



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 23 2004

George Dylla
13807 414th Ave
Andover SD 57422

Roger L Rix
12960 406 Ave
Groton SD 57445

Dear Mr. Dylla and Mr. Rix:

Enclosed is reissued Water License Nos. 4459A-3 and 4459B-3.

On January 15, 2004, a transfer of ownership was received, transferring a portion of the water right to Roger L Rix. Water Right No. 4459-3 has been divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 4459A-3, George Dylla, 13807 414th Ave, Andover SD 57422: irrigation of 37 acres in the SE ¼ Section 15-T122N-R59W (priority date – October 29, 1976).

No. 4459B-3, Roger L Rix, 12960 406 Ave, Groton SD 57445: irrigation of 264 acres in the SW ¼ Section 9, NW ¼ Section 16; all in T122N-R59W (priority date – October 29, 1976).

The remaining 110 acres authorized under No. 4459-3 located in the NE ¼ Section 17 (priority date – December 3, 1979) and the Well #1 located in the SW ¼ SE ¼ Section 15; all in T122N-R59W are owned by George Dylla but leased by Roger L Rix and are included on No. 4459B-3.

As long as you use water beneficially, as stated in the water licenses, South Dakota Water Law provides that you have a continuing right to the use of the water.

If you have any questions concerning the reissued licenses, please contact this office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4459A-3
DIVISION OF NO. 4459-3 INTO 4459A-3 AND 4459B-3

(1) George Dylla was issued Water License No. 4459-3, March 14, 1983 for a water permit to divert 2.61 cubic feet of water per second (cfs) from groundwater (two wells), Day County, South Dakota for irrigation purposes. Water License No. 4459-3 was issued bearing the priority dates of October 29, 1976 and December 3, 1979.

On January 15, 2004, a transfer of ownership was received, transferring a portion of the water right to Roger L Rix. Water Right No. 4459-3 is being divided and reissued to reflect separate ownership. The reissued water rights will be as follows:

No. 4459A-3, George Dylla, 13807 414th Ave, Andover SD 57422: irrigation of 37 acres in the SE ¼ Section 15-T122N-R59W (priority date – October 29, 1976).

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The remaining 110 acres authorized under No. 4459-3 located in the NE ¼ Section 17 (priority date – December 3, 1979) and the Well #1 located in the SW ¼ SE ¼ Section 15; all in T122N-R59W are owned by George Dylla but leased by Roger L Rix and are included on No. 4459B-3.

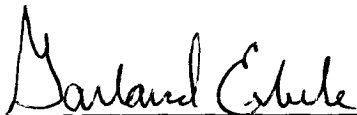
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4459A-3 is issued a license, bearing a priority date of October 29, 1976 to appropriate 0.53 cubic feet of water per second from groundwater (one well) to irrigate 37 acres.

The diversion point is located: Well #2 – 670 feet east and 1,860 feet north from the south ¼ corner of Section 15-T122N-R59W (NW ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 15-T122N-R59W	NW ¼ SE ¼	28 acres
	NE ¼ SE ¼	4 acres
	SW ¼ SE ¼	5 acres
	Total	37 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4459A-3 including the following now applicable qualification:

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



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

APR 23 2004

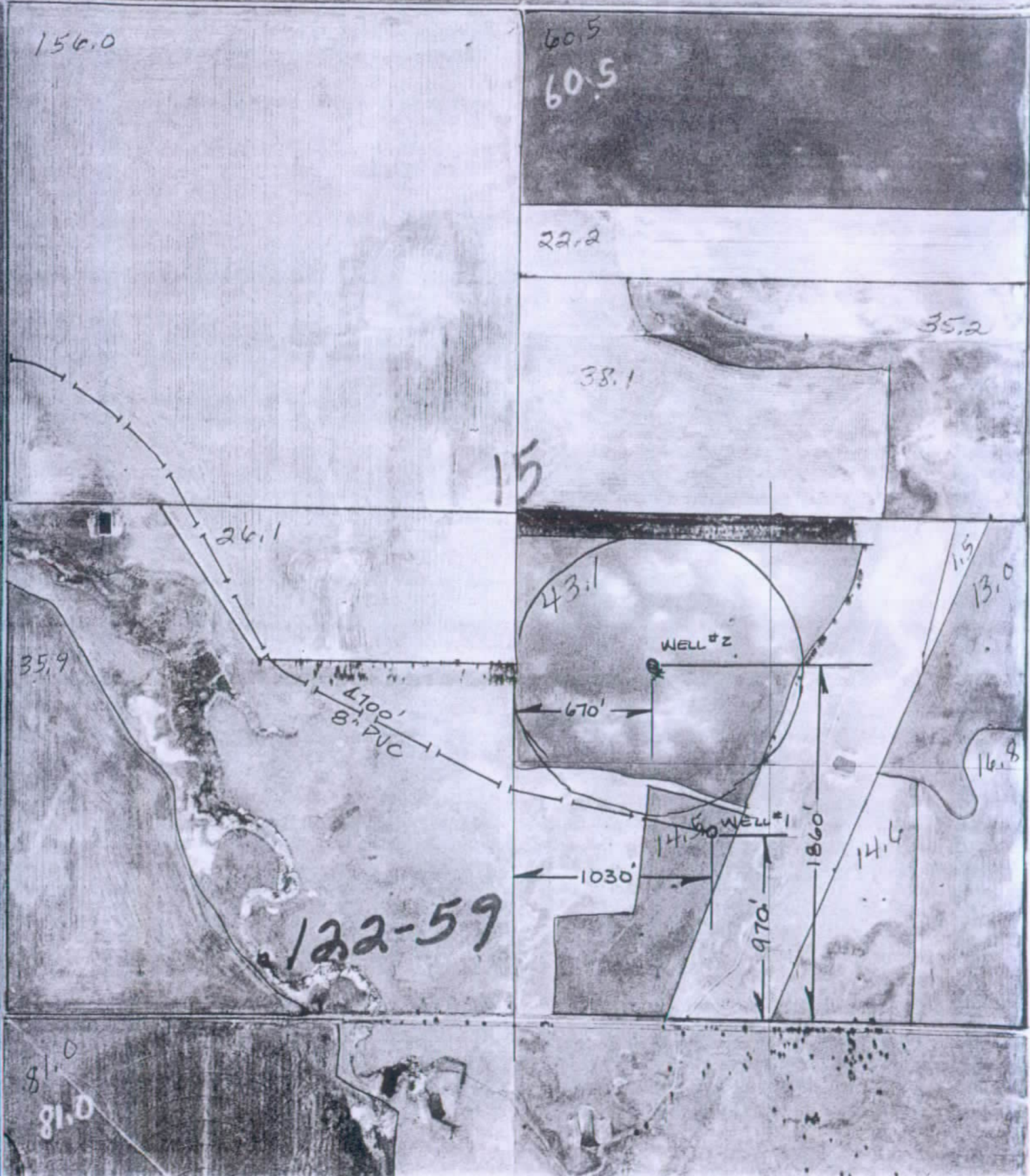
date



NOT TO SCALE

3299

Map # 3686-3



NOT TO SCALE

122-59

8.2

103.4

53.4

2-222B

9

37.4

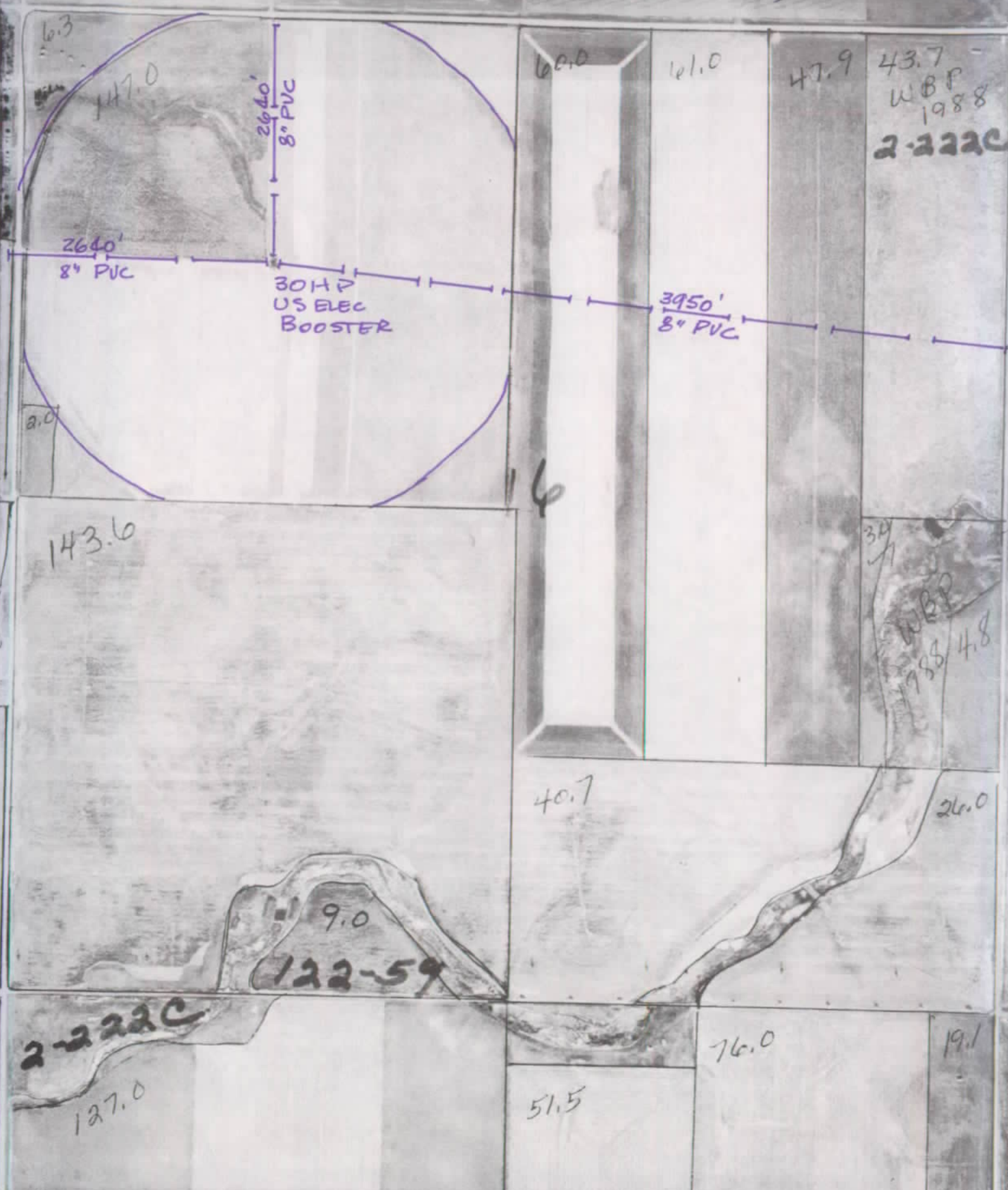
156.2

104.2

122-59

5.8

NOT TO SCALE



water Right 4459-3

NOT TO SCALE

51.4

33.2

2-222C

20.4

77.4

17

300.8

122-59

163.4

108.5

4459A-3

KOLKER LAW OFFICE

102 N. Main
P.O. Box 467
Groton, South Dakota 57445

Richard L. Kolker
Kari A. Bartling

605-397-8464
Fax - 605-397-8497
email: tdlaw@nvc.net

November 5, 2013

PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

RECEIVED

NOV - 7 2013

**WATER RIGHTS
PROGRAM**

Re: George Dylla Sale to Brad Morehouse

To Whom It May Concern:

I am enclosing with this letter a Notice of Transfer of Ownership of Water Right Permit #4459A-3 which is being transferred from George Dylla to Brad Morehouse on the real estate described in the Notice of Transfer.

Also enclosed is a check in the amount of \$50.00 to cover the processing fee.

If there is something further that I need to do please advise the undersigned.

Sincerely,



Richard Kolker
RK/gz

Enc.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

NOV - 7 2013

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 4459A-3Date: November 5, 2013

I/We request that Water Right/Permit No. 4459A-3 formerly owned by:
George Dylla be transferred to:

New Owner Name: Brad MorehouseAddress: 14026 416th AvenueCity, State, Zip Andover, South Dakota 57422 Telephone No. (605)298-5622

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

Southeast Quarter (SE 1/4) of Section Fifteen, Township 122N, Range 59 West of the 5th P.M., Day County, South Dakota, Except Lot One (1) Dylla First Subdivision in the Southeast Quarter (SE 1/4) of Section 15, Township 122N, Range 59W of the 5th P.M., Day County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 4459A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Brad Morehouse, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/8, 20 13

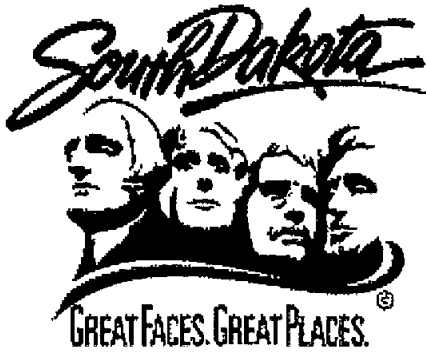
RECEIVED OF Kokler Law Office PO Box 467 Groton SD 57445

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>4459A-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
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. **06478**

By *Jeannine Goodman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2013

4459A-3

Brad Morehouse
14026 416th Ave
Andover SD 57422

Dear Mr. Morehouse:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" and the filing fee from Kolker Law Office for use in changing ownership on Water Right No. 4459A-3.

The ownership change has been completed. Water Right No. 4459A-3 formerly held by George Dylla is now listed in your name. I am enclosing a copy of the water license for your records.

Receipt No. 06478 in the amount of \$50 is being forwarded by copy of this letter to Kolker Law Office. If you have any questions, please contact me.

Sincerely,

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

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

c: Richard Kolker, Kolker Law Office, PO Box 467, Groton SD 57445