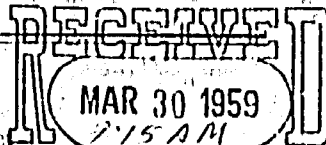


1. Considered June 17, 1959 Appl. No. 592-3
2. Name of Applicant D. V. Schmitz
3. Post Office Address 2312 S. Phillips Ave, Sioux Falls, S.D.
4. Amount of water claimed 4.20
5. Source of water supply 3 Wells
6. Water to be used for irrigation
Acres to be irrigated 225
7. Water to be diverted and used in Union County about
3 miles NE of EIR Point.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
10. Remarks:

Water Division No. 311 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant D. V. SCHMITZ
Postoffice address 2312 S. PHILLIPS AVE., County MINNEHAHA, State S. DAK.

- 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 addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

CONTRACT

ADEQUATE TO ACCOMPLISH

- (b) Cash on hand, \$ PURPOSE
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work D. V. SCHMITZ No. 1, No. 2, AND No. 3
3. Amount of water claimed 4.20 cubic feet per second
4. Source of water supply GROUND WATER
5. Location of point of diversion DIVERSION No. 1 1300' S. & 60' E. OF NW. COR. SEC. 9-91-49
DIVERSION No. 2 1300' S. & 1980' W. OF NE. COR. SEC. 8-91-49
DIVERSION No. 3 1300' S. & 1980' E. OF NW. COR. SEC. 9-91-49
on UNION bank UNION County.
6. Annual period or periods during which water is to be used APRIL TO OCTOBER, BOTH INCLUSIVE
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY OR COMBINATION

- (a) Number of acres to be irrigated 295 acres NW 1/4 NE 1/4 & E 1/2 NE 1/4 OF SEC. 8-91-49 - 120 ACRES
- (b) Legal subdivisions to be irrigated W 1/2 NW 1/4, SE 1/4 NW 1/4 & LOT 5 OF SEC. 9-91-49 - 175 ACRES

(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.) STOCKWATERING

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

- (a) Nature of use Stockwatering
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. 454-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 1,500.00

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

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

Rock, \$-----

(e) Other structures PIPE LINES AND DITCHES \$ 6,000.00

Total, \$ 15,500.00

9. Description of diversion works:

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

PUMPING PLANTS WITH DISTRIBUTION PIPING AND DITCHES.

II. Dimensions of works:

(a) Dain: Height-----feet; length at bottom-----feet; length at top-----

feet; thickness at bottom-----feet; thickness at top-----

feet; slope at front water face-----; slope at back face-----

material used in construction-----

(b) Reservoir: Capacity when filled-----ac. feet; highwater mark-----acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FOOT 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-----5-----years.

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

12. Choice of newspaper for publication of notice of intention to appropriate-----

LEADER COURIER, ELK POINT, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of MINNEHAHA } ss.

I, D. V. SCHMITZ, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

D. V. Schmitz

Subscribed and sworn to before me this 4th day of MARCH 1959

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

DIVERSION NO. 1

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36" Depth 100'

Type of casing STEEL
(wood, concrete, steel, etc.)

Size of casing 18" Thickness of casing 1/4"

Length of casing 64' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen LAYNE SHUTTER OR JOHNSON WIRE WRAPPED

Size of perforated screen 18" 36"
(diameter) (length)

Thickness of gravel pack 6" length of gravel pack 100'

(c) Water Bearing Materials

Distance to water 15' Character of water bearing materials

WATER BEARING SAND AND GRAVEL

Thickness of water bearing material 80'

(d) Pump and Motor

Type of pump TURBINE
(centrifugal, propeller, mixed flow, etc.)

Name of pump LAYNE OR FAIRBANKS HORSE size 8"

Kind of motor GASOLINE OR BUTANE
(gasoline, electric, diesel, etc.)

Horsepower 65 Name of Motor FORD INDUSTRIAL

(e) Complete well

Capacity 1800 GPM at drawdown of 50' Estimated cost \$3,500.00

(f) Owner of land upon which well is located D. V. SCHMITZ
Name2312 S. PHILLIPS, SIOUX FALLS, SOUTH DAKOTA
Address

(g) Distance to nearest existing wells

On same owner's property 80 rods. On property owned by others 240 rods

DIVERSION NO. 2

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 100'

Type of casing STEEL
(wood, concrete, steel, etc.)

Size of casing 18", Thickness of casing 1/4"

Length of casing 64' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen LAYNE SHUTTER OR JOHNSON WIRE WRAPPED

Size of perforated screen 18" (diameter), 36' (length)

Thickness of gravel pack 6", length of gravel pack 100'

(c) Water Bearing Materials

Distance to water 15' Character of water bearing materials

WATER BEARING SAND AND GRAVEL

Thickness of water bearing material 80'

(d) Pump and Motor

Type of pump TURBINE
(centrifugal, propeller, mixed flow, etc.)

Name of pump LAYNE OR FAIRBANKS MORSE, size 6"

Kind of motor GASOLINE OR BUTANE
(gasoline, electric, diesel, etc.)

Horsepower 35, Name of Motor FORD INDUSTRIAL

(e) Complete well

Capacity 1000 G PH at drawdown of 50' Estimated cost \$3,000

(f) Owner of land upon which well is located D. V. SCHMITZ
Name2312 S. PHILLIPS, SIOUX FALLS, SOUTH DAKOTA
Address

(g) Distance to nearest existing wells

On same owner's property 120 rods. On property owned by others 200 rods

DIVERSION NO. 3

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 100'

Type of casing STEEL
(wood, concrete, steel, etc.)

Size of casing 18" Thickness of casing 1/4"

Length of casing 64' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen LAYNE SHUTTER OR JOHNSON WIRE WRAPPED

Size of perforated screen 18" 36"
(diameter) (length)

Thickness of gravel pack 6" length of gravel pack 100'

(c) Water Bearing Materials

Distance to water 15' Character of water bearing materials

WATER BEARING SAND AND GRAVEL

Thickness of water bearing material 30'

(d) Pump and Motor

Type of pump TURBINE
(centrifugal, propeller, mixed flow, etc.)

Name of pump LAYNE OR FAIRBANKS MORSE, size 6"

Kind of motor GASOLINE OR BUTANE
(gasoline, electric, diesel, etc.)

Horsepower 35, Name of Motor FORD INDUSTRIAL

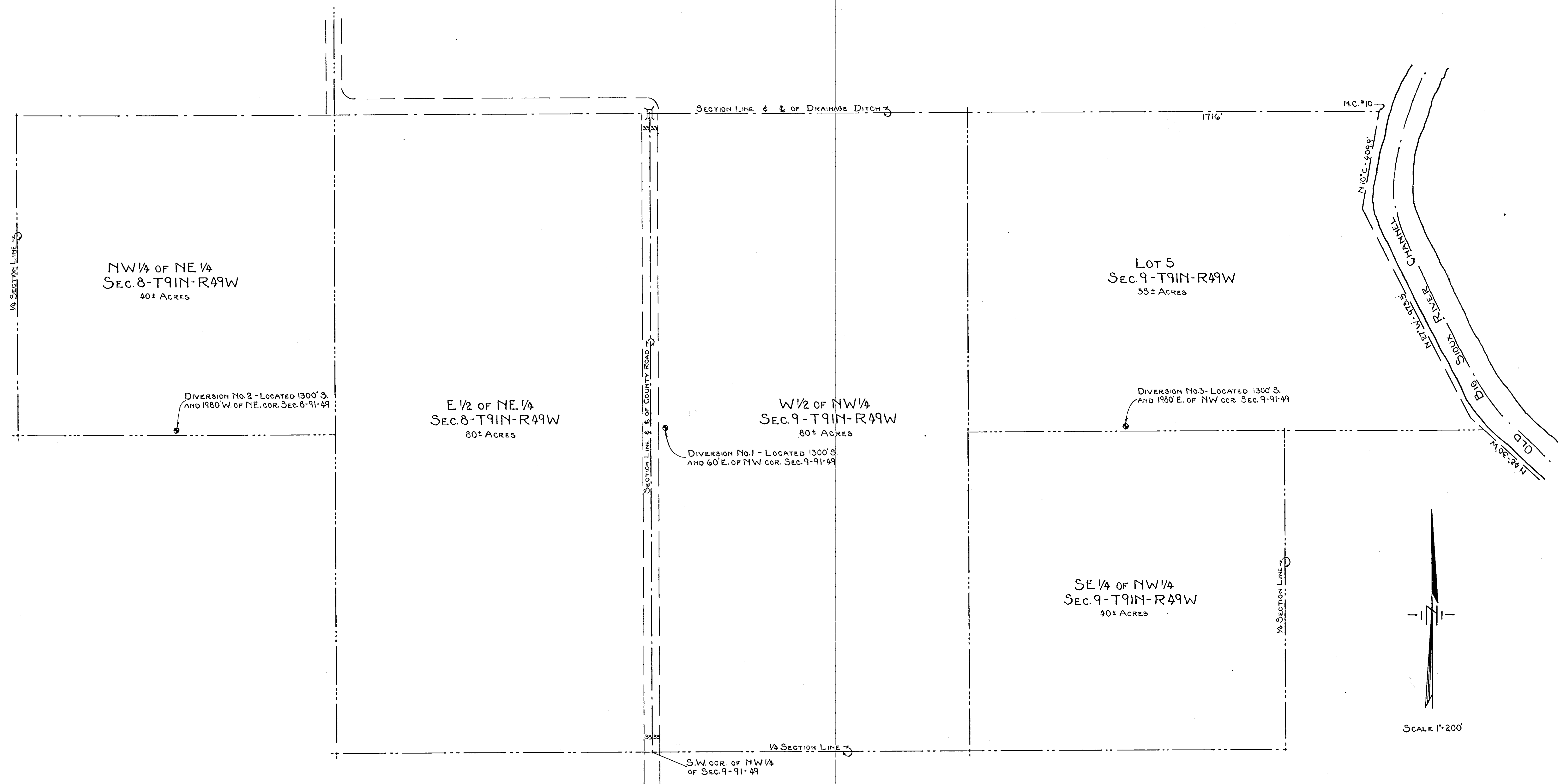
(e) Complete well

Capacity 1000 G PM at drawdown of 50' Estimated cost \$3,000

(f) Owner of land upon which well is located D. V. SCHMITZ
Name2312 S. PHILLIPS, SIOUX FALLS, SOUTH DAKOTA
Address

(g) Distance to nearest existing wells

On same owner's property 120 rods. On property owned by others 300 rods



LANDS TO BE IRRIGATED
NW 1/4 of NE 1/4 AND E 1/2 of NE 1/4 SEC. 8, T9N, R49W.
W 1/2 of NW 1/4; SE 1/4 of NW 1/4 AND LOT 5 IN SEC. 9, T9N, R49W
TOTAL ACRES TO BE IRRIGATED- 295 ACRES.
OWNER - D.V. SCHMITZ, SIOUX FALLS, S. DAK.

SURVEYORS CERTIFICATE

I, D.V. SCHMITZ, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE, ON AND BEFORE FEBRUARY 16, 1959, MAPPED THE AREA AS SHOWN ABOVE FOR THE PURPOSE OF WATER APPROPRIATION.

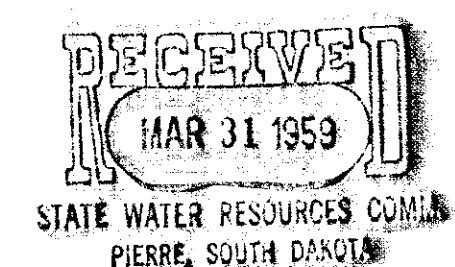
D.V. SCHMITZ, REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

ON THIS 16TH DAY OF FEBRUARY, 1959, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED D. V. SCHMITZ, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.

ABOVE AND WHO ACKNOWLEDGE
August 22, 1959
MY COMMISSION EXPIRES

NOTARY PUBLIC



Map No. 454-3 (Appl. No. 592-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 28, 1959

This is to certify that the foregoing application was received by the Commission at 9:15 o'clock

9 m. upon the 30 day of March, 1959

State Water Resources Commission

By:

J. C. Brimmer

Chief Engineer, Executive Officer

Number of permit 592-3

Date of first receipt of application

March 30, 1959

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

Date of receipt of corrected application

Date from which applicant may claim right

March 30, 1959

Approved

June 17, 1959 Recorded in Book 5 Page 189

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

December 17, 1961

2nd. The whole of said work is to be completed on or before

June 17, 1966

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

June 17, 1966

EXTENSION
APPROVED

4th. The water appropriated shall be used for the purpose of

irrigation 11-4-64

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 420 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 17, 1966; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

27 day of July, 1959

State Water Resources Commission

By:

J. C. Brimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 27, 1970

Water License Issued

OCTOBER 27, 1970

Form 15.

Permit No. 592-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That D.V. Schmitz

_____ the holder _____ of
Permit No. 592-3, issued upon Application No. 592-3, bearing date of priority of March 30,
1959 authorizing the diversion of 4.20 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point 1300' South and 60' East of the NW Corner, Section 9, T91N, R49W
_____, for irrigation

_____ purposes, has _____ 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 3.6 cu. ft. per second of water.

Date October 27, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 592-3

(1) WHEREAS, On the 30th day of March A. D. 19 70
D.V. Schmitz

made Water Right Application No. 592-3 for a permit to use 4.2 cubic feet per second of the waters
of ground water

County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 27th day of July A. D. 19 59

Permit No. 592-3, with a date of priority of March 30, 1959

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 17th day of June A. D. 19 66 and for the
application to beneficial use of said water on or before the 17th day of June A. D. 19 66

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 3.6 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,

for irrigating the following land in T91N, R49W:

Section 8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
	E $\frac{1}{2}$ NE $\frac{1}{4}$	30 acres
Section 9	W $\frac{1}{2}$ NW $\frac{1}{4}$	80 acres
	Lot 5	55 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
Total		295 Acres

(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 D.V. Schmitz

of 2312 S. Phillips Ave., Sioux Falls, S.D.

the holder _____ and owner _____ of said permit No. 592-3 a water right, dating from March 30, 1959
_____ to use of 3.6 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 necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1300' South and 60' East of the NW Corner,
Section 9, T91N, R49W

and conduct to and upon portions of Sections 8 and 9, T91N, R49W, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 592-3 and subject to the laws of the State of South Dakota.

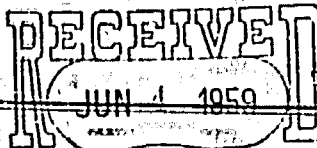
WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of October A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

AFFIDAVIT OF PUBLICATION.



The Leader-Courier, Elk Point S. D.

STATE WATER RESOURCES COMMI.

STATE OF SOUTH DAKOTA, COUNTY OF UNION, SS. PIERRE, SOUTH DAKOTA

WM. J. RYAN, of Sald County and State, being first duly sworn on his oath says: That the Leader-Courier is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in sald County and State, and has been such legal newspaper during the time hereinafter mentioned, and that

I, WM. J. RYAN the undersigned, am publisher of sald newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit and that the advertising headed

APPROPRIATION OF WATER

a printed copy of which is hereto attached, was printed and published in the sald newspaper for 4 successive weeks, to-wit: The first publication being made on Thursday, the 7 day of May 1959 and

the last publication on Thursday, the 28 day of May 1959 that the full amount of the fees charged for publishing the same, to-wit, the sum of \$ 15.18

insures solely to the benefit of the publisher of the Leader-Courier; that no agreement or understanding for any division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 28 day of May 1959

Wm J Ryan
Notary Public

Notary Public.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak. April 28, 1959.

Notice is hereby given that D. V. Schmitz, whose postoffice address is 2312 S. Phillips Ave., Sioux Falls, 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 4.20 cubic feet of water per second of time from ground water through the D. V. Schmitz No. 1, No. 2 and No. 3, the three points of diversion of which are to be located in the NW 1/4 NE 1/4, Section 8; W 1/2 NW 1/4 and Lot 5, Section 9, respectively, all in Twp. 91N, Range 49W, Sald water to be used for the purpose of providing irrigation of the following described land:

NW 1/4 NE 1/4 and 1/2 NE 1/4, Sec. 8; W 1/2 NW 1/4 SE 1/4 NW 1/4 and Lot 5 Sec. 9, all in T 91N, R 49W.

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

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

State Water Resources Commission
By Les Wyborny, Water Rights Engineer
(Pub. May 7, 14, 21, 28)

(First Publication before May 15 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 28, 1959

Notice is hereby given that D. V. Schmitz whose postoffice address is 2312 S. Phillips Ave., Sioux Falls,

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 4.20

cubic feet of water per second of time from the ground water through the D. V. Schmitz No. 1, three are No. 2 and No. 3 the point of diversion of which is to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8; W $\frac{1}{2}$ NW $\frac{1}{4}$ and Lot 5, Sec. 9, respectively, all in

Twp. 91 N Range 49 W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 8; W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and Lot 5 Sec. 9, all in
T 91 N, R 49 W

~~XXXXXX~~ ~~XXXXXX~~

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

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

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

cc W. J. Ryan, Publisher
The Leader Courier
Elk Point, South Dakota

BENSON & SCHMITZ, ENGINEERS

MUNICIPAL AND CIVIL

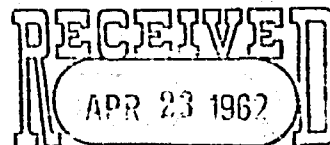
SURVEYS - REPORTS - PLANS - SPECIFICATIONS - SUPERVISION

REGISTERED SOUTH DAKOTA - IOWA - MINNESOTA

BOYCE-GREELEY BUILDING - TELEPHONE 2-8241 - SIOUX FALLS, SOUTH DAKOTA

APRIL 19, 1961

MR. J. W. GRIMES
CHIEF ENGINEER, EXECUTIVE OFFICER
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

RE: PERMIT No. 592-3
WATER DIVISION No. 3
BIG SIOUX RIVER DISTRICT

DEAR MR. GRIMES:

I NOTE THAT THE ABOVE REFERENCED PERMIT STIPULATES THAT AT LEAST ONE-FIFTH OF THE WORK SET FORTH THEREIN IS TO BE COMPLETED BEFORE DECEMBER 17, 1961. I REALIZE THAT IT IS THE RESPONSIBILITY OF THE HOLDER OF THE PERMIT TO NOTIFY YOUR OFFICE UPON COMPLETION OF THE WORKS AND WHEN WATER IS PUT TO BENEFICIAL USE, BUT I AM NOT SURE WHAT IS REQUIRED AT THE TIME ONE-FIFTH OF THE WORK IS TO BE COMPLETED.

FOR YOUR INFORMATION THE FOLLOWING WORK WAS COMPLETED BEFORE DECEMBER 17, 1961.

WELL AT DIVERSION NO. 1 COMPLETED 10-20-61 BY THORPE WELL COMPANY AT A COST OF \$1620.00

LAND LEVELING AND DITCHING COMPLETED PRIOR TO DECEMBER 1961 AT A COST OF \$2341.00.

IF I HAVE FAILED TO COMPLY WITH ANY OF THE COMMISSION'S REGULATIONS OR IF ANY FURTHER INFORMATION IS REQUIRED PLEASE ADVISE. THE ENTIRE COMPLETION OF THE WORK IS DEPENDENT ON THE MOISTURE CONDITIONS IN SO FAR AS THE LAND LEVELING OPERATION IS CONCERNED. THE FLOODS THAT WE HAVE BEEN HAVING HAVE DELAYED THAT PORTION OF OUR WORK. COULD AN EXTENSION TO THE TIME FOR COMPLETION OF CONSTRUCTION BE OBTAINED FOR THAT REASON IN THE EVENT THAT ADDITIONAL TIME IS REQUIRED?

VERY TRULY YOURS,

D. V. Schmitz
D. V. SCHMITZ

November 6, 1964

Mr. D. V. Schmitz
260 Boyce-Greeley Building
Sioux Falls, S. Dak.

Dear Mr. Schmitz:

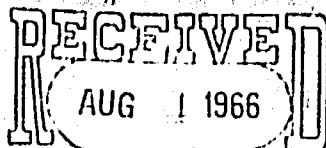
This will notify you that the Water Resources Commission approved your request for an extension of time for completion of works under Permit 592-3 at its November 4th meeting.

Under this action you have until June 17, 1966 to complete the works and make beneficial use of water.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

Permit No. 592-3Water Division No. 3 Big Sioux River 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.) Sioux Falls, South Dakota(Date) June 13, 1966

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

DEAR SIR: Notice is hereby given that on the 13th day of June
1966, at Elk Point County of Un State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)

of 4.20 cubic feet per second of the waters of Big Sioux River Basin

_____ in accordance with the terms and conditions of Permit No. 592-3
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 _____

D. V. Schmitz, 2312 S. Phillips Avenue, Sioux Falls, South Dakota.

2. The use to which said water has been applied is Irrigation Purposes.

3. The amount applied to beneficial use is 4.20 Cu. Ft. per Second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) NW¹/₄NE¹/₄ and E¹/₂NE¹/₄ of Sec. 8-91-49, and
W¹/₂NW¹/₄, SE¹/₄NW¹/₄ and Lot 5 of Sec. 9-91-49.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
D. V. Schmitz Diversion # 1 and Pipe Lines

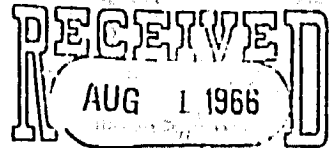
6. The right to take the water from such works is based upon permit No. 592-3

7. The source of supply from which such water is diverted is Big Sioux River Basin

8. The date of priority which said user is prepared to establish is March 30, 1959

(Sign)

D. V. Schmitz
D. V. Schmitz

Permit No. 592-3Water Division No. 3 Big Sioux River

Water District

STATE WATER RESOURCES COMM.
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.) Sioux Falls, South Dakota(Date) June 13, 1966

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 4.20 Big Sioux
cu. ft. per second of the waters of the state from River Basin

D. V. Schmitz Diversion No. 1
through the

for irrigation

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 D. V. Schmitz

2. The postoffice address of such person or the place of business of such corporation is

County of Minnehaha State of South Dakota

3. The number of such permit is 592-3 and the date set for the completion of such work is
June 17, 1966

4. Said water to be used for irrigation 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 4.20 cubic feet per second.

6. The amount of land for which said water is available is 295 acres,
particularly described as follows: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 8-91-49 and
W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 5 of Sec. 9-91-49.

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

D. V. Schmitz

(Signature of Owners)

D. V. Schmitz

Permit No. 592-3Water Division 3 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 D.V. Schnitz
holder of 2312 S. Phillips Ave., Sioux Falls, S.D.
 of Permit No. 592-3, bearing date of priority of March 30, 1959
 authorizing the diversion of 4.20 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Union 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:

Well, 120 ft. deep, 14 inch steel casing, 42 inch drill hole, static water level,
 12 ft.-bowl setting 50 ft., to be changed to 60 ft.
 Fairbanks Morse 8 inch pump
 U.S. Electrical Motor, 30 HP Type RU

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

2800 ft. of buried asbestos-cement pipe, 10 inch diameter with 4 release points
 2000 ft. 8 inch gated pipe

C. Works used to apply water to beneficial use.

Gated pipe
 Land Leveling

Very good

The system is in the following condition:

The point of diversion is located 1300 ft. S. and 60 Ft. E of NW Corner of Sec. 9, T91N, R49WThe works are capable of diverting and conveying to the place of use 3.6cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T91N, R49W

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8,	40 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9	40 acres
E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8,	80 acres		
W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9	80 acres		
Lot 5 Section 9	55 acres		

comprising a total of 295 acres of land.Date October 1, 1970

Donald Driscoll
 (Signature)
 DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2004

592-3

D V Schmitz
1404 Cedar Lane
Sioux Falls SD 57101

Dear Mr. Schmitz:

Thank you for contacting us concerning the ownership change for a portion of land described in Water Right No. 592-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please write in the appropriate legal descriptions of the land being transferred. Upon completion, the new owner should sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

One issue that needs to be addressed prior to dividing and transferring the water right is the diversion points. When the irrigation system was inspected for licensing purposes back in 1970, one well had been developed. The license was issued for what was developed.

During our phone conversation on May 4th, you indicated that you had two wells, one in Section 8 and one in Section 9. In order to ensure that the water right accurately reflects what is being done, we will need to know the pumping capacity of each well. An aerial photo from the Union County Farm Service Agency showing the location of the well in Section 8 should also be included.

Please contact our office with the information concerning the wells and we will work through the necessary steps to bring your water right up to date and transfer ownership of the portions you sold.

Sincerely,

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

enclosures: transfer form
copy of Water Right and inspection report

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kenneth Mouw, 594 E Sawgrass Trail, Dakota Dunes, SD 57049

DATE: June 2, 2004

TELEPHONE: 712 898-2295

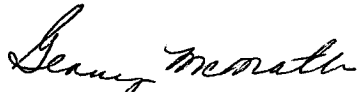
RE: transfer of ownership

COMMENTS:

Mr. Mouw submitted a "Notice of Transfer of Ownership" form and fee for transferring a portion of land he purchased from D V Schmitz.

I called to let him know that we were holding up on the transfer paperwork until the new permit was approved. The water right holder (D V Schmitz) will be sending in an application to add a well and increase the diversion rate for Water Right No. 592-3. This is a clean up application that will ensure the system as it exists is accurately reflected in the water right.

The new permit should incorporate the applicable portions of 592-3. Once approved, the new permit can be divided and reissued to reflect separate ownership.



Genny McMath
Environmental Scientist

5/25/04

Genry,

Thanks for your help on the phone yesterday. I hope this is what we need.

I cannot find the permit number and the prior owner is out-of-town. Maybe you can enter it for me?

Let me know if we need to do anything else at this point.

Phone is 712-898-2295

E-mail kbmoow@cableone.net.

Thank you,



P.S. - I will be out of the area UNTIL Monday, May 31.

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. _____

Date: 5/25/2004

I/We request that Water Right/Permit No. _____ formerly owned by:
ELIZABETH H. SCHMETZ DECLARATION OF TRUST
ELIZABETH H. SCHMETZ AND DONALD V. SCHMETZ CO-TRUSTEES be transferred to:

New Owner Name: KENNETH B. MOUW
Address: 594 EAST SAWLEASS TRAIL
City, State, Zip: DAKOTA DUNES, SD 57049 Telephone No. 605-235-0896

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

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
(NW $\frac{1}{4}$ NE $\frac{1}{4}$) AND THE EAST HALF OF THE NORTHEAST QUARTER
(E $\frac{1}{2}$ NE $\frac{1}{4}$) OF SECTION 8, TOWNSHIP 91 NORTH, RANGE 49, WEST
OF THE 5TH P. M., UNION COUNTY, SOUTH DAKOTA, ACCORDING TO
THE RECORDED PLAT THEREOF.

☒ I understand that the validity of Water Right/Permit No. _____ 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13. CHECK ENCLOSED

I, Kenneth B. Mouw, the new owner, certify that the above information is true and correct.


(Signed by new owner)

COPY OF RECORDED DEED ATTACHED.

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

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

PREPARED BY:
MARY LOU JORGENSEN
Attorney at Law
141 N. Main Ave., Suite 700
Sioux Falls, SD 57104-6429
Telephone No. (605) 336-0901



041807
STATE OF SOUTH DAKOTA, UNION COUNTY, SS
Recorded this 19th day of April, 20 04
at 2:05 o'clock P M., IN BOOK 94
of Deeds Page 234
Jana Goltz Register of Deeds
712 chg Alente

CO-TRUSTEES' DEED

Scan ☒
Comp. ☒
Indexed ☒
Film ☒

ELIZABETH H. SCHMITZ and **DONALD V. SCHMITZ**, of Sioux Falls, Minnehaha County, South Dakota, as Co-Trustees of the **ELIZABETH H. SCHMITZ DECLARATION OF TRUST**, grantors, do hereby convey, transfer, and assign to **KENNETH B. MOUW**, grantee, of 594 East Sawgrass Trail, Dakota Dunes, South Dakota 57049, all right, title, and interest acquired by said Co-Trustees, by operation of law or otherwise, in and to the following described real estate in the County of Union, State of South Dakota:

The Northwest Quarter of the Northeast Quarter
(NW 1/4 NE 1/4) and the East Half of the Northeast
Quarter (E 1/2 NE 1/4) of Section 8, Township 91
North, Range 49, West of the 5th P.M., Union County,
South Dakota, according to the recorded plat thereof.

Dated this 16 day of April, 2004.

TRANSFER FEE	
PAID \$ <u>240.00</u>	EXEMPT ☐
DATE <u>4-19-2004</u>	

Elizabeth H. Schmitz
ELIZABETH H. SCHMITZ, Co-Trustee
of the **ELIZABETH H. SCHMITZ**
DECLARATION OF TRUST

Donald V. Schmitz
DONALD V. SCHMITZ, Co-Trustee
of the **ELIZABETH H. SCHMITZ**
DECLARATION OF TRUST

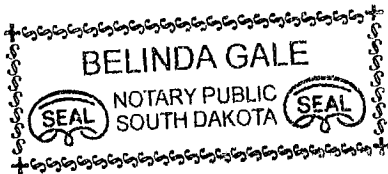
STATE OF SOUTH DAKOTA)

:SS

COUNTY OF UNION)

On this, the 11th day of April, 2004, before me,
BELINDA GALE, the undersigned officer,
personally appeared **ELIZABETH H. SCHMITZ** and **DONALD V. SCHMITZ**, who acknowledged themselves to be the Co-Trustees of the **ELIZABETH H. SCHMITZ DECLARATION OF TRUST**; and that they, as such Co-Trustees, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Belinda Gale

Notary Public, South Dakota

My Commission Expires:

06-07-08

(SEAL)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 27, , 20 04

RECEIVED OF Kenneth Mouw, 594 East Sawgrass Trail, Dakota Dunes SD 57049

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	2 50	
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>Portions of 592-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001135

By

Darlene Eide

Chief Engineer

gm

592-3
6519-3

Water Right No. 592-3 authorizes 3.6 cfs from one well to irrigate 295 acres located in portions of NE $\frac{1}{4}$ Section 8 and NW $\frac{1}{4}$ Section 9; all in T91N-R49W. **The applicable portions of No. 592-3 are incorporated into No. 6519-3.** Due to ownership changes, the water permit is being divided to reflect separate ownership.

- **No. 6519A-3 – D V Schmitz:** authorizing diversion of 2.5 cfs to irrigate 175 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 5 Section 9-T91N-R49W with a priority date of March 30, 1959.
- **No. 6519B-3 – Kenneth B Mouw:** authorizing diversion of 3.08 cfs to irrigate 120 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8-T91N-R49W with a priority date of June 28, 2004.