

Water Right No. 4722-3

1. Considered 5-1 19 81
2. Name of Applicant MORRIS MORTIMER
3. Post Office Address HITCHCOCK
4. Amount of Water Claimed 2.28
5. Source of Water Supply GROUNDWATER (75' DEEP WELL)
6. Water to be used for IRRIGATION
7. Acres to be irrigated 160 maximum acre feet
8. Water to be diverted and used in BEADLE County
about 5 miles EAST of HITCHCOCK
9. PROOF OF PUBLICATION Received (initials) 4-28-81

Not Received _____

APPLICATION

Approved 5-1-81

Subject to WI-10

Not Approved _____

Action deferred _____

Priority

Date

4-9-81

Received 4-9-81 Application Complete yes ☐ no ☐ FEE 2.50 per

Remarks _____

WATER
QUALITY

Date information and/or
fee or corrected Application received

Period of Annual use APRIL - SEPTEMBER

received yes 2/10/81 no ☐ APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as application (yes) no ☐ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

approx center SW⁴

4-113-62

Lands to be irrigated _____

SW⁴ 4-113-62

WELL
LOG

Remarks _____

Driller Biverside Oil Licensed (yes) no ☐

Depth 75' deep

MAP

Water Right No. _____

Map No. 3932-3 Map located in Water Right X Map file _____

Type of Map Actual Prepared by mes

REVIEWED: This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 4-10-81.

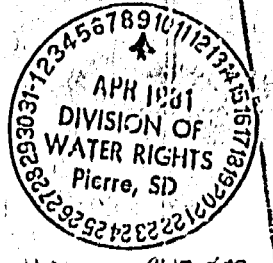
Bjornstang
(Signed)

PROTESTS Letters/Petitions In File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. Remarks _____

No. 4-722-3

Map No. 3932-3 Water Division No. 3 JAMES RIVER District
Above for Office Use



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Morris Mortimer Phone No. 214-2514
Post Office Address RR Hitchcock State SD 57348
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Mortimer Irrigation Project

4. Amount of water claimed (cubic feet per second) 2.28

5. Source of water supply Groundwater

6. Location of point of diversion Center of S1/4 21-113-62

7. Annual period or periods during which water is to be used April - September County Beadle

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>S1/4 S1/4 4-113-62</u>	<u>40</u>		
<u>N1/4 S1/4 " "</u>	<u>40</u>		
<u>S1/4 " "</u>	<u>40</u>		
<u>S1/4 " "</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Bureau Daily Plainsman

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipeline

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 55,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Beadle) ss.

I, Morris Mortimer, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to, complete the necessary construction.

Signed Morris E. Mortimer

Subscribed and sworn to before me this 3 day of April, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4722-3

MORRIS MORTIMER
(Applicant)

RR. HITCHCOCK
(Post Office Address)

SOUTH DAKOTA 57348
(State)

With the following qualifications.

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

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See 4722-3A

Date of first receipt of application April 9, 19 81
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application April 10, 19 81
Approved May 1, 19 81, Recorded in Book 22 Page 162

WATER RIGHT PERMIT NO. 4722-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4722-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 9, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 1, 19 82
3. The whole of said work is to be completed on or before May 1, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 1, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before May 1, 19 83; said water to be used during the following described annual period: April - September

Witness my hand this 20th day of May, 19 81

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued , 19

IRRIGATION DRILLING CO.

ROUTE 1

HURON, SOUTH DAKOTA

FH. 377-4287

DRILLING REPORT

Location of Well: _____ 1/4, _____ 1/4, Section _____ Township _____ Range _____

Well to be drilled for: 11/12/79 Workmen 11/12/79

Date well drilling started..... finished.....

Depth _____ ft. Casing Diameter _____ inches

[illegible]

Screen Depth, From _____ ft. to _____ ft. Elapsed Time From _____

Remarks	State of Pumping
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1 Mile

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Formation	Clay	Silt	Sand	Depth (ft.)	Formation	Clay	Silt	Sand	Depth (ft.)
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Travel, (City) Hotel, etc.	From	To	From	To
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[illegible]

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11-8-63	62	35		
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<u>TOTAL</u>	36	75							
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John L. L.	11/7/11				
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D. Well Information

- (1) Drill Hole, Diameter 2 7/8", Depth 113
- (2) Casing, Type PVC (wood, concrete, steel, etc), Diameter 1 1/2", Thickness 5/8
- (3) Screen, Type PVC, Diameter 1 1/2", Length 2.5 ft
- (4) Gravel Pack, Thickness 6 1/2" sand, Length of gravel pack 113 ft

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 75 ft

Depth to bottom of water bearing material 113 ft

Depth to water (ground surface to water level) 45 ft

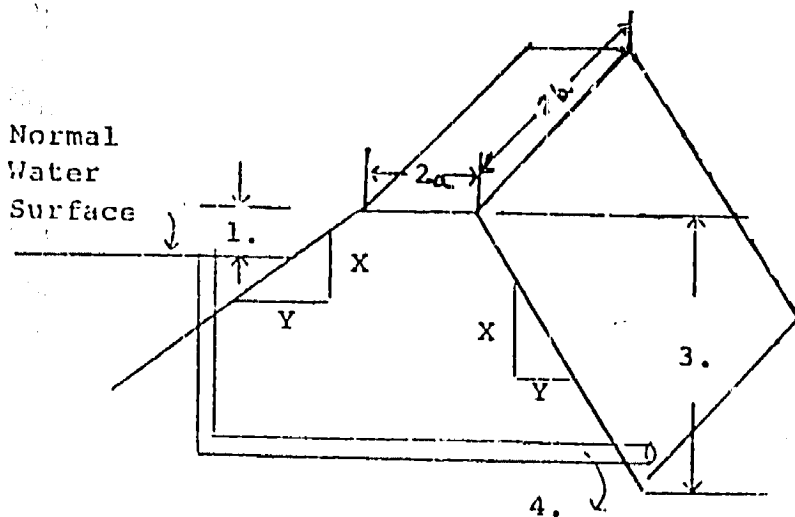
(2) Distance to nearest existing household or livestock watering well.

On same owner's property 170 rds.

On property owned by others 190 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a. Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

4722-3

COUNTY LAND LOCATED IN: Bendle. PHONE: 266-2564.

10. TENANT'S NAME AND ADDRESS: (If Other Than Owner)

in accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)
WELL LOCATION OR DIVERSION POINT: Center of SW 1/4 41-113-162

SURFACE WATER SOURCE Groundwater

LOCATION OF AREA TO BE IRRIGATED: SW 1/4 1-113-162

LOCATION OF AREA TO BE IRRIGATED: SW 1/4 7-115 002

INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

TYPE OF IRRIGATION: (SHOW APPROXIMATE PERCENTAGE OF EACH TYPE USED)
GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____ OTHER (Specify) _____

7. CROPS TO BE IRRIGATED alsalsa, corn, wheat

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LAND

LAND: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 81-190

3. SALINITY (EC $\times 10^6$) 15.50

10. SODIUM (SAR) 2.11 ADJUSTED (SAR) 5.80 4.06

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 11:00 A.M./P.M., on Feb. 23, 1981, at the following location: SW/4 4-113-602

location: SW 1/4 4-113-62
by (individual who took sample if other than applicant). I also
hereby certify that the water sample taken has NOT been adulterated or tampered with in any
manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-
described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Beadle County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

Morris E. Martinez

SUBSCRIBED AND SWORN BEFORE ME THIS
24th DAY OF February, 1981.

24th DAY OF February, 1981
 Andrea C. Schilling
 (NOTARY PUBLIC)

Morris E. Mortenson
APPLICANT'S SIGNATURE

Lois M. Finkel
Director, Division of Conservation

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



I M P O R T A N T

Action by the Department of Agriculture or the State Conservation Commission is not the action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

4728-3

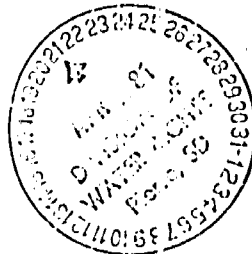
Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Morris Mortimer

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

The Lane soils have designated wet spots (+) and these areas should be
drained or left in permanent vegetation when ponding or traction problems
occur. With the flat topography in your area, surface drainage may not
be so easily achieved.

No. 4722-3

Publish first publication, or or before April 17, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Morris Mortimer whose post office

address is Hitchcock, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 7.28 cubic feet of water per second of time from ground water

(one well) through the Mortimer Irrigation Project, the point ~~(xxx)~~ of diversion of which is ~~(xxx)~~ to be located in the approximate center of the SW $\frac{1}{4}$

of Section 4, Twp. 113N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, Section 4, T113N, R62W

This Application No. 4722-3 will be considered by the Water Management Board at the Civil Defense Room State Capitol Building, Pierre, SD upon the 1st day of May, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Morris Mortimer
RR, Hitchcock SD 57348

BETTY WESTLUND
Water Rights Specialist

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

No. 17223

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, Linda Schlotter hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

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

city Huron of Huron

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

April 17, 1981

April 24, 1981

Linda Schlotter
(Signature)

bookkeeper
(Title)

4-24-81
(Date Signed)

P.D. 4-17-81 L.P. 4-24-81

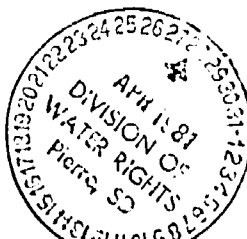
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501

April 10, 1981
Notice is hereby given that Morris Mortimer, whose post office address is Hitchcock, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-14; 46-2-1 thru 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-3.1; 46-6-5; 46-6-6.1; 46-6-10; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from groundwater (one well) through the Mortimer Irrigation Project, the point of diversion which is to be located in the approximate center of the SW 1/4 of Section 4, Twp. 113N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SW 1/4, Section 4, T113N, R62W.
This Application No. 47223 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Bldg., Pierre SD upon the 1st day of May, 1981, at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
Betty Westlund
Water Rights Specialist
(No. 209 (adv.))



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No. 4 8149

PIERRE, April 9, 1981

RECEIVED OF Morris E. Mortimer, Hitchcock, SD 57348

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

Fee for Application for Permit to Appropriate Water No. -----4722-3-- (examination, processing, recording and filing) -----	250.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.-----	
Fee for Inspecting Beneficial Use, and Issuing Water Licence 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 -----	
(any other work as provided by law)	
TOTAL	250.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / et

Water Rights Division
605 773-3352

September 4, 1981

Jack Haimbuch
Oreska,
North Dakota 58063

Dear Mr. Haimbuch:

Enclosed please find the copies of Permit Nos. 4722-3 & 4723-3, Morris Mortimer which you requested several weeks ago.

Permit No. 4722-3A for an additional point of diversion will be acted on at the Water Management Board meeting October 7, 1981.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

Enclosure

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 27, 1982

This is to notify you that the title to the lands described as follows:
SW $\frac{1}{4}$ Section 4, R113N, P62W

_____ formerly owned by Morris Mortimer

_____ has been transferred to Jack Hermbach, RR Box 124, Hitchcock SD

_____ together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4722-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Jack Hermbach 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.

Jack Hermbach
(Signed)

Subscribed and sworn to before me this 27th Day of July, 1982.

Genny Young
(Notary Public)
Water Rights Specialist

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 27, 1992

Jack Heimbuch
RR, Box 124
Hitchcock SD 57348

Dear Mr. Heimbuch:

Enclosed are receipt Nos. 8915 thru 8920 in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 1608-3, 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3.

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

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosures

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8916

PIERRE, July 27 1982

RECEIVED OF Helmuth Farms, Hitchcock SD 57348
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 <u>transfer of Permit No. 4722-2</u>		2 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
601 773-3352

March 22, 1983

4722-3, 4722-3A, 4723-3, 4723-3A
Jack Helmbuch
RR Box 124
Hitchcock SD 57348

Dear Sir:

4722-3, 4722-3A

Water Permit No. ⁴⁷²³⁻³4723-3A was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

1608-160
4-12-36
4-22-36
4-22-36
4-22-36
4-22-36

WATER RIGHTS DIVISION
Cancellation of Title Documentation

NAME OF PERSON OR FIRM: Jack Heimbuch

ADDRESS: RR# 1 Box 129 Hitchcock
COUNTY: Beadle

DATE: 7-8-86

TELEPHONE:

RE: Suspended W.R. & Transfer

COMMENTS:

Inspection of Jack Heimbuch's suspended water rights was done at 12:30 P.M., 7-2-86. At this time none of the land on the permits mentioned above were being irrigated. Upon further investigation it was discovered that Mr. Heimbuch's land had been sold to Larry Lovett and Thomas B. Tobin. It is also believed that Mr. Lovett and Mr. Tobin are irrigating the land.

NAME:

Michael Jensen

Improper notice - permits not suspended.

1608-3 - Jack Heimbuch is also owned by Lovett & Tobin



Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION

(605) 773-3352

1608-3
4722-3
4722-3A
4723-3
4723-3A
4794-3

July 31, 1986

Thomas Tobin, Attorney
P.O. Box 1456
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Please find enclosed copies of a Notice of Transfer of Water Permit form. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$15.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$15.00 the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.6



Department of Water & Natural Resources

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

April 2, 1986

Jack Heimbuch
RR 1, Box 124
Hitchcock, SD 57348

NOTICE

Re: Violation of Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 and 1985 Irrigation Questionnaire Requirements.

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3. The request for the questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board of violation of Water Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will also be to determine if Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 p.m., May 14, 1986, in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-20.

Following the hearing(s), the Water Management Board can:

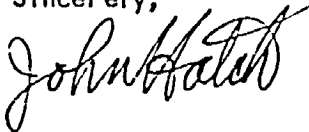
1. Suspend Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 1608-3, 4794-3, and 4722-3 until either the 1985 Questionnaire is submitted or for the period of up to one year;

Jack Helmbuch
April 2, 1986
Page 2

2. Amend Permit No(s). 4723-3 A, 4722-3 A, 4723-3, 4794-3, and 4722-3 also held by Jack Helmbuch to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) are received in this office before the May 14th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

D32403KS.WR

**South Dakota Department of
Water & Natural Resources**

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Jack Heimbuch
RR 1 Box 124
Hitchcock SD 57348

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

*John Hatch
by Del Bragg*

SUBJECT: One Year Suspension of Water Permit No(s). 4722-3,
4722-3A, 4723-3, 4723-3A, 4794-3 If the 1985
Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated April 2, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4722-3, 4722-3A, 4723-3, 4723-3A, 4794-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 19, 1986

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

SW 1/4 Section 4, T113N-R62W

formerly owned by Jack Heimbuch, RR#1, Box 124, Hitchcock, SD

has been transferred to Thomas M. Tobin and Larry Lovett, 1208 Apollo Ave., Aberdeen SD
(please include complete mailing address) 57401
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4722-3 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)
) ss.
County of Brown)

I, Thomas M. Tobin being first duly sworn on my oath despose 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.

Thomas M. Tobin
(Signed)

Subscribed and sworn to before me this 19th Day of August, 1986.

Jim Charitz
(Notary Public)
3-20-86



RECEIPT

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

410526

Pierre, _____ August 20, 19 86

RECEIVED OF Thomas Tobin, 1208 Apollo Ave., Aberdeen, WY 82401

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>4722-3</u>		
Fee for Filing Extension Request _____		2 50
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 [Signature]
Chief Engineer

JOHN HATCH/ms



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1608-3
4722-3
4723-3
4723-3A
4794-3
4722-3A

August 21, 1986

Thomas M. Tobin
1208 Apollo Avenue
Aberdeen, South Dakota 57401

Dear Mr. Tobin:

Enclosed are receipt Nos. 410525, 410526, 410527, 410528, 410529 and 410530 in the amount of \$2.50 each total of \$15.00 which you paid for transfer of Water Right Nos. 1608-3, 4722-3, 4723-3, 4723-3A, 4794-3 and 4722-3A.

Our records now show Thomas M. Tobin and Larry Lovett as the owners of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.6

Equal Opportunity Employer



No. 4794-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 4 1987

Larry Lovett & Thomas Tobin
PO Box 1766
Aberdeen, South Dakota 57401

Dear Mr. Lovett & Mr. Tobin:

Enclosed herewith is, Water License No. 4794-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3 have been incorporated into this Water License No. 4794-3.

WNR-817 3/83

Transmittal of Water License



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501

WATER RIGHTS DIVISION

Phone (605) 773-3352

No. 4794-3

NOV 4 1987

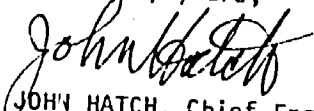
Larry Lovett & Thomas Tobin
PO Box 1766
Aberdeen, South Dakota 57401

Dear Mr. Lovett & Mr. Tobin:

Enclosed herewith is, Water License No. 4794-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit Nos. 4722-3, 4722-3A and Vested Water Right No. 1608-3 have been incorporated into this Water License No. 4794-3.

WNR-817 3/83

Transmittal of Water License

NOT TO SCALE

186

71.0

18.4

178-151 L

3.8

Jimmy
H. Schlegel

4

27.0

4

Morris
Mortimer

4

Erich Hellmacker

4

83.5 1280
+ 6.6 head(m)
90.1

1300

76.6

113-62

4.9

266.9

Leo
Vestkenn

50

97.1

BEADLE CO. ASCS
Box 1297
Huron, S.D. 57350

4

MAP No 3932-3 Appl No 4722-3