

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6519A-3
DIVISION OF NO. 6519-3 INTO 6519A-3 AND 6519B-3

(1) D V Schmitz, 1404 Cedar Lane, Sioux Falls SD 57101 made Application No. 6519-3, June 28, 2004 for a water permit to divert an additional 3.08 cubic feet of water per second (cfs) from groundwater (one additional well), Union County, South Dakota for irrigation purposes. Permit No. 6519-3, with a priority date of June 28, 2004 was approved September 6, 2004 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 592-3 authorizes 3.6 cfs from one well to irrigate 295 acres located in portions of NE ¼ Section 8 and NW ¼ 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 ½ NW ¼, SE ¼ NW ¼, Lot 5 Section 9-T91N-R49W with a priority date of March 30, 1959.
- **No. 6519B-3 – Kenneth B Mouw, 594 E Sawgrass Trail, Dakota Dunes SD 57049:** authorizing diversion of 3.08 cfs to irrigate 120 acres located in the NW ¼ NE ¼, E ½ NE ¼ Section 8-T91N-R49W with a priority date of June 28, 2004.

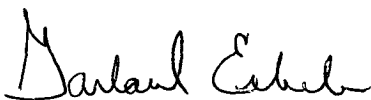
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6519A-3 is issued a license, bearing a priority date of March 30, 1959 to appropriate 2.5 cubic feet of water per second from groundwater (one well) to irrigate 175 acres.

The diversion point is located: NW ¼ NW ¼ Section 9-T91N-R49W. The acres authorized for irrigation are as follows:

Section 9-T91N-R49W	W ½ NW ¼	80 acres
	SE ¼ NW ¼	40 acres
	Lot 5	55 acres
Total 175 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6519-3 including the following now applicable qualifications:

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



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

MAR 09 2005

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 09 2005

6519A-3

D V Schmitz
1404 Cedar Lane
Sioux Falls SD 57101

Dear Mr. Schmitz:

Enclosed is Water License No. 6519A-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 ½ NW ¼, SE ¼ NW ¼, 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 ¼ NE ¼, E ½ NE ¼ Section 8-T91N-R49W with a priority date of June 28, 2004.

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

Sincerely,

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

NOTE: The applicable portions of No. 592-3 are incorporated into No. 6519-3.

enclosures

RECEIVED

MAR 13 2005

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6519A-3

Date: March 11, 2005

I/We request that Water Right No. 6519A-3

formerly owned by: D V Schmitz

be transferred to: (name & address) Pat Walsh

47844 County Road 1B

Elk Point, SD 57025

Telephone No. (605) 356-2762

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

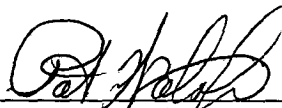
175 acres - W 1/2 NW 1/4, SE 1/4 NW 1/4 and Lot 5, Section 9, T91N, R49W

I/We understand that the validity of Water Right No. 6519A-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.

I/We Pat Walsh, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 2005

6519A-3

Pat Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Thank you for sending in the ownership change for Water Right No. 6519A-3. The form was completed, however the ownership change can not be processed without the \$2.50 filing fee as required by Statute.

Please remit a total of \$2.50 as soon as possible. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure (envelope)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 21, 20 05

RECEIVED OF Pat Walsh, 47844 County Rd 1B, Elk Point SD 57025

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>6519A-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.

By

Darlene E. Eide
Chief Engineer
gm

001810



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 22, 2005

6519A-3

Pat Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

Thank you for following up on the ownership change for Water Right No. 6519A-3. The transfer has been completed. The water right formerly listed in the name of D V Schmitz is now listed in your name.

Enclosed is your Receipt No. 001810 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure