

Water Right Number 3464-3

1. Considered 2-23, 19 77
2. Name of Applicant MAYNARD WEITING
3. Post Office Address DOLAND
4. Amount of Water claimed 4.4
5. Source of Water supply 85' WELL
6. Water to be used for IRRIGATION

Acres to be irrigated 320

7. Water to be diverted and used in SPINK County
about 6N, 4E miles of DOLAND

8. Proof of Publication Received 2-23-77

Not Received 

9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

Don Porter
Ernie Meyer
160 acs 40'
2002-10-10
VS 10/10/02
95

No. 3464-3Map No. 2744-3 Water Division No. 3 JAMES RIVER District
(Blanks 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)

1. Name of Applicant Managers of Deland Irrigation Aqua 4 Farms, Robert L. Carr
Postoffice address Deland, State S. D. Box 409, Marshall MN 56258

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work well4. Amount of water claimed (cubic feet per second) 6.0 (2-5-80) / 1.44 = 4.175. Source of water supply open well6. Location of point of diversion center of E 1/2 of S3 R60W T117NCounty Deuel7. Annual period or periods during which water is to be used May - Sept.8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 320 A.

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>E 1/2 of S3 R60W T117N 320</u>	<u>320</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 yr. years. Additional time required to complete application of water to the proposed beneficial use 6 mos.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Deuel Record of Deland

12. 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.

pipe

C. Works proposed to apply water to beneficial use.

center pivotEstimated Total Cost \$ 50,000Attachments: 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 Deuel ss.I, Margaret Whiting 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 Margaret WhitingSubscribed and sworn to before me this 16th day of Aug. 1976Notary Public (or other qualified officer)
James Wood
Comm. Expires 10/31/76

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3464-3

Aqua 4 Farms
Box 409
Marshall MN 56258

MAYNARD WEEFING
(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 adequate domestic wells or in irrigation wells having prior water rights.

THE WELL APPROVED UNDER THIS PERMIT SHALL NOT BE DRILLED DEEPER THAN 85 FEET;

Date of first receipt of application AUGUST 18, 19 76

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

Date of receipt of corrected application JANUARY 10, 19 77

Approved FEBRUARY 23, 19 77, Recorded in Book 17 Page 190

WATER RIGHT PERMIT NO. 3464-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3464-3 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 10, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 23, 19 77
3. The whole of said work is to be completed on or before FEBRUARY 23, 19 78
4. The time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23, 19 78
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 4.4 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 AUGUST 23, 19 78; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 13th day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30-32", Depth 85'
- (2) Casing, Type stainless steel (wood, concrete, steel, etc) Diameter 16" Thickness
- (3) Perforated Screen.
Type stainless steel, Diameter 16", Length 30' +
- (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 fine to coarse sand
with some coal

Depth to top of water bearing material 35'

Depth to bottom of water bearing material 85'

Thickness of water bearing material 50'

Depth to water (ground surface to water level) 20'

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

On same owner's property 160 rds. On property owned by others 165 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.

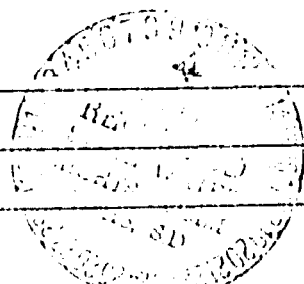
Harvard Whiting
Signature of Applicant

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 Maynard Hunting

ADDRESS Doland

COUNTY Spink



LEGAL DESCRIPTION

1. WELL LOCATION center of E 1/2 of Sec 3 117-60
2. LOCATION OF AREA TO BE IRRIGATED E 1/2 of Sec 3 117-60

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED corn, alfalfa, small grain, grass

WATER QUALITY

5. SAMPLE NUMBER 76-2029
6. SALINITY (EC X 10⁶) 810 (mod-hi)
7. SODIUM (SAR) 1.84 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

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.

Maynard Hunting
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
7 DAY OF December 19 76.

[Signature]
(TITLE OR SEAL)

Not Commissioned Until Dec. 12, 1974

[Signature]
APPROVED/CLERK

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Maynard Wieting

Date Rec'd December 16, 1976

Address Doland, SD 57436

Sample No. 76-2029

Identification Well

E1, Sec. 3, T. 117N, R. 60W

WATER ANALYSIS

Calcium (Ca)	76	ppm*	3.80	me/l**
Magnesium (Mg)	24	ppm	1.97	me/l
Sodium (Na)	72	ppm	3.13	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	158	ppm	3.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.21	me/l
Bicarbonate (HCO ₃)	337	ppm	5.52	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)	276	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	810	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.84			
Sodium	34.66	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.32			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 9.03 me/l
Total anions 9.02 me/l

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

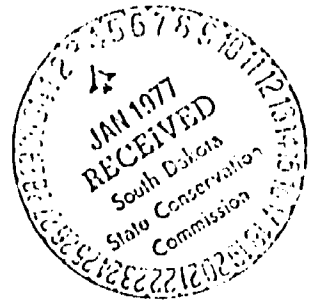
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-2029

Amount Enclosed \$

Signed



December 29, 1976

Mr. Maynard Wieting
Doland, SD 57436

Dear Mr. Wieting:

Your water sample (Lab. No. 76-2029) 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.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

P.S. The poorly drained and claypan soil areas (primarily Tetonka and Cavour) will give you real troubles with getting stuck, salt rise, ponding and crops drowning. The choices are: (1) avoid irrigating them, (2) provide drainage, or (3) fill the depressions.

Form 6 - Notice of Intent to Appropriate Water

No. 3464-3

Publish first publication, on or before February 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Notice is hereby given that Maynard Waitling
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
4.4 cubic feet of water per second of time from the ground water through the
M. Waitling # 1, the point of diversion of which is to be located in the

Center of E4

of Section 3 Twp. 117N, Range 60W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

E4, Section 3, T117N, R60W

This application No. 3464-3 will be considered by the Water Rights Commission at their office at
Pierre, upon the 23rd day of February, 1977, 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: Maynard Waitling, Doland, SD 57436

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Harbert J. Miles hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Times-Record

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the Times-
Record of Doland, S. Dak.

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

Thursday, February 10, 1977
Thursday, February 17, 1977

Harbert J. Miles
(Signature)

Publisher
(Title)

February 22, 1977
(Date Signed)

NOTICE

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota
February 3, 1977

Notice is hereby given that
Maynard Wieting, 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 4.4
cubic feet of water per second
of time from ground water
through the M. Wieting # 1,
the point of diversion of which
is to be located in the Center
of E 1/2 of Section 3, Twp.
117 N, Range 60W. Said water
to be used for the purpose of
providing irrigation on portions
of the following described land:
E 1/2, Section 3, T117N,
R 60W.

This application No. 3464-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 23rd
day of February, 1977 at 10:00
A. M. All interested persons
may appear and be heard.
WATER RIGHTS COMMISSION
BURTON P. JONES
Water Rights Specialist
CC/

Maynard Wieting, Doland, S.
D. 57456



I CONTACTED MR WEITING &
MR. MEIER ON 5-18-78 -
MR WEITING DID NOT KNOW
HOW WE COULD GET A HOLD
OF WINCHESTER. ALSO STOPPED
AT RIVERSIDE COLONY, AND
~~SAID~~ THE PEOPLE WHO WOULD
MAYBE KNOW WEREN'T THERE.
TOLD WEITING & MEIER
WE WOULD CONTINUE TO LOOK
INTO THIS. MEIER WANTED
TO KNOW IF WEITING COULD
HUMP BEFORE WELL WAS
FIXED. TOLD HIM I TRAVEL
SO, BUT IT WOULD BE A
COMMISSION DECISION

3-27-78 Waiting line 2 1/4 E.
4 N of Docks
- Drill Rig moved
from Riverside
- Jim Winchett
- for Meyer
3.5' to sand
60' to shale
- casing collapsed
- 4" (light weight)

8-8-78
Mrs. Erwin Meyer
14' shallow well
Mrs. Christina Meyer
Turtan Township
SW 35
1/4 mile between well
& Farm

O. G. GILLETTE
D. J. McCLURE

GILLETTE & McCLURE
LAWYERS
319 NORTH MAIN
REDFIELD, SOUTH DAKOTA 57409

TELEPHONE 472-1210

November 2, 1977

South Dakota Water Rights Commission
Capitol Building
Pierre, South Dakota 57501



Gentlemen:

On February 23, 1977, you granted the application of Maynard Wieting for an irrigation well permit which included a well interference clause. At the time of the application Mr. Donald A. Porter of the then firm of May, Porter, Adam, Gerdes & Thompson, Pierre, South Dakota, appeared before you on behalf of Mr. Irwin Meier and his mother, Christina Meier, R.R. #2, Doland, South Dakota.

Christina's Meier's home is located on the SW 35-118-60, Spinell County, South Dakota, and the well which serves the home is located approximately 160 rods Northeast of Wieting's well. The Meier well is 13 years old, 13 inches in diameter and is down to a 40 foot depth and was installed at a cost of \$2,400.00.

This spring, as soon as Wieting started pumping, the Meier well went dry, and continued to go dry whenever Wieting pumped thereafter. The Meier's advised Wieting of this fact and, in June, Wieting sent out a well driller who drilled a 55 to 60 foot well next to Meier's house and installed an automatic pump. This well worked satisfactorily however, when Meier attempted to pull the submersible pump out in order to hook it up to copper piping into the house before winter, he found that he couldn't withdraw the pump due to the fact that the bottom pipe connection had apparently collapsed in on the pump. Meier contacted Wieting, who has refused to do anything further about the matter. The Meier's can get by this winter utilizing the old well however, when spring arrives and Wieting starts pumping again, the old well will go dry again.

Please make whatever investigation of this matter you may require in order to establish the facts thereof. If you require any further information from the Meier's please let me know and I will be happy to supply same.

Page 2
South Dakota Water Rights Commission
Meier - Wieting

It appears that Wieting's well is clearly interfering with the Meier's domestic water supply and that the well interference clause should be invoked.

Yours very truly,

GILLETTE & McCLURE

D. J. McClure
D. J. McClure

DJM/mh

cc: Irwin Meier
R.R. #2
Doland, South Dakota 57436

November 22, 1977

D. J. McClure
Gillatto & McClure
519 North Main
Redfield, SD 57469

Dear Mr. McClure:

This will acknowledge your letter concerning domestic well problems experienced by Irwin Meier and Christina Meier. We will make an investigation of this matter; however, we would also suggest that the well driller be contacted in regard to the new well. From your description, the new well may not have been properly completed in accordance with SDG 46-6-11. Also the new well must meet the requirements for an adequate well. An adequate well is defined as a well which is deep enough to allow a pump mechanism to be placed at least 20 feet into the water bearing aquifer, aquifer thickness permitting.

We will try to schedule our investigation during December, 1977, depending upon the weather.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

G. G. GILLETTE
D. J. McCLURE

GILLETTE & McCLURE
LAWYERS
319 NORTH MAIN
REDFIELD, SOUTH DAKOTA 57469

TELEPHONE 412-1210



November 23, 1977

Department of Natural Resource
Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Attention: John Hatch, Chief Engineer
Water Rights Commission

Re: Irwin Meier and Christina Meier

Dear Mr. Hatch:

In reply to your letter of November 22, 1977, the Meier's asked Wieting to get the well driller back to correct the well. Either the driller went out of business or he simply refused to come back. In any case the well is Wieting's problem, not the Meier's, and when you make your investigation I suggest that you check the well and advise Wieting that he is responsible either for putting in a proper well or discontinuing irrigation pumping.

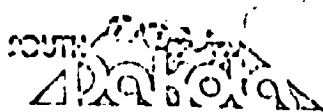
Yours very truly,

GILLETTE & McCLURE

D. J. McClure

DJM/ah

cc: Irwin Meier
R.R. #2
Doland, South Dakota 57436



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

August 11, 1978



Mrs. Erwin Meyer
RR #2
Doland, SD 57436

Dear Mrs. Meyer:

This letter is in reference to your telephone call to this office concerning your 74 foot shallow well and the new domestic well drilled for Mrs. Christina Meyer. During 1977, Mr. Maynard Wieting had Jim Winchester of Winchester Drilling drill a new domestic well for Mrs. Christina Meyer. The reason Mr. Winchester had the new domestic well drilled was because irrigation pumping by Mr. Wieting was reported to be affecting an existing domestic well owned by Mrs. Meyer.

Mr. Wieting was not required to drill a new domestic well for Mrs. Meyer. The reason that Mr. Wieting did not need to drill a new well for Mrs. Meyer is that State Law does not protect the artesian head pressure as a means of delivery of water to a pump.

In Mrs. Meyer's situation, when a well driller drills into an underground water bearing formation (aquifer), the water will rise above the aquifer due to head pressure. The head pressure occurs when a layer of clay or other impervious material is located above the aquifer. The head pressure is not protected as part of the domestic water right. When irrigation occurs from the same aquifer, the irrigation pumping can lower the head pressure for some distance around the irrigation well. The head pressure (water level) of any well located within the cone of influence would then be lowered. If the Meyer's pump could be lowered in the new well down into the aquifer, then, if the domestic well would not pump water, the domestic preference would be protected.

When the new Meyer domestic well was drilled, inferior casing apparently was installed which has collapsed or "caved in" and the collapsed casing does not allow the pump to be lowered in the new well down into the aquifer. Winchester Drilling was not licensed to drill wells in South Dakota during 1977. If we could locate Mr. Winchester in South Dakota, we could take legal action to require the well to be properly completed. We have been unable to locate Mr. Winchester to date. It is our understanding that the drill rig Mr. Winchester used to drill the domestic well was leased from Riverside Colony. Since Riverside Colony was not involved with the drilling of your well, we can not require the Colony to make the necessary repairs even though they apparently owned the drill rig.

August 11, 1978
Mrs. Erwin Meyer
page 2

File 3464-3

Although we recognize the present situation is placing hardship upon Mrs. Christina Meyer, we are unable to do anything since we do not know the whereabouts of Mr. Winchester. We also can not order Mr. Wieting to shut his irrigation pump down, since Mrs. Meyer's pump is not down into the aquifer.

We are sending copies of this letter to the Riverside Colony and the Executive Secretary of the S.D. Well Drillers Association in the event that they may have information concerning the whereabouts of Mr. Winchester.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

cc: Maynard Wieting
D.T. McClure, Attorney
Riverside Colony
G.E. Bollinger, Executive Sec., SD Well Drillers Association

Mr. Bollinger:

Note: If you have any information pertaining to Jim Winchester, Winchester Drilling, we would appreciate your assistance.

11 Aug 78
*John - I have no listing or data
on this well drilled at all!*
Thanks for keeping me posted.

Sincerely
G.E. Bollinger

Ex. 10 1952 May 1st 1952

3464 1 Maynard W. 1952

Well Depth 57' 1" 1952

Pumping 725 gpm 1952

Engine 1952 1952

135 11.2 77300 RPM,

Model BF 61913, Ser # 5740220

8" pipe
pump

Pump National Ser # 1175-1176

Model N 700

CP Laminator Model 307

Ser # L 06786

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 6639

PIERRE, December 21, 1978

RECEIVED OF Maynard ^{an} ~~or~~ Donna Wieting, 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.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing extension of time on water right No. 3464-3	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 gy

Form 18.

No. 3464-3

APPLICATION FOR EXTENSION OF TIME

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

Date Dec 19, 1978

Dear Sirs:

In Water Right Permit No. 3464-3 it is specified that the water diversion system is to be completed by February 23, 1978 and that the water is to be put to the limit of beneficial use by August 23, 1978.

I hereby request that the date for completing the diversion system be extended to February 23, 1982 and that the date for putting the water to the limit of beneficial use be extended to February 23, 1986.

The extension of time for the completion of these works is requested for the following reasons: Plan to add more to system to cover the corners not
now covered by the center pivot.

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

Maynard Hieting
(Signed)
3464-3
Permit Number

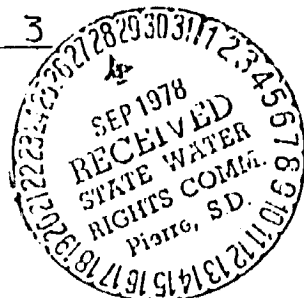
APPROVED: January 31, 1979

WATER RIGHTS COMMISSION

BY:

Form 10.

No. 3464-3



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

Post Office Deland, S. Dak

Date Sept 25, 1978

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3464-3.

Water Right Permit No. 3464-3 states that the diversion system is to be constructed by Feb 23, 1978 and that the water is to be put to beneficial use by Aug 23, 1978.

The diversion system was completed on June 1, 1977.
Applying the water to beneficial use was completed on July 1, 1978.

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

Maynard Hickory
(Signature)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: MARCH 31, 1982

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

PORTIONS OF THE E², SECTION 3, T117N, R60W, DESCRIBED
IN PERMIT NO 3464-3

formerly owned by MAYNARD NIETING

has been transferred to AQUA 4 FARMS, 108 CIRCLE DR., MARSHALL, MN 56258

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

Water Right Permit No. 3464-3 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, 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 _____) ss.

I, _____ 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.

Christ Schum
(Signed)

Subscribed and sworn to before me this 6th Day of April, 1982.



Judy Ziegenhagen
(Notary Public)
JUDY ZIEGENHAGEN
NOTARY PUBLIC - MINNESOTA
LYON COUNTY
My Commission Expires Nov. 24, 1984

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8795

PIERRE, April 8, 1962

RECEIVED OF Anna 4 Farms, Robert L. Carr, Box 409, Marshall, MN 56253
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 Transfer of W.R.#1604-3	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 J. L. Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

Permit No. 3464-3Water Division 3 JAMES RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by AQUA 4
FARMS of MARSHALL, MN. holder
of Permit No. 3464-3, bearing date of priority of JANUARY 10, 1977
authorizing the diversion of 4.4 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPIKE 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:

65' DEEP WELL WITH 16" STEEL CASING - 20' SS SCREEN
NATIONAL PUMP CO 8" PUMP - MODEL N-200, POWERED
BY 75 HP US ELECTRIC MOTOR @ 1765 RPM

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

1320' 8" BURIED PVC TO PIVOT IN NE⁴
1320' 8" BURIED PVC TO PIVOT IN SE⁴

C. Works used to apply water to beneficial use.

PIVOT ON NE⁴ - ELECTROGATOR TOWER WITH NELSON #100 END GUN
PIVOT ON SE⁴ - ZIMMATIC TOWER WITH NELSON #100 END GUN
THESE PIVOTS ARE PUMPED ALTERNATELY - BOTH SET AT 900 GPM

The system is in the following condition: GOOD

The point of diversion is located IN THE CENTER OF THE E² SECTION 3,
T117N, R60W

The works are capable of diverting and conveying to the place of use 2.00 (900 GPM)
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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE NE⁴ AND
A 132 ACRE CIRCLE IN THE SE⁴ SECTION 3, T117N R60W

comprising a total of 264 acres of land.Date AUGUST 18, 1982

[Signature]
Signature

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3464-3

(1) WHEREAS, On the 18th day of August A. D. 1976
Maynard Weltling

made Water Right Application No. 3464-3 for a permit to use 4.4 cubic feet per second of the waters of groundwater (one well)

County of Spink, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 23rd day of February A. D. 1977
Permit No. 3464-3, with a date of priority of January 10, 1977

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 23rd day of February A. D. 1982 and for the application to beneficial use of said water on or before the 23rd day of February A. D. 1986

Whereas, on the 8th day of April, 1982 Permit No. 3464-3 was transferred to Aqua
4 Farms, Marshall MN

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 2.00 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 132 acre circle in the NE $\frac{1}{4}$ and a 132 acre circle in the

SE $\frac{1}{4}$, Section 3, T117N, R60W

(5) 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 Aqua 4 Farms

_____ of Marshall, Minnesota
the holder S and owner S of said permit No. 3464-3 a water right, dating from January 10, 1977
_____ to use of 2.00 cubic feet per second of the waters
of groundwater (one well)
in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at In the center of the E $\frac{1}{2}$ Section 3, T117N, R60W

and conducted to and upon a 132 acre circle in the NE $\frac{1}{4}$ and a 132 acre circle in
the SE $\frac{1}{4}$ Section 3, T117N, R60W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3464-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of September A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 3464-3

Water Diversion No. 3 James River Water District
10160006

CERTIFICATE OF CONSTRUCTION

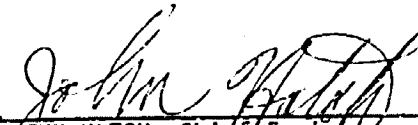
This is to Certify, That Aqua - 4 Farms

_____ the holder S of
Permit No. 3464-3, issued upon Application No. 3464-3, bearing date of priority of January 10,
1977 authorizing the diversion of 4.4 cu. ft. per second of the waters of _____
groundwater (one well) County of Spink, State of South Dakota at _____
In the center of the E1, Section 3, T117N, R60W

_____, for Irrigation

purposes, has yes 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 2.00 cu. ft. per second of water.

Date September 10, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8959

PIERRE, September 10, 1982

RECEIVED OF Aqua - 4 Farms, Box 409, Marshall MN 56288

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. 3464-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 3464-3		
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	50	00

WATER RIGHTS COMMISSION

By *John H. H. H.*
Chief Engineer, Executive Officer
JOHN H. H. H. (S)

12/21/82

Re Ogua - 4 Farm. 3464-3



Gentlemen,

I am sorry for overlooking your
letter regarding water usage on
to Oak. Re # 682-3 & 1877-3

I think your questions regarding
amount & time of water use could best be
answered by the person operating the
respective farms. - they are as follows

- 3464-3) -

Lynn Henderson	}	the west west 320 acres as the old Magnolia logging farm
Conde, to Oak		
- 682-3
1877-3) -

Alvin Benicke	}	the farm near the Spink Clark Co. line as most closely found.
Raymond, to Oak		

Please direct these questions to him directly,
and if you have a problem I will try to
estimate same.

Very Respectfully,

Chas. J. Seward

US Geol. Surv.

Water Div. Wash. D.C.

Water Rights Division
605 773-3352

Ja
February 2, 1983

3464-3

Lynn Sanderson
Conde,
South Dakota 57434

Dear Mr. Sanderson:

Enclosed please find our 1982 Irrigation Questionnaire pertaining to Permit No. 3464-3 listed in the name of Aqua 4 Farms.

Curt Sorum wrote to this office and indicated you operated this system. Permit No. 3464-3 authorizes irrigation of 320 acres in the E $\frac{1}{2}$, Section 3, T117N, R60W.

Please complete the data sheet and return it to this office for our records. If you have not kept accurate records, estimations will be satisfactory. If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosure

Water Rights Division - DWR
Conversation or File Documentation

File No. 4806-3
3464-4
1877-3
682-3

NAME OF PERSON OR FILE: William Maher-Aqua 4 Farms

ADDRESS: 101 S High, Marshall, MN 56258 COUNTY

DATE: April 24, 1984 TELEPHONE Business: 507-537-1537

RE: operator and questionnaire status

COMMENTS:
Mr. Maher stated that Mr. Benike no longer operated his land, and that in 1984, Steve Thomas, Turton, SD would be operating his systems.
Mr. Maher requested the Irrigation questionnaires be sent directly to him since he may change operators in different years. He will send the data sheets to the operator himself.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry McMath



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

WATER RIGHTS DIVISION
(605) 773-3352

3464-3

October 21, 1987

Lloyd Terrill, Jr.
RR 2, Box 101
Clark, South Dakota 57225

Dear Mr. Terrill:

Enclosed are the 1987 irrigation questionnaires for Water Right No. 3464-3 and Water Permit No. 4806-3, listed in the name of William Maher (Aqua 4 Farms). Mr. Maher has notified our office that you are renting his land and would be the one to fill out the questionnaires.

A copy of the permits are enclosed. You may keep them for your records. Please complete the forms and return them to our office by November 30, 1987.

If you need assistance in completing the forms, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

November 7, 1988

4806-3
3464-3

Lloyd Terrill
RR 2, Box 101
Clark SD 57225

Dear Mr. Terrill:

Enclosed are the 1988 irrigation questionnaires for Water Right Nos. 3464-3 and 4806-3. These water rights are for Aqua 4 Farms. Curt Sorum contacted our office and indicated that you rented the land during the 1988 irrigation season and would have the data needed to complete the forms.

Please complete the irrigation questionnaires and return them to our office by December 20th. I have enclosed a postage-paid envelope for your reply. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY McMATH
Natural Resources Analyst
605 773-3352

enclosures

cc: Curt Sorum, 108 Circle Drive, Marshall MN 56258





3464-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 1995

3464-3
4806-3

Robert Meier
HC 68 Box 15
Doland, SD 57436

Dear Mr. Meier:

I am contacting you in regard to ownership of land described in Water Right Nos. 3464-3 and 4806-3. The water rights are currently listed in the name of Aqua 4 Farms. It is my understanding that you now own the land described under these water rights.

Enclosed are two partially completed transfer forms for use in filing an ownership change on each of the water rights. Please review the forms and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and then return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions concerning the water rights or completion of the transfer forms, please contact me.

Sincerely,

Genny McMath

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

enclosures

3464-3

3464-3

4806-3

WATER RIGHTS PROGRAM
FILE DOCUMENTATION

NAME OF PERSON OR FILE: Robert Meier

ADDRESS: HC 68 Box 15, Doland, SD 57436

DATE: January 17, 1996

TELEPHONE: 605 635-6586

RE: status of ownership

COMMENTS:

Mr. Meier called in reference to my December 29, 1995, letter to him requesting completion of transfer forms. He stated he only cash rents the land and does not own the land.

I told him to disregard the transfer forms I mailed to him. Future correspondence would be directed to him as renter - he stated this was fine.

Genny McMath

Genny McMath
Environmental Scientist

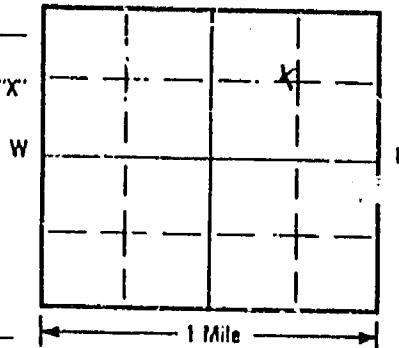
SOUTH DAKOTA WATER WELL COMPLETION REPORT

3464-3

07-92

Location SE 1/4 NE 1/4 Sec 3 Twp 117N Rg 66W
County Spink

Please mark well location with an "X"



Well Completion Date

6-24-02

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 10 ft. from adobe house (well) (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Four-wheel Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>70</u> FT	<u>22</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>20</u>	<u>946</u> lb./gal	<u>0</u> ft	<u>25</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 IN Length 20 FEET

Material Stainless Steel Johnson

Slot Size 1060 Set From 70 Feet to 90 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Chlorine

☐ NO, Why Not? Flushed

Laboratory sent to for water quality analysis

in 70 well with
Chlorinated water

Well Owner: Neil Schmidall

Business Name: _____

Address: 18248 Hwy 29

Morris 5621-7

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>15</u>
<u>Blue Clay</u>	<u>18</u>	<u>36</u>
<u>Fine Sand</u>	<u>36</u>	<u>40</u>
<u>Medium to Coarse Sand - Gravel</u>	<u>40</u>	<u>90</u>
<u>Shale</u>	<u>90</u>	

STATIC WATER LEVEL

22 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: Test Pump

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

70 ft. After 6 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 285

And this report is true and accurate.

Drilling firm Mankowski Drilling

Signature of License Representative: Dan Mankowski

Signature of Well Owner or Equitable Property Holder: Neil Schmidall

Date: 7-23-02

RECEIVED

JAN 30 2023

WATER RIC 411
DRC



3464-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2003

Neil Schmidall
18248 Hwy 29
Morris MN 56267

Dear Mr. Schmidall:

A well driller's report filed by Manikowski Drilling shows that they completed a new well for you June 27, 2002, which produced 1000 gallons per minute (gpm) to be used for irrigation purposes. Based on the information in the report, it appears you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of less than 25,920 gallons per day with a maximum rate not to exceed 25 gallons per minute.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E Capitol, Pierre SD 57501. Please return by March 7, 2003.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

enclosures

Water Rights Program - File Documentation

NAME: Neil Schmidgall

ADDRESS: 18248 US Hwy 59, Morris MN

DATE: 3-11-03 COUNTY: SP TELEPHONE: 320 589-3476

RE: Notice of transfer and replacement well

COMMENTS:

Based on a Well Completion Report we received, I wrote Neil Schmidgall inquiring about the new irrigation well. Mr. Schmidgall stated this well was a replacement well. The existing irrigation well authorized by Water Right No. 3464-3 developed a hole in the casing. The new was drilled 10 feet from the old well. The old well has been capped.

I informed Mr. Schmidgall the permit was listed in the name of Aqua 4 Farms and should be transferred to his name.

Mr. Schmidgall indicated that the irrigation questionnaire should continue to be sent to the renter, Robert Meyer, Doland SD.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 2003

No. 3464-3

Neil Schmidgall
18248 US Hwy 59
Morris MN 56267

Dear Mr. Schmidgall:

Pursuant to the our phone conversation, enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3464-3. The water right is currently listed in the name of Aqua 4 Farms, Inc. You indicated that the annual irrigation questionnaire should continue to be sent to Robert Meyer, Doland SD.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

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,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 17, 20 03

RECEIVED OF Neil Schmidgall, 18248 US Hwy 59, Morris MN 56267

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	2	50
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>3464-3</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	2.50

No.

000025

By

J. Darland Eide
Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR 17 2003
WATER RIGHTS
PROGRAM

No. 3464-3

Date: 3-13-03

I/We request that Water Right/Permit No. 3464-3

formerly owned by: Aqua 4 Farms, Inc.

be transferred to: (name & address) X Neil Schmidgall
18240 us Hwy 59
MORRIS, Mn 56267 Telephone No. X 320-589-3476

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

264 acres located in the E 1/2 Section 3-T117N-R60W (Spink County)

I/We understand that the validity of Water Right/Permit No. 3464-3 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 Two Dollars and Fifty Cents (\$2.50) 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 _____, the new owner, certify that the above information is true and correct.

X Neil Schmidgall
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 17, 2003

3464-3

Neil Schmidgall
18248 US Hwy 59
Morris MN 56267

Dear Mr. Schmidgall:

Thank you for following up on the ownership change for Water Right No. 3464-3. The transfer has been completed. The water right formerly listed in the name of Aqua 4 Farms, Inc is now listed in your name. Enclosed is your Receipt No. 000685 in the amount of \$2.50.

During the transfer of No. 3464-3, I realized that Aqua 4 Farms had two water rights. I am enclosing a copy of Water Right No. 4806-3. Do you also own the land under No. 4806-3 (Section 12)? If so, I am including a partially completed "Notice of Transfer of Ownership" form to be used to transfer the water right to you. Please complete the form and return it to us with a filing fee of \$2.50.

If you do not own the land, you may disregard the transfer form. Thank you in advance for your help. If I can answer any questions for you, please contact me.

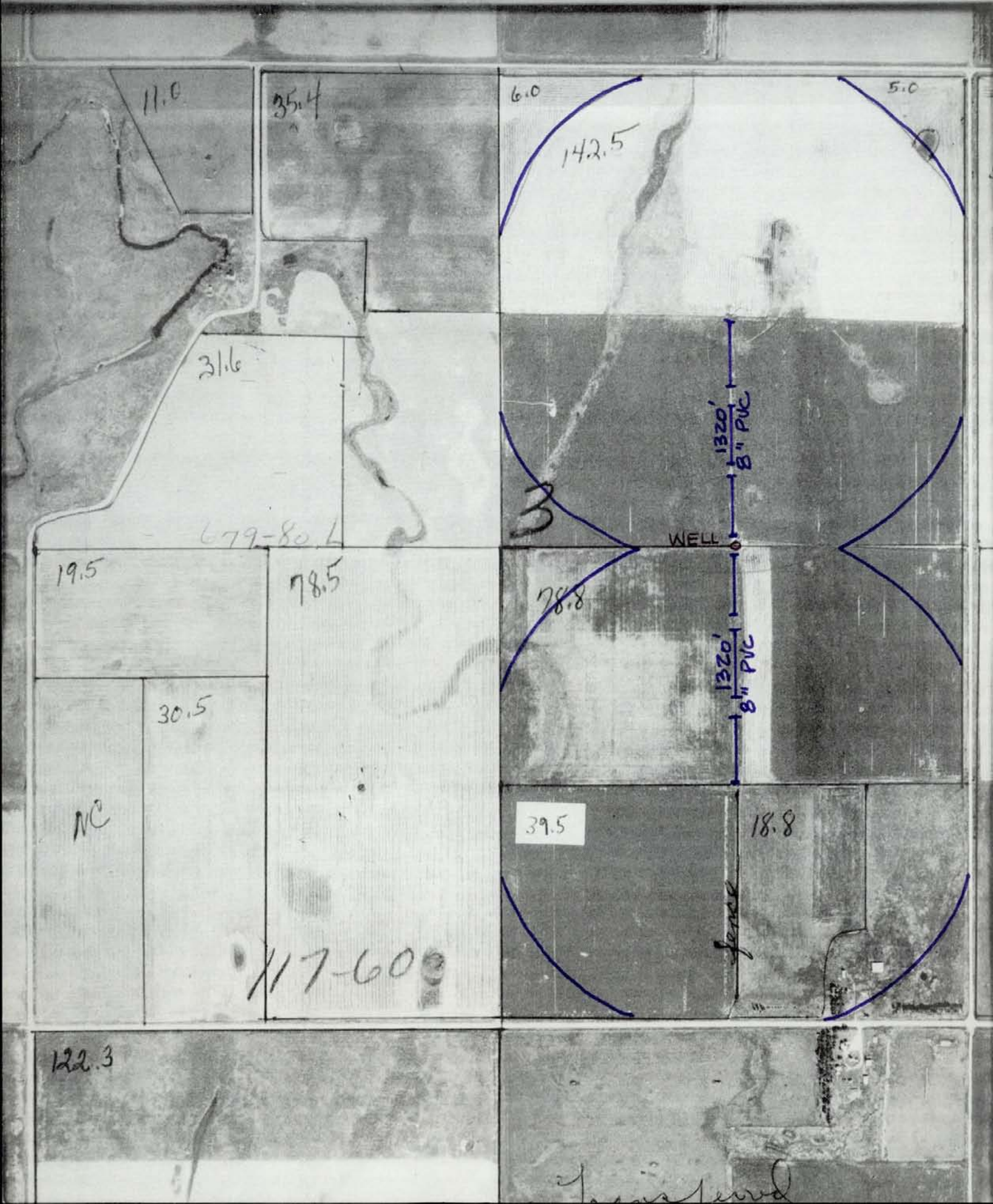
Sincerely,

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

enclosure

NOT TO SCALE

3464





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2009

3464-3
4805-3
4806-3

Robert Meier
41061 166th St
Doland SD 57436 6403

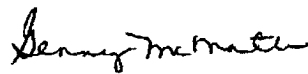
Dear Mr. Meier:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 106 Iowa St N, Doland SD. The post office notified us that your address has changed and I will update our records accordingly.

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

RECEIVED

JAN 10 2013

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 3464-3

Date: 1-9-13

I/We request that Water Right/Permit No. 3464-3 formerly owned by:
Neil Schmidgall 46968 206th Street Morris, MN 56267 be transferred to:

New Owner Name: Robert Meier
Address: 41061 166th St
City, State, Zip Doland SD 57436 Telephone No. 605-635-6406

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

264 acres in the East 1/2 section 3 T117N-R60W

☒ I understand that the validity of Water Right/Permit No. 3464-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Robert Meier, the new owner, certify that the above information is true and correct.

Robert Meier
(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 1/10, 20 13

RECEIVED OF Robert Meier 41061 166th St Doland SD 57436

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>3464-3</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. 05927

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2013

3464-3

Robert Meier
41061 166th St
Doland SD 57436

Dear Mr. Meier:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 3464-3.

The ownership change has been completed. Water Right No. 3464-3 formerly held by Neil Schmidgall is now listed in your name.

Enclosed for your records is Receipt No. 05927 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure