

Water Right Number 3438-3

1. Considered 1-26, 19 77
2. Name of Applicant GERALD CONNORS
3. Post Office Address JEFFERSON
4. Amount of Water claimed 1.0
5. Source of Water supply SIoux RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 70
7. Water to be diverted and used in UNION County
about 1 1/2 E miles of JEFFERSON
8. Proof of Publication
Received 1-21-77
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application
10. Remarks:

No. 3433-3Map No. 2713-3 Water Division No. 3 SIOUX RIVER District _____
(Blanks to be filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Gerald Connors
Postoffice address Jefferson, State SD 57038
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Connors No. 1
4. Amount of water claimed (cubic feet per second) 1 c.f.s.
5. Source of water supply Sioux River
6. Location of point of diversion NE 1/4 Sec 17 90-48
County Union
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 70

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.
E 70 acres SE 1/4 Sec 17 90-48	70		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Gated Pipe

Estimated Total Cost \$ 10,000.00Attachments: 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 Union)I, Gerald Connors, the applicant, verify 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.

Subscribed and sworn to before me this

day of

January 19 07

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3433-3GERALD CONNORS

(Applicant)

JEFFERSON

(Post Office Address)

SOUTH DAKOTA 57038

(State)

With the following modifications:

Date of first receipt of application JANUARY 4, 19 77Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved JANUARY 27, 19 77, Recorded in book 17 Page 169WATER RIGHT PERMIT NO. 3433-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 3433-3 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 JANUARY 4, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 79
3. The whole of said work is to be completed on or before JANUARY 27, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 82
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 1.0 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 isactually and beneficially applied for irrigation on or before JANUARY 27, 19 82; said water to be used during the following described annual period: APRIL THRU OCTOBERWitness my hand this 12TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive OfficerCertificate of Construction Issued —, 19 —Water License Issued —, 19 —

NOT TO SCALE

~~8-67~~

NA 47 NE 5-128 App 10 3433-3



Form 6 - Notice of Intent to Appropriate Water

No. 245

Publish first publication, on or before January 12, 1947

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1947

Notice is hereby given that Gerald Connors
whose post office address is Jefferson, SD, 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
1.0 cubic feet of water per second of time from the Pig River through the
conduit, the point of diversion of which is to be located in the
NE 1/4 of Section 17, Twp. 40N, Range 40E. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

NE 1/4, Section 17, Twp. 40N, Range 40E
NE 1/4, Section 17, Twp. 40N, Range 40E
NE 1/4, Section 17, Twp. 40N, Range 40E
NE 1/4, Section 17, Twp. 40N, Range 40E
NE 1/4, Section 17, Twp. 40N, Range 40E
NE 1/4, Section 17, Twp. 40N, Range 40E

This application No. 245 will be considered by the Water Rights Commission at their office at
Pierre upon the 12 day of January, 1947, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Gerald Connors, Jefferson, SD 57036

No. 3433-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the The Leader-Courier

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 Elk Point.

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

January 13, 1977

January 20, 1977

Lester E. Emerson
(Signature)

Publisher
(Title)

January 20, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
January 4, 1977

Notice is hereby given that
Gerald Connors whose post off-
ice address is Jefferson, South
Dakota, has made an application
in accordance with the provis-
ions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 1.0 cubic
feet of water per second of time
from the Big Sioux River through
the Connors #1, the point of div-
ersion of which is to be located
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17,
Twp. 90N, Range 48W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 17, T90N,
R48W.

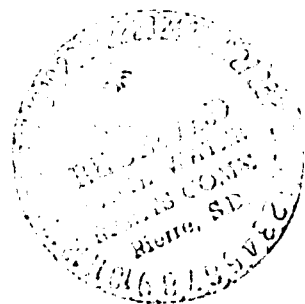
This application No. 3433-3
will be considered by the Water
Rights Commission at their off-
ice at Pierre upon the 26th, day
of January, 1977, at 10:00 A.M.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COMMISSION

By Burton F. Jones

Water Rights Specialist

Pub. Jan. 13, 26



3433-3

Jenny



COOPERATIVE EXTENSION SERVICE

South Dakota State University, United States Department of Agriculture and Union County Cooperative



UNION COUNTY

EXTENSION OFFICE
COURTHOUSE BASEMENT

AGRICULTURE
HOME ECONOMICS
4-H AND YOUTH
RESOURCE DEVELOPMENT

ELK POINT, S. D. 57025
P.O. Box 428
Telephone 356-2321

March 31, 1988



Division of Water Rights
Joe Foss Building
Pierre, SD 57501

Dear Jenny:

In checking out your ownership of the E 70 acres of the SE 1/4 of 17-90-48, I believe it was purchased by Virgil Mollet RR 1 Box 424 Jefferson, SD.

Hope this answers your question.

Sincerely,

Louie E. DeSmet

Louie E. DeSmet
Union County Extension Agent

LED/j1

 **Department of
Water & Natural Resources**

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

August 22, 1988

3433-3

Virgil Mollet, Sr
RR #1 Box 424
Jefferson, SD 57038

Dear Mr. Mollet:

In followup to our telephone conversation of August 19, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 3433-3. The permit is currently listed in the name of Gerald Connors. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to your name.

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.

I have also enclosed a copy of Permit No. 3433-3. You may keep this copy for your records. If you have any questions, please contact us.

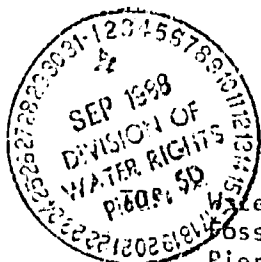
Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure





NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Foss Building
Pierre, SD 57501

Date: 9-21-88

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

E½ SE¼ Section 17, T90N, R48W

formerly owned by Gerald Connors
has been transferred to Virgil Mollet, Sr., RR 1, Box 424, Jefferson SD 57038
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 3433-3 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.

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss.

I, Virgil L. Mollet Sr. 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.

Virgil L. Mollet Sr.
(Signed)

Subscribed and sworn to before me this 21 Day of August, 1988.

Harmon R. McQuinn
(Notary Public)

RECEIPT

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

Pierre, September 1, 1988

RECEIVED OF Virgil Hollet, RR 1, Box 424, Jefferson, SD 57039

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>34-22-3</u>		
Fee for Filing Extension Request _____		2 50
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 C. L. Hollet
Chief Engineer JOHN HATCH (MS)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

September 6, 1988

Virgil Mollet, Sr.
Rural Route 1, Box 424
Jefferson, South Dakota 57036

Dear Mr. Mollet:

Enclosed is receipt No. 411387 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 3433-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

3433-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

VIRGIL L MOLLET, SR
RR 1 BOX 1135
JEFFERSON SD 57038

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 3433-3. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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) 3433-3 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.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your 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 fee.

3. Article Addressed to:

VIRGIL L MOLLET, SR
RR 1 BOX 1135
JEFFERSON SD 57038

3433-3

4a. Article Number

9837692559

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

4-18-91

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



3433-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1994

3433-3

Virgil L. Mollet, Sr
RR #1 Box 1135
Jefferson, SD 57038

Dear Mr. Mollet:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, Notice of Violation of Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling to inquire about your irrigation questionnaire. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

Licensing of Acreage Outside of Permitted Area

NAME: Virgil Mollet

ADDRESS: 48329 330th Street Jefferson SD 57038

DATE: January 28, 2003 **COUNTY:** Union

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 70 acres as compared to 70 acres authorized by the permit. Licensing of the permit will not result in an increase in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The acreage outside of the permitted area in the W $\frac{1}{2}$ SE $\frac{1}{4}$ section 17-90N-48W is contiguous to the permitted acreage located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ section 17-90N-48W.

- **Owned by Same Property Owner**

All of the property is owned by Virgil Mollet

- **Developed Prior to Expiration of Construction Period**

The project was developed as shown on the original map filed with the application. The application itself did not include the W $\frac{1}{2}$ SE $\frac{1}{4}$ as shown on the original map.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 12 acre area in the W $\frac{1}{2}$ SE $\frac{1}{4}$ be included in the water license.



Ron Duvall, Natural Resources Engineer
Water Rights Program

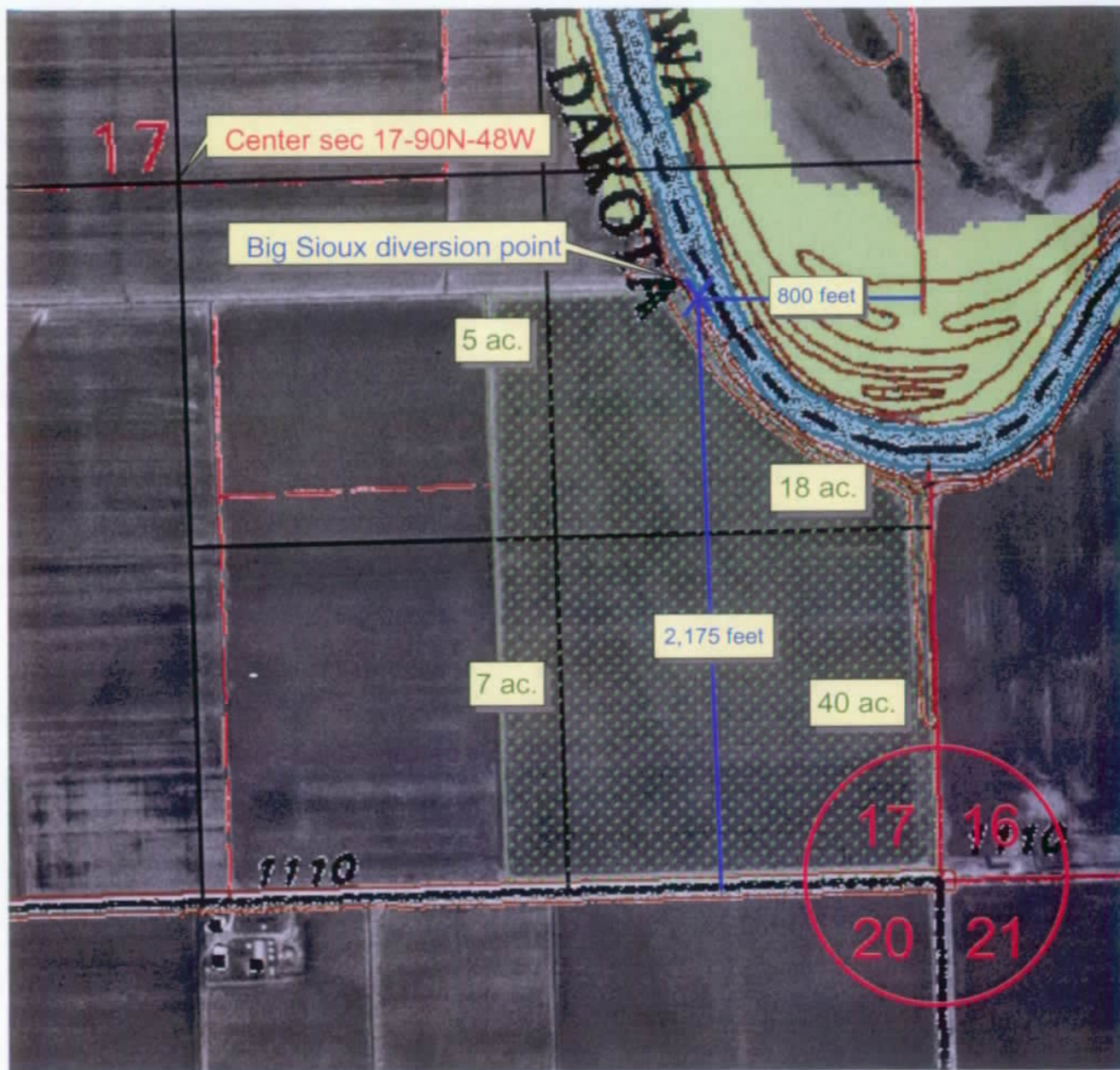
The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

900 0 900 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
January 28, 2003

No. 3433-3



January 29, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3433-3

Virgil Mollet, Sr.
48329 330th St
Jefferson SD 57038

Dear Mr. Mollet:

On June 19, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 3433-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

*Enclosed find check for water license (\$50.00)
Thank You, kindly.
Permit No 3433-3 Virgil Mollet, Sr.*

c: Virgil Mollet, Jr.

RECEIVED
FEB - 7 2003
WATER RIGHTS
PROGRAM

Permit No. 3433-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 19, 2002, made a thorough examination of the water use system constructed by Virgil Mollet of 48329 330th Street Jefferson SD 57038 holder of Permit No. 3433-3, bearing the priority of January 4, 1977 authorizing the diversion of 1.00 cu. ft. per second of the waters of Big Sioux River for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Virgil Mollet, Jr., son**

A. Works used to divert the water:

Pump and motor not available

B. Works used to transport/apply water to beneficial use:

One mile+ of 8 inch gated pipe

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Not applicable
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Note: No irrigation has occurred since 1990 according to the irrigation questionnaires. Mr. Mollet indicated that the acreage consists of bottom lands adjacent to the Big Sioux River and can be irrigated only during dry years. Most of the 1990's was too wet for the area to benefit from irrigation.

- 3) Exceptions to compliance are: none

The system is in fair condition with the point of diversion located as follows: Big Sioux River: 800 feet W and 2,175 feet N from the SE corner section 17-T90N-R48W (NE¼SE¼). The works are capable of diverting and conveying to the place of use 1.00 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: **all in section 17-T90N-R48W**

NE¼SE¼ 18 acres
 NW¼SE¼ 5 acres *

SW¼SE¼ 7 acres *
 SE¼SE¼ 40 acres

comprising a total of 70 acres of land and the license should be issued for 1.00 cfs.

All structures, wells and lands on map Y

| Comments or other permit(s) associated with the project:

* Acreage located in the W½SE¼ is outside of, but contiguous to, the permitted area. See attached file documentation dated January 28, 2003 to correct the location of the irrigated acreage.



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: January 28, 2003

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 7, 2003

RECEIVED OF Virgil Mollett Sr., 48329 330th St., Jefferson SD 57038

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. <u>3433-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000647

By

Darland Erbe
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

3433-3

Virgil Mollet Sr
48329 330th St
Jefferson SD 57038

Dear Mr. Mollet:

Enclosed is Water License No. 3433-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000647 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3433-3

(1) Gerald Conners, Jefferson SD made Application No. 3433-3, January 4, 1977 for a water permit to divert 1.0 cubic feet of water per second from the Big Sioux River, Union County, South Dakota for irrigation purposes. Permit No. 3433-3, with a priority date of January 4, 1977 was approved January 27, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 27, 1982 and for the application to beneficial use of water on or before January 27, 1982.

On September 1, 1988, Water Permit No. 3433-3 was transferred to Virgil Mollet, Sr., 48329 330th St, Jefferson SD 57038.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 3433-3 is issued a license, bearing a priority date of January 4, 1977 to appropriate 1.0 cubic feet of water per second from the Big Sioux River to irrigate 70 acres.

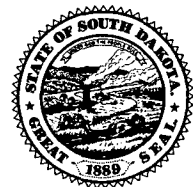
The diversion point is located: 800 feet west and 2,175 feet north from the southeast corner Section 17-T90N-R48W (NE ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 17-T90N-R48W			
NE ¼ SE ¼	18 acres	SW ¼ SE ¼	7 acres
NW ¼ SE ¼	5 acres	SE ¼ SE ¼	40 acres
Total 70 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 3433-3.

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

MAR 13 2003
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 16, 2011

383-3
3433-3

Virgil Mollet Jr
47991 334th St
Jefferson SD 57038

Dear Mr. Mollet:

Thank you for taking the time to visit with me concerning the ownership changes needed for Water Right Nos. 383-3 and 3433-3. I have included copies of both water rights for your review.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change for each water right. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 30 2011

WATER RIGHTS
PROGRAM

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

No. 3433-3

Date: 11-27-2011

I/We request that Water Right No. 3433-3

formerly owned by: Virgil Mollet Sr

be transferred to: (name & address) Virgil Mollet Jr 47991-334 Sepperton SD 57501
OR Eugene Mollet 48011-332 ST

Telephone No. 605-966-5785

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

70 acres - SE 1/4 Section 17, T90N, R48W

I/We understand that the validity of Water Right No. 3433-3 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 Virgil L Mollet Jr., the new owner, certify that the above information is true and correct.
Eugene Mollet

Virgil Mollet Jr OR Eugene Mollet
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/3, 20 12

RECEIVED OF Virgil Mollet 47991 334th St Jefferson SD 57038

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	50	00
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>3433-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05191**

By

Garland Erdle
Chief Engineer

3433-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 12, 2012

383-3
3433-3

Virgil L Mollet Jr.
47991 334th St
Jefferson SD 57038

Dear Mr. Mollet:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for transferring Water Right Nos. 383-3 and 3433-3.

The ownership changes have been completed. The water rights formerly held by Virgil L Mollet Sr. are now listed under the names of "Virgil L Mollet Jr. and Eugene Mollet".

Enclosed for your records are Receipt Nos. 05190 and 05191 in the amount of \$50.00 each. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIOUX FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIOUX FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIOUX FALLS	SD	57102

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

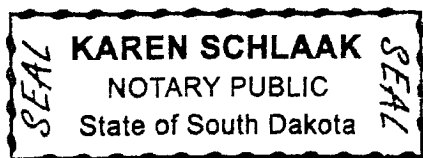
Sworn to, before me, this 4th day of August, 2012.

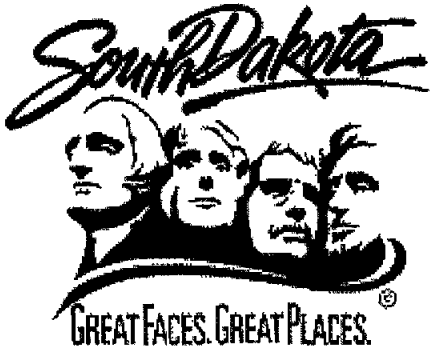
Karen Schlaak

Karen Schlaak

Notary Public

My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

3433-3

VIRGIL L MOLLET JR
47991 334TH ST
JEFFERSON SD 57038

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR MOLLET,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

3433-3

Virgil L Mollet Jr
47991 334th St
Jefferson SD 57038

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Mollet:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure