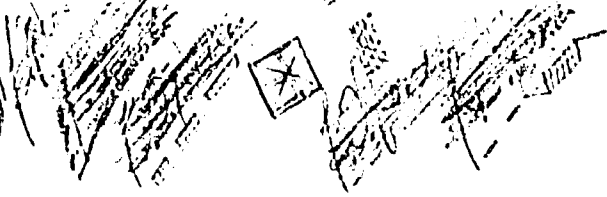


Water Right Number 3538-3

1. Considered 2-23, 1977
2. Name of Applicant DON MOELLER
3. Post Office Address ROSHOLT ROSHOLT
4. Amount of Water claimed 1.85
5. Source of Water supply 230' WELL 260
6. Water to be used for IRRIGATION
- Acres to be irrigated 132
7. Water to be diverted and used in ROBERTS County
about 2.25, 1W miles of ROSHOLT
8. Proof of Publication Received 2-22-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Donnell Miller

B. J. Jones
Donnell Miller



No. 3538-3Map No. 2818-3 Water Division No. 3 WHETSTONE CREEK 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 DON MOELLER
 Post-office address ROSHOLT, State S.D.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work DON MOELLER #2
4. Amount of water claimed (cubic feet per second) 1.85
5. Source of water supply GROUND WATER
6. Location of point of diversion CENTER OF SE² SECTION 26, T127N, R49W
- County ROBERTS
7. Annual period or periods during which water is to be used MAY - 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 132

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.
NW ¹ SE ²			
NE ² SE ²			
SW ² SE ²			
SE ² SE ²			
SECTION 26,			
T127N, R49W			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication SISSETON COURIER SISSETON
12. Principal Features of the Proposed Water Supply System.

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

WELL, PUMP, MOTOR

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

MAINLINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOTEstimated Total Cost \$ 50,000⁰⁰Attachments: 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)

) ss.

County of _____

I, DON MOELLER, 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 Don MoellerSubscribed and sworn to before me this 11th day of January, 19 77

Notary Public (or other qualified officer)

Stanford L. L. L.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3538-3

DON MOELLER

(Applicant)

ROSHOLT

(Post Office Address)

SOUTH DAKOTA 57260

(State)

With the following modifications:

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

THE MAXIMUM DEPTH OF THE WELL APPROVED UNDER THIS PERMIT SHALL BE 260 FEET.

Date of first receipt of application JANUARY 11, 19 77

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

Date of receipt of corrected application —, 19 —

Approved FEBRUARY 23, 19 77, Recorded in Book 19 Page 180

WATER RIGHT PERMIT NO. 3538-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3538-3 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 11, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 23, 19 78
3. The whole of said work is to be completed on or before FEBRUARY 23, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23, 19 80
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 1.85 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 FEBRUARY 23, 19 80; said water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 7TH day of DECEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John Watson
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Missouri Valley Irrigation

East Highway 50

Yankton, South Dakota 57078

JOB INVOICE NO.

BILL TO:

Don Moeller F.S. fine sand

CUSTOMER ORDER NO.

ADDRESS:

Asholt C.G. coarse gravel

ORDER TAKEN BY

CITY

DATE ORDERED

JOB NAME AND DESCRIPTION

test hole

DESCRIPTION OF WORK

Yard hole

QUAN.	DESCRIPTION OF MATERIAL USED		PRICE	AMOUNT	
0-5	top soil	160-170 C.G.			
5-20	clay	170-175 blue clay			
20-30	clay	175-178 C.G.			
30-38	F.S.	178-180 blue clay			
38-40	blue clay	180-190 C.G. F.S.			
40-50	F.S. blue clay	190-195 blue clay			
50-55	blue clay	195-200 " F.S.			
55-58	blue clay	200-205 blue clay			
58-60	C.G.	205-210 F.S. C.G.			
60-80	F.S.	210-220 blue clay			
80-100	F.S.	220-223 blue clay			
100-112	F.S.	223-230 C.G. F.S.			
112-120	blue clay & F.S.	230-235 blue clay			
120-132	blue clay & F.S.	235-240 blue clay & F.S.			
132-140	C.G. F.S.	240-240 blue clay & F.S.			
140-150	blue clay				
150-160	C.G.				
HOURS	LABOR		AMOUNT		
	SERVICEMAN:				TOTAL MATERIALS
	MISC:				TOTAL LABOR
I HEREBY ACKNOWLEDGE THE SATISFACTORY COMPLETION OF THE ABOVE DESCRIBED WORK.		TOTAL LABOR			
SIGNATURE		DATE	CANCELLED		TOTAL

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others _____ 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.



Signature of Applicant

SEE NO 3319-3 FOR
CONS COMMA DATA

Form 6 - Notice of Intent to Appropriate Water

No. 3530-3

Publish first publication, on or before February 10, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 1, 1977

Notice is hereby given that Don Moeller
whose post office address is Poebolt, 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
1.95 cubic feet of water per second of time from the ground water through the
Don Moeller #2, the point of diversion of which is to be located in the

center of the SE1/4
of Section 26, Twp. 127N, Range 45W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE1/4, Section 26, T127N, R45W

This application No. 3530-3 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: Don Moeller, Poebolt, SD 57260

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

No. 3538-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Roberts) ss.

I, Jack Adams hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sisseton Courier

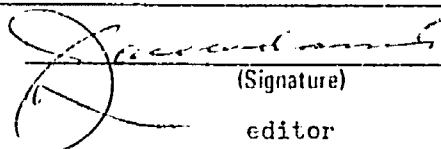
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Sisseton

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

Feb. 10, 1977

Feb. 17, 1977


(Signature)
editor

(Title)

Feb. 18, 1977

(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Don Moeller, whose post office
address is Rosholt, South
Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
1.35 cubic feet of water per
second of time from ground
water through the Don Moeller
No. 2, the point of diversion of
which is to be located in the
center of the SE 1/4 of Section 26,
Township 127N, Range 49W.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land:

SE 1/4, Section 26, T127N,
R49W

This application No. 3538-3
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
Burton F. Jones
Water Rights Specialist
(Feb. 10-17-24)



2319-3
3556-3
2537-3
3839-2

PETITION

TO BURTON F. JONES, SOUTH DAKOTA WATER RESOURCES COMMISSION:

We, the undersigned resident freeholders having been advised and reliably informed that applications have been made for permission to dig wells on the following described parcels of land for irrigation purposes and it is our belief that in the event that a well or wells are dug on these premises described as

The Southeast Quarter (SE $\frac{1}{4}$), Section Twenty-Six (26), Township One Hundred Twenty-Seven (127), Range Forty-Nine; and

The Northeast Quarter (NE $\frac{1}{4}$), Section Nineteen (19) and the Southeast Quarter (SE $\frac{1}{4}$), Section Eighteen (18), Township One Hundred Twenty-Seven (127), Range Forty-Eight (48); and

The Southeast Quarter (SE $\frac{1}{4}$), Section Seven (7), Township One Hundred Twenty-Seven (127), Range Forty-Eight; and

The Southwest Quarter (SW $\frac{1}{4}$), Section Thirty-Three (33), Township One Hundred Twenty-Eight (128), Range Forty-Eight (48);

all West of the Fifth Principal Meridian, Roberts County, South Dakota;

and used for irrigation purposes it will seriously affect our water supply for domestic use and the needs of our livestock. The wells in this area are shallow and barely produce enough for the domestic and livestock needs.

We urgently request that steps be taken as soon as possible to prevent the undue use of water for irrigation purposes to the detriment of our needs as set forth above.

In the alternative, if irrigation is permitted and our water supply diminished to the point that we are caused undue hardship, that the irrigation be stopped or the person irrigating be required to dig additional wells for our needs.

NAME	LAND DESCRIPTION	DATE
Richard LeClair	S $\frac{1}{2}$, NW $\frac{1}{4}$ Sec. 36 Harmon	Feb. 19, 1977
Rita Vergille	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24 Harmon	Feb. 19, 1977
Land Trust	SE $\frac{1}{4}$ Sec. 23 Harmon	Feb. 19, 1977
Levin Wilson	NW $\frac{1}{4}$ Sec. 24 Harmon	Feb. 19, 1977
Kenneth Locke	SE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 24 Harmon	Feb. 19, 1977

NAME

LAND DESCRIPTION

DATE

John Barton	SW 1/4 NE 1/4 Sec 31, Harmon	Feb 18, 1977
Erwin Miller	E 1/2 NE 1/4 Sec 35 Harmon	Feb 19-1977
Ed. Sheldon	S.W. 1/4 Sec 33 Harmon	Feb 19-1977
Albert B Braun	NW 1/4 Sec 33 White Rock	Feb. 20, 1977
Robert Pearson	NE 1/4 Sec 33 White Rock	Feb 20, 1977
Gene Falkner	SW 1/4 of NW 1/4 Sec 1, T14N, R10E, S12T2N	Feb. 20, 1977
Leroy England	NE 1/4 of NE 1/4 of Sec 9, 6	Feb 21, 1977
Marion K. Remelt	SW 1/4 of NW 1/4 Sec 9	Feb 21-1977
Ray A. Peterson	NE 1/4 Sec 6 & NW 1/4 Sec 11	Feb 21-1977
Joseph Peterson	NE 1/4 Sec 4 - 124-48	Feb 21, 1977

STATE OF SOUTH DAKOTA)

SS.

COUNTY OF ROBERTS)

I, Richard Falkner, being first duly sworn, on oath, depose and say that I personally circulated the above and foregoing petition and that each signature appearing thereon was made in my presence by the signer who personally added to his signature the description of the property owned by him and the date of signing and, to the best of my information and belief, each of the said signers are resident freeholders of property in Roberts County, South Dakota.

Subscribed and sworn to before me this 24 day of February, 1977.

(S E A L)

Ray A. Peterson
Notary Public
Roberts County, South Dakota

My commission expires 7-16-78

PETITION

TO BURTON P. JONES, SOUTH DAKOTA WATER RESOURCES COMMISSION:

We, the undersigned resident freeholders having been advised and reliably informed that applications have been made for permission to dig wells on the following described parcels of land for irrigation purposes and it is our belief that in the event that a well or wells are dug on these premises described as

The Southeast Quarter (SE₁), Section Twenty-Six (26), Township One Hundred Twenty-Seven (127), Range Forty-Nine; and

The Northeast Quarter (NE₁), Section Nineteen (19) and the Southeast Quarter (SE₁), Section Eighteen (18), Township One Hundred Twenty-Seven (127), Range Forty-Eight (48); and

The Southeast Quarter (SE₁), Section Seven (7), Township One Hundred Twenty-Seven (127), Range Forty-Eight; and

The Southwest Quarter (SW₁), Section Thirty-Three (33), Township One Hundred Twenty-Eight (128), Range Forty-Eight (48);

all West of the Fifth Principal Meridian, Roberts County, South Dakota; and used for irrigation purposes it will seriously affect our water supply for domestic use and the needs of our livestock. The wells in this area are shallow and barely produce enough for the domestic and livestock needs.

We urgently request that steps be taken as soon as possible to prevent the undue use of water for irrigation purposes to the detriment of our needs as set forth above.

In the alternative, if irrigation is permitted and our water supply diminished to the point that we are caused undue hardship, that the irrigation be stopped or the person irrigating be required to dig additional wells for our needs.

NAME	LAND DESCRIPTION	DATE
Boggs R. Kempton	27-127-49	Dec. 17, 1977
Clifford Meyer	22-127-49	Dec. 17, 1977
Richard Spindler	32-127-49	Dec 18 - 1977
Dean Mayhew	28-127-49	Dec 19 - 1977
Thomas Hankins	34-127-49	Feb 19 - 1977

NAME

LAND DESCRIPTION

DATE

Ch. 7th. S. 1/2 Sec. 3	127-31	Feb 22-77
Fred Trunk	Sec 13 127-49	Feb 20-77
Boat 1 Mullan	Sec 13 127-49	Feb 21-77
Hermit Clarke	Sec 10 2-127-48	Feb 21-77
George Brown	Sec 9-127-49	Feb 21-77
Hermit Gilbert	Sec 14-127-49	Feb 21-77
Arthur M. Culman	Sec 33-127-49	Feb 21-77
Curtis W. Brown	Sec 3 126-49	Feb 21-77
Tom Krausman	Sec 15 126-49	Feb 21-77
Walter Baker	Sec 26-127-49	Feb 22-77
Lincoln	Sec 22-127-49	Feb 22-77

STATE OF SOUTH DAKOTA)
COUNTY OF ROBERTS) SS.

I, Dennis Hamling, being first duly sworn, on oath, depose and say that I personally circulated the above and foregoing petition and that each signature appearing thereon was made in my presence by the signer who personally added to his signature the description of the property owned by him and the date of signing and, to the best of my information and belief, each of the said signers are resident freeholders of property in Roberts County, South Dakota.

Subscribed and sworn to before me this 22 day of Feb, 1977.

(SEAL)

Dennis Hamling
Notary Public
S. Roberts County, South Dakota
My commission expires MAY 5, 1984

PETITION

TO BURTON F. JONES, SOUTH DAKOTA WATER RESOURCES COMMISSION:

We, the undersigned resident freeholders having been advised and reliably informed that applications have been made for permission to dig wells on the following described parcels of land for irrigation purposes and it is our belief that in the event that a well or wells are dug on these premises described as

The Southeast Quarter (SE $\frac{1}{4}$), Section Twenty-Six (26), Township One Hundred Twenty-Seven (127), Range Forty-Nine; and

The Northeast Quarter (NE $\frac{1}{4}$), Section Nineteen (19) and the Southeast Quarter (SE $\frac{1}{4}$), Section Eighteen (18), Township One Hundred Twenty-Seven (127), Range Forty-Eight (48); and

The Southeast Quarter (SE $\frac{1}{4}$), Section Seven (7), Township One Hundred Twenty-Seven (127), Range Forty-Eight; and

The Southwest Quarter (SW $\frac{1}{4}$), Section Thirty-Three (33), Township One Hundred Twenty-Eight (128), Range Forty-Eight (48);

all West of the Fifth Principal Meridian, Roberts County, South Dakota; and used for irrigation purposes it will seriously affect our water supply for domestic use and the needs of our livestock. The wells in this area are shallow and barely produce enough for the domestic and livestock needs.

We urgently request that steps be taken as soon as possible to prevent the undue use of water for irrigation purposes to the detriment of our needs as set forth above.

In the alternative, if irrigation is permitted and our water supply diminished to the point that we are caused undue hardship, that the irrigation be stopped or the person irrigating be required to dig additional wells for our needs.

NAME

LAND DESCRIPTION

DATE

Raymond Johnson	SW $\frac{1}{4}$ - 127 N - 48 W	2-19-77
Paul Johnson	NE $\frac{1}{4}$ - 127 N - 48 W Sec 17	2-19-77
Andrew Borch	S W $\frac{1}{4}$ - 127 N - 48 W Sec 18	2-19-77
Roland Anderson	SE $\frac{1}{4}$ - 127 N - 48 W	2-19-77

AB

LAND DESCRIPTION

DATE

<i>Robert Anderson</i>	<i>S.E. 1/4 Sec 13-127-49</i>	<i>2-19-77</i>
<i>Carl Anderson</i>	<i>N.E. 1/4 Sec 13-127-49</i>	<i>2-19-77</i>
<i>Ernest Meyer</i>	<i>N.E. 1/4 Sec 13-127-49</i>	<i>2-19-77</i>
<i>L. Roy Meyer</i>	<i>N.E. 1/4 Sec 13-127-49</i>	<i>2-19-77</i>
<i>Calvin Leoley</i>	<i>N.W. 1/4 Sec 13-127-49</i>	<i>2-19-77</i>
<i>Donald Olson</i>	<i>N.W. 1/4 Sec 8-127-48</i>	<i>2-19-77</i>
<i>Ernest Pearson</i>	<i>N.E. 1/4 Sec 13-127-49</i>	<i>2-22-77</i>
<i>Wilfred Foltz</i>	<i>E 1/2 Sec 1-126-49</i>	<i>2-22-77</i>
<i>William Foltz</i>	<i>W 1/2 Sec 25-127-49</i>	<i>2-22-77</i>

STATE OF SOUTH DAKOTA)

SS.

COUNTY OF ROBERTS)

I, *Bill J. Cornelius*, being first duly sworn, on oath, depose and say that I personally circulated the above and foregoing petition and that each signature appearing thereon was made in my presence by the signer who personally added to his signature the description of the property owned by him and the date of signing and, to the best of my information and belief, each of the said signers are resident freeholders of property in Roberts County, South Dakota.

Subscribed and sworn to before me this 19 day of Feb, 1977.

(S E A L)

Bill J. Cornelius
Notary Public, Roberts County, South Dakota
My Commission Expires MAY 5, 1978

My commission expires



Department of Water & Natural Resources

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

3934-3

DEC 20 1988

Don Moeller
RR 2, Box 103
Rosholt, South Dakota 57260

Dear Mr. Moeller:

Enclosed is Water License No. 3934-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3934-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

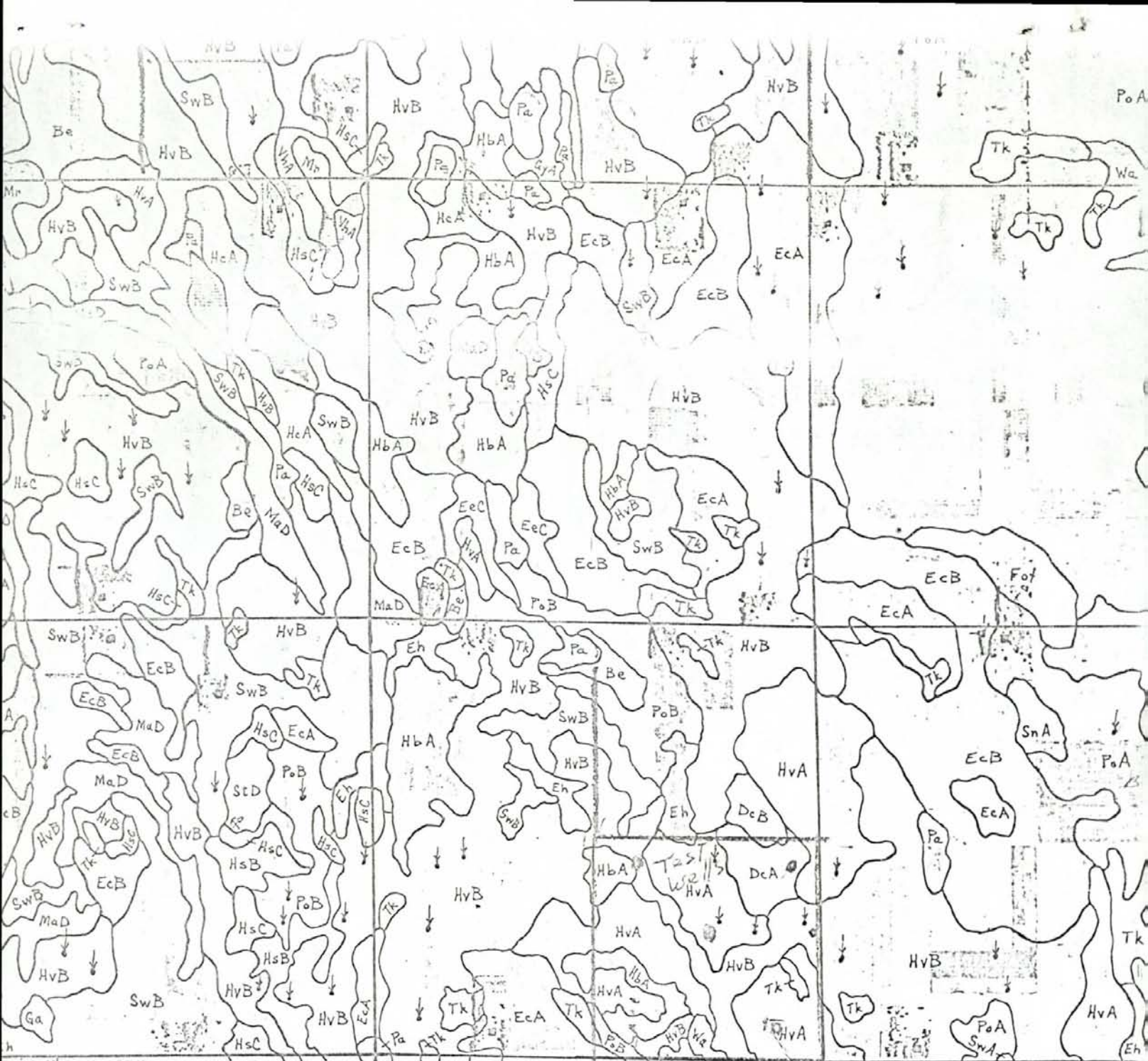
Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 3538-3 have been incorporated into this Water License No. 3934-3.





See 127-40

ROBERTS CO., S.D., JOB NO. 27322,

Joe E. Schuch
County Est Agent
Sisseton SD