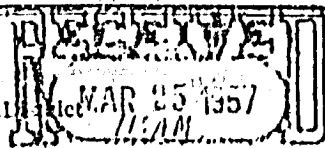


No. 439-3Water Division No. 3 Vermillion River

(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 ~~XXXXXX, XXXXX~~ Pinecrest Inc.  
4504 West 12th, Sioux Falls, 57107  
 Postoffice address 2900 So Phillips, County Mionahaba, State So Dak

I. If a corporation None

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

None

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work None3. Amount of water claimed 9 cubic feet per second4. Source of water supply From well dug in 19545. Location of point of diversion A little Southeast of center of Southeast quarter Sec 26, Twp 99, R 53,on Turner bank Turner County.6. Annual period or periods during which water is to be used May 1st to September 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation(a) Number of acres to be irrigated 63 acres.(b) Legal subdivisions to be irrigated On E1/4 of SE1/4 Sec 26, Twp 99, R 53, Turner Co.

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

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

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

(a) Nature of use None

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

## 8. Estimated cost of work:

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

(b) Pumping plant, \$-----

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

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

Rock, \$-----

(e) Other structures -----

Total, \$5000.00

## 9. Description of diversion works:

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

~~Overhead sprinkling system. Water used from well~~

## II. Dimensions of works: None

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|-----------------------|
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |
|                         |                                                |                       |

(c)\* Head gate: Width ----- feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years. Already completed

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Minnehaha

SS.

I, Spencer Keeler

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

Signed

Spencer Keeler

Subscribed and sworn to before me this 21st day of February 1957

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA

County of

Sioux Falls

ss.

Pierre, South Dakota,

April 1

1957

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock

4 m. upon the 25 day of March, 1957

State Water Resources Commission

By:

J. W. Rimes

Chief Engineer, Executive Officer

Number of permit

139-3

Date of first receipt of application

March 25

1957

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

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1954

19

Approved

April 1

1957

Recorded in Book

1

Page

68

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

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

Completed, 19

2nd. The whole of said work is to be completed on or before

Completed

19

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

Completed

19

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

irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 0.90 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before Completed, 19; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this

17

day of

May

19

State Water Resources Commission

By:

J. W. Rimes

Chief Engineer, Executive Officer

Certificate of Construction Issued

May 17

1957

Water License Issued

May 17

1957

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation .....42 inches....., Depth .....30 feet.....

Type of casing .....concrete.....  
(wood, concrete, steel, etc.)

Size of casing .....36 inches....., Thickness of casing .....2½ inches.....

Length of casing .....24 feet..... If collection gallery, length, size and depth of  
gallery .....none.....

(b) Screens None.

Type of perforated screen .....

Size of perforated screen .....  
(diameter) (length)

Thickness of gravel pack ....., length of gravel pack .....

(c) Water Bearing Materials

Distance to water 3 feet Character of water bearing materials .....  
sand and gravel.....

Thickness of water bearing material between 30 and 40 feet - estimated

(d) Pump and Motor

Type of pump .....Centrifugal.....  
(centrifugal, propeller, and flow, etc.)

Name of pump Pacific, size 4 inches x 3 inches

Kind of motor Gasoline (gasoline, electric, diesel, etc.)

Horsepower H R 30, Name of Motor Plymouth

(e) Complete well

Capacity 600 GPM at drawdown of 12 feet Estimated cost \$500.00

Owner of land upon which well is located Spencer Keeler  
Name

2900 South Phillips Ave, Sioux Falls, S.D.  
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 160 rods

RAINBIRD FULL CIRCLE SPRINKLER

| Model No 20 | Pressure | Discharge |
|-------------|----------|-----------|
|             | 20       | 4.33      |
|             | 25       | 4.87      |
|             | 30       | 5.38      |
|             | 35       | 5.84      |
|             | 40       | 6.27      |
|             | 45       | 6.66      |
|             | 50       | 7.03      |

STATE OF SOUTH DAKOTA

WATER LICENSE No... 439-3...

WHEREAS, On the 25th day of March A. D. 1957  
Spencer Keeler

of 2900 So. Phillips, Sioux Falls county of Minnehaha and State of  
South Dakota duly made application (No. 439-3) to us for a permit to use 0.90  
cubic feet per second of the waters of ground water  
County of Turner, State of South Dakota, for irrigation  
purposes; and

WHEREAS, On the 17th day of May A. D. 1957  
**Vested Right** Permit No. 439-3 was issued to said applicant... for the diversion of said water, and **recognizing**  
completion of the works of diversion therein described ~~XXXXXX~~ in 1954 ~~XXXX~~  
~~XXXXXX~~ and ~~XXXX~~ application to beneficial use of said  
water ~~XXXXXX~~ the ~~XXXX~~ in 1954 ~~XXXXXX~~  
and,

WHEREAS, On the 25th day of March A. D. 1957  
**Vested Right**  
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.33  
cubic feet per second of said waters, as evidenced by our Certificate No. 439-3  
dated May 17, 1957 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of Int use 1.33 cubic feet per second of water, with date of  
priority of 1954 ~~XXXX~~ XXXX,

WHEREAS, On the 25th day of March A. D. 1957  
proof was duly made of the application to beneficial use of 0.90 cubic feet per second of said water;  
on 63 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec 26, T 99 N, R 53 W

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 Spencer Keeler  
of 2900 So. Phillips, Sioux Falls the holder and owner of <sup>Vested Right</sup> permit No. 439-3  
a water right, dating from 1954 to the use of 0.90

cubic feet per second of the waters of ground water  
in the County of T and State of South Dakota, or so much thereof as may be  
necessary for the purposes low mentioned, to be diverted xx in the SE 1/4 SE 1/4  
Sec 26, T 99 N, R 53 W  
and conducted to and upon the SE 1/4, Sec 26, T 99 N, R 53 W

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 17th day of May A. D. Nineteen  
Hundred and fifty-seven

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 439-3Water Division No. 3 Vermillion River Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Spencer Keelerof 2900 So. Phillips, Sioux Falls county of Minnehaha, and State of South Dakota **Vested Right**the holder of Permit No. 439-3, issued upon Application No. 439-3, bearing date of priority of 1954, authorizing the diversion of0.90 cu. ft. per second of the waters of ground waterCounty of Turner, State of South Dakota, in the SE 1/4 SE 1/4Sec. 26, T 99 N, R 53 Wfor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory

condition for diverting and conveying to the place of intended use 1.33 cu. ft.

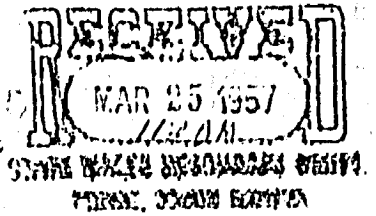
per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: SE 1/4, Sec. 26, T 99 N, R 53 W - 63 acresWitness my hand this 17th day of May A. D. 1957

State Water Resources Commission

By:

**J. W. GRIMES,** Chief Engineer, Executive Officer

Location No. 439-3Water Division No. 3 Vermillion River Water District

## Proof of Application of Water to Beneficial Use

### PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Spencer Keeler, 2900 So Phillips Ave., Sioux Falls, So. Dak.

Farming and gardening.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. No

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. This is as to "vested right". Well was dug April 1954

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. A well located a little southeast of center of Southeast Quarter Sec. 26, Township 99, Range 53, Turner County, S.D.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Use overhead sprinkling system.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. For irrigating on East half of Southeast Quarter (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of the aforesaid-described premises.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used for irrigation purposes only.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. Need 9/10 (.9) cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am not the person or representative of a corporation.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Use overhead sprinkler, pumped up to 600 gallons per minute  
for use on different parts of the field as crops required it, during the  
summers of 1954, 1955 and 1956.

(Sign) Spencer K. Oles

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Sioux Falls, County of Minnehaha  
State of South Dakota, on this 21st day of February A. D. 1957.

Witnesses.

Notary Public, South Dakota.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

R. H. Postain

Location No. \_\_\_\_\_

PROOF OF APPLICATION OF  
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water \_\_\_\_\_ c. f. s.

Source \_\_\_\_\_

County \_\_\_\_\_

Purpose \_\_\_\_\_

Place of Use \_\_\_\_\_

Date of recording \_\_\_\_\_

Received and filed \_\_\_\_\_

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7718

PIERRE, October 1, 1980

RECEIVED OF Pineview Mobile Home Park, 4504 West 12th, Sioux Falls, SD 57107

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 .....                                                                                               |      |      |
| Fee for certified copy of .....                                                                                    |      |      |
| Fee for Print copy of map .....                                                                                    |      |      |
| Fee for Certifying .....                                                                                           |      |      |
| Fee for transfer of WR# 439-3 .....                                                                                |      | 2 50 |
| (any other work as provided by law) .....                                                                          |      |      |
| TOTAL                                                                                                              | 2 50 |      |

WATER RIGHTS COMMISSION

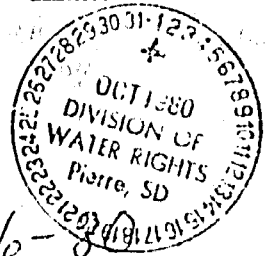
By *(John Hatch)*  
Chief Engineer, Executive Officer  
JOHN HATCH

NO. 439-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 9-26-80



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

63 acres in E $\frac{1}{2}$  SE $\frac{1}{2}$  Sec. 26, T99N, R53W

formerly owned by Spencer Keeler, RR, Parker, SD

has been transferred to Pinecrest inc 4504 West 12  
(indicate name & mailing address) Sioux Falls SD 57107  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 439-3 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 the Board of Water Management 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 Turner ) ss.

I, Don Weeg Pres 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.

Don Weeg Pres.  
(Signed)

Subscribed and sworn to before me this 27<sup>th</sup> day of Sept., 1980

Michael A. Schultz  
(Notary Public)

439-3  
439-3A

WATER RIGHTS DIVISION  
(605) 773-3352

December 17, 1986

Alvin Plucker  
Box 160  
Chancellor, South Dakota 57015

Dear Mr. Plucker:

This letter is in response to our telephone conversation of December 17, 1986. Enclosed are copies of Water Right Nos. 439-3, and 439-3A; the 1986 Irrigation questionnaires pertaining to these water rights and a "Notice of Transfer" for each.

The transfer forms are partially completed and need only to be signed and notarized. Upon completion of the transfer forms, please return them to this office with a \$2.50 filing fee for each (total of \$5.00).

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

Please complete the enclosed Irrigation questionnaires for Irrigation done on lands covered under Water Right Nos. 439-3 and 439-3A. You indicated you only have the one well. If it is easier for you to complete only one of the questionnaires, this will be satisfactory, however, please return both forms to us.

If I can answer any questions for you, please contact me. You may keep the copies of the water rights for your files.

Sincerely,

Genny McMath  
Natural Resources Analyst

GJM:ms  
Enc.

439-3  
439-3A

Alvin Plucker  
RR#1, Box 160  
Chancellor, South Dakota 57015

Dear Mr. Plucker:

This letter will acknowledge receipt of your 1986 Irrigation questionnaires and the "Notice of Transfer" you submitted for Water Right No. 439-3 and 439-3A. Although the transfer forms have been received, the transfers cannot be filed without the required filing fee of \$2.50 each (total of \$5.00).

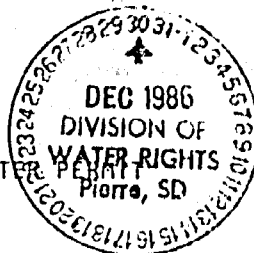
Please remit the \$5.00 filing fees as soon as possible. Water Right Nos. 439-3 and 439-3A will be transferred from Pinecrest Inc. to you upon receipt of this fee.

If you have any questions, please contact me.

Sincerely,

Genny McIlath  
Natural Resources Analyst

GH:ms



NO. 439-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 12-24-86

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

63 acres E $\frac{1}{2}$  SE $\frac{1}{4}$  Section 26-T99N-R53W

formerly owned by Pinecrest, Inc.

has been transferred to RR#1 Alvin Plucker, Box 160, Chancellor, South Dakota 57015  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 439-3 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 Turner ) ss.

I, Alvin Plucker 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.

(Signed)

Subscribed and sworn to before me this 24<sup>th</sup> Day of December, 1986.

R. E. Olmstead  
(Notary Public)  
Comm Ex - 5-22-91

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410693

Pierre, January 7, 1987

RECEIVED OF Alvin Plucker, RR 1, Box 160, Chancellor, SD 57015

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 439

Fee for Filing Extension Request \_\_\_\_\_

Fee for Certified Copy of \_\_\_\_\_

Fee for Print Copy of Map \_\_\_\_\_

Fee for Certifying \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch  
Chief Engineer JOHN HATCH

ms

439-3  
439-3A

WATER RIGHTS DIVISION  
(605) 773-3352

January 9, 1987

Alvin Plucker  
Rurai Route 1, Box 160  
Chancellor, South Dakota 57015

Dear Mr. Plucker:

Enclosed are receipt Nos. 410693 and 410694 in the amount of \$2.50 each  
which you paid for transfer of Water Right Nos. 439-3 and 439-3A.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling

Secretary

ms/

Enc.

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

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

September 21, 1988

NOTICE

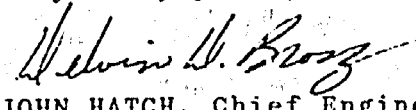
Alvin Plucker  
Rt 1, Box 160  
Chancellor SD 57015

Dear Mr. Plucker:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 439-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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





439-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

November 13, 1992

No. 439-3  
439-3A  
4606-3  
4748-3

Wieman Land and Auction  
ATTN: GARY  
Box 135  
Marion, SD 57043

Dear Gary:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 439-3 and 439-3A and Water Permit Nos. 4606-3 and 4748-3. The water rights and permits are currently listed in the name of Alvin Plucker.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$10.00.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

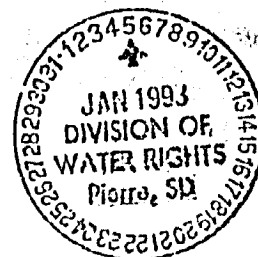
439-3

WIEMAN LAND & AUCTION CO.

Box 135

MARION, SOUTH DAKOTA 57043

PHONE 605 648-3111



January 4, 1993

Department of Environment & Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Dear Madam,

Please file the enclosed and send notice to Donald Weeg that the water rights have been transferred.

Thank you.

Sincerely,  
Wieman Land & Auction Company

*Gary L. Wieman*  
Gary L. Wieman  
Auctioneer - Broker

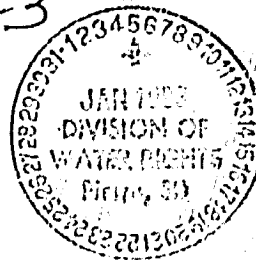
GLW/dh

enclosures

439-3

**No. 439-3**

Date: January 4, 1993



formerly owned by: Alvin Plucker, RR #1 Box 160, Chancellor, SD 57015

be transferred to: (name & address) Donald D. Weeg, 4504 West 12th St.

Sioux Falls, SD 57107

(Telephone No) 605-338-1249

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

**63 acres - E 1/2 SE 1/4 Section 26, T9N, R53W**

I/We understand that the validity of Vested Water Right Claim No. 439-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )

County of Turner )

I/We Donald D. Weeg being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

(Signed) James D. McGee

Subscribed and sworn to before me this 4th day of January, 1993.

Ben Wilson  
(Notary Public)  
My commission expires: 5/2/94

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

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

# RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

439-3  
413578

Pierre, January 5, 1993

RECEIVED OF Donald D Meeg, Box 155, Marion, SD 57043

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 return Future Use Permit No. _____ after period of seven years.                                               |       |      |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                  |       | 2.50 |
| Fee for Filing Transfer Form _____                                                                                   |       |      |
| Fee for Filing Extension Request _____                                                                               |       |      |
| _____                                                                                                                |       |      |
| _____                                                                                                                |       |      |
| _____                                                                                                                |       |      |
| (Any Other Work Provided by Law)                                                                                     | Total | 2.50 |

By John W. Hatcher  
Chief Engineer



January 6, 1993

Donald D. Weeg  
4504 West 12th St.  
Sioux Fall, SD 57107

Dear Mr. Weeg:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 439-3 and 439-3A.

Our records now show you as the owner of Water Right Nos. 439-3 and 439-3A.

Sincerely,

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

enclosure

439-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

No. 439-3  
439-3A

439-3

VESTED RIGHT No. 439-3 and PERMIT No. 439-3AVermillion River Water District

## Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg. // Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Don Weeg of 4504 W 12th Sioux Falls, SD 57106 holder of Permit No. 439-3/439-3A, bearing the priority of 1954/January 13, 1959 authorizing the diversion of 0.90/2.0 cu. ft. per second of the waters of the Parker Centerville Aquifer for irrigation purposes, in Turner County.

I have to report on the conditions of the same as follows:

## A. Works used to divert the water:

One well - 40' deep with 19' of 18" steel casing and 21' of 18" galvanized steel screen.  
Western Land Roller pump, 5 stages, 8", Model No. 5 12B IIC, 800 GPM @ 50 PSI, Newman  
Motor, Model No. DA99202, 75 HP

## B. Works used to transport water to place of use:

45' of 8" Aluminum pipe

## C. Works used to apply water to beneficial use:

8-Tower Zimmatic Center Pivot, 1300' long with Rainbird Sprinklers and high pressure End  
Gun, 800 GPM

The system is in the following condition good. The point of diversion is located 1366'W  
and 1320'N of the SE corner of Section 26-T99N-R53W. The works are capable of diverting  
 and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for

irrigation. Water has been put to beneficial use to the maximum extent as follows:  
All in Section 25-T99N-R53W:

NE1/4 SE1/4 = 20 acres (Vested Right No. 439-3)

SE1/4 SE1/4 = 36 acres

NW1/4 SE1/4 = 35 acres (Water Permit No. 439-3A)

SW1/4 SE1/4 = 36 acres

comprising a total of 127 (56 acres under VR 439-3 and 71 acres under No. 439-3A) acres of  
 land and the license should be issued for 1.78 (0.80 under VR 439-3 and 0.98 cfs under No.  
439-3A) cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None Date 9/9/92

*Gregory C. Johnston*

Gregory C. Johnston  
 Natural Resources Engineer II  
 DENR, Water Rights Division

439-3

REPORT ON INSPECTION OF VESTED RIGHT NO. 439-3

DATE 2/9/92

Other permit(s) associated with the project 439-3A

DIVERSION POINT LEGAL LOCATION: 1366' W and 1320' N of the SE corner of Section 26-T99N-R53W

WELL INFORMATION: Well Drilling Firm Unknown

No. of Wells 1 Depth(s) 40

a) Casing: 1) diameter 18 inches

2) length 19 feet

3) type steel

c) Pump

d) Static Water Level 7 feet

e) Motor:

1) make Newman

2) model No. DA99202

3) horsepower rating 75 hp

b) Screen: 1) type galvanized steel

2) length 21 feet

1) make Western Land Roller

2) model 5 12B HC

3) size 8 inches

4) capacity 800 GPM

5) turbine pump - No. of stages 5

6) operating pressure 50 PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum

b) size 8 inches

c) length 45 feet

System Type:

a) Center pivot:

1) make Zimmatic

2) overall length 1300 feet

3) number of towers 8

4) distance between towers 130 feet

5) end gun Y (Y/N)

6) high or low pressure High

7) capacity 800 GPM

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

Vested Right No. 439-3 is incorporated with Water License No. 439-3A under one center pivot system with water being diverted from one well. The rate of diversion cannot exceed the statutory limit of one cfs per 70 acres.

439-3

File No 439-3 and 439-3A

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Don Weeg

ADDRESS: 4504 W 12th ST. Sioux Falls, SD 57106

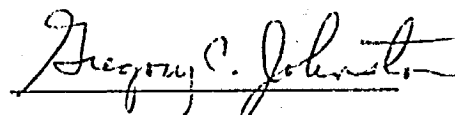
COUNTY: Turner

DATE: 1/13/93

TELEPHONE:

RE: Incorporated License for VR 439-3 and License No. 439-3A

COMMENTS: I inspected a center pivot system presently owned by Don Weeg (the prior owner was Alvin Plucker) of Sioux Falls on 9/9/92. The system is located in the SE 1/4 of Section 26-T99N-R53W. 63 acres (0.90 cfs) in the E1/2 SE1/4 of Section 26 were covered under Vested Right No. 439-3 and 97 acres (2.0 cfs) in the SE1/4 of Section 26 were covered under Water License No. 439-3A. I incorporated both the Vested Right 439-3 and the License No. 439-3A into one License and, based on the inspection and Irrigation Questionnaires covering the last ten years, adjusted the number of acres and amount of water to be licensed under both the Vested Right and the License. The system capacity is 850 GPM and Vested Right No. 439-3 covers 56 acres in the E1/2 SE1/4 and is Licensed for 0.79 cfs. Water License No. 439-3 was rewritten for 71 acres in the SE1/4 of Section 26 and is Licensed for 0.99 cfs.



Gregory C. Johnston

Natural Resources Engineer

DENR, Water Rights Division



439-3

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

March 24, 1993

## NOTICE

TO: Gene Weeg  
4501 W 12th St  
Sioux Falls SD 57106

FROM: John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 439-3

A Notice of Intent to validate Claim No. 439-3 was published on June 23 and 30, 1988 in The New Era, Parker SD. The Water Rights Division opposed validation of No. 439-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 439-3 was completed on September 9, 1992, by Greg Johnston, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 63 acres to 56 acres. The diversion rate is to be reduced, accordingly, from 0.90 cubic feet of water per second (cfs) to 0.80 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (56 acres/70 = 0.80 cfs).

The Water Management Board will consider validation of Claim No. 439-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Pursuant to the findings of the on-site inspection, validation of Claim No. 439-3 is recommended for a diversion rate of 0.80 cfs from groundwater to irrigate 56 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 56 acres and 0.80 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 439-3 will still apply at this hearing. A copy of the June 23 and 30, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

## CERTIFICATION

I hereby certify that on March 24, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated March 24, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

Vested Right Claim No. (439-3:

Gene Weeg  
4501 W. 12th St.  
Sioux Falls, SD 57106

Vested Right Claim No. 152-3:

Earl Claussen  
Rt 1, Box 830  
Jefferson, SD 57038

Vested Right Claim No. 54-3:

Dale Bosse  
RR 1, Box 99  
Elk Point, SD 57025

**Vested Right Claim Nos. 166-3 & 187-3:**

Russell and Barb Schneiderman  
Rt 2, Box 48  
Lennox, SD 57039

**Hand delivered to:**

Vested Right Claim No. 857-3:

Tim Olson  
Dept. of Game, Fish & Parks  
623 E. Capitol  
Joe Foss Building  
Pierre, SD 57501

Copies of the above mentioned NOTICES were sent inter-office to:

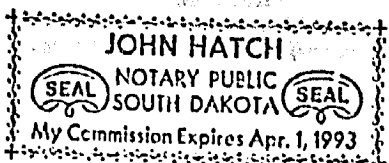
Diane Best, Assistant Attorney General, Capitol Building.

Chas. A. Frost

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 25<sup>th</sup> day of March, 1993.



*John H. [Signature]*  
Notary Public

File No. 439-3

Water Rights Division - DENR  
Conversation or File Documentation

NAME OF PERSON OR FILE: Don Weeg

ADDRESS: 4504 W 12th St. Sioux Falls

COUNTY: Union

DATE: 3-26-93

TELEPHONE:

RE: Ownership of Vested Right No. 439-3

COMMENTS:

On 3-24-93, Notice was sent to Gene Weeg regarding the Hearing to Consider Validation of Recognized Vested Water Right No. 439-3. Don Weeg talked with Greg Johnston on 3-26-93 and stated he now owned this property, thus the Notice is being resent to Don Weeg.

*Karen Schlaak*

Karen Schlaak  
Natural Resources Analyst



439-3

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

March 26, 1993

**NOTICE**

**TO:** Don Weeg  
4504 W 12th St  
Sioux Falls SD 57106

**FROM:** John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352

**SUBJECT:** Hearing to Consider Validation of Recognized Vested Right Claim No. 439-3

A Notice of Intent to validate Claim No. 439-3 was published on June 23 and 30, 1988 in The New Era, Parker SD. The Water Rights Division opposed validation of No. 439-3 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 439-3 was completed on September 9, 1992, by Greg Johnston, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 63 acres to 56 acres. The diversion rate is to be reduced, accordingly, from 0.90 cubic feet of water per second (cfs) to 0.80 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (56 acres/70 = 0.80 cfs).

The Water Management Board will consider validation of Claim No. 439-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Pursuant to the findings of the on-site inspection, validation of Claim No. 439-3 is recommended for a diversion rate of 0.80 cfs from groundwater to irrigate 56 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 56 acres and 0.80 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 439-3 will still apply at this hearing. A copy of the June 23 and 30, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General

439-3

CERTIFICATION

I hereby certify that on March 26, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 26, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 439-3 addressed as stated below:

Don Weeg, 4504 W. 12th St., Sioux Falls, SD 57106.

Copy Sent Inter-office To:

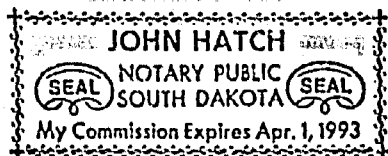
Diane Best, Assistant Attorney General, Capitol Building.

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES )

Sworn to, before me, this 29<sup>th</sup> day of March, 1993.



*John Hatch*  
Notary Public



439-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

SEP 20 1993

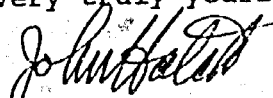
Don Weeg  
4504 W 12th St  
Sioux Falls SD 57106

Dear Mr. Weeg:

The Water Management Board has validated the enclosed Vested Water Right No. 439-3. This validation gives legal status to the claim and is the final document for your vested right. Also, enclosed is the reissued water license No. 439-3A which incorporates Vested Water Right No. 439-3.

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

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 439-3 FOR IRRIGATION

Date of Receipt of Claim March 25, 1957.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 439-3 for irrigation purposes for Don Weeg, 4504 W 12th St, Sioux Falls SD 57106 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 439-3 appropriates 0.80 cubic feet of water per second from groundwater located near the center of the SE 1/4 Section 26 to irrigate 56 acres located in the E 1/2 SE 1/4 Section 26; all in T99N-R53W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: May 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1954.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

John H. Hattis  
Chief Engineer

SEP 20 1993

\_\_\_\_\_  
date

Division of Water Rights  
Dept. of Environment and Natural Resources