

1. Considered June 17, 1999 Appl. No. 439-3A
2. Name of Applicant Spencer Keeler
3. Post Office Address 7900 So. Phillips
4. Amount of water claimed 1.38
5. Source of water supply the ft
6. Water to be used for irrigation
Acres to be irrigated 27
7. Water to be diverted and used in Mineral County about
6 miles SE of Parker.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

*Actual increase of 2.0 ft
and 4 ft over 439-3 and a
change in location of Div. Pt.*

No. 439-3A

Water Division No. 3 Vermillion River District
(Blanks to be Filled by the Engineer for the W. R. C.)

JAN 1 1934
7:30 AM

Enlargement APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.) Pinecrest Inc.
4504 West 12th, Sioux Falls, SD
57107

1. Name of applicant ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~
Postoffice address ~~XXXXXXXXXXXX~~ County Minnehaha State South Dakota

I. If a corporation

- Name of same
- Date and place of incorporation
- Amount of capital stock
- Amount paid in
- 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)

Completed on Contract which covers the case

(b) Cash on hand, \$ (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Keeler Diversion Works, 3rd Supplemental 439-3

3. Amount of water claimed 210 cubic feet per second

4. Source of water supply Ground water

5. Location of point of diversion just west of center of quarter located on map on bank County

6. Annual period or periods during which water is to be used April thru October

7. To be used for:

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

(a) Number of acres to be irrigated 97 acres.

(b) Legal subdivisions to be irrigated SE 1/4 Sec 26 T 97 N R 53 W

(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.)

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

(a) Nature of use Name any of the above uses claimed

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

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 439-3

8. Estimated cost of work:

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

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

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

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

Rock, \$7000.00

(e) Other structures *Spurlock System* \$6000.00

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works:

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

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

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

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate *The New Era*

Washburn Daily

STATE OF SOUTH DAKOTA

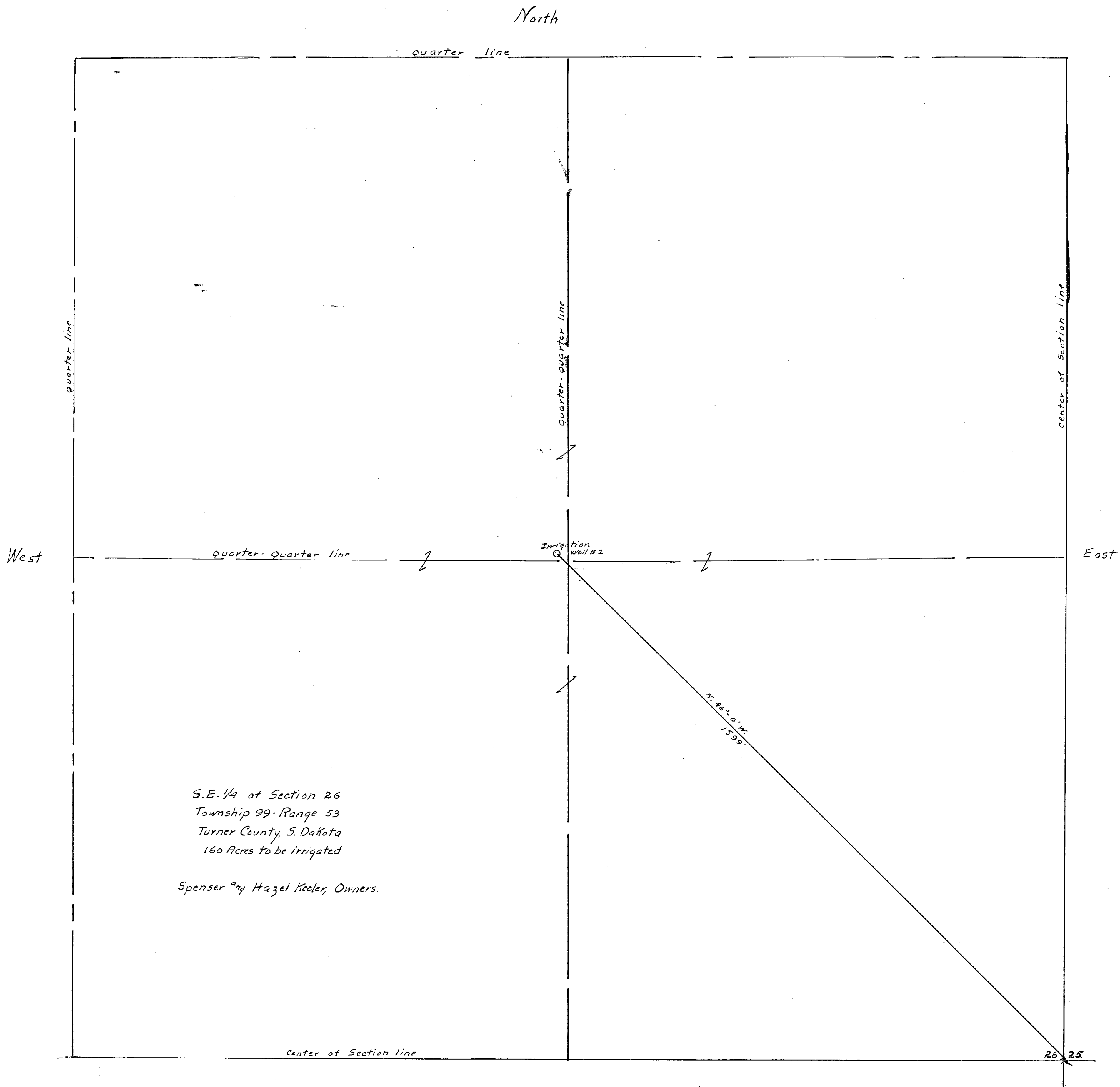
County of *Minnehaha* ss.

I, *Spencer A. 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 A. Keeler*

Subscribed and sworn to before me this *12-1* day of *December*, 19*17*

John H. Hargrave
Notary Public (or other qualified officer.)



Spencer & Hazel Keeler Irrigation Project # 2
S.E. 1/4 of Section 26, Township 99 - Range 53
Turner County, South Dakota

I, Ellis V. Nelson, a licensed engineer, hereby certify that I have made a survey of the S.E. 1/4 of Section 26, Township 99 - Range 53, Turner County, South Dakota and located irrigation well #1 as indicated on the above plat.

Dated at Sioux Falls, South Dakota, March 25, 1959.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss.
County of Minnehaha

On this 25th day of March, 1959, before me the undersigned officer, personally appeared Ellis V. Nelson, known to me or satisfactorily proven to be the person whose name is subscribed to the within certificate and acknowledged that he executed the same for the purpose therein contained.

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

Glen Spittler
Notary Public

MY COMMISSION EXPIRES
JULY 1, 1964

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, March, 1959

RECEIVED
MAR 27 1959
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Map No. 429-3
(App. No. 439-3A)

Remarks by State Water Resources Commission:

The diversion rate of 2.28 cubic feet per second must not be exceeded by any combination of diversion points or pumping under Permits No. 439-3 and No. 439-3A

STATE OF SOUTH DAKOTA
County of Glenn ss.

Pierre, South Dakota, January 27, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
9 m. upon the 13 day of January, 1959

State Water Resources Commission

By:

J. O. Grimes
Chief Engineer, Executive Officer

Number of permit 439-3A

Date of first receipt of application January 13, 1959

Date of return to applicant for correction, amendments or changes required as follows: January 29, 1959

Date of receipt of corrected application March 20, 1959

Date from which applicant may claim right January 13, 1959

Approved June 17, 1959, Recorded in Book 5 Page 174

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

December 17, 1960

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

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

June 17, 1964

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 1.38 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 June 17, 1964; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 25 day of July, 1959

State Water Resources Commission

By:

J. O. Grimes
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 5, 1966

Water License Issued AUGUST 5, 1966

new well

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 40'Type of casing Steel
(wood, concrete, steel, etc.)Size of casing 18", Thickness of casing 14 gageLength of casing 40' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Pumpeter Mill galvanizedSize of perforated screen 18" (diameter), 21' (length)Thickness of gravel pack 6", length of gravel pack 30'

(c) Water Bearing Materials

Distance to water 7', Character of water bearing materialsGravel coarse gray

Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Western Land Pump size 8"Kind of motor Electric
(gasoline, electric, diesel, etc.)Horsepower 50, Name of Motor H. E.

(e) Complete well

Capacity 1000 at drawdown of 10, Estimated cost \$2000.00(f) Owner of land upon which well is located Spencer Keeler

Name

Sioux Falls S. Dak.

Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 100 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 439-3A

WHEREAS, On the 13th day of January A. D. 1959
of Sioux Falls County of Minnehaha and State of
South Dakota
duly made application (No. 439-3A) to us for a permit to use 1.38
cubic feet per second of the waters of ground water
County of Turner, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 25th day of July A. D. 1959
Permit No. 439-3A was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 17th day of
June A. D. 1962 and for the application to beneficial use of said
water on or before the 17th day of June A. D. 1964
and,

WHEREAS, On the 27th day of July A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0
cubic feet per second of said waters, as evidenced by our Certificate No. 439-3A
August 5, 1966 confirming the completion of works of sufficient capacity for
ing and conveying to the place of intended use 2.0 cubic feet per second of water, with date of
priority of January 13, 1959 and,

WHEREAS, On the 27th day of July A. D. 1966
proof was duly made of the application to beneficial use of 1.38 cubic feet per second of said water;
for irrigating 97 acres in the SE 1/4, Section 26, T99N, R53W

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 Parker the holder and owner of said permit No. 439-3A
a water right, dating from January 13, 1959 to the use of 1.38
cubic feet per second of the waters of ground water
in the County of Turner and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point N 46°W, 1899 feet from
the SE corner, Section 26, T99N, R53W
and conducted to and upon 97 acres in the SE 1/4 Section 26, T99N, R53W

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 5th day of August A. D. Nineteen
Hundred and Sixty-Six

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. 439-3AWater Division No. 3 Vermillion River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify Spencer Keeler

of Sioux Falls, County of Minnehaha, and State of South Dakota, the holder of Permit No. 439-3A, issued upon Application No. 439-3A, bearing date of priority of January 13, 1959, authorizing the diversion of 1.38 cu. ft. per second of the waters of ground water County of Turner, State of South Dakota, at a point N46°W, 1899 feet from the SE corner, Section 26, T99N, R53W

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 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: for irrigating 97 acres in the SE 1/4 Section 26, T99N, R53W

Witness my hand this 5th day of August A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

(First Publication before May 15, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 18, 1959

Notice is hereby given that Spencer Keeler whose postoffice address is 2900 South Phillips, Sioux Falls, Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a supplemental enlarge Permit #439-3 and to permit to appropriate for beneficial use 1.38 cubic feet of water per second of time from the ground water through the Keeler Diversion Works #3 the point of diversion of which is to be located XXXXXX in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26 part of Twp. 99 N Range 53 W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Sec. 26, T 99 N, R 53 WXXXXXX XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1959, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

CHAS. J. BORMANN, Publisher
Les Wyborny, Water Rights Engineer

cc E. J. Bormann, Publisher
The New Era
Parker, South Dakota

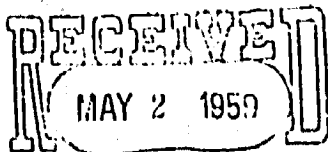
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County TURNER } ss.

EARL J. BORMANN being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the THE NEW ERA a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the TOWN of SPARKER County of TURNER and State of South Dakota; that the said notice was published in said newspaper on the following dates:

4/23/19594/30/19595/7/19595/14/1959

in each and every issue of the full number thereof, the first publication being made on the 23 day of April 1959 and the last publication on the 14th day of May 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was owner the printer and publisher of the said newspaper.

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Notice of Intention to Appropriate Water—439-3A
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, South Dakota, April 18, 1959.

Notice is hereby given that Spencer Keeler whose postoffice address is 2900 South Phillips, Sioux Falls, South Dakota has made an application in accordance with the provisions of the water laws of South Dakota for a supplemental permit to enlarge Permit No. 439-3 and to appropriate for beneficial use 1.33 cubic feet of water per second of time from ground water through the Keeler Diversion Works No. 3, the point of diversion of which is to be located in the NW 1/4 of the SE 1/4 of Section 26 part of Twp. 29 North Range 53 W. Said water to be used for the purpose of providing irrigation on part of the following described land:

SE 1/4 Section 26, T. 29, N. 11, R. 53, W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of June, 1959, at 2:00 p.m. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Les Wyborny, Water Rights Engineer.

(Heard April 23, 30, May 7, and 14)

Subscribed and sworn to before me this 20 day of April A. D. 1959

Notary Public James County, S. D.

Permit No. 439-3A
VERMILLION
 Water Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____
SPENCER KEELER of PARKER
TURNER County, South Dakota, holder of Permit No. 439-3A, issued
 upon Application No. 439-3A, bearing date of priority of JANUARY 13, 1959, authorizing the
 diversion of 1.38 cu. ft. per second of the waters of GROUND WATER for IRRIGATION
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 40' WELL WITH WESTERN LAND ROVER
8" PUMP - 5 STAGE 12" BOWLS - POWERED BY 75 H.P. NEWMAN
(ENGLISH) ELECTRIC MOTOR @ 1800 RPM. 1500' OF 6"
MAINLINE & 2400' OF 6" LATERALS TO 2 VERMEER 140'
BOOMS

and the system is in the following condition: EXCELLENT

The point of diversion is located AS SHOWN ON THE APPLICATION

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal divisions to be irrigated are: PORTIONS OF SE⁴ SECTION 26,
T99N, R53W

comprising a total of 97 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 27TH day of

JULY

A. D. 1966

—SEAL—

Burton Jones
 Examining Engineer,
 OFFICER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 7719

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# 439-3A (any other work as provided by law)	2.50
TOTAL	2.50

WATER RIGHTS COMMISSION

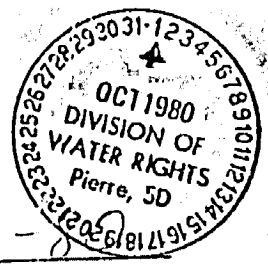
By _____
Chief Engineer, Executive Officer
JOHN HATCH / BT

NO. 439-3A

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:

97 acres in SE 1/4 Section 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, S.D. 57107
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 439-3A 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.

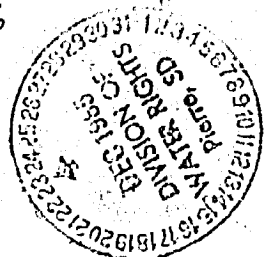
Don Weeg Pres.
(Signed)

Subscribed and sworn to before me this 27th Day of Sept., 1980

Richard A. Schultz
(Notary Public)

**Custom
Jewelers**
"Uniquely Yours"

Pine Crest, Inc.
4501 W 12th
Sioux Falls, S.D. 57104
(605) 336-3530



Del,

This is the uncompleted irrigation forms I discussed with you by phone 12/19/85. These forms have been completed by Don Weeg of Sioux Falls in previous years and we don't have the needed information available to complete with any accuracy.

It is our full attention to keep these records next year now that we have become aware of the fact that we must fill out the reports. I appreciate the attention you are giving this matter and if we can further help on these matters just call.

Thank you,
Mike Schut

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 McHath
Natural Resources Analyst

GH:ms
Enc.

439-3
439-3A

WATER RIGHTS DIVISION
(605) 773-3352

December 31, 1986

Alvin Plucker
RR#1, Box 160
Chancellor, South Dakota 570

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.

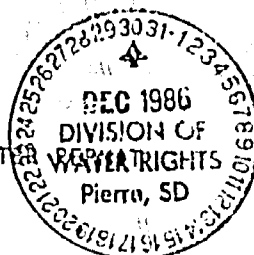
Sincerely,

Genny McMath
Natural Resources Analyst

GJM:ms

NO. 439-3A

NOTICE OF TRANSFER OF WATER



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:

97 Acres - SE $\frac{1}{4}$ Section 26, T99N R53W

formerly owned by Pinecrest Inc.

RR#1

has been transferred to 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. 439-3A 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 24th Day of December, 1986

(Signature)
(Notary Public)
Comm. Ex. 5-22-81

RECEIPT

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

410694

Pierre, January 7, 19 87

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 <u>439-3A</u>	2	50
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

By John Hatch
Chief Engineer

JOHN HATCH

(S)

439-3
439-3A

WATER RIGHTS DIVISION
(605) 773-3352

January 9, 1987

Alvin Plucker
Rural 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.

439-3A

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



November 13, 1992

439-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 439-3A

Date: January 4, 1993



I/We request that Water Right No. 439-3A

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

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

South Dakota 57107

(Telephone No) 605-338-1249

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

97 acres - SE 1/4 Section 28, T99N, R53W

I/We understand that the validity of Water Right No. 439-3A 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.

Donald D. Weeg
(Signed)

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

Billy 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

Pierre, January 5, 1993

439-3A

413579

RECEIVED OF Wie and & Auction Co (Donald D Weeg), Box 135, Marion, SD 57043

the following amount in _____ for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 439-3A</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Haddad
Chief Engineer



January 6, 1993

Donald D. Weeg
4504 West 1st 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

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

enclosure

439-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 439-3

439-3A

439-3A

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 57105 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 UC, 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 ☒ 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

439-3A

REPORT ON INSPECTION OF VESTED RIGHT NO. 439-3

DATE 9/9/92

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.

439-3A

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

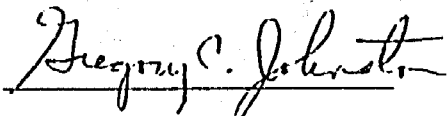
COUNTY: Turner

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



439-3A

**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

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 439-3A

(1) Spencer Keeler, of Parker, SD was issued Water License No. 439-3A, August 5, 1966 for a right to appropriate 1.38 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Water License No. 439-3A, with a priority date of January 13, 1959 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 439-3A authorized irrigation of land from the well recognized under Vested Right Claim No. 439-3. On January 5, 1993, Nos. 439-3 and 439-3A were transferred to Donald Weeg. Vested Water Right Claim No. 439-3 was validated by the Water Management Board on May 5, 1993. Based upon a September 9, 1992 field inspection of the water use system and the subsequent validation of No. 439-3, the applicable portions of Vested Right No. 439-3 are incorporated into this Water License No. 439-3A.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1366'W and 1320'N of the SE corner of Section 26, T99N, R53W.

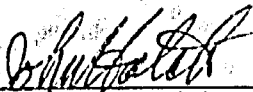
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T99N, R53W	Section 26	NE 1/4 SE 1/4	20 acres
		SE 1/4 SE 1/4	36 acres
		NW 1/4 SE 1/4	35 acres
		SW 1/4 SE 1/4	36 acres
		Total	127 acres

E 1/2 SE 1/4 carries a January 1, 1954 priority date (established by Vested Right No. 439-3)
W 1/2 SE 1/4 carries a January 13, 1959 priority date (established by Water Right No. 439-3A)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald Weeg of 4504 W12th St, Sioux Falls, SD 57106 the holder and/or owner of Partial Vested Water Right No. 439-3A is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with priority dates of January 1, 1954 (0.80 cfs) and January 13, 1959 (0.98 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Partial Vested Water Right No. 439-3A and subject to South Dakota State Law.

SEP 20 1993


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOT TO SCALE

GENE WEEG

98.4 Vested Right No.

T-1879

439-3 / No. 439-3A

Drawn by: Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer II

Water Rights Division, DENR

NHEL 1/20/93

N P

1"=660'

T-1449

66.6

23-1

All in Section 26 T99N-R53W:

143.6

GENE WEEG

DON

T-1795

VR NO. 439-3

NE 1/4 SE 1/4 = 20 acres

SE 1/4 SE 1/4 = 36 acres

LICENSE NO. 439-3A

NW 1/4 SE 1/4 = 35 acres

SW 1/4 SE 1/4 = 36 acres

Total = 127 acres

14.3

127.6

T-1884

NW 1/4 SE 1/4 = 35 acres

NO. 439-3A

Center

Pivot

SW 1/4 SE 1/4 = 36 acres

NO 439-3A

NOT IRRIGATED

NE 1/4 SE 1/4 = 20 acres

VR 439-3

SE 1/4 SE 1/4 = 36 acres

VR 439-3

1320'

1366'

3.5

5.8

T-77

1361

439-3A

23-1

NHEL

99.53

155.3

T-1151

transferred

RECEIVED

MAR - 2 2011

WATER RIGHTS
PROGRAM

439-3A

2-25-2211

Genny McMath.

I recently talked to you about sending the irrigation questionnaire to the farmers that I now rent the land too. Enclosed Below are the names, addresses, and well permit # and Location.

WAYNE BOSSMAN

422 E 2nd ST.

PARKER, S.D. 57053

- 1) # 439-3A 127 acres SE $\frac{1}{4}$ -26 T99N R53W-TURNER
- 2) # 4341-3 62 acres N $\frac{1}{2}$ SW $\frac{1}{4}$ S-9 T99N R53W-TURNER
- 3) # 4958-3 101 acres SE $\frac{1}{4}$ +E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 22-99-53-Turner

Wayne farms these 3 farms.

Richard LOUNSBERRY

28667 459 Avenue

DAVIS, S.D 57021

1) # 969-3 284 acres N $\frac{1}{2}$ S9-T97-R52 TURNER

~~Richard~~ Richard Farms this farm.

Genny, thanks for sending the questionnaire to them. You may contact me at 605-338-1249 if you have any questions.

Thank you,
Don Way.

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 439-3A

Date: 3-2-16

I/We request that Water Right/Permit No. 439-3A formerly owned by:

Donald D. Weeg be transferred to:

New Owner Name: Weeg Family Farms, LLLP
Address: 26857 469th Avenue
City, State, Zip: Sioux Falls, SD 57106 Telephone No. (605) 335-1104

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

**The Southeast Quarter (SE1/4), except the East 262 feet of the North 500 feet of said
Southeast Quarter (SE1/4), all in Section Twenty-six (26), Township Ninety-nine (99) North,
Range Fifty-three (53) West of the 5th P.M., Turner County, South Dakota.**

☒ I understand that the validity of Water Permit No. 439-3A 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, Donald D. Weeg, as President of Weeg Trailer Park, Inc., the General Partner of Weeg Family Farms, LLLP, the new owner, certify that the above information is true and correct.

WEEG FAMILY FARMS, LLLP

General Partner:

WEEG TRAILER PARK, INC.

By Donald D. Weeg
Donald D. Weeg, President

RECEIVED
MAR 07 2016
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/7, 20 16

RECEIVED OF Woods, Fuller, Shultz & Smith PO Box 5027 Sioux Falls SD 57117

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>439-3A</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. **07778**

By Jean Goodman
Chief Engineer



439-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 10, 2016

Donald D Weeg, President
Weeg Family Farms LLLP
26857 469th Ave
Sioux Falls SD 57106

RE: Water Right Nos. 439-3A, 969-3, 4122-3, 4341-3, 4694-3, 4958-3 and 6075-3

Dear Mr. Weeg:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted by Woods Fuller Law Firm on your behalf.

The ownership changes have been completed. The above listed water rights are now listed in the name of "**Weeg Family Farms LLLP**". The receipts for the filing fees are being forwarded with a copy of this letter to Woods, Fuller, Shultz and Smith PC.

If you have any questions, please let me know.

Sincerely,

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

c: Nicole J Peterson, Woods Fuller Shultz & Smith PC w/Receipts

3-18-16

439-3A

Please send all correspondence
that is sent from your office to
this address instead of the former

Donald D. Weeg

Weeg Family Farms LLP New address

4504 W 12th

Sioux Falls S Dak

57107

RECEIVED

MAR 21 2016

WATER RIGHTS
PROGRAM

Weeg Family Farms LLP

Former

26857 469th Ave

S Falls S Dak 57106

Thank you for your time doing
this change.

Don Weeg

4504 W 12th

S Falls S Dak

57107

605 (359 1412)