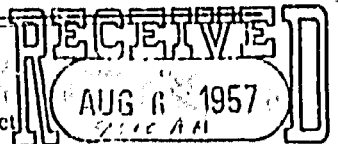


1. Considered about 1900, 1900 Appl. No. 4000-3
2. Name of Applicant John L. Haver
3. Post Office Address Payson, Mont. 59041
4. Amount of water claimed 2.72 cfs
5. Source of water supply Spring
6. Water to be used for irrigation in the project
Acres to be irrigated
7. Water to be diverted and used in Mont. County about
 miles of .
8. Proof of Publication Received
Not Received
9. Application Approved
Subject to
Not approved
Action deferred
10. Remarks:



No. 492-3
 Water Division No. 3 District 519
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

TRANS: 10-20-78

To Appropriate Water within the State of South Dakota
HERBERGER'S
518 ST GERMAIN ST. 5630
ST CLOUD, MINNESOTA 56301
 Name of applicant The First
for Jane Tigner Schaller, Ma.
 Postoffice address Watertown
Watertown Mall Associates
Three Commerce Park Square
23200 Chagrin Blvd.
Beachwood, Ohio 44122
 TRANSFERRED: 2-16-79
RAEBERGERS
S MAPLE, WATERTOWN, SD
as Agent
Emb Cave
State South Dakota

I. If a corporation yes

- (a) Name of same The First Citizens National Bank of Watertown, Watertown S. Dak.
 (b) Date and place of incorporation Sept. 19, 1885, Watertown South Dakota.
 (c) Amount of capital stock \$250,000.00
 (d) Amount paid in \$250,000.00
 (e) Names and addresses of directors J. W. Ehrlstrom, W. D. Givon, I. S. Holen
C. H. Lockhart, J. A. McGilivray, L. S. Spencer, E. G. Tobin and R. H. Walrath,
all of Watertown, South Dakota.

(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)
Construction of a well by Herberger's Inc. tenants of building by contract
 (b) Cash on hand, \$ ample (c) Treasury, stock, \$ none
 (d) Bonds to be issued, \$ none (e) Other resources, \$ ample
 2. Name of diversion work Well to furnish water for air conditioning of building
Well under Herberger's store
 3. Amount of water claimed .22 cubic feet per second
 4. Source of water supply Underground
 5. Location of point of diversion Lot 5 and the North Half of Lot 6, Lot 9, Original Plat,
Watertown, South Dakota on bank County.
 6. Annual period or periods during which water is to be used Summer season
 7. To be used for:
 I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? for Air conditioning
 (a) Number of acres to be irrigated none acres.
 (b) Legal subdivisions to be irrigated none
 (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.) Well water for air conditioning
system Herberger's store, 19 South Maple St., Watertown, South Dakota

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. 3763

8. Estimated cost of work:

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

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

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

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$1500

9. Description of diversion works:

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

Well

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 ----- face

material used in construction -----

(b) Reservoir: Capacity when filled ----- Surface ----- 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 30 days

11. Time required for complete application of water to the proposed beneficial use 30 days

12. Choice of newspaper for publication of notice of intention to appropriate Watertown Public

Opinion -----

STATE OF SOUTH DAKOTA

County of Codington

SS.

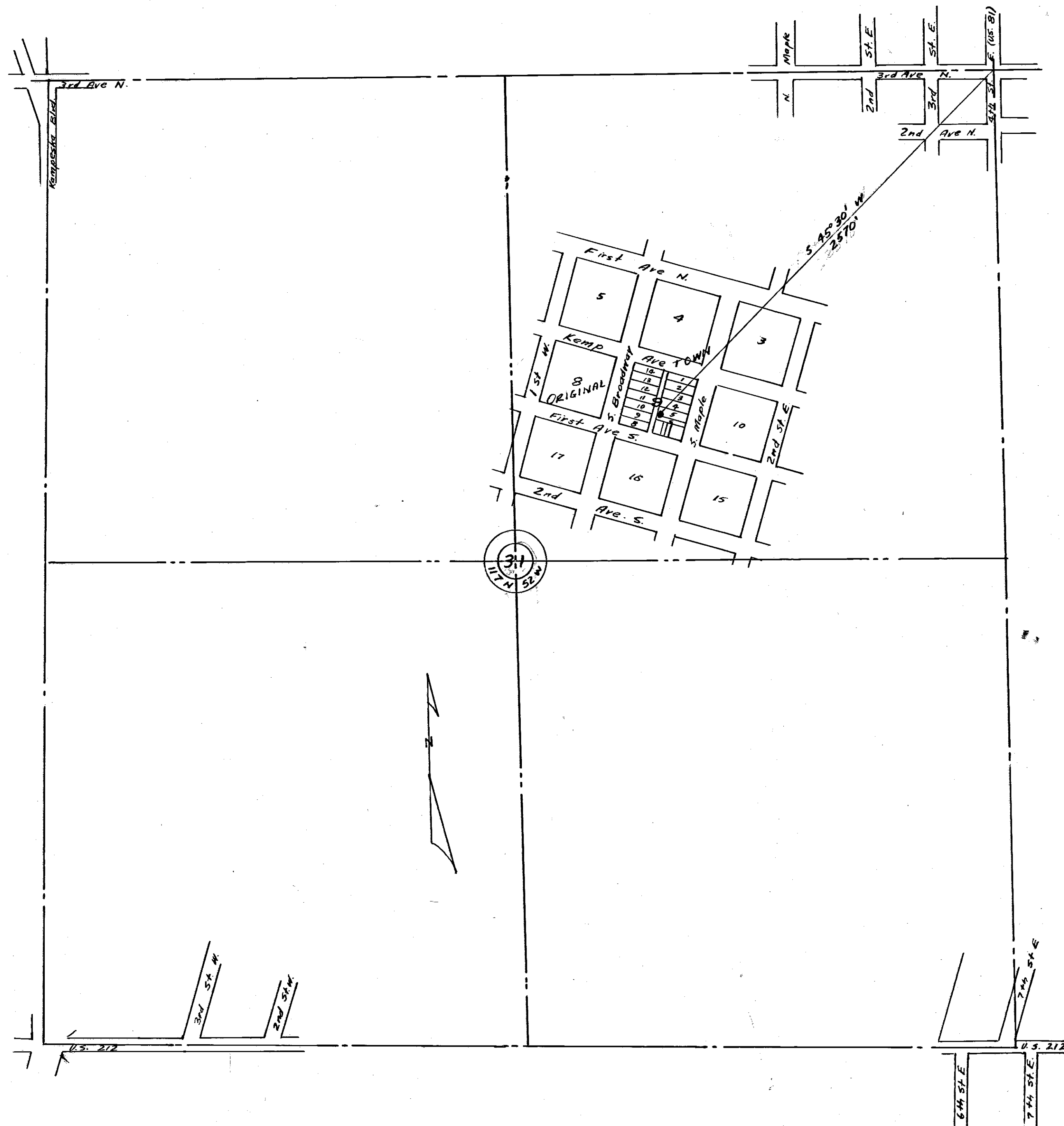
I, C. H. Lockhart, President, The First Citizens National Bank, first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of officer, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 5 day of August 1907

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Surveyors Certification

I, John O. Babcock, a Reg. Prof. Eng. & Land Surveyor of Watertown, S. Dak., do hereby certify that, at the instance and request of the First Citizens Nat'l Bank, as Trustee of the trust created by Jane Tegner Schaller, Marie Louise Noble, and Eleanor Liscomb Care, Owners of Lot 5 and the N 1/2 of Lot 6 in Block 9, Original Town of Watertown, Codington County, S. Dak., I did on or prior to the 2nd day of August 1957, Locate by Course and Distance, From the N.E. Corner of Sec. 31, T.117N, R.52W of the Fifth R.M., the Air Conditioning Well Site.

I hereby certify that the adjoining Plat shows the Location of the Well Site as surveyed by me.

In Witness Whereof, I have hereunto Set my Hand & Seal this 2nd day of August, 1957.

John O. Babcock
Reg. Prof. Eng. & Land Surveyor

STATE OF SOUTH DAKOTA } ss.
COUNTY OF CODINGTON

On this 2nd day of August, 1957, before me the undersigned Officer personally appeared John O. Babcock, a duly Registered Professional Engineer and Land Surveyor in the State of South Dakota, known to me to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and seal.

Ragel Blum
Notary Public

My Commission Expires March 1959

Map No. 376-3
(Appl. No. 494-3)

WATER RIGHTS APPLICATION MAP
FOR - First Citizens Nat'l Bank as Trustee of
the trust created by Jane Tegner Schaller,
Marie Louise Noble, and Eleanor Liscomb Care.
Lot 5 & N 1/2 of Lot 6, Block 9, Original
Town of Watertown, Codington County
South Dakota
Prepared by John O. Babcock
Reg. Prof. Eng. & Land Surveyor
Watertown, South Dakota
August 2, 1957
SCALE 1" = 400'

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Butte } ss.

Pierre, South Dakota, September 16, 1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
7 m. upon the 6 day of August, 1957

State Water Resources Commission

By:

W. H. Brinner
Chief Engineer, Executive Officer

Number of permit 494-3

Date of first receipt of application August 6, 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 August 16, 1957

Approved October 16, 1957 Recorded in Book 4 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 _____

October 16, 1958
2nd. The whole of said work is to be completed on or before October 16, 1958

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

October 16, 1958
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 0.22 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 October 16, 1958; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this 14 day of November, 1957

State Water Resources Commission

By:

W. H. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued November 29, 1957

Water License Issued November 29, 1957

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 46' , Depth 35'
Type of casing concrete
(wood, concrete, steel, etc.)
Size of casing 36" , Thickness of casing 4"
Length of casing 31' If collection gallery, length, size and depth of
gallery None

(b) Screens

Type of perforated screen Welded screen
Size of perforated screen 44" , 45"
(diameter) (length)
Thickness of gravel pack 6" , length of gravel pack 45"

(c) Water Bearing Materials

Distance to water 28' Character of water bearing materials
Sand and gravel

Thickness of water bearing material 6'

(d) Pump and Motor

Type of pump centrifugal
(centrifugal, propeller, mixed flow, etc.)
Name of pump Denning , size Not determined
Kind of motor electric
(gasoline, electric, diesel, etc.)
Horsepower 2 HP , Name of Motor General Electric

(e) Complete well

Capacity not determined drawdown of Estimated cost \$1700

(f) Owner of land upon which well is located

Name

Address

(g) Distance to nearest existing wells

On same owner's property None rods On property owned by others 6 rods

Form 15.

Permit No. 494-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Herberger's Inc.

_____ the holder _____ of
Permit No. 494-3, issued upon Application No. 494-3, bearing date of priority of
August 6, 1957 authorizing the diversion of .11 cu. ft. per second of the waters of
ground water County of Codington, State of South Dakota
2576 feet South, 45° 30' West of the NE corner, Section 31, T117N, R52W

_____, for commercial

purpose, has ya 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 .11 cu. ft. per second of water.

Date November 29, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 494-3.

(1) WHEREAS, On the 6th day of August A. D. 19 57

The First Citizens National Bank of Watertown, SD as Agent for Jane Tignor

Schaller, Marie Louise Noble and Eleanor Liscomb Cave

made Water Right Application No. 494-3 for a permit to use .22 cubic feet per second of the waters of ground water

County of Codington, State of South Dakota, for commercial

purposes and

(2) WHEREAS, On the 16th day of October A. D. 19 57

Permit No. 494-3 with a date of priority of August 6, 1957

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 16th day of October A. D. 19 58 and for the

application to beneficial use of said water on or before the 16th day of October A. D. 19 58

WHEREAS, on 20th day of October, 1978 this permit was transferred to Herbergers Store, 518 St. Germain Street, St. Cloud, Minnesota,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .11 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

water to be used in an air conditioning unit for the Herberger's Store in

Watertown, South Dakota.

(5) 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 Herberger's

_____ of St. Cloud, MN

the holder S and owner S of said permit No. 494-3 a water right, dating from August 6, 1957

_____ to use of .11 cubic feet per second of the waters

of ground

in the County of Codington and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted ~~xx~~ 2570 feet South, 45° 30' West of the NE corner

of Section 31, T117N, R52W

and ~~xxxxxx~~ water to be used in an air conditioning unit

for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 494-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of November A. D.

Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

(First Publication before September 29, 1957.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 10, 1957.

and Eleanor Liscomb Cave

Notice is hereby given that Jane Tigner Schaller, Marie Louise Noble whose postoffice

address is Watertown S. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.22

cubic feet of water per second of time from ~~the~~ ground water through the

Well

in Lot 5, Block 6, Original Town of Watertown

Said water to be used for the purpose of providing

for the following described land:

water for business use Lot 5 and The 1/2 Lot 6, Block 9, Original
Town of Watertown.

and for purposes:

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16 day of October, 1957, 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 Wyborov, Water Rights Engineer
Chief Engineer, Executive Office

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., Sep-
tember 10, 1957.

Notice is hereby given that Jane
Tigner Schaller, Marie Louise Noble
and Eleanor Liscomb Gave whose
postoffice address is Watertown, S.
Dak., have made an application in
accordance with the provisions of
the water laws of South Dakota for
a permit to appropriate for bene-
ficial use 0.22 cubic feet of water
per second of time from ground
water through the well, the point
of diversion of which is to be lo-
cated in Lot 5, Block 6, Original
Town of Watertown. Said water to
be used for the purpose of providing
water for business use Lot 5 and
The N½ Lot 6, Block 2, Original
Town of Watertown.

This application will be taken up
by the State Water Resources Com-
mission at their office at Pierre for
consideration upon the 16 day of
October, 1957, at 2:00 p. m. All in-
terested 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 in-
formation presented.

State Water Resources 38
Commission
By: Les Wyborny, Water
Rights Engineer
(Sept 13-20-27-Oct. 4, 1957)

RECEIVED
OCT 23 1957

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA.
COUNTY OF CODINGTON

SS.

Kenneth J. Way

of Watertown, S. D.

being duly sworn, on oath says: That the WATERTOWN PUBLIC OPINION has
been during all the times herein mentioned, and is a daily legal newspaper of
general circulation, printed and published daily (except Sundays), in Watertown,
in said county and state, by Watertown Public Opinion Co., a corporation organ-
ized and existing under the laws of the state, with its main office and place of
business at Watertown, S. D.; that said corporation is the owner, printer and pub-
lisher of said newspaper; and that I, the undersigned, am an officer of said cor-
poration, to-wit: Its **General Manager**
and as such
have charge of printing and publishing said newspaper;

And that I have personal knowledge of all the facts herein stated, and am
duly authorized to make, and do make this affidavit in behalf of said corporation;
and that the "Notice" headed or designated **Appropriation of water...**

a printed copy of which is hereunto attached, was printed and published in the
regular and entire issue of said newspaper, and not in supplement, for **four**
successive **weeks**, as follows:

The 1st publication was made on the **13th** day of **September**, 19 **57**
The 2nd publication was made on the **20th** day of **September**, 19 **57**
The 3rd publication was made on the **27th** day of **September**, 19 **57**
The 4th publication was made on the **4th** day of **October**, 19 **57**
The 5th publication was made on the day of, 19
The 6th publication was made on the day of, 19
The 7th publication was made on the day of, 19
The 8th publication was made on the day of, 19
The 9th publication was made on the day of, 19
The 10th publication was made on the day of, 19

And that said newspaper has been during all the time herein mentioned,
and is a legal newspaper, and has a bona fide circulation of at least 200 copies
daily, and has been published in the English language, in Watertown in said
Codington County, six days each week, for more than one year next prior to the
first publication of said notice, and was and is printed in whole in an office main-
tained at Watertown, S. D., the place of publication thereof; that the full amount
of the fee charged for the publishing of said notices inures to the benefit of the
publisher of said newspaper; that no agreement or understanding for the division
thereof has been made with any other person, and that no part thereof has been
agreed to be paid to any person whomsoever, and that the fees charged for the
publication thereof are \$ **16.47**.

Kenneth J. Way

Subscribed and sworn to before me this **4th** day of **October**

A. D. 19 **57**
(SEAL)

James H. L. Lavelle
Notary Public, S. D.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6557

October 20, 1978

PIERRE, _____

RECEIVED OF Herberger's, G.R. Herberger's Inc., 518 St. Germain St., St. Cloud, MN 56301
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. <u>(494-3)</u>	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>(494-3)</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

9Y

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: July 17, 1978

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

Herbergers store, 19 S Maple, Watertown, SD G. R. Herbergers, Inc.

518 St Germain St., St Cloud, MN 56301

formerly owned by Jane Tigner, Marie Louise Noble, and Eleanor Liscomb Cave

has been transferred to Herberger's, St. Cloud, MN 56301

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 494-3 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 Commission 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 Minnesota)
~~SOUTH DAKOTA~~) ss.
County of Stearns)

I, S. A. Wampach 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.

G. R. Herberger, Inc.

By S. A. Wampach, Secy
(Signed)

Subscribed and sworn to before me this 17th Day of October 1978.



M. A. Sundberg
(Notary Public)
M. A. SUNDBERG
Notary Public, Benton County, Minn.
My Commission Expires March 21, 1981

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6558

PIERRE, October 20, 1978

RECEIVED OF Herberger's, G.R. Herberger's Inc., 518 St. Germain Street
the following amount in fees for services rendered as provided for by law: St. Cloud, MN 56301

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 _____ transfer of water right # 494-3 _____		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 H. H. H.
Chief Engineer, Executive Officer
JOHN H. H. H. ay

FORM 20

No. 494-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: February 2, 1979



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

See Attached

formerly owned by G. R. Herbergers, Inc.

has been transferred to Watertown Mall Associates

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 494-3 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 Commission 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.

OHIO
STATE OF ~~SOUTH DAKOTA~~)
County of ~~DAKOTA~~ CUYAHOGA) ss.

Bert L. Wolstein, General Partner
of Developers Diversified, General
I, Partner of Watertown Mall Assoc. 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 2nd Day of February 1979.

[Signature: Marjorie Levine]
(Notary Public)
MARJORIE LEVINE
Notary Public, State of Ohio - Cuyahoga Co.
My Commission Expires Dec. 20, 1980

Lot Five (5) and the North Half ($N\frac{1}{2}$) of Lot Six (6), Block Nine (9) of Watertown, as platted and of record together with all buildings and improvements thereon.

Lot numbered Four (4) in Block numbered Nine (9) of Watertown, as platted and of record, together with all buildings and improvements thereon; subject to any party wall agreements of record.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6795

PIERRE, February 16, 1979

RECEIVED OF Watertown Mall Associates, Three Commerce Park Sqaure, 23200 Chagrin Blvd.
the following amount in fees for services rendered as provided for by law: Beachwood, Ohio 44122

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 _____ transfer of water right No. 494-3	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 gy

494-3 Albery North and Corv
transfer to Wedegars,
St Cloud, Minn. 56301
W.D. Sept. 35 ft, 26 ft water
Pump Centrifugal, 2 HP
Pumping 50 gpm out

Used for the air conditioning
system for the Wedegars
store.

494-3 Betty W.

7-1448

Would you please check over the
litter etc for Wedegars. It is
an old permit and I think
it would be best to transfer it
and license it all new.

This store is going to be
moved out to a Mall St. of
Water town and possibly could
change hands again. So maybe
we should get it up to date
as possible now.

Thanks

S. J. W. M. M.

July 17, 1978

Herbargers
Se. Cloud MN 56301

Dear Sir:

Enclosed is a form 20, Notice of Transfer of Water Permit, which we would like to have you check the form over, make any necessary corrections, sign, notarize the form and return it to this office with a check for \$2.50 to cover the cost of filing fees. This permit was originally obtained by Shaller, Noble and Cave, former owners of the property, to be used in the air conditioning system.

South Dakota water laws state that the permits stay with the property, therefore, this permit is being transferred to you, who we understand are not the owners of the property.

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under Water Right Permit Number 494-3 has been completed. Your final water right document, the Water License, can now be issued to you.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of this \$12.00 fee from you your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

This license stays with the property. Each permit is given but one final inspection, therefore this will be the only inspection fee this will ever need.

If you have any further questions, please feel free to contact this office.

Sincerely,

LeROY J. MERNAUGH,
Water Resources Engineer

LJM/gy

encl

Permit No. 494-3Water Division 3 Big Sioux River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Herbergers
of St Cloud, Minnesota - 56301 holder
 of Permit No. 494-3, bearing date of priority of August 6, 1978
 authorizing the diversion of .22 cu. ft. per second of the waters of Ground
 for Commercial (Air Conditioning) purposes, in Codington County.

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

The Water Use System consists of,

A. Works used to divert the water:

Two Horse power Electric motor,
Centrifugal Pump, pumping 50 gpm.

B. Works used to transport water to place of use,

C. Works used to apply water to beneficial use.

Air Conditioning Unit for Herbergers store

The system is in the following condition: Good.

The point of diversion is located 2570 feet, S 45° 30' W of the
NE corner of Section 31, T47N R52W

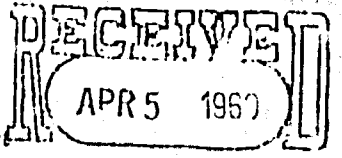
The works are capable of diverting and conveying to the place of use 0.11cu. ft. per second of water which is to be used for Commercial Purposes

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Date June 14 1978

Leroy Mernaugh
 (Signature)

Permit No. 494-3Water Division No. 3 Big Sioux River Water DistrictSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Watertown, South Dakota(Date) April 1, 1960

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 0.22

cub. ft. per second of the waters of the state from and
through the well
for air conditioning purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is The First Citizens National Bank of Watertown, South Dakota, as Agent for Jane Tigner Schaller, Marie Louise Noble and Eleanor Liscomb Cave.

2. The postoffice address of such person or the place of business of such corporation is Watertown
County of Codington State of South Dakota

3. The number of such permit is 494-3 and the date set for the completion of such work is October 16, 1958

4. Said water to be used for Air Conditioning purposes.

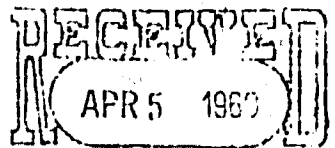
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 0.22 cubic feet per second.

6. The amount of land for which said water is available is None acres,
particularly described as follows:

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

First Citizens National Bank of
Watertown, Watertown, South Dakota,
Agent for Jane Tigner Schaller, Marie
Louise Noble and Eleanor Liscomb Cave.

Permit No. 494-3Water Division No. 3 Big Sioux Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Watertown, South Dakota(Date) April 1, 1960

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____
1960, at Watertown _____ County of Codington _____ State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 0.22 cubic feet per second of the waters of Big Sioux Water District
 _____ in accordance with the terms and conditions of Permit No. 494-3
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are The First Citizens
National Bank of Watertown, Watertown, South Dakota, as Agent for Jane Tigner,
Schaller, Marie Louise Noble and Eleanor Liscomb Cave, Watertown, South Dakota

2. The use to which said water has been applied is Air Conditioning of Building
known as "Herbergers Department Store".

3. The amount applied to beneficial use is 0.22

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands ir-
 rigated) ~~XXXXXXXXXX~~ Herberger's Department Store, 19 S. Maple,
Watertown, South Dakota

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Aquifer

6. The right to take the water from such works is based upon permit No. 494-3

7. The source of supply from which such water is diverted is Sioux River Watershed (Aquifer)

8. The date of priority which said user is prepared to establish is October 16, 1958

(Sign)

Trust Officer
First Citizens National Bank of
Watertown, Watertown, South Dakota,
Agent for Jane Tigner Schaller,
Marie Louise Noble and Eleanor
Liscomb Cave.

2nd person

July 30, 1957

Mr. C. H. Lockhart
The First Citizens National Bank
Watertown, South Dakota

Dear Mr. Lockhart:

Your letter of July 25 concerns acquisition of water rights for commercial use of water in the Herberger's Store for air conditioning purposes.

While not mandatory, water rights should be obtained in the name of the owners of the land. Your Bank may apply for and obtain water rights in the name of the owners as agent for the owners of the land and Herberger's Store building. Signature of application by Bank officials as agent is satisfactory.

I realize that the application form is somewhat lengthy in this case. It is, however, both application and permit (last page). We do not have a shorter form. When completing the form, you may leave blank those items not applicable.

Should you desire, I will be pleased to help with your application.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls



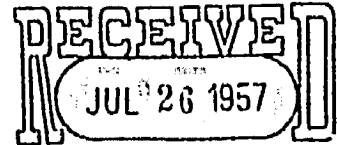
THE FIRST CITIZENS NATIONAL BANK

Oldest and Largest Bank in Northeastern South Dakota

AFFILIATED WITH NORTHWEST BANCORPORATION

WATERTOWN, SOUTH DAKOTA

July 25, 1957



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Water Resources Commission
Attn: J. W. Grimes, Chief Engineer
Pierre, S. Dak.

Dear Mr. Grimes:

The manager of Herberger's Store here in Watertown has come to us with an application for permit to dig a well in the basement of their store building, the water to be used for an air conditioning unit which they plan on installing.

The question arising is whether or not Herberger's Store, the tenant, should make the application for this permit or should same be made by the owners of the building. This bank has been named as the agent for the three heirs who own the building of the H. F. W. Schaller Estate. The Herberger's are paying for the cost of the well and have a lease on the property for several years.

In the event the owners are to make the application, can we as their agent execute the application or will you require the signature of the parties owning same.

Incidentally, do you have a shorter form of application to be used in cases where the purpose is for a well to be used for air conditioning purposes. The application for permit which they have presented to us does not seem to apply in this particular incident.

We will appreciate your reaction to the questions raised.

Very truly yours,

C. H. Lockhart
President

CHL:b