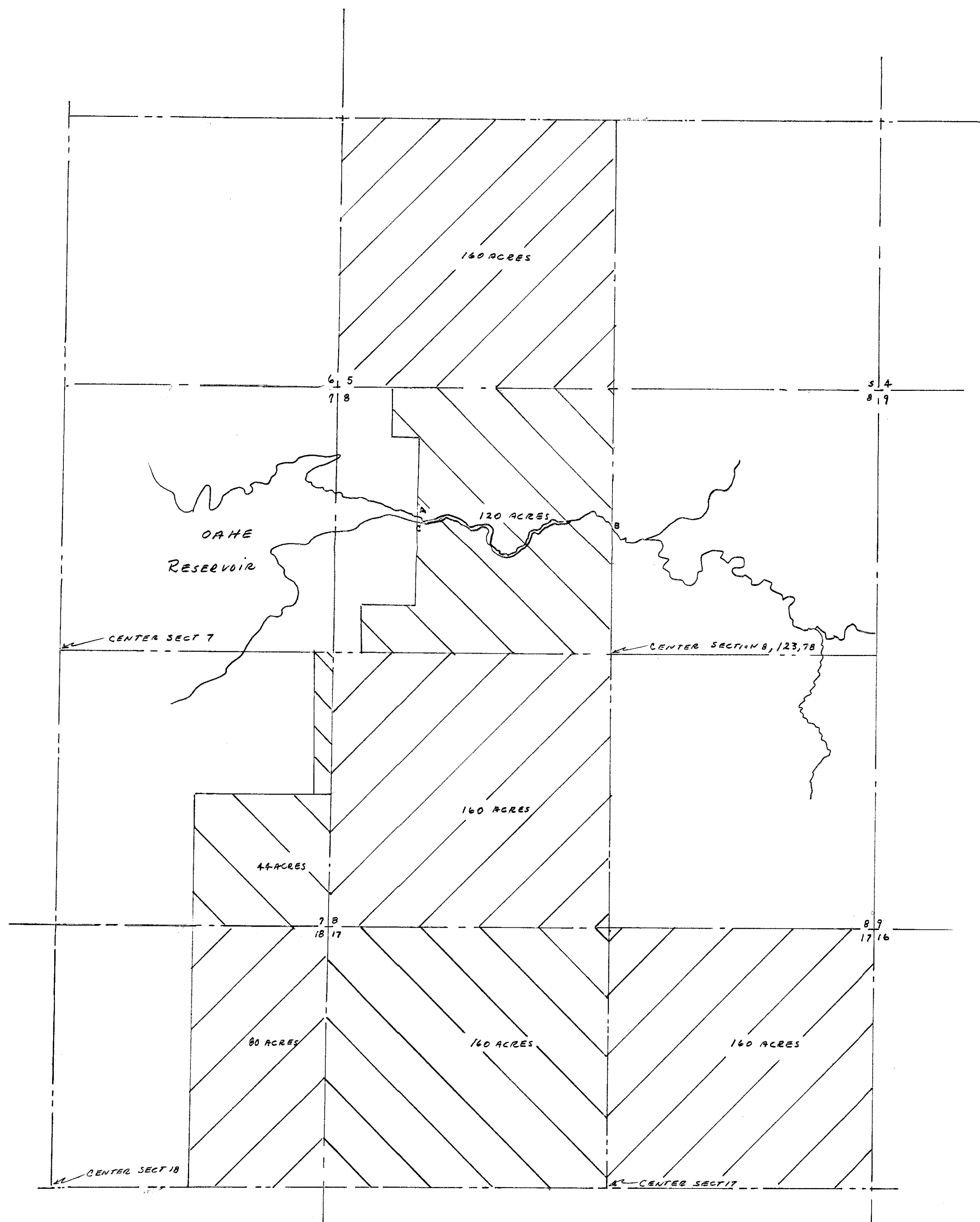
Signed John F. BierschbackSubscribed and sworn to before me this 4day of April1974

Notary Public (or other qualified officer)

(Comm. expires) 4/1/75

AREAS BY LEGAL SUBDIVISION	
160 ACRES	SW 1/4 SECT 5, T.123N, R.78W, 5TH PM
160 ACRES	SW 1/4 SECT 8
120 ACRES	NW 1/4 SECT 8
44 ACRES	SE 1/4 SECT 7
80 ACRES	NE 1/4 SECT 18
160 ACRES	SW 1/4 SECT 17
160 ACRES	NE 1/4 SECT 17, T.123N, R.78W, 5TH PM
884 ACRES TOTAL	

NOTE: POINTS OF DIVERSION IS ANYWHERE BETWEEN POINT A AND POINT B AND BETWEEN POINT B AND POINT C WHERE IT ABUTS OWNERS LAND



SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF MINNEHAHA)

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF DENNIS AND BETTY BIERSCHBACK AND JOHN AND SHIRLEY LIEBELT, SOLE OWNERS, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED WITHIN THEIR OWNERSHIP BOUNDARIES AS OF DEC 17, 1973 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS IN PROCESS AND THIS MAP IS A TRUE REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 17TH DAY OF DEC. 1973

Harlan W. Meyer
REG. L.S. NO 295

SCALE 1" = 660'

BIERSCHBACK AND LIEBELT IRRIGATION PROJECT #1
SHOWS AREA TO BE IRRIGATED & DIVERSION POINTS.
FOR PERMIT TO APPROPRIATE WATER

OWNERS: DENNIS AND BETTY BIERSCHBACK
JOHN AND SHIRLEY LIEBELT

SURVEYOR *Harlan W. Meyer*
DEC, 1973

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2069-3
DENNIS & BETTY EVERSBERG
JOHN & SHIRLEY LIEBELT
 (Applicant)
SOUTH DAKOTA 57601
 (State)
MOBRIDGE
 (Post Office Address)
 With the following modifications:

Date of first receipt of application MARCH 15, 1974
 Date of return to applicant for correction, amendments or changes required —, 19—
 Date of receipt of corrected application —, 19—
 Approved MAY 15, 1974, Recorded in Book 13 Page 6

WATER RIGHT PERMIT NO. 2069-3

The Water Resources Commission hereby grants and issues this Water Right Permit 2069-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

- The date from which applicant may claim right is MARCH 15, 1974
- The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 15, 1975
- The whole of said work is to be completed on or before MAY 15, 1977
- The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 15, 1977
- The water appropriated shall be used for the purpose of IRRIGATION EXTENSION
GRANTED
1-26-78
- 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.
- The amount of the appropriation herein granted shall not exceed 12.6 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MAY 15, 1977; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17TH day of MAY, 1974

WATER RESOURCES COMMISSION

By:

Donnell D. Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

Form 6 - Notice of Intent to appropriate Water

2069-3

Publish first publication, on or before May 2, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 4, 19 74

Notice is hereby given that Dennis & Betty Bierschbach and John & Shirley Liebelt
whose post office address is Mobridge, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
12.6 cubic feet of water per second of time from the Missouri River through the
Bierschbach & Liebelt Irrigation Project #1 A, the point of diversion of which ^{are} to be located in the _____

NW 1/4

of Section 8, Twp. 123N, Range 78W. Said water to be used for the purpose
of providing irrigation ^{portions of} on the following described land:

SW 1/4, Section 5; SE 1/4, Section 7; NW 1/4, Section 8; NE 1/4, Section 17; NE 1/4, Section 18,
all in T123N, R70W

This application No. 2069-3 will be considered by the Water ^{Rights} Commission at their office at
Pierre upon the 15th day of May, 19 74, at 2:30 P. M. All interested
persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

HURTON F. JONES, Water Rights Specialist

BFJ/lw

cc: Mr. John Liebelt, L and L Cattle Ranch, Mobridge, S.D. 57601

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Dorothy Pörn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Mobridge Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Mobridge Tribune of Mobridge, S. Dak.

County of Walworth and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 11, 1974

April 18, 1974

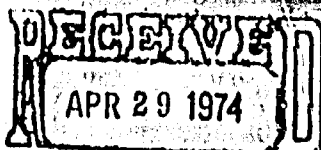
Dorothy Pörn
(Signature)

Brakke
(Title)

April 27, 1974
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE
WATER
Pierre, South Dakota 57501
April 4, 1974
Notice is hereby given that
Dennis & Betty Bierschbach and
John & Shirley Liebelt whose post
office address is Mobridge, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 12.6 cubic feet of
water per second of time from the
Missouri River through the
Bierschbach & Liebelt Irrigation
Project No. 114 the points of
diversion of which are to be
located in the NW 1/4 of Section 8
Twp. 123N Range 57W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SW 1/4 Section 15; SE 1/4
Section 17; NE 1/4 Section 18; all
in T123N R78W. This application
No. 2069-3 will be considered by the
Water Rights Commission at their office
at Pierre upon the 15th day of
May 1974 at 2:30 P.M. All in-
terested persons may appear and
be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist

411-418



STATE WATER RIGHTS COM. .
PIERRE, SOUTH DAKOTA

2069-3

John Henry Smith

7-18-77

Wrote for stationer Henry

to supply the stationer of

water along the river in 1777

of the river is now known as

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Form 18.

No. 2069-3



APPLICATION FOR EXTENSION OF TIME

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date 11/14/77

Dear Sirs:

In Water Right Permit No. 2069-3 it is specified that the water diversion system is to be completed by May 15, 1977 and that the water is to be put to the limit of beneficial use by May 15, 1979.

I hereby request that the date for completing the diversion system be extended to May 15, 1979 and that the date for putting the water to the limit of beneficial use be extended to May 15, 1983.

The extension of time for the completion of these works is requested for the following reasons: Want to develop the SW portion of the area along the river in Sections 17 and 18, T123N, R78W. Also the SW 1/4 of Section 5 is in process of being sold.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

John E. Libelt
(Signed)

2069-3

Permit Number

APPROVED:

WATER RIGHTS COMMISSION

BY:

Form 10.

No. 206745

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office Bridgeport, Wyo.

Date Sept 10, 1975

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 206745.

Water Right Permit No. 206745 states that the diversion system is to be constructed by March, 1977 and that the water is to be put to beneficial use by April 20, 1977.

The diversion system was completed on June, 1975. Applying the water to beneficial use was completed on June, 1975.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.


(Signature)

RECEIPT

Division of Water Rights

N^o 4 9519

South Dakota Department of Water and Natural Resources

Pierre, January 31, 1984

RECEIVED OF Howell E. Krause, Mobridge, South Dakota

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ filing Contract for Deed for Permit No. 2069-3	2	50
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH/mis

KRAUSE, SEILER & CAIN

ATTORNEYS AT LAW

210 EAST GRAND CROSSING BOULEVARD

PROFESSIONAL BUILDING

P.O. DRAWER 490

MOBRIDGE, SOUTH DAKOTA 57601

TELEPHONE 605 845 2981

Newell E. Krause
Randolph J. Seiler
Rick A. Cain

January 19, 1984

Water Management Board
State of South Dakota
Pierre, South Dakota 57501

Dear Sir:

The undersigned entered into a Contract for Deed on December 29, 1983, purchasing the real property hereinafter described from John I. Liebelt and Shirley Liebelt of Mobridge, South Dakota.

The real property is described as:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Five (5), the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8) less the taking of the United States of America, and the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7) less the taking area of the United States of America, in Township One Hundred Twenty-Three (123) North, Range Seventy-Eight (78), West of the Fifth Principal Meridian, in Walworth County, South Dakota.

It is located about five miles southeast of Mobridge, the descriptions in 7 and 8 being along the Reservoir.

The sellers have agreed to assign all irrigation rights and the sellers' interest in U.S. Corps of Engineer Leases at the appropriate time.

Mr. Liebelt has been irrigating drawing water from the Oahe Reservoir at Point A for use primarily on Section 5 and part of Section 8.

Plat is attached. SW $\frac{1}{4}$ - 6-123-78

We wish to continue to appropriate water for use on various portions of the property involved for agricultural purposes.

KRAUSE, SEILER & CAIN

ATTORNEYS AT LAW

210 EAST GRAND CROSSING BOULEVARD

PROFESSIONAL BUILDING

P.O. DRAWER 490

MOBRIDGE, SOUTH DAKOTA 57601

TELEPHONE 605 845 2581

Newell E. Krause
Randolph J. Seiler
Rick A. Cain

Contract will be assigned to a family corporation being set up and named:

Krause Family Orchard and Nursery
P.O. Drawer 490
Mobridge, South Dakota 57601-0490

Mr. Liebelt will be assigning, at the appropriate time, Lease No. DACW45-1-83-7122 to the extent that the same relates to the property here involved which lease is for hay and grazing purposes.

I write to find out what information we need to provide to your Department.

I note SDCL 46-5-6.1 and am intersted in becoming familiar with the rules and regulations pursuant to Chapter 1-26.

Sincerely yours,

Newell E. Krause

NEK:Jb
Encl.

CONTRACT FOR DEED

THIS AGREEMENT made and entered into this 29th day of December, 1983, by and between John E. Liebelt and Shirley Liebelt, husband and wife, as joint tenants with right of survivorship and not as tenants in common, P.O. Mobridge, South Dakota, sellers; and, Newell E. Krause, P.O. Mobridge, South Dakota, buyer, as follows:

If the party of the second part shall first make the payments and perform the covenants hereinafter mentioned on his part to be made and performed, the said party of the first part hereby covenants and agrees to convey and assure to the parties of the second part, in fee simple, clear of all encumbrances whatever, by a good and sufficient Warranty Deed, the real property situated in the County of Walworth and State of South Dakota, described as:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Five (5), the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8) less the taking area of the United States of America, and the Southeast Quarter (SE $\frac{1}{4}$) of Section Seven (7) less the taking area of the United States of America, all in Township One Hundred Twenty-Three (123) North, Range Seventy-Eight (78), West of the Fifth Principal Meridian, in Walworth County, South Dakota, together with all oil, gas and mineral rights now owned by the sellers.

In consideration of the purchase of said real estate, said party of the second part hereby covenants and agrees to pay to the said parties of the first part the sum of One Hundred Seven Thousand Three Hundred Dollars (\$107,300.00) in the manner following:

The sum of \$10,000.00, receipt of which is hereby acknowledged and which was paid under a Uniform Purchase Agreement on December 5, 1983.

The sum of \$10,000.00, which will be evidenced by a Promissory Note of \$10,000.00, bearing date hereof, and which will be due January 15, 1984, without interest.

The sum of \$10,000.00, which will be evidenced by a Promissory Note of \$10,000.00, bearing date hereof and which will be due April 1, 1984, without interest.

Said three payments will constitute a down payment of \$30,000.00.

The sum of \$77,300.00, being the balance, with interest at the rate of ten per cent (10%) per annum, commencing April 1, 1984, will be payable in four annual installments as follows:

The sum of \$20,000.00, with interest, on January 15, 1985.

The sum of \$20,000.00, with interest, on January 15, 1986.

The sum of \$20,000.00, with interest, on January 15, 1987.

The final payment of \$17,300.00, with interest, will be due and payable on January 15, 1988.

The parties of the first part covenant and agree to pay all taxes and assessments up to and including December 31, 1983, which will be the 1983 taxes due in 1984, and the party of the second part agrees to pay all taxes due and payable in 1985 and all taxes thereafter.

The party of the second part shall be entitled to possession of the real estate and premises on April 1, 1984, but shall be entitled to visit the premises from time to time in connection with making plans and preparation for taking over the property.

In case of the failure of said party of the second part to make either of the payments or interest thereon or any part thereof or perform any of the covenants on his part hereby made and entered into, then the whole of said payments and interest shall, at the election of said first parties, become immediately due and payable and this Contract shall, at the option of the parties of the first part, be forfeited and determined by giving to said second party thirty (30) days notice, in writing, of the intention of said first parties to cancel and determine this Contract, setting forth in said notice the amount due upon said Contract, and the time and place, when and where, payment can be made by second party.

It is mutually understood and agreed by and between the parties to this Contract that thirty (30) days is a reasonable and sufficient notice to be so given to said second party in case of failure to perform any of the covenants on his part hereby made and entered into, and shall be sufficient to cancel all obligations hereunto on the part of the said first parties and fully reinvest them with all right, title and interest hereby agreed to be conveyed, and the party of the second part shall forfeit all payments made by him on this Contract and his right, title and interest in all buildings, fences and other improvements whatsoever, and such payments and improvements shall be retained by the said parties of the first part in full satisfaction and in liquidation of all damages by them sustained, and they shall have the right to re-enter and take possession of the premises aforesaid.

The first parties will deliver to the second party, for examination, a duly certified Abstract of Title brought up to date at time of the final payment and will deliver to the second party a

Warranty Deed as above provided, together with an Abstract of Title to said property duly certified to date showing marketable title in the first parties, free and clear of all encumbrances.

The parties of the first part agree to assign all irrigation rights and the sellers' interest in U.S. Corps of Engineers Leases at appropriate times and the party of the second part shall assure that all of said irrigation rights and sellers' interest in the U.S. Corps Leases are fully protected during the term of this Contract.

It is agreed by and between the parties hereto that as a portion of the consideration herein, there are various improvements and that the agreed values as to farm buildings, silage bunk, feed lots and wells and water system is \$20,000.00.

In Testimony Whereof the parties have hereunto set their hands and seals the day and year first above written:

John E. Liebelt
Shirley Liebelt
Parties of the First Part-Sellers

Lawrence
Party of the Second Part-Buyer

STATE OF SOUTH DAKOTA)
 : SS.
COUNTY OF WALWORTH)

On this the 22nd day of December, 1983, before me, the undersigned officer, personally appeared John E. Liebelt and Shirley Liebelt, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

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

Judith M. Byrne
Name: Judith M. Byrne
Notary Public - South Dakota
My Commission Expires: 9/12/88

STATE OF SOUTH DAKOTA)
 : SS.
COUNTY OF WALWORTH)

On this the 24th day of December, 1983, before me, the undersigned officer, personally appeared Newell E. Krause, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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

Judith M. Byrne
Name: Judith M. Byrne
Notary Public - South Dakota
My Commission Expires: 8/13/88

 **Department of
Water & Natural Resources**

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

March 31, 1986

John Liebelt
Box 608
Mobridge, SD 57601

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s) 2069-3 and 2601-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

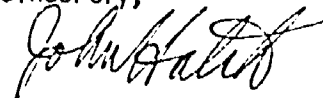
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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 hearing(s), the Water Management Board can:

1. Amend Permit No(s) 2069-3 and 2601-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

 **Department of
Water & Natural Resources**

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: John Liebelt
Box 608
Mobridge SD 57601

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s) 2069-3 & 2601-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 2069-3 & 2601-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

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

Attachment to Water Permit No. 2069-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 2069-3 to add the following qualification:

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

Equal Opportunity Employer

NOTICE OF TRANSFER OF OWNERSHIP

No. 2069-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: April 2, 1993I, We request that Water Permit/Right No. 2069-3formerly owned by: John I. Liebelt and Shirley Liebeltbe transferred to: (name & address) Krause Family Orchard and NurseryP.O. Drawer 490, Mobridge, SD 57601(telephone No.) (605) 845-2113

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

SW 1/4 Sec. 5, NW 1/4 Sec. 8 and SE 1/4 Sec. 7 in T123N - R78W.

I/We understand that the validity of Water Permit/Right No. 2069-3 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).

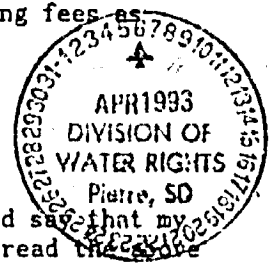
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Walworth)

I/We Nevel & Krause 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 foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Nevel & Krause
Secretary (Signed)
KRAUSE FAMILY ORCHARD & NURSERY

Subscribed and sworn to before me this 2nd day of April, 1993.

Marie A. Stogolm
(Notary Public)
my Commission expires 12-20-00

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2069-3
413715

Pierre.

April 6

1933

Newell Krause, Atty, PO Box 490, Hobbbridge, SL 57601

RECEIVED OF NILKAMAKKAL; KANNAN NAGARIGAI; VISITHI; KANDU XXXXX

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

By John Hatch
Chief Engineer



2069-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

5772-3

Newell Krause, Secretary
Krause Family Orchard and Nursery
P.O. Drawer 490
Mobridge, SD 57601

Dear Mr. Krause:

Enclosed is Water License No. 5772-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413917 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5772-3, 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.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2069-3 have been incorporated into this Water License No. 5772-3.