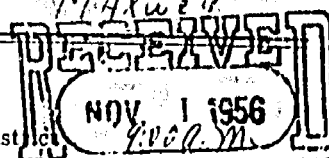


1. Considered March 17, 19 54
2. Name of Applicant James Speltz # 330-3
3. Post Office Address Little B. Ariz. 4.17.1. Trinity
4. Amount of water claimed 4.53 cfs
5. Source of water supply Salween River
6. Water to be used for irrigation
Acres to be irrigated 527.5
7. Water to be diverted and used in Apache Co. County about
14 miles South of U.S. 66 Ariz.
8. Proof of Publication Received ✓
Not Received MAX
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 930-9Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. L.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant JAMES Spolek II
Postoffice address Lake Andes, County Charles Mix State S. D.

I. If a corporation

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

contract

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

2. Name of diversion work JAMES Spolek Irrigation Project #1
3. Amount of water claimed 7.53 cubic feet per second
4. Source of water supply Missouri River
5. Location of point of diversion 550' S 15° 30' E from corner NE 1/4 NE 1/4
30-94-65 on Missouri bank Charles Mix County.
6. Annual period or periods during which water is to be used April 1 to Nov 1
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead

- (a) Number of acres to be irrigated 507 acres.

- (b) Legal subdivisions to be irrigated SE 1/4 and SE 1/4 SW 1/4 of 18 and NE 1/4 and NE 1/4 NW 1/4 of 19

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here or may be appended as a part of this application. Some must also be shown on account map.)

- (c) Statement as to domestic use (giving location, etc.) NONE

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

- (a) Nature of use _____
Name any of the above uses claimed
(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
(c) Location of plant _____
(d) Method of developing power _____
(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures

(d) Canal-earth, \$-----

(b) Pumping plant, \$3000-

Rock, \$-----

Total, \$19,000-

11. Description of diversion works:

11.1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

9000' main line, 1320' sprinkler laterals, and pumping unit.

II. Dimensions of works:

- (a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----slope at back face-----material used in construction-----
- (b) Reservoir: Capacity when filled-----acre ft. area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

- (c)* Head gate: Width-----feet; height-----feet; Material-----
- (d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----3-----years.
11. Time required for complete application of water to the proposed beneficial use-----2-----years.
12. Choice of newspaper for publication of notice of intention to appropriate Lake Andes, S.D. D.P.R.

STATE OF SOUTH DAKOTA

County of Charles Mix ss.

I, James Soulek, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

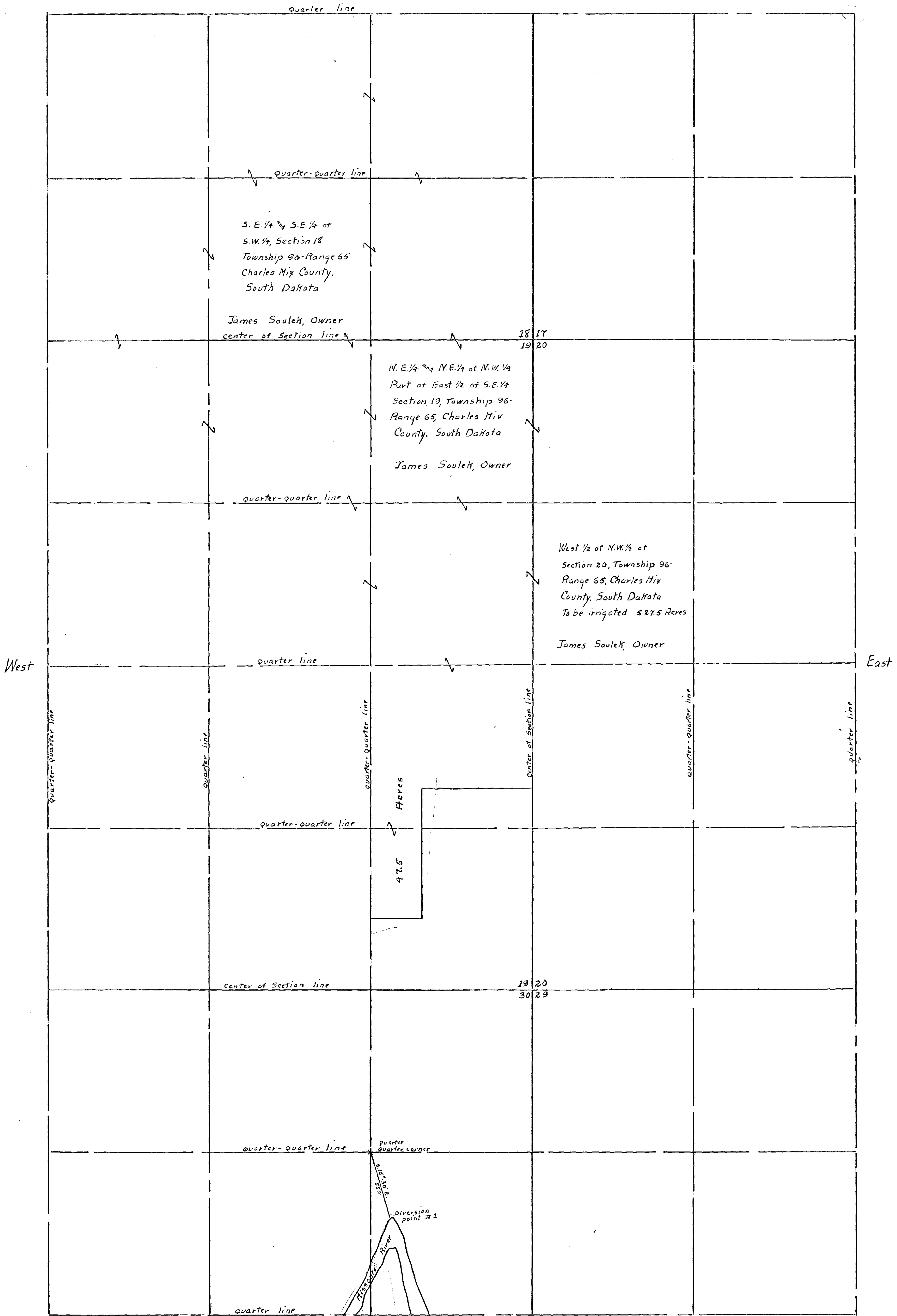
Signed James Soulek

Subscribed and sworn to before me this 16 day of October 1956

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

North



James Soulek Irrigation Project # 1
S.E. 1/4 of S.E. 1/4 of S.W. 1/4, Section 18; N.E. 1/4 of N.E. 1/4
of N.W. 1/4, Section 19; Part of East 1/2 of S.E. 1/4, Section
19 and West 1/2 of N.W. 1/4 of Section 20 all in Township
96-Range 65, Charles Mix County, South Dakota.

I Ellis V. Nelson, a licensed engineer hereby certify that
I have made a survey of the S.E. 1/4 of S.E. 1/4 of the S.W. 1/4 of
Section 18; N.E. 1/4 of N.E. 1/4 of N.W. 1/4, part of East 1/2 of S.E. 1/4
Section 19; West 1/2 of N.W. 1/4 of Section 20 all in Township 96-
Range 65, Charles Mix County, South Dakota and located di-
version point # 1, for irrigation purposes, as indicated on the
above plat.

Dated at Sioux Falls, South Dakota October 8, 1956.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss.
County of Minnehaha }

On this 8th day of October, 1956, before me the un-
dersigned officer, personally appeared Ellis V. Nelson known
to me or satisfactorily proven to be the person whose name is
subscribed to the within certificate and acknowledged that he
executed the same for the purpose therein contained.

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

John W. Lenz
Notary Public

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota Oct. 1956

Map No. 248-3
(App. No. 330-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 4, 1956

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. on the 1 day of November, 1956

State Water Resources Commission

By:

Joel Brinner
Chief Engineer, Executive Officer

Number of permit 330-3

Date of first receipt of application November 1, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right November 1, 1956

Approved January 17, 1957, Recorded in Book 3, Section 2, Page 78

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

July 17, 1958

2nd. The whole of said work is to be completed on or before January 17, 1962

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

January 17, 1962 Extension approved 5-6-64

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 7.53 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before January 17, 1962, said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 20 day of March, 1957

State Water Resources Commission

By:

Joel Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 16, 1968

Water License Issued SEPTEMBER 16, 1968

Permit No. 330-3Water Division No. 3 MISSOURI
RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That James Soulek

of Lake 6, County of Charles Mix, and State of South Dakota, the holder of Permit No. 330-3, issued upon Application No. 330-3, bearing date of priority of November 1, 1956, authorizing the diversion of 7.53 cu. ft. per second of the waters of the Missouri River County of Charles Mix State of South Dakota, at a point 1820' S and 1280' W of the NE Corner, Section 30, T96N, R65W

for irrigation purposes, has fully 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 6.66 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in T96N, R65W

Sec. 18 SE $\frac{1}{4}$ 160.0 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 acres

Sec. 19 NE $\frac{1}{4}$ 160.0 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres
E $\frac{1}{2}$ SE $\frac{1}{4}$ 47.5 acres

Section 20 W $\frac{1}{2}$ NW $\frac{1}{4}$ 80.0 acres
Total 527.5 acres

Witness my hand this 16th day of September A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 330-3

WHEREAS, On the 1st day of November A. D. 1956
James Soulek

of Lake Andes County of Charles Mix and State of
South Dakota duly made application (No. 330-3) to us for a permit to use 7.51
cubic feet per second of the waters of the Missouri River
County of Charles Mix, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 20th day of March A. D. 1957
Permit No. 330-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 17th day of
January A. D. 1962 and for the application to beneficial use of said
water on or before the 17th day of January A. D. 1966
and,

WHEREAS, On the 12th day of September A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of
6.66 cubic feet per second of said waters, as evidenced by our Certificate No. 330-3
dated September 16, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 6.66 cubic feet per second of water, with date of
priority of November 1, 1956 and,

WHEREAS, On the 12th day of September A. D. 1968
proof was duly made of the application to beneficial use of 6.66 cubic feet per second of said water;
for irrigating 527.5 acres in portions of Sections 18, 19, and 20,
T96N, R65W.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to James Soulek
of Lake Andes the holder and owner of said permit No. 320-3
a water right, dating from November 1, 1956 to the use of 6.66
cubic feet per second of the waters of the Missouri River
in the County of Charles Mix and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point 1820' S and 1280' W
of the NE Corner, Section 30, T96N, R65W
and conducted to and upon portions of Sections 18, 19 and 20, T96N, R65W, more
specifically described in the Certificate of Completion of Works

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of September A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

T. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

(First Publication before Dec. 21, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., December 4, 1956

Notice is hereby given that James Soulek whose postoffice address is Lake Andes S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.53 cubic feet of water per second of time from the Missouri River through the James Soulek Irrigation Project #1, the point of diversion of which is to be located on the northerly bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30 Twp. 96N Range 65W. Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{2}$, Sec. 18; N $\frac{1}{2}$ and SE $\frac{1}{4}$, Sec. 19; and NW $\frac{1}{4}$, Sec. 20, all in T 96N, R 65W

~~NOTICE~~~~NOTICE~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 1957, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. Grimes,

Chief Engineer, Executive Officer

cc: Publisher

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Charles

ss.

Arthur B. Brown being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Lake Andes Wave a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Lake Andes County of Charles and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec. 13, 1956

Dec. 20, 1956

Dec. 27, 1956

Jan. 3, 1957

in each and every issue of the full number thereof, the first publication being made on the 13 day of Dec.

1956 and the last publication on the 3 day of

Jan 1957, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was ----- the printer and publisher of the said newspaper.

Arthur B. Brown

Subscribed and sworn to before me this 3 day of Jan A. D. 1957

Notary Public County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak.
December 4, 1956

Notice is hereby given that James Soulek, whose postoffice address is Lake Andes, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.53 cubic feet of water per second of time from the Missouri River through the James Soulek Irrigation Project No. 1, the point of diversion of which is to be located on the northerly bank of said stream in the SE1 of the NE1 of Section 30, Twp. 98N, Range 65W. Said water to be used for the purpose of providing irrigation on the following described land: S1, Sec. 18; N1 and SE1, Sec. 13; and NW1, Sec. 20, all in T 98N, R 65W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 1957, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Les Wyborny
Water Rights Engineer
For: J. W. Grimes
Chief Engineer, Executive Officer
(Dec. 13-20-27; Jan. 3)

JAN 10 1957

STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

APRIL 8, 1964
(date)

Dear Sirs:

I hereby request that an extension of time from JANUARY 17, 1960
to JANUARY 17, 1962 be granted me for the completion of works to be done under Permit No.
330-3 and that the time for proof of beneficial use of water be extended to JANUARY 17, 1966.

Said works are located in Charles County and are described
as follows:

Location of headworks: In the SE $\frac{1}{4}$ of the NE
of Section 30 Township 96N Range 65W
E., B.H.M.

The water is to be used for the purpose of IRRIGATION

The extension of time for the completion of these works is requested for the following reasons:

Electric power did not become available until
recently. Did not want to build permanent
system with other type power and have to convert.

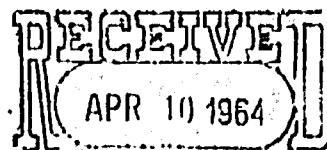
APPROVED:

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Holder of Permit No. 330-3



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

DEPARTMENT OF THE ARMY EASEMENT FOR RIGHT OF WAY PIPELINE

330-3

FOR RAILROAD, DAY, TAKE RAILROAD EASE PROJECT, SOUTH DAKOTA

DA-25-066-CT G-C6-0547

THE ARMY, under and by virtue of the authority vested in him by
United States Code, Section 2659, hereby grants to JAMES BOYD JR., R.R. #1,
South Dakota

... with state water right, an easement for a right of way for
... and irrigation pipeline

... and upon land under the ... Secretary of the Army at the location
... Exhibit "A" Map, For ... Reservoir, Segment B
... and made a part hereof ... described as follows:

... of land 50.00 feet in width and approximately 1650.00 feet
... 25.00 feet on each side of the following described line:

Beginning at a point on the North line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section
19, Township 96 North, Range 65 West of the Fifth Principal Meridian, 150
feet east from the Northwest corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence Southerly
along the West line of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the Northerly shoreline
of ... Reservoir, Charles Mix County, South Dakota

THE EASEMENT is granted subject to the following conditions:

The grantee shall pay to the United States compensation in the amount of
Fifty and 00/100 dollars (\$ 50.00)
payable in advance. Compensation shall be made payable to the
Treasurer of the United States and forwarded by the grantee to the District Engineer,
U. S. Army Engineer District, Omaha 6012 U. S. Post Office and Courthouse,
215 N. 17th Street, Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasolene, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That this easement and right of way for a portable water pipeline and portable pumping unit is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

16. The United States reserves the right to flood the premises when and as required.

That Conditions Nos. 15 and 16 were added prior to the execution of this easement.

This easement is not subject to Title 10, United States Code, Section 2632.

IN WITNESS WHEREOF I have hereunto set my hand this 27th day of May 1966

DALE KENT

Chief, Real Estate Division
U. S. Army Engineer District, Omaha

Permit No. 330-3MISSOURIWater Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~ _____

I have this day made a thorough examination of the diversion works constructed by _____

JAMES SOULEK of LAKE ANDESCHARLES MIX County, South Dakota, holder of Permit No. 330-3, Issuedupon Application No. 330-3, bearing date of priority of NOVEMBER 1, 1956, authorizing thediversion of 753 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 10" CORNELL PUMP, MODEL 4H62B4 - POWERED BY CHRYSLER INDUSTRIAL 185 MOTOR (PROPANE) 1 MILE & 10" MAINLINE WITH 5 1/4 MILE 4" TOW LINES W/ RAISED 2 ROWS SPRINKLER HEADS (9/32) @ 40' SPACINGS

and the system is in the following condition: EXCELLENTThe point of diversion is located AS SHOWN ON WIR MAP # 248-3

The works are capable of diverting and conveying to the place of use 6.6 cu. ft. per second of water, which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: ALL PORTIONS OF SE⁴ & SE⁴SW⁴, SECTION 18; NE⁴, NE⁴NW⁴, E²SE⁴, SECTION 19; W²NW⁴, SECTION 20, T96N, R65W

comprising a total of 527.5 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this

12th

day of

SEPTEMBERA. D. 1968

—SEAL—

Arthur J. [Signature]
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



330-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: JAMES SOULEK
LAKE ANDES SD 57356

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 330-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 330-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fees.

3. Article Addressed to:

330-3

JAMES SOULEK
LAKE ANDES SD 57356

4a. Article Number

P906 560 021

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-92

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811 December 1991

U.S.G.P.O. : 1952-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service

330-3

File No. 330-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Walter Soulek

ADDRESS: RR #1 Box 120, Lake Andes, SD 57356

DATE: February 1, 1993

TELEPHONE: 487-7279

RE: Irrigation Questionnaire for Water Right No. 330-3 (James Soulek)

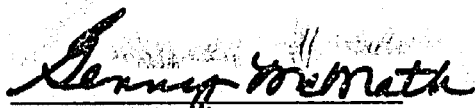
COMMENTS:

Mr. Soulek called in response to the certified letter sent to James Soulek indicating we had not received a 1992 irrigation questionnaire. Mr. Soulek stated he reported the information for No. 330-3 (listed under James Soulek) on the questionnaire for 1407-3.

I told Mr. Soulek the reason this had not been found was because the permits were in two different names. He stated he would have Water Right No. 330-3 transferred sometime, but the land was still partly his mothers and that would have to be worked out yet.

He stated they use the same pump site for Nos. 330-3, 1407-3, 1928-3 and 4628-3.

I told him to disregard the certified letter and I would mail him a letter to that affect.



Genny McMath
Natural Resources Analyst
DENR, Water Rights Division



330-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 1993

330-3

Walter Soulek
RR #1 Box 120
Lake Andes, SD 57356

Dear Mr. Soulek:

I am writing to acknowledge receipt your 1992 irrigation questionnaire for Water Right No. 330-3 (James Soulek). In our February 1, 1993, telephone conversation, you indicated the information for Water Right No. 330-3 was reported on your questionnaire for Water Right No. 1407-3. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

As we discussed, I have put a notation in the file for Water Right No. 330-3 to mail the yearly irrigation questionnaire directly to you.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 8, 2022

WJ Soulek Family Land LLLP
38001 295th St
Lake Andes SD 57356

RE: Water Right Nos. 330-3, 1407-3, 1928-3, 4623-3 and 6543-3

Dear Sir:

Thank you for returning the 2022 irrigation questionnaires by the deadline. Based on the notations on each form, all five water rights need to be transferred.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (\$250 total). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 25, 2023

WJ SOULEK FAMILY LAND LLLP
38001 295TH ST
LAKE ANDES, SD 57356

Dear Soulek Family:

I am writing to acknowledge the receipt of your transfer forms and filing fees.

The ownership changes have all been completed. The water rights under Walter's name are now listed under WJ Soulek Family Land LLLP.

Enclosed are the receipts for the filing fees you paid. If you have any questions, please let me know.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

MAY 12 2023

Ck# 1181
Rec't# 3/12/23

No. 330-3

Date: 5-9-23

I/We request that Water Right No. 330-3

formerly owned by: Walter Soulek

be transferred to: (name & address) WJ SOULEK FAMILY LAND LLLP
38001 295th St
Lake Andes, SD 57356
Telephone No. 605-645-7632

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

527.5 acres – SE ¼, SE ¼ SW ¼ Section 18; NE ¼, NE ¼ NW ¼, E ½ SE ¼ Section 19;

W ½ NW ¼ Section 20, all in T96N, R65W

I/We understand that the validity of Water Right No. 330-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We WJ SOULEK FAMILY LAND LLLP, the new owner, certify that the above information is true and correct.
38001 295th St
Lake Andes, SD 57356

Paul Soulek Partner
Jaime Soulek Partner
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
MAY 12 2023
OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 12, 2023

RECEIVED OF Wj Soulek Family Land LLLP 38001 295th ST., Lake Andes, SD 57356

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>330-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
EG



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: PAUL SOULEK, 38001 295TH ST, LAKE ANDES, SD 57356

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 330-3, 1407-3 & 1928-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4623-3 & 6543-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4623-3 & 6543-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 330-3, 1407-3 & 1928-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QNAFUR**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

330-3, 1407-3, 1928-3
4623-3, 6543-3

WJ Soulek Family Land LLLP
c/o Paul Soulek
38001 295th St
Lake Andes SD 57356

Dear Mr. Soulek:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 330-3, 1407-3, 1928-3, 4623-3 & 6543-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us