

No. 50-3

Office of State Engineer
DOCUMENT FILE

Carl Moir
Akron, Ia.

(Well)

May 25. '39-3

Dropped from further consideration because of Spink Co. Circuit Court decision July, 1953.

Form 20—Application for Permit to appropriate Water—Original Ground Water H. P. Co. 7960

NO. 50-3

Water Division No. 3 Sioux River District
(Blanks to be filled by the State Engineer.)

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

Trans 8-2-76

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ~~Carl Bohr~~ VICTOR OR LOIS J. CLARK.
Postoffice address 710 E. ERIE DR.
TEMPE, ARIZ 85282, County _____, State IOWA

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and address 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) Contract
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of well _____
3. Quantity of water claimed 1000 gal. per min.
4. Source of water supply (estimated depth) well, 62 feet deep; Formation log on separate sheet
5. Location of well (subdivision) NW 1/4 of NE 1/4 Sec. 25, T. 93 N., R. 49 W Union County, S. Dak.

6. Annual periods during which water is to be used _____
7. To be used for:

I. Irrigation or domestic use: Irrigation

(a) Number of acres to be irrigated 25 acres
the irrigable portion of Sec. 25, T. 93 N., R. 49 W.

(b) Legal subdivisions to be irrigated _____

(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. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use _____
- (b) Amount of power to be generated _____ horse power.
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where return water will be diverted to stream _____

8. Estimated cost of works:

- (a) Head gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures\$..... Total, \$.....

9. Description of works:

- a) Head gate: **Hydraulic Drilling Machine, 36 inch hole, 18 inch CMP. 14 ft. aug.**
Width **2** sand packed well feet; height feet,
Material

- (b) Log of well: **Log recorded by Morris Herryman, Hook River, Febr. Copy Below:**

FEET TO	FEET FROM	LOG OF WELL	
0	2	top soil	
2	9	yellow clay	
9	38	sand and gravel, mostly coarse	
38	49	coarse gravel and some sand	
49	56	fine to med. gravel and sand	
56	60	sand and coarse gravel	
60	62	shale rock	

- (c) Measuring device **Parshall flume**
(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.)

- (e) Was water tested for irrigation purpose?
Result:

10. Time required for completion of work **1** year years.
11. Time required for complete application of water to the proposed beneficial use **1** years.
12. Choice of newspaper for publication of notice of intention to appropriate
Leader-Courier, Elk Point, South Dakota

STATE OF SOUTH DAKOTA }
County of **UNION** } ss.

I, **CARL MOIR**, 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 and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed

Subscribed and sworn to before me this day of 19

Notary Public (or other qualified officer)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

} ss.

Pierre, South Dakota, May 4, 1950

This is to certify that the foregoing application was received at this office at 4:00 o'clock
P. m. upon the 9th day of August, 1949 and that after examination it
was ~~found to comply with the State Water Code, a notice was duly advertised as~~
required by law and no protests or objections were received.

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Number of permit 50-3

Date of first receipt of application August 9, 1949

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right August 9, 1949

Approved May 4, 1950, Recorded in Book 2 Page 674-675

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 November 1, 1950

2nd. The whole of said work is to be completed on or before May 4, 1951

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

is May 4, 1951

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 stated shall not exceed 2.2 cfs per acre; 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 May 4, 1951; said water to be used during the following described period:

April 1st to October 1st

Witness my hand this 4th day of May, 1950

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 50-3

WHEREAS, On the 9th day of August A. D. 1949
Carl Noir
of Akron County of Iowa and State of
Iowa duly made application (No. 50-3) to us for a permit to use 2.2
cubic feet per second of the waters of ground water
County of Union, State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 4th day of May A. D. 1950
Permit No. 50-3 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 6th day of
June A. D. 1956 and for the application to beneficial use of said
water on or before the 6th day of June A. D. 1956
and,

WHEREAS, On the 14th day of May A. D. 1956
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.2
cubic feet per second of said waters, as evidenced by our Certificate No. 50-3
dated July 10, 1956 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of
priority of August 9, 1949 and xxx

WHEREAS, On the 14th day of May A. D. 1956
proof was duly made of the application to beneficial use of 2.2 cubic feet per second of said water;
on 158 acres in the NE 1/4, Sec. 25, T 93N, R 49W

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 -----Carl Koar-----
of -----Akron, Iowa----- the holder----- and owner----- of said permit No. --50-3--
a water right, dating from -----August 9, 1949----- to the use of -----2.2-----
cubic feet per second of the waters of -----ground water-----
in the County of -----Union----- and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at --xx-- In the NW 1/4 Sec. 25,
T 93N, R 49W
and conducted to and upon --the NW 1/4, Sec. 25, T 93N, R 49W--

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 -----10th----- day of -----July----- A. D. Nineteen
Hundred and -----Fifty-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 -----

LOG OF TEST WELL

DATE OF TEST 11-13-47

TEST WELL DRILLER Morris Merryman

CUSTOMER Carl Moir Akron, Ia.

LOCATION OF FARM NE¹/₄, Sec.25, Twp.93-N, R.49-W.

STA WATER LEVEL 16 ft.

Ft.		Ft.	
0	To	2	topsoil
2		9	yellow clay
9		38	sand and gravel, mostly coarse
38		49	coarse gravel and some sand
49		56	rice to wheat gravel and sand
56		60	sand and coarse gravel
60		62	shale rock

Permit No. 50-3Water Division No. 3 - Sioux River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Carl Koirof Akron, County of _____, and State ofIowa, the holder of Permit No. 50-3, Issued upon ApplicationNo. 50-3, bearing date of priority of August 9, 1949, authorizing the diversion of2.2 cu. ft. per second of the waters of ground waterCounty of Union, State of South Dakota, in the NW 1/4 NE 1/4Sec. 25, T 93N, R 49Wfor 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 2.2 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: NE 1/4, Sec. 25, T 93N, R 49W - - - 158 acresWitness my hand this 10th day of July A. D. 1956

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Union } ss.
Wm. J. Ryan being duly
 sworn, deposes and says the annexed printed copy of Notice
 of Intention to Appropriate Water was taken from the.....
Leader-Courier a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
 City of Elk Point County of
Union and State of South Dakota;
 that the said notice was published in said newspaper on the
 following dates:
March 30, 1950
April 6, 1950
April 13, 1950
April 20, 1950
 in each and every issue of the full number thereof, the first
 publication being made on the 30th day of March
1950 and the last publication on the 20th day of
April 1950, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication he
 was Wm. J. Ryan, Manager
the printer and publisher.... of
 the said newspaper.

Wm. J. Ryan

Subscribed and sworn to before me this 31st day of April A. D. 1950

John R. Bouck
 Notary Public Union County, S. D.

(First publication: Mar. 30, 1950)
APPROPRIATION OF WATER

Office of State Engineer, Pierre,
 So. Dak., February 28, 1950

Notice is hereby given that Carl
 Mohr, whose postoffice address is
 Akron, Iowa, has made an appli-
 cation in accordance with the
 provisions of the water laws of
 South Dakota, for a permit to
 appropriate for beneficial use
 1000 gallons per minute of water
 from ground sources through the
 Mohr Well No. 1, the point of di-
 version of which is to be located
 in the NW¼ of the NE¼ of Sec-
 tion 25, Township 93 N., Range
 49 W. Said water to be used for
 the purpose of providing irriga-
 tion for land in the NE¼ of Sec-
 tion 25, Township 95 N., Range
 49 W. in Union County, So. Dak.

This application will be taken
 up by the State Engineer at his
 office at Pierre for consideration
 upon the 28th day of April, 1950,
 at 10:00 a. m. All persons who
 believe that their prior rights
 would be injuriously affected, or
 that the allowance of the permit
 would be detrimental to the pub-
 lic welfare shall file such protest
 with the State Engineer in writ-
 ing prior to the above date and
 may appear on the day above
 mentioned in person for the pur-
 pose of discussing further, the
 information presented.

Appropriate action will be
 taken by the State Engineer af-
 ter suitable time has elapsed for
 the consideration of any or all
 information presented.

DEAN W. LOUCKS,
 State Engineer.

(Mar.30-Apr.6-13-20 - 4w - 30-33)

(First Publication-----, 19--)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., February 26-----, 19-50

Notice is hereby given that-----Carl Moir-----whose postoffice address is-----Akron, Iowa-----, ~~So. 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 1000 gals.-----cubic per min.----- of water ~~per second of time~~ from the ground sources through the Woir well No. 1-----, the point of diversion of which is to be located on the ~~bank of said stream~~ in the NW-----1/4 of the NE-----1/4 of Section 25-----Twp. 93 N-----Range 49 W-----Said water to be used for the purpose of providing irrigation for land in the NE 1/4 of Sec. 25, Twp. 93 N. R. 49 W. in Union County, So. Dak.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 10th-----day of April-----, 19-50, at 10:00 A.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DEAN W. LOUCKS,
State Engineer

DWL:JH

DEC 17 1952

STATE ENGINEER
SOUTH DAKOTA

Akron, Iowa,

December 15, 1952.

Office of State Engineer,
Pierre, South Dakota.

Dear Sir;

We find that the irrigation well located on the Carl Moir farm; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 25, T.93-R.49W Union County, S. Dak., has not been recorded at Elk Point. Should this be recorded there? If so, what steps are necessary to complete the water right permit and recording of same.

Ly records state that this is recorded in Book 2 page 674-675 in your office.

Respectfully,

Carl R. Moir

Carl R. Moir,

Akron, Iowa.

December 22, 1952

Carl R. Moir
Akron, Iowa

Re: Water Permit No. 50-3

Dear Mr. Moir:

This is in reply to your letter of December 15 in which you inquire relative to the next step in connection with your water permit. The permit has been recorded in this Office and under date of May 4, 1950 you were mailed our form letter No. 16 which states in part as follows: "As soon as the construction nears completion, this office should be notified so that inspection may be made with a view to issuing you a final water license."

Apparently you failed to notify us of the completion of construction until your letter of December 15. It will now be necessary to have an inspection made of your project and a certificate furnished this Office by the Engineer making the inspection. We will furnish you with additional form material in this connection. You will perhaps want to make arrangements with the Engineer who prepared the map information for the original project. We will furnish him with authorization if you will give us his name.

Yours very truly,

DEAN W. LORRIS
State Engineer

DWL:RL

Moir Implement Co.

Akron, Iowa



The Trademark of Quality Made Famous by Good Implements

Akron, Iowa
July 18
January 9, 1953.

RECEIVED

AUG 5 1953

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Dean W. Loucks, state engineer,

Pierre, S. Dakota.

Dear Mr Loucks:

I am writeing regarding the irrigation well
on the Carl Moir farm; Re: Water Permit No. 50-3. — *(Pull file)*

Mr. Carl Weiss of Elk Point S. Dakota
was the engineer who prepared the map inFormation for
the original project. The well is completed and ready for
inspection.

Yours very truly,

Carl R. Moir,

Akron, Iowa.

Carl R. Moir
Director of Moir

August 10, 1953

Carl R. Moir
Moir Implement Co.
Akron, Iowa

Re: Water Application No. 50-3
Carl R. Moir
Union County

Dear Mr. Moir:

This is in reply to your letter of July 15, 1953 relative to your Water Permit No. 50-3.

Since granting your permit under date of May 4, 1950 although we have no written order from the Court, it is our understanding that the Circuit Court of Spink County has ruled that the State has no control over the use of certain under ground waters in South Dakota. Since the Court might hold that there is a similarity between your project under Permit No. 50-3 and the Keller project involved in the above referred to Dvorak case, this Office can take no further action relative to your permit.

Yours very truly,

D&L:RW
cc: Governor
Attorney General's
Office

DEAN W. LOUCKS
State Engineer

Moir Implement Co.

Akron, Iowa

RECEIVED

MAY 25 1955

OFFICE OF STATE ENGINEER
PIERRE SOUTH DAKOTA



The Trademark of Quality Made Famous by Good Implements

Akron, Iowa
May 24, 1955

Mr. Dean W. Loucks
State Engineer
Pierre, South Dakota

Dear Mr. Loucks:

I have written several times to your office regarding the irrigation well on the Carl Moir farm:
Re: WATER PERMIT NO. 50-3. To date I have received no reply.

I am very anxious to have the well recorded at Elk Point, South Dakota, at once!

Mr. Carl Weiss of Elk Point, South Dakota, was the engineer who prepared the map information for the original project.

The well was finished approximately ten days after the drilling was begun, and it has been ready for inspection for quite some time.

Will you please attend to this matter at once?

Thank you; I am,

Sincerely,

Carl R. Moir
Carl R. Moir
Akron, Iowa

CRM:ASS

AT THIS STORE YOU GET QUALITY AND SERVICE

May 26, 1955

Carl R. Moir
Moir Implement Co.
Akron, Iowa

Re: Water Application 50-3
Elk Point

Dear Mr. Moir:

We have your letter of May 24 in which you state that you have written several times to our Office regarding the irrigation well on the Carl Moir farm and have received no reply. This statement is in conflict with our records that we have replied to every letter received from you. Our letter of August 10, 1953 in reply to yours of July 15, 1953, which was received in this Office August 5, 1953, indicates to you the position of this Office in connection with ground water. In that letter we refer to the Spink County Circuit Court case. This case ruled that the Office of State Engineer has no jurisdiction over administration of law governing ground water. Therefore, this Office is powerless to take any action on any application pertaining to the use of ground water.

As you perhaps know, the 1955 Legislature revised both the surface water laws and the ground water laws. Under this new law, which goes into effect July 1st, the State does have jurisdiction over ground water and includes several requirements of owners constructing or having constructed irrigation wells, as well as all other wells. We are enclosing herewith copies of House Bills 514 and 515 for your information.

If there is anything further that we can do to help clarify your position, we will be glad to hear from you further.

Sincerely,

DWL:RW
Enc.

cc: Water Resources Comm
c/o Gov. Foss

DEAN W. LOUCKS
State Engineer

Permit No. 50-3Water Division No. 3 Sioux 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 ^{verbal} ~~letter~~ of authorization ~~dated~~ May 1949I have this day made a thorough examination of the diversion works constructed by Carl Mairof Akron, IowaCounty ~~of~~ South Dakota, holder of Permit No. 50-3, issuedupon Application No. 50-3, bearing date of priority of August 9, 1949, authorizing thediversion of 2.2 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: Western 8-inch pump Serial No. 448228, Model No. 88030. At the time of the inspection it was about 18 feet to water. This pump has a maximum capacity of 1000 gpm with power furnished by aJohn Deer G rated at 40. Hp @ 1100 rpm's maximum. Measuring device isa weir opening in the side of the pump house. This is a gravity system with a slight deviation from the original plan but this was due to the topography of the field. The entire field can be covered with the present ditch system.and the system is in the following condition: GoodThe point of diversion is located in the NW 1/4 NE 1/4, Sec. 25, T 93N, R 49WThe works are capable of diverting and conveying to the place of use 2.2 cu. ft. per second of water, which is to be used for irrigationThe legal subdivisions to be irrigated are: the NE 1/4, Sec. 25, T 93N, R 49Wcomprising a total of 158 acres of land.The domestic use intended comprises NoneThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 6th day of June, A. D. 1956

-SEAL-

Les Wyborny,
Examining Engineer.

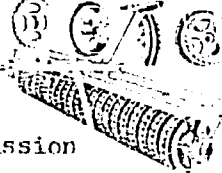
WESTERN LAND ROLLER CO.

MANUFACTURERS

WESTERN SPROCKET PACKER AND WESTERN HAY TOOLS
BEAR CAT FEED GRINDERS - WESTERN PUMPS

THE FUTURE IS BRIGHT FOR THE FARMER WHO PREPARES THE IDEAL
SEED BED FOR ALL CROPS WITH THE WESTERN SPROCKET PACKER & MULCHER

THE SPROCKET PACKER



TELEPHONE 2-5117
HASTINGS, NEBR.

June 27, 1956

South Dakota
State Water Resources Commission
State Office, Building
Pierre, South Dakota

Attention: J. W. Grimes
Chief Engineer

Dear Sir:

I have your letter of June 25 in regards to a pump that was installed for Carl Mohr, Akron, Iowa in 1949.

I am enclosing a curve sheet on the impeller and bowl that was installed on this job.

Ordinarily we show 1150, 1460 and 1760 as the 3 speeds on the curve, but since you asked for 850 to 1100 rpm and 15 to 22' pumping head, I sketched in approximately what this bowl would do at 850 rpm. For example on 1000 gpm, at 850 you would have about 13' pumping head, and would be using approximately 5 HP. Of course, at 1100 rpm it would deliver 1000 gpm at approximately 30' pumping head and use about 10 HP. To get any other rpm or gpm against different heads, you can check it off of this curve, I am sure without any difficulty.

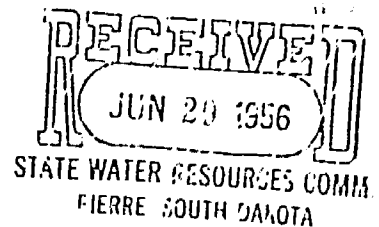
If there is any additional information you want, please let us know and we will be glad to furnish anything we can.

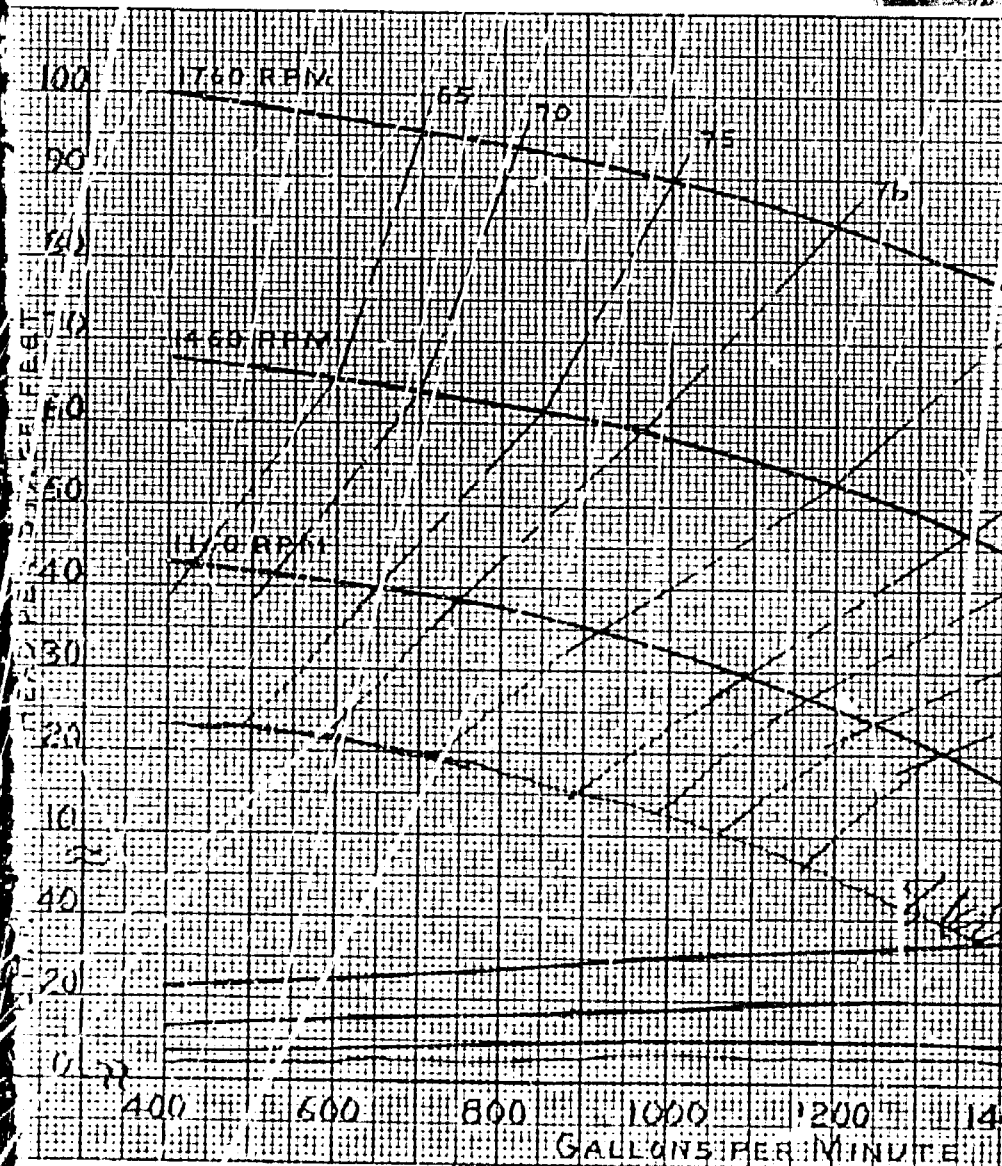
We are,

Yours very truly,
WESTERN LAND ROLLER COMPANY

Vance Anderson
Vance Anderson

V:mt
encl.





TEST NO. 14CH542
 IMPELLOR H
 BOWL 14-C
 R.P.M. ALL
 DATE 7-12-54

WESTERN
LAND ROLLER
COMPANY
 Hastings, Nebr.

Pump No. 14-C

NO. STGS	PEAK EFFICIENCY
1	76
2	80
3	
4	
5	

Performance Per Stage with clear non-gaseous water and without column corrections

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

6 June 1956
(date)

Dear Sirs:

I hereby request that an extension of time from 4 May 1951
to 6 June 1956 be granted me for the completion of works to be done under Permit No.
56-3 and that the time for proof of beneficial use of water be extended to 6 June 1956

Said works are located in South Dakota - Union County and are described
as follows:

Location of headworks: In the NW⁴ $\frac{1}{4}$ of the NE⁴ $\frac{1}{4}$
of Section 25 Township 93 Range 49

E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons:

destruction of records by fire in January
1951 and subsequent ruling of Federal
Court in John County, South Dakota

APPROVED:

State Water Resources Commission

By:

John W. Kearney
Chief Engineer, Executive Officer

George Black
for Carl H. Mow
Holder of Permit No. 56-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date November

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

NE½, Section 25, T93N, R49W

formerly owned by X Carl Moir of Akron, Iowa

has been transferred to Vic and Lois Clark, 29 W Fairmont Drive, Tempe, Arizona 85282

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 50-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

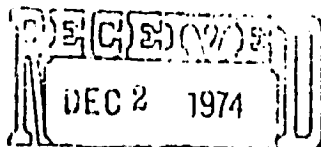
STATE OF SOUTH DAKOTA)
 County of Maricopa) ss.

I, Notary Charles Fred Clark 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.

Suscribed and sworn to before me this 27th day of November, 1974

Charles Fred Clark
 (Signed)
Charles Fred Clark
 (Notary Public)

My Commission Expires March 7, 1976



STATE WATER RIGHTS COMM.
 SOUTH DAKOTA



Department of Water & Natural Resources

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

March 23, 1987

VICTOR & LOIS CLARK
710 E ERIE DR
TEMPE, AZ 85281

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). C50-3, 3071-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing 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 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 50-3, 3071-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. 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.

A handwritten signature in cursive script, reading "John Hatch".

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

April 13, 1987

50-3
3071-3

Victor & Lois Clark
710 E Erie Drive
Tempe, AZ 85282

Dear Mr. & Mrs. Clark:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 50-3 and 3071-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

May 26, 1988

Victor & Lois Clark
710 E Erie Dr
Tempe, AZ 85282

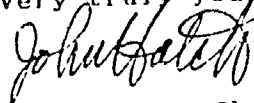
Dear Mr. & Mrs. Clark:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 50-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



2 June '88

Dear John,

we have not used the well for the past
several years for several reasons - floods,
labor unavailability (renter), etc.

we do wish to retain water rights for the
aforementioned well and plan to use the
well and equipment in the future.

Sincerely

Vic Clark

Thank you, John!





50-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1994

Nos. (50-3)
3071-3

Lois Clark
710 E Erie Dr.
Tempe AZ 85282

Dear Mrs. Clark:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 50-3 and 3071-3. The water rights are currently listed in the names of Victor & Lois Clark. Your irrigation questionnaire indicated that Victor's name should be removed.

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 form to our office with a required filing fee of \$2.50 each (\$5.00 total).

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

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1994

SECOND NOTICE
Permit Nos. 50-3
3071-3

Lois Clark
710 E. Erie Dr.
Tempe, AZ 85282

Dear Ms. Clark:

On January 14, 1994, notice was sent to you concerning the transfer of Water Right Nos. 50-3 and 3071-3 in the name of Victor & Lois Clark. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50, a total of \$5.00. The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Lois Clark
710 E. Erie Dr.
Tempe, AZ 85282

50-3
3071-3

4a. Article Number

P 318 052 636

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

5. Date of Delivery

3-2

5. Signature (Addressee)

6. Signature (Agent)

6. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

50-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 50-3

Date: 3/22/94I/We request that Water Right No. 50-3formerly owned by: Victor & Lois Clark

be transferred to: (name & address) Lois F. Clark 710 E Erie Ave.
Tempe, AZ 85282-3717 (Telephone No) 602-967-0844

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

158 acres - NE 1/4 Section 25-T93N-R49W

I/We understand that the validity of Water Right No. 50-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

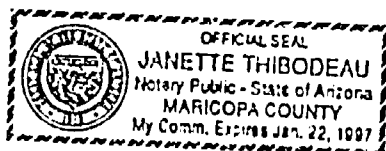
STATE OF SOUTH DAKOTA)

County of Union)

I/We _____ 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.

Lois F. Clark
(Signed)

Subscribed and sworn to before me this 22 day of March, 19 94.



Janette Thibodeau
(Notary Public)

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

414110

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 28, 19 94

RECEIVED OF Lois J. Clark, 710 E Erie Dr, Terpe, AZ 85282

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to 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. 50-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John W. Blatchford
Chief Engineer



50-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 1, 1994

Nos. 50-3
3071-3

Lois J. Clark
710 E. Erie Dr.
Tempe, AZ 85282-3717

Dear Ms. Clark:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right Nos. 50-3 and 3071-3.

Our records now show you as the owner of Water Right Nos. 50-3 and 3071-3.

Sincerely,

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

enclosure



50-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 1996

LOIS J CLARK
2401 W SOUTHERN AVE/SPACE 339
TEMPE AZ 85282 3717

3071-3

450-3

NOTICE TO SUBMIT THE 1996 IRRIGATION QUESTIONNAIRE
AND CHEMIGATION REPORTING FORM

Please complete the enclosed 1996 Irrigation Questionnaire(s) and return them in the postage paid envelope by **December 20, 1996**. Chemigation reporting form(s) are also enclosed for irrigators who have reported applying chemicals through their irrigation system. However, if you apply chemicals through your irrigation system, but did not receive a report form, please indicate so on the water use questionnaire and a report form will be forwarded to you.

Submission of the Irrigation Questionnaire(s) and Chemigation Reporting form(s) is required whether or not you irrigated this year. Some of the items to be aware of when completing the enclosed form(s) are:

1. Make necessary changes to the address label. It is important that your mailing address remain current. Please include a phone number where you can be reached during the day. This will assist us in contacting you if we have questions.
2. If you have multiple permits and do not know the specific legal descriptions which pertain to each permit, please contact us. It is acceptable to put the information for all permits on one form, however, **ALL** forms need to be returned.
3. A WATER RIGHT OR PERMIT IS SUBJECT TO SUSPENSION OR CANCELLATION IF THE IRRIGATION QUESTIONNAIRE(S) AND/OR CHEMIGATION REPORTING FORM(S) ARE NOT RETURNED.

If you have questions or need assistance with completion of the irrigation questionnaire or chemigation reporting form, please contact Genny McMath, at (605) 773-3352.

For the Water Management Board

JOHN HATCH, Chief Engineer
Water Rights Program

enclosures

do not use the irrigation or chemigation
Hand you
Spill



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 1997

50-3

3071-3

Lois J Clark
Space 339
2401 W Southern Ave
Tempe, AZ. 85282-3717

Dear Ms. Clark:

I am contacting you in regard to your Water Right Nos. 50-3 and 3071-3. On your 1996 irrigation questionnaires you stated that you do not use the irrigation.

Please keep in mind that water must be placed to beneficial use at least once every three years in order to maintain your water rights. This three year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

If you no longer wish to irrigate and retaining the water rights is not critical to your farming operation, the above information may not be of interest to you. However, I wanted to let you know ahead of time what the criteria was for maintaining the water rights. Please take a few minutes and write or call me regarding your intentions towards Water Right Nos. 50-3 and 3071-3.

Thank you for your assistance and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

23 December 1997

Tuesday morning

Dear John,

Lois forwarded these forms to me and I received them in October. I should have read more thoroughly regarding the deadline. The fault was mine. I'm working away at everything I get behind on. (It is now exactly 2:30 AM.) I've been through a lot and am trying now to overcome it.

Yours Truly,
Dean Hebel

Dean Hebel

Rt 1 Bx 52

Akron, Ia 51001

605 565 2292





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 27, 1998

50-3
3071-3

Lois J Clark
837 S 5th St
Canon City, CO 81212-4120

Dear Ms. Clark:

Enclosed is a "Notice" dated October 16, 1998 concerning the 1998 irrigation questionnaires. The notice was originally mailed to 2401 W Southern Ave, Space 339, Tempe, AZ. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denv

November 6, 2000

50-3

3071-3

Lois J Clark
PO Box 176
Avondale, AZ 85323-0060

Dear Ms. Clark:

Enclosed is a "Notice" dated October 20, 2000 concerning the 2000 irrigation questionnaire. The notice was originally mailed to 4940 W Harmon Dr, Glendale, AZ. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 50-3

Date: Oct 3 2001

11We request that Water Right No. 50-3

formerly owned by: **Lois J Clark**

be transferred to: (name & address) Mark Robial and Steven Heeren

47828 3105T akron, Ia 51001 Telephone No. 605-565-2611

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

158 acres – NE ¼ Section 25, T93N, R49W

I/We understand that the validity of Water Right No. 50-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of WINN

I/We Mark Heren 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.

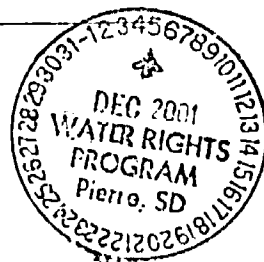
Mark Weiner

(Signature of new owner)

Subscribed and sworn to before me this 3 day of October, 2001.

JAMEY SCHEMP
My Commission Expires: 11/07/2005

(Notary Public)



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

Water Rights Program

South Dakota Department of Environment and Natural Resources

417003

Pierre, December 5, 2001

RECEIVED OF Nark, Robin & Steven Heeren, 47828 310 St, Akron IA 51001
the following amount in fees for services rendered as provided for by law: (Lois J. Clark)

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 50-3

Fee for Filing Extension Request _____

Fee for _____

Total

2 50

2 50

(Any Other Work Provided by Law)

By Darland Erbe
Chief Engineer

28 Nov 2001
Wed 11:05 PM

Dear Dept of Natural Resources,

I neglected to file irrigation reports the last two or three years I farmed this land. I did not use the center pivot or the traveling gun any of these years the reason being rainfall was adequate. If you need elaboration I can provide it. You can talk with me at 605 565 2242 anytime or I can write.

Yours Truly,

Yours Truly,
Dean Heller



50-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 6, 2001

50-3
3071-3

Mark Heeren
47828 310th St
Akron, IA 51001

Dear Mr. Heeren:

Thank you for following up on the ownership changes for Water Right Nos. 50-3 and 3071-3. The water rights formerly held by Lois J Clark are now listed as being owned by Mark, Robin and Steven Heeren.

Enclosed are your Receipt Nos. 417002 and 417003 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 27, 2001

50-3
3071-3

Mark Heeren
47823 310th St
Akron, IA 51001

Dear Mr. Heeren:

Thank you for contacting us concerning ownership of land described in Water Right Nos. 50-3 and 3071-3. Enclosed are copies of the water rights for your review.

The water rights are transferable as long as they have not been lost due to abandonment and/or forfeiture. A review of past irrigation questionnaire records shows that the land described in the water rights was last irrigated in 1990 or 1991. Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. I have included a copy of excerpts of SD Water Laws and Water Management Board Rules regarding these issues.

If you can document the existence of legal excuse for the years of non-use, the water rights can be transferred. Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership change. They need to be completed and then signed in the presence of a notary public. Upon completion, please return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

If legal excuse does not exist, the water rights may be subject to cancellation consideration. If this is the case, a new permit(s) would need to be obtained prior to irrigation of the land.

Please review the enclosed materials and give me a call at your convenience.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 30, 2021

50-3

Mark Heeren
47828 310th St
Akron IA 51001

Dear Mr. Heeren:

In follow-up to our phone conversation, enclosed are copies of Water Right Nos. 50-3 & 2366-3.

You mentioned that Steven needed to be removed from Water Right No. 50-3. I can change the label on the irrigation questionnaire mailing but can not edit a water right without an ownership change being filed. If you want to do that, I am enclosing a "Notice of Transfer of Ownership" form for your use. A \$50 fee is required for filing the ownership change.

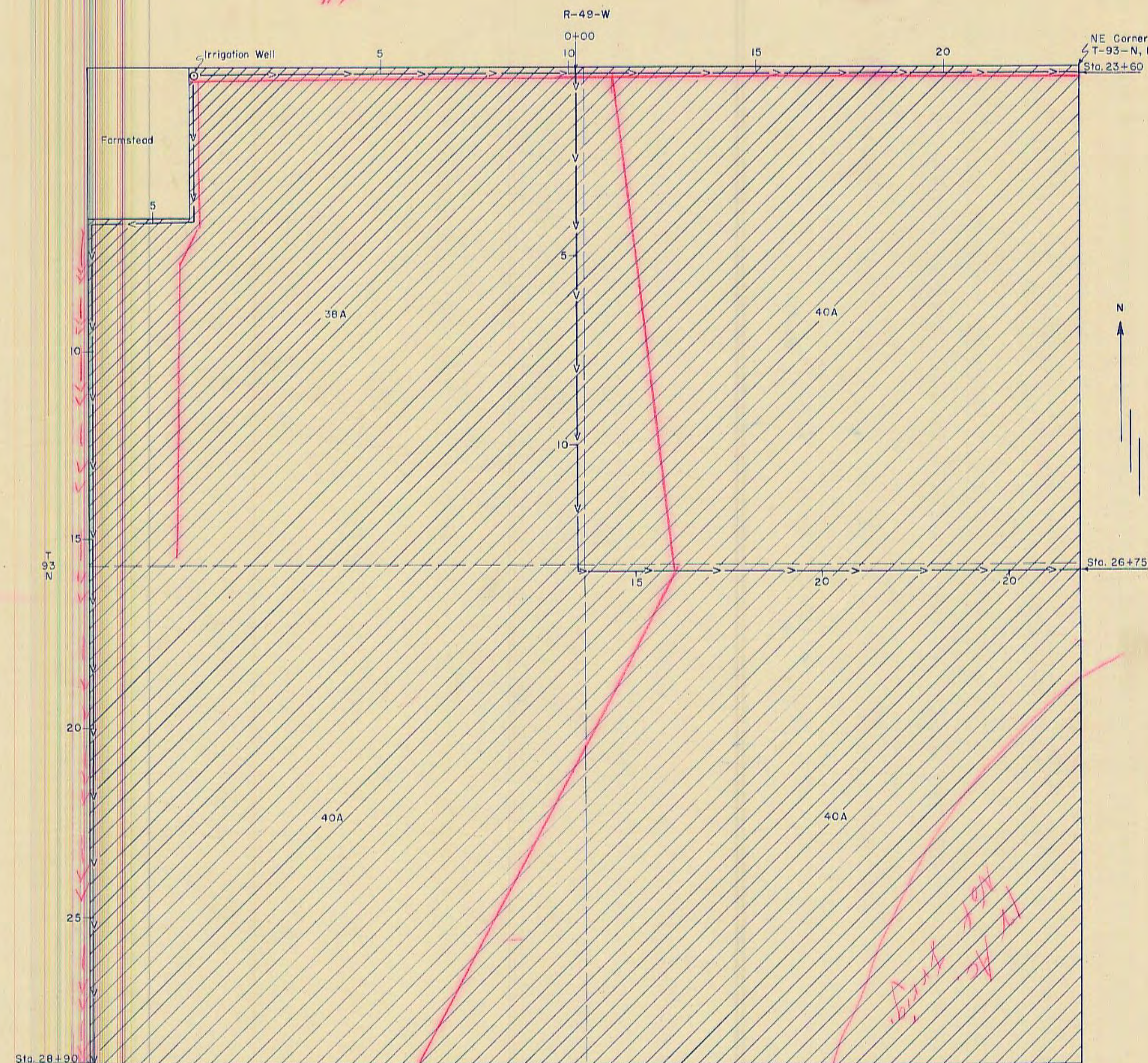
For informational purposes, you can view the entire administrative record for both of your water rights online from our database <https://danr.sd.gov/OfficeOfWater/WaterRights/default.aspx>. Once you get to the site, along the left side you will see a tab for databases. Click on "Water Rights" and you should be able to navigate from there.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



Scale: 1" = 200'

Land to be irrigated.

Location	Sec.	Twp.	Rge.	Acres
NW ⁴ of NE ⁴	25	93-N	49-W	38
SW ⁴ of NE ⁴	"	"	"	40
SE ⁴ of NE ⁴	"	"	"	40
NE ⁴ of NE ⁴	"	"	"	40
Total				158

SURVEYOR'S CERTIFICATE

I, W. R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, No. 298, STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE CARL MOIR IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA, WAS MADE UNDER MY DIRECTION BY CARL C. WEISZ, AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

WITNESS MY HAND AND SEAL THIS 8th DAY OF July 1949, A. D.

W. R. Edgington
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS 8th DAY OF July 1949, A. D.

William Hillman
NOTARY PUBLIC

8-1-53
Dropped from further consideration because of Spink County Circuit Court decision July, 1953.

(Water Right No. - 50-3)
Map No. - 39-3

CARL MOIR WATER RIGHT			
UNION COUNTY		SOUTH DAKOTA	
U. S. DEPARTMENT OF AGRICULTURE			
SOIL CONSERVATION SERVICE			
H. H. Bennett, Chief			
REGION FIVE		LINCOLN, NEBRASKA	
REFERENCE			
CARTOGRAPHIC APPROVAL		TECHNICAL APPROVAL	
COMPILED	TRACED	DATE	DRAWING NO.
C.C.W.	D.L.R.	W.R.E.	7-1-49 5, R-11,239



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 6, 2025

50-3

Mark Heeren
47828 310th St
Akron, IA 51001

Dear Mr. Heeren:

Thank you for contacting the Water Rights program regarding transferring ownership of Water Right No. 50-3, currently held in the name of Mark, Robin & Steve Heeren. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for (\$50.00) made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card, you may call our Fiscal Office at 605-773-4216. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call or you may send an email. My direct line is 605-773-3352.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 20, 2025

50-3

Robin Heeren
47659 310 St
Akron, IA 51001

Dear Ms. Heeren:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 50-3. Enclosed is a receipt of payment for your records.

Water Right No. 50-3 previously held by Mark, Robin & Steve Heeren, is now listed under Yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the License. State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the License will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water License No. 50-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure

PAID

NOV 18 2025

Ck# 36003

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 50-3

Date: NOV 13 2025

I/We request that Water Right/Permit No. 50-3 formerly owned by:

Mark, Robin & Steve Heeren be transferred to:

New Owner Name: Robin Heeren

Address: 47659 3105T mobile: 712-551-6539

City, State, Zip Akron, Ia 51001 email:

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

158 Acres Located in the NE1/4, S25, T93N, R49W

☒ I understand that the validity of Water Right/Permit No. 50-3 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, Robin Heeren, the new owner, certify that the above information is true and correct.

Robin Heeren
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date November 18th, 2025

RECEIVED OF Robin Heeren 47659 310 St Akron IA 51001

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to 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 # 50-3	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Mark Mayer
Chief Engineer