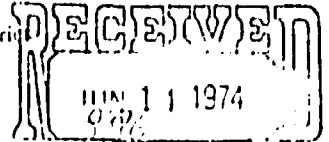


Water Right Number 2296-5

1. Considered 7-17, 1911
2. Name of Applicant OTTO RUST
3. Post Office Address BRUCE
4. Amount of water claimed 2.2
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 154
7. Water to be diverted and used in BROOKINGS County
about 1 N Miles 1st of BRUCE
8. Proof of Publication Received 1st
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 2096-3Map No. 1496-3 Water Division No. 3 BIG SIOUX RIVER District 1
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant John Broek
Postoffice address 108 Mich. Ave. NW, Orange City, IA

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACTING OTHERS3. Name of diversion work OFF RIVER IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 2.25. Source of water supply WELL6. Location of point of diversion 1800' S 45' W at NE corner of
SECTION 1 III-51County BROOKINGS7. Annual period or periods during which water is to be used APRIL THRU SEPTEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 160.154

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4, NE 1/4 SEC 1-III-51	40.37		
NW 1/4, NE 1/4 SEC 1-III-51	40.38		
SW 1/4, NE 1/4 SEC 1-III-51	40		
SE 1/4, NE 1/4 SEC 1-III-51	40.39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication BROOKINGS CO. REGISTER

12. Principal Features of the Proposed Water Supply System.

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

WESTERN LAND ROLLER TURBINE PUMP

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

ALUMINUM PIPE

C. Works proposed to apply water to beneficial use.

EZ RAIN IRRIGATION
WITH NELSON BROS SPRINKLEREstimated Total Cost \$ 12000.00Attachments: 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)

County of BROOKINGS)I, OTTO RUST, 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 OTTO RUSTSubscribed and sworn to before me this 18th day of APRIL, 1974

Notary Public (or other qualified officer)

ELDON EIGHMY

Notary Public, Brookings Co., S. Dak.
My Commission Expires August 25, 1977

WATER RIGHT APPLICATION APPROVAL

WATER RIGHTS COMMISSION hereby approves Water Right Application No. 2096-3
OTTO RUST BRUCE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57220 With the following modifications
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

See # 4291-3 add division

Date of first receipt of application JUNE 14 19 74
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved JULY 17 19 74 Recorded in Book 13 Page 37

WATER RIGHTS COMMISSION WATER RIGHT PERMIT NO. 2096-3
 The Water Resources Commission hereby grants and issues this Water Right Permit No. 2096-3 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:

1. The date from which applicant may claim right is JUNE 14 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 17 19 75
3. The whole of said work is to be completed on or before JULY 17 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 17 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 2.2 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 uses 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 JULY 17 19 79; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 19TH day of JULY 19 74

WATER RIGHTS COMMISSION

By: Donald D. Parnell
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

NE 1/4 SEC. 1-111-51

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 22", Depth 38'
 (2) Casing, Type STEEL (wood, concrete, steel, etc) Diameter 12" Thickness 1/2"
 (3) Perforated Screen.
 Type Johnson FABRICATOR, Diameter 12", Length 10'
 (4) Gravel Pack, Thickness 5", Length of gravel pack 16'

E. Dugout Information or Estimates.

- (1) Surface dimensions —, Depth —

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0-2' - Top Soil; 2'-8' Sand;
5'-22' Coarse Sand; 22'-38' Coarse
sand and gravel

Depth to top of water bearing material 10'
 Depth to bottom of water bearing material 38'
 Thickness of water bearing material 28'
 Depth to water (ground surface to water level) 8'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 75 rds. On property owned by others 110 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

W. R. Rust

Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SACL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 5/1/74
Healy, J. R.

Disapproved: _____

NAME: OTTO RUST
ADDRESS: BRUCE
COUNTY: BROOKINGS CO., S.D.

LEGAL DESCRIPTION

1. WELL LOCATION: _____
2. AREA TO BE IRRIGATED: NE 1/4 Sec. 1, T111 R51

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): EZRAIN MACHINE
SPRINKLER, #200 NELSON
4. CROPS TO BE IRRIGATED: ALFALFA, CORN, BEANS, ETC.

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Same as silt, clay loam, nearly level;
Vol. silt, clay loam, somewhat poorly drained, nearly level, ext. fine silt loam, dip slope

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-188
8. SALINITY: EC = 6.24 micromhos/cm (Medium)
9. SODIUM: SAR = 0.13 (Low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Brookings County, S. D. Survey

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

W. H. Runk

Subscribed and sworn before me this

18th day of April, 1974.

Eldon Eighmy

ELDON EIGHMY

Notary Public, Brookings Co., S. Dak.

My Commission Expires August 25, 1977

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Ed. H. Lacey (Otto Rust) Date Rec'd April 18, 1974
 Address P.O. Box 796 Sample No. 74-188
Trent, South Dakota Identification Well-
57065 NE 1, Sec. 1, T 111N, R 51E

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	32	ppm	2.62	me/l
Sodium (Na)	6	ppm	0.25	me/l
Potassium (K)	2	ppm	0.06	me/l
Sulfate (SO ₄)	90	ppm	1.87	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.12	me/l
Bicarbonate (HCO ₃)	332	ppm	5.44	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.**
Alkalinity (Methyl Orange)	272	ppm (as CaCO ₃)		
Alkalinity (Pentolphthalein)	8	ppm (as CaCO ₃)		
Electrical Conductivity	624	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.13			
Sodium	3.15	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	8.15			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 7.93 me/l
 Total anions 7.43 me/l

By: Shirley Jattan

Service Performed	Amount Due
Irrigation analysis	6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-188

Amount Enclosed \$

Signed _____

2096-3

Publish first publication, on or before July 4, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 20, 19 74

Notice is hereby given that Otto Rust
whose post office address is Bruce, 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
2.2 cubic feet of water per second of time from the ground water through the
Otto Rust Irrigation Project #1, the point of diversion of which is to be located in the _____

Center of the NE 1/4

of Section 1, Twp. 111N, Range 51W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, Section 1, T111N, R51W

WATER RIGHTS COMMISSION

This application No. 2096-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 17th day of July, 19 74, at 2:30 P.M. All interested
persons may appear and be heard.

cc: Otto Rust

WATER RIGHTS COMMISSION

By:

Burton F. Jones
Water Rights Specialist

No. 1099

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.

I, Robert D. Snair hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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 Brookings of _____

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

July 2, 1974

July 2, 1974

Robert D. Snair
(Signature)

Editor - Gen. Mngs.
(Title)

July 12 - '74
(Date Signed)

No. 1099
July 2-9

No. 2096-3

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 20, 1974

Notice is hereby given that Otto Rust
whose post office address is Bruce,
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 2.2 cubic feet of water per second of
time from ground water through the
Otto Rust Irrigation Project No. 1, the
point of diversion of which is to be
located in the Center of the NE $\frac{1}{4}$ of
Section 1, Twp. 111N, Range 51W. Said
water to be used for the purpose of
providing irrigation on the following
described land: NE $\frac{1}{4}$, Section 1,
T111N, R51W.

This application No. 2096-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 17th day of July, 1974, at 2:30
P.M. All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION

Burton F. Jones - s-
Water Rights Specialist

RECEIVED
JUL 18 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: _____



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

NE 1/4 of Section (1) Twp (111) Range (51)
Brookings County, S.D.
 formerly owned by C. H. Hunt

has been transferred to Harold B. Bunker, John Bunker, Robert H. Bunker
 together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. _____ 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 Rights Commission as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) 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} ~~SOUTH DAKOTA~~)
) SS.
 County of Sidney)

I, John Bunker being first duly sworn on my oath despose 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.

John Bunker
 (Signed)

Subscribed and sworn to before me this 29 day of JUNE

1977.

Stanley L. De Haven
 (Notary Public)

2069-3

5-11-78

John Broth by telephone
Two wells. Each 36" dia, 114'
water. Both pumping 400 gpm
Total pumping 800 gpm. Wells
est capacity 1150 gpm each.

Photo of stand for C-761126

North Well. Motor G.E. 40HP-1750 RPM

Model 5K6237 X M501B Ser "H MJ 811290

Pump Waterford Roller

ser "C 761128, Head 6 M 6 100 M

South Well #1 100' N of CP.

Motor G.E. 40HP.

SEE
2559-3
FOR
PHOTO

Model 5K6237 X M501B Ser "L MJ 111729A

Pump Waterford Roller ser "C 761126

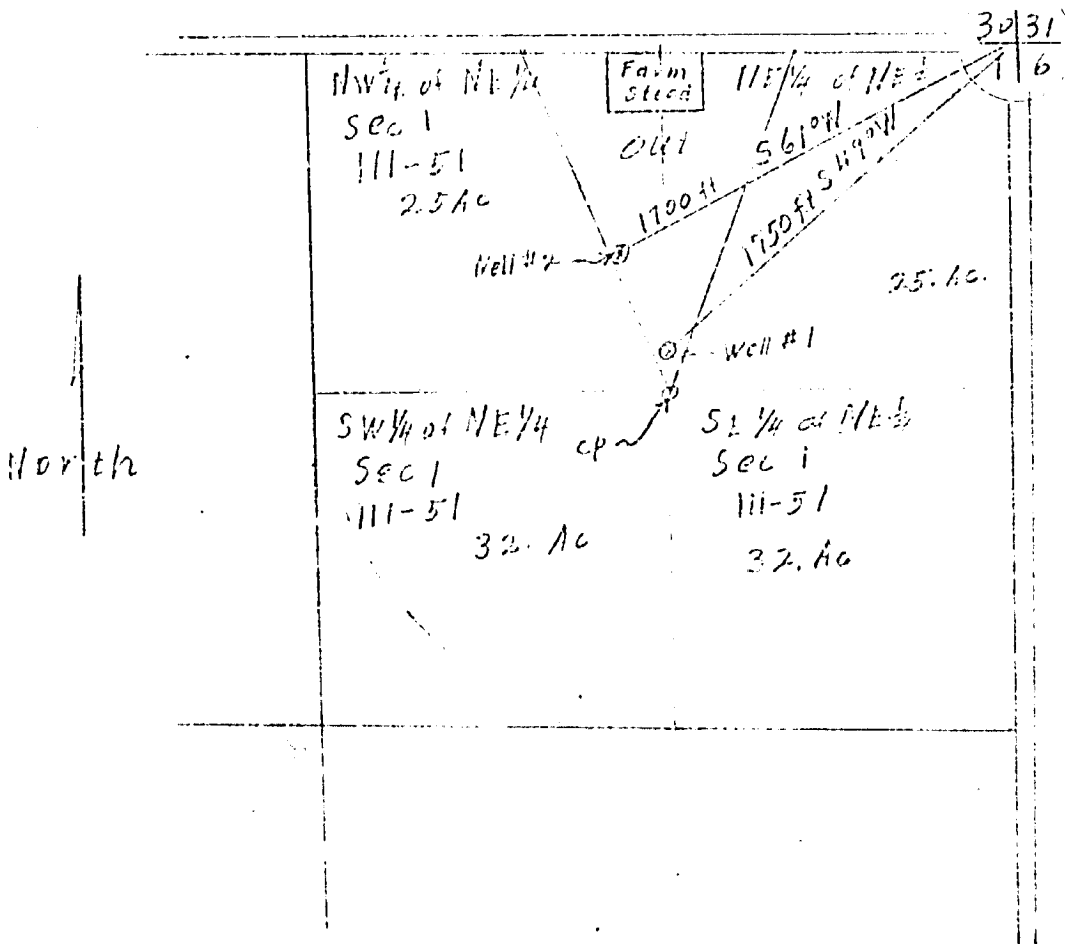
Head 6 M 6 100 M

CP Electric Motor Model 26E5

ser "10760375

Underground pipe wells to G.H.

All land in NE 1/4 Sec 1 T 111 N 51



John Brock

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1985

John Broek
701 W 1st St
Orange City IA 51041

NOTICE

Re: Violation of Water Permit No(s). 5010-3 and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 5010-3. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and or 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). 5010-3 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). 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol 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. Suspend Permit No(s). 5010-3 until either the 1984 Questionnaire is submitted or for the period or up to one year;
2. Amend Permits No(s). 2910-3, 2693-3, 4291-3, 2096-3, 2694-3 also held by John Broek to require the Irrigation Water Use Questionnaire to be submitted each year;

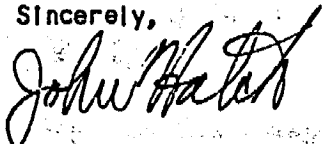
John Broek
April 15, 1985
Page 2

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.

Sincerely,



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

NOTE: If the questionnaire(s) are received in this office before the May 15th 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.

A40408KS.wr

SOUTH DAKOTA
Department of
Water & Natural Resources

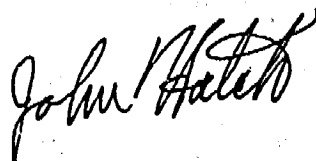
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: John Broek
701 W 1st St
Orange City, IA 51041

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



SUBJECT: Amendment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3,
2096-3 & 4291-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 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.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 5010-3, 2693-3, 2910-3, 2694-3, 2096-3 & 4291-3 to add the following qualification:

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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 16, 1985

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

154 Acres - NE 1/4 Section 1, T111N, R51W

formerly owned by John Broek

has been transferred to METROPOLITAN LIFE INSURANCE COMPANY, P.O. Box 628, Carroll, IA
(please include complete mailing address) 51401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2096-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

ARIZONA
STATE OF ~~ARIZONA~~)
County of Maricopa) ss.

I, JOHN BROEK 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.

John Broek (Signed)

Subscribed and sworn to before me this 16th Day of September, 19 85

(Notary Public) -Arizona

My Commission Expires:

My Commission Expires Jan. 14, 1989

RECEIPT

Division of Water Rights

No 4 10195

South Dakota Department of Water and Natural Resources

McCann, Martin, & McCann

Pierre, September 24, 1935

RECEIVED OF for Metropolitan Life Ins., Co., PO Box 628, Carroll IA 51401

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 for Permit No. 2096-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer JOHN HATCH

ks



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

Water Rights Division
605 773-3352

September 25, 1985

McCann, Martin & McCann, P.C.
T. F. Martin
PO Box 78
Brookings SD 57006-0078

Dear Mr. Martin:

Enclosed are receipts No. 410190 thru 410195 for \$2.50 each which you paid for transfer of Water Rights No. 2693-3, 2694-3, 2910-3, 4291-3, 5010-3 and 2096-3.)

Our records now show Metropolitan Life Ins. Co. as the owners of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide.

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

October 16, 1987

5010-3
4291-3
2096-3

Donald L Kinker, Agent
Farmers National Company
4820 Dodge Street
Omaha, NE 68132

RE: Permits for Metropolitan Life Insurance Company

Dear Mr. Kinker:

Thank you for the prompt return of the 1987 irrigation questionnaires for Metropolitan Life Insurance. Enclosed, as you requested, are copies of Water Permit Nos. 4291-3 and 2096-3 and Water Right No. 5010-3.

In your letter, you also listed Water Permit Nos. 2910-3, 2693-3 and 2694-3. These permits were incorporated into Water License No. 5010-3. All the irrigated lands listed under these three permits, are now covered under No. 5010-3.

If you have any questions concerning the enclosed copies, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

encl

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 23, 1991

4291-3
2096-3

Herb Heidepriem
Box 129
Miller, SD 57362

Dear Mr. Heidepriem

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit Nos. 2096-3 and 4291-3. The water permits are currently listed in the name of Metropolitan Life Insurance Company.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50 each.

The inspection of the water use system and the extent of application of water to beneficial use, as developed under Permit Nos. 2096-3 and 4291-3 has been completed. The final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2096-3 will be incorporated into Water License No. 4291-3.

State Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the fee from you, we will begin processing your Water License. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid.

Please remit a total of \$55.00 for transfer and licensing fees along with the completed "Notice of Transfer" forms. If you have any questions, please contact me.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

412820

Pierre, September 3, 1991

RECEIVED OF Herbert A. Heidenriem, 218 W 4th St. Miller, SD 57362
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 <u>Water Permit No. 2096-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch / JMH
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2096-3

Date: August 27, 1991

I\We request that Water Permit No. 2096-3

formerly owned by: Metropolitan Life Insurance Company

be transferred to: (name & address) Herbert A. Heidepriem, Box 129, Miller, SD
57362 (Telephone No.) 605/853-2456

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

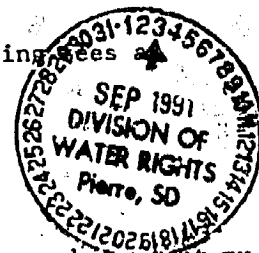
NE 1/4 Section 1, T111N, R51W

I\We understand that the validity of Water Permit No. 2096-3 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 required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hand)



I/~~XX~~ Herbert A. Heidepriem 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 that I know of my own personal knowledge that the information herein stated is true.

Herbert A. Heidepriem
(Signed)

Subscribed and sworn to before me this 27th day of August, 1991.

Marilyn M. Dyer
(Notary Public)

My commission expires: 2/4/96

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 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.

2096-3

South Dakota



GREAT FACES. GREAT PLACES.

September 17, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 2096-3
4291-3

Herbert A. Heidepriem
Box 129
Miller, SD 57362

Dear Mr. Heidepriem:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 2096-3 and 4291-3.

Our records now show you as the owner of Water Permit Nos. 2096-3 and 4291-3.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 26 1992

4291-3

Herbert A. Heidepriem
P.O. Box 129
Miller, SD 57362-0129

Dear Mr. Heidepriem:

Enclosed is Water License No. 4291-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412871 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. 4291-3, 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.

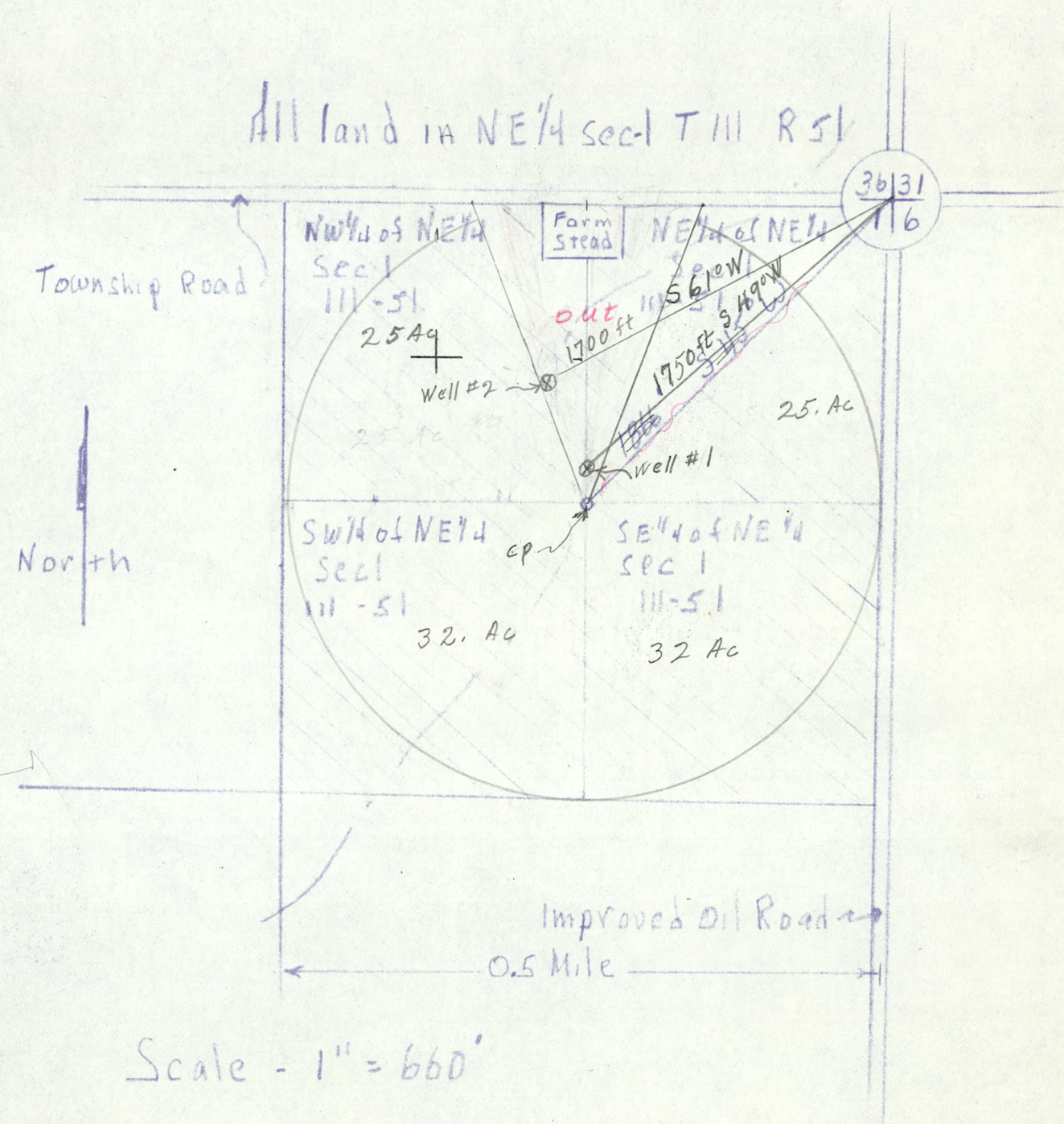
Very truly yours,

John Hatch

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

enclosures

NOTE: The applicable portions of Water Permit No. 2096-3 are incorporated into this Water License No. 4291-3.



Otto Rust

Irrigation Project #1

Bruce, S. Dakota
Brookings County

Land Description	Acreage Irrigated
NW 1/4 of NE 1/4 Sec 1-111-51	38
NE 1/4 of NE 1/4 Sec 1 111-51	37
SW 1/4 of NE 1/4 Sec 1 111-51	40
SE 1/4 of NE 1/4 Sec 1 111-51	39
Total Acres	154

Water claimed 2.2 cfs

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map identifies a reasonably accurate record of the land of:

Otto Rust

Bruce South Dakota

Drawn by J.L.W.

5-10-74.

John L. Wiersma

PE # 1916

MAP NO 1496-3 / APPL N-2096-3