

Water Right Number 3062-3

1. Considered 10-20, 1970
2. Name of Applicant Roger D. Dineen
3. Post Office Address Aboland
4. Amount of water claimed 2.22
5. Source of water supply 78' deep well
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Spinks County
about 1N, 6E Miles 1.5 of Frankfort
8. Proof of Publication Received 1-5
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 2386-3 Water Division No. 3 JAMES RIVER District _____
 (Blank to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

may be good

- Name of Applicant ROGER K. MURPHY
 Post-office address DOLAND State SOUTH DAKOTA
 Has corporation shown date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
- Name of diversion work _____
- Amount of water claimed (cubic feet per second) 2.3 cfs
- Source of water supply WELL
- Location of point of diversion CENTER OF NW 1/4 SECTION 5 T14N R61W
 _____ County SPINK
- Annual period or periods during which water is to be used APRIL THROUGH SEPTEMBER
- Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
 Total number of acres to be irrigated 160
- For irrigation use, _____

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.
<u>NW 1/4 NW 1/4 SEC 5</u>	<u>40</u>		
<u>NE 1/4 NW 1/4 SEC 5</u>	<u>40</u>		
<u>SW 1/4 NW 1/4 SEC 5</u>	<u>40</u>		
<u>SE 1/4 NW 1/4 SEC 5</u>	<u>40</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 1 year. Additional time required to complete application of water to the proposed beneficial use _____ years.
- Choice of newspaper for Notice of Intent to Appropriately Water publication REDFIELD PRESS
- Principal Features of the Proposed Water Supply System.

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

WELL

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

PLASTIC PIPE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT

Estimated Total Cost \$45,000-

Attachments: Attach Form 2 if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instruction concerning preparation.)

STATE OF SOUTH DAKOTA

County of Spink

I, ROGER K. MURPHY 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 ROGER K. MURPHY

Subscribed and sworn to before me this 20 day of September, 1976

Charles R. K.
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3062-3

DUANE
ROGER K. MUXEN
(Applicant)

DOLAND
(Post Office Address)

SOUTH DAKOTA 57436 with the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 21, 1976

Date of return to applicant for correction, amendments or changes required , 19

Date of receipt of corrected application OCTOBER 8, 1976

Approved OCTOBER 21, 1976, Recorded in Book 16 Page 165

WATER RIGHT PERMIT NO. 3062-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3062-3 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 SEPTEMBER 21, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 21, 1977
3. The whole of said work is to be completed on or before OCTOBER 21, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 21, 1977
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 2.22 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 OCTOBER 21, 1977; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 1ST day of DECEMBER, 1976

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 4, 1979

Water License Issued APRIL 4, 1979

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 18 in, Depth 78 FEET
- (2) Casing, Type FIBERGLASS Diameter 16 in Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type FIBERGLASS, Diameter 16 in, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 SAND

Depth to top of water bearing material 15 FEET

Depth to bottom of water bearing material 78 FEET

Thickness of water bearing material 63 FEET

Depth to water (ground surface to water level) 15 FEET

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

On same owner's property 45 rds. On property owned by others 80 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.

Edgar K. Muehlen
Signature of Applicant

IRVATION
MISSION
M W1 M1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME ROGER K. MULLEN
ADDRESS DOLAND, SOUTH DAKOTA
COUNTY SPIRK

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 SECTION 5 T16N R61W
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 SECTION 5 T16N R61W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED CORN ALFALFA

WATER QUALITY

5. SAMPLE NUMBER 76-1405
6. SALINITY (EC X 10⁶) 1461
7. SODIUM (SAR) 4.80
8. RESIDUAL SODIUM CARBONATE (meq/l.) 2.52 DANGER!!

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service.

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

Roger K. Mullen
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
22 DAY OF September 19 76.

[Signature]
(TITLE OR SEAL)

APPROVED/DISAPPROVED 2

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

Submitted by: Roger K. Muxen
 Address: Doland, SD 57436

Date Rec'd: September 21, 1976
 Sample No. 76-1405
 Identification _____

WATER ANALYSIS

Calcium (Ca)	84	ppm*	4.20	me/l**
Magnesium (Mg)	33	ppm	2.71	me/l
Sodium (Na)	205	ppm	8.92	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	335	ppm	6.97	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	56	ppm	1.55	me/l
Bicarbonate (HCO ₃)	503	ppm	8.24	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)	412	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1460	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	4.50			
Sodium	55.36	% of cations		
Residual sodium carbonate	2.52	me/l		
pH	7.65			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g-p-g=grains per gallon

COMMENTS: Total cations 16.17 me/l
 Total anions 16.76 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

2.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1405

Amount Enclosed \$

Signed



October 6, 1976

Mr. Roger K. Muxen
Doland, SD 57436

Dear Mr. Muxen:

Your water sample (Lab. No. 76-1405) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine
Water Quality Lab

LOF:clb
Enclosures

cc: State Conservation Commission

P.S. You may have to use tyson on this land in 6-8 years. The original report was sent to you October 5.

Permit No. 3069-3

Water Diversion No. 3 James River Water District



CERTIFICATE OF CONSTRUCTION

This is to Certify That Duane Muxen

the holder of

Permit No. 3069-3, issued upon Application No. 3069-3, bearing date of priority of September 21, 1976 authorizing the diversion of 2.22 cu. ft. per second of the waters of ground water County of Spink, State of South Dakota at a point 1400'S and 1300'E of the NW corner, Section 5, T116N, R61W

for Irrigation

purpose, 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 1.89 cu. ft. per second of water

Date April 4, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

WATER LICENSE NO. 3062-3

(1) WHEREAS, On the 21st day of September A. D. 19 76
Roger K. Muxen

made Water Right Application No. 3062-3 for a permit to use 2.22 cubic feet per second of the waters
of ground water
County of Spink State of South Dakota, for Irrigation

_____ purposes; and
(2) WHEREAS, On the 1st day of December A. D. 19 76
Permit No. 3062-3, with a date of priority of September 21, 1976

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 21st day of October A. D. 19 77 and for the
application to beneficial use of said water on or before the 21st day of October A. D. 19 77

and,
WHEREAS, on the 30th day of November, 1978, the Permit was transferred to Duane Muxen,

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 1.89 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,

for irrigating a 140 acre circle in the NW¼ Section 5, T116N, R61W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We her-by grant and confirm to Duane Huxen

_____ of Doland
the holder _____ and owner _____ of said permit No. 3062-3 a water right, dating from September 21, 1976
_____ to use of 1.89 cubic feet per second of the waters
of ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1400'S and 1300'E of the NW corner
Section 5, T116N, R61W

and conduct to and upon a 140 acre circle in the NW 1/4, Section 5, T116N, R61W

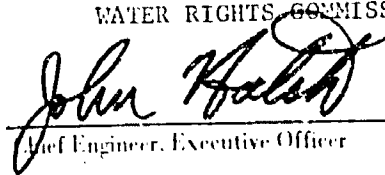
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3062-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of April A. D.
Nineteen Hundred and seventy-nine

WATER RIGHTS COMMISSION

By:



Chief Engineer, Executive Officer

JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

No. 3052-3

Publish first publication, on or before OCTOBER 12, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

OCTOBER 8, 1976

Notice is hereby given that Roger K. Muxen

whose post office address is Doland, 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

2.22 cubic feet of water per second of time from the xx ground water through the

Roger Muxen # 1, the point of diversion of which is to be located in the

Center of the NW 4

of Section 5, Twp. 116N, Range 61W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 4, Section 5, T116N, R61W

This application No. 3052-3 will be considered by the Water Rights Commission at their office at Pierre upon the 21st day of October, 1976 at 1:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

RFJ/bw

cc: Roger K. Muxen, Doland, S. D. 57436

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 3062-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

Dorothy Murphy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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 Huron of Huron

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

October 12, 1976

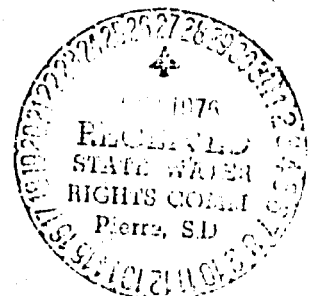
October 19, 1976

Dorothy Murphy
(Signature)

Beadle Plainsman
(Title)

October 19, 1976
(Date Signed)

F.P. 10-12-76 L.P. 10-19-76
NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
October 8, 1976
Notice is hereby given that Roger
K. Muxen whose post office address
is Leland, South Dakota, has made
an application in accordance with
the provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 2.22
cubic feet of water per second of
time from ground water through the
Roger Muxen No. 1, the point of
diversion of which is to be located in
the Center of the NW 1/4 of Section 5,
Twp. 116N, Range 61W, Said water
to be used for the purpose of
providing irrigation on portions of
the following described land: NW 1/4,
Section 5, T116N, R61W.
This application No. 3062-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 21st day of October, 1976, at
1:00 P.M. All interested persons
may appear and be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
No. 598 (adv)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6579

PIERRE, November 10 1970

RECEIVED OF Ralph Duane Muxen, Deland, SD 57436
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. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>transfer of water right permit No. 3062-3</u>		2 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 97

FORM 20

No. 3062-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: Nov 17, 1978

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

W1/2 Section 5, T116N, R61W

formerly owned by Roger K. Muxen

has been transferred to Duane Muxen, Doland, SD 57436

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3062-3 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 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of SPINK) ss.

I, Duane Muxen 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.

Duane Muxen
(Signed)

Subscribed and sworn to before me this 17 Day of November 1978.

H. R. Wood
(Notary Public)



Permit No. 3062-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Pauline Muxen
 of Doland, South Dakota 57436 holder
 of Permit No. 3062-3, bearing date of priority of September 21, 1976
 authorizing the diversion of 2.22 cu. ft. per second of the waters of one well
 for Irrigation purposes, in Spink 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:

Motor G.E. Model 5K6258KH4A, Ser# CMT 324412,
 75 HP, 1775 RPM
 Pump - Western Land Roller, Ser# KB76609,
 Head # 8A-4-12AB-H8 $\frac{3}{4}$, pumping 550 gpm

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

8" Alum Pipe 14 ft long.

C. Works used to apply water to beneficial use.

T & L Center Pivot No 1503

The system is in the following condition: Good

The point of diversion is located 1400 ft S and 1300' E of the NW
cor of section 5, T16N R61W

The works are capable of diverting and conveying to the place of use 1.84
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in section 5, T16N R61W. NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 Ac.,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 Ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 Ac. SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 Ac.

comprising a total of 140 acres of land.

Well depth 78 ft
 Static 15 ft
 Pumping 850 gpm
 Capacity - 1000+ gpm.

Date January 22, 1979
Robert J. McNaugh
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6746

PIERRE, January 30, 1972

RECEIVED OF Duane Muxen, Doland, SD 57436

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. 3062-3	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 3062-3		
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		

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

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

March 23, 1987

DUANE MUXER
SR 2, BOX 29
DOLAND, SD 57440

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2553-3, 3062-3. 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 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 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing 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). 2553-3, 3062-3 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.

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

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

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

April 15, 1987

3062-3
2553-3

Duane Muxen
SR 2 Box 29
Doland, SD 57436

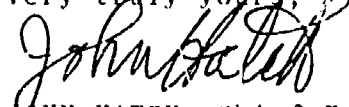
Dear Mr. Muxen:

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. 3062-3 and 2553-3 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 7, 1992

2553-3

3062-3

Barry Muxen
HC 2 Box 28A
Doland, SD 57436

Dear Mr. Muxen:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2553-3 and 3062-3. The water rights are currently listed in the name of Duane Muxen. The transfer forms are being sent in followup to the 1991 irrigation questionnaires.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

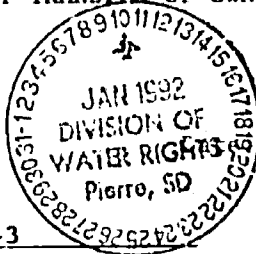
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3062-3



1-8-92

I\We request that Water Right No. 3062-3

formerly owned by: Duane Muxen

be transferred to: (name & address) BARRY MUXEN HC2 Box 28A
DOLAND, S.D. 57436 (Telephone No.) 605-635-6908

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

NW 1/4 Section 5, T116N, R61W

I\We understand that the validity of Water Right No. 3062-3 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 SPINK)

I\We BARRY MUXEN 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.

BARRY MUXEN
(Signed)

Subscribed and sworn to before me this 9th day of January, 1992.

Sandra Schneider
(Notary Public)

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

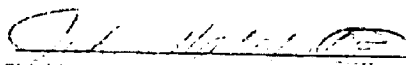
413003

Pierre, January 10, 1992

RECEIVED OF Barry or Kathy Muxen, HCR 2, Box 28A, Doland, SD 57436-9442

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 Water Right No. 3062-3	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 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1992

No. 3062-3

Barry Muxen
HC 2, Box 28A
Doland, SD 57436

Dear Mr. Muxen:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3062-3.

Our records now show you as the owner of Water Right No. 3062-3.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl F. Frost".

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

enclosure

Joe & Reid M. again 7.5 m/hertz 1980 water use
center pivots with electric powered

17 wheels with 13C acres alfalfa + 106 acres soybeans
900 gpm 388Kwh

May 3 days 13 hrs./day on beans - 36069.00 gals. water
4 days 24 hrs./day on alfalfa - 51840.00 " "

June 4 days approx. 24/day on beans - 51840.00 " "
16 days approx 24/day on alfalfa - 20736.000 " "

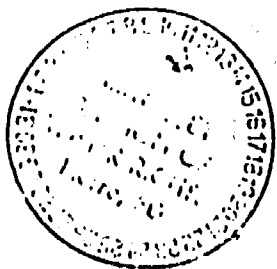
July about the same as June on both beans + alfalfa
Aug. 2 days 10 hrs./day on beans - 10800.00 gals. water
6 days 20 hrs./day on alfalfa - 64800.00 gals. water

static water level unknown at beginning + end

1979 366 Total acres irrigated 705 Total Kwh used
1978 366 Total acres " 717 " "

500 gals gasoline storage capacity
1500 " " " " " "
1553.3 " " " " " "
3062.3 " " " " " "

decided on irrigated acres
one problem getting fuel in 1980
fuel needs about the same for a day year as a water 750 gals approx



The other point has 130 acres corn
850 gals. / min. 353 kwh used

May	approx. 6.5 days	30 hrs./day	—	6,630,000 gals. water	
June	"	11 days	34 hrs./day	—	13,464,000 gals. water
July	"	13 days	20 hrs./day	—	13,360,000 gals. water
Aug.	"	10 days	13 hrs./day	—	6,630,000 gals. water

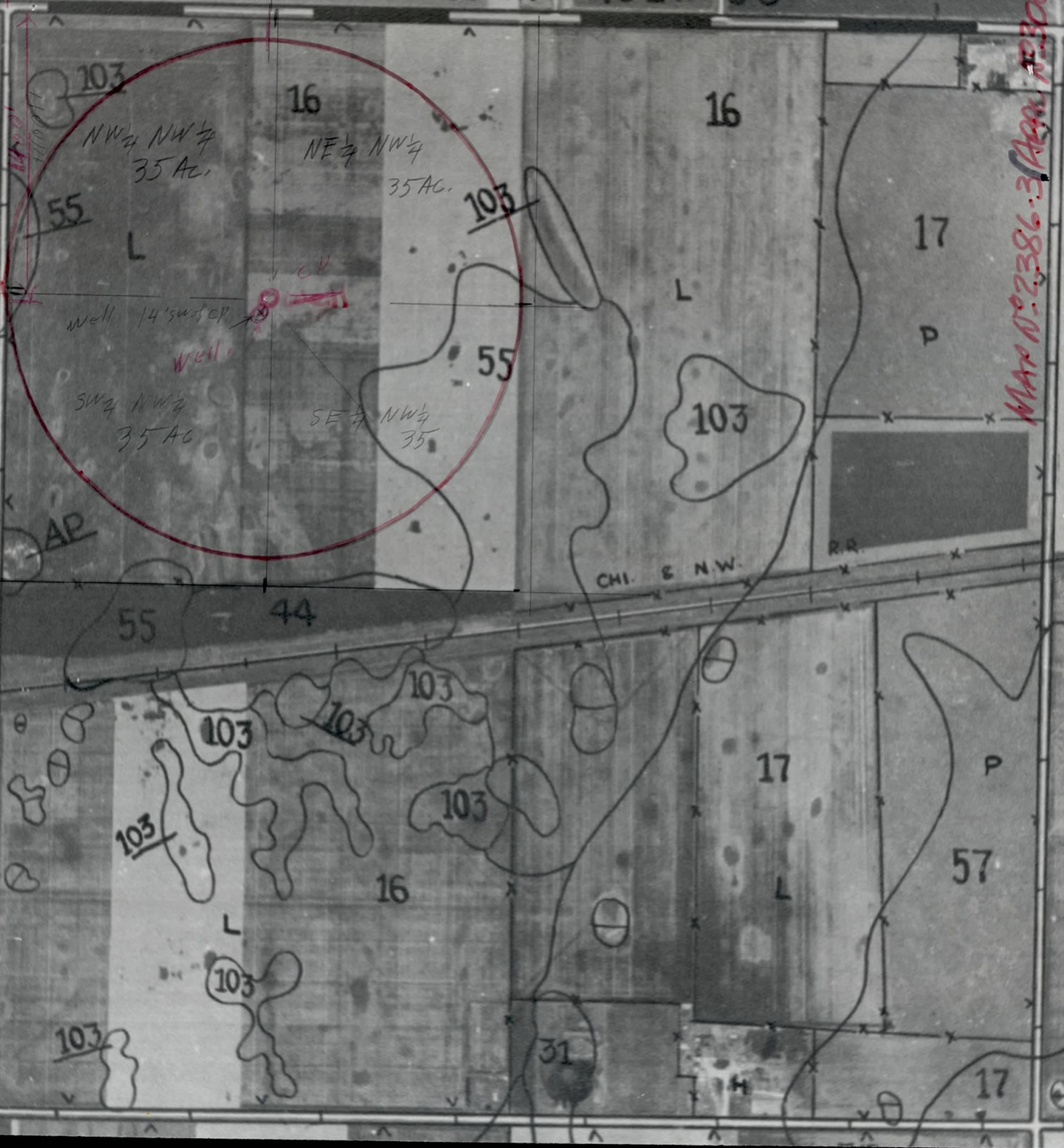
static water level not checked at beginning or end

1300ft
BELLE PLAINE

T116N

R61W

S5



Map No. 2386-3 (Aerial) 193067-3