

5/25/04

Genny,

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 DISCRETION OF TRUST
ELIZABETH H. SCHMETZ AND DONALD V. SCHMETZ CO-TRUSTEES be transferred to:

New Owner Name: KENNETH B. MOUW

Address: 594 EAST SAWLASS 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 THERE OF.

☒ 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.

Kenneth B. Mouw
(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 Golt Register of Deeds
712 chg acct

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>	

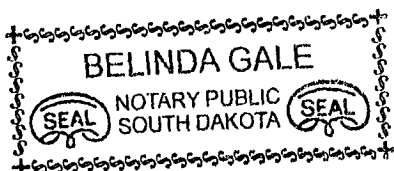
Elizabeth H. Schmitz
ELIZABETH H. SCHMITZ, Co-Trustee
of the **ELIZABETH H. SCHMITZ**
DECLARATION OF TRUST

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

COUNTY OF Union)

On this, the 10th 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 Ho

Notary Public, South Dakota

My Commission Expires:

06-0708

(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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) ,	TOTAL	2.50

No.

001335

By

Darlene Ebeli

Chief Engineer

gm

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6519B-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. 6519B-3 is issued a license, bearing a priority date of June 28, 2004 to appropriate 3.08 cubic feet of water per second from groundwater (one well) to irrigate 120 acres.

The diversion point is located: center of the NE ¼ Section 8-T91N-R49W. The acres authorized for irrigation are as follows:

Section 8-T91N-R49W	E ½ NE ¼	80 acres
	NW ¼ NE ¼	40 acres
Total 120 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.
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6519B-3 authorizes a maximum diversion rate of 3.08 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per 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

6519B-3

Kenneth B Mouw
594 E Sawgrass Trail
Dakota Dunes SD 57049

Dear Mr. Mouw:

Enclosed is Water License No. 6519B-3 and receipt for payment of the transfer of ownership. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

6519B-3

Kenneth B Mouw
612 S Pinckney St
Elk Point SD 57025-2151

Dear Mr. Mouw:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 594 Sawgrass Trail, Dakota Dunes SD. 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

RECEIVED

JUL 23 2007

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 6519B - 3Date: 7/20/2007I/We request that Water Right/Permit No. 6519B - 3 formerly owned by:Kenneth B. Mouw

be transferred to:

New Owner Name: Robert Peter WalshAddress: 47844 County Rd 1BCity, State, Zip Elk Point SD 57025 Telephone No. (605) 356-2762

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

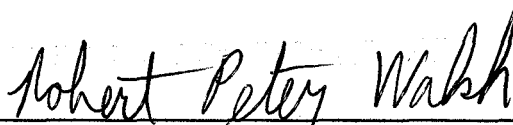
The Northwest Quarter of the Northeast Quarter and the East Half of the Northeast Quarter of
Section 8, Township 91 North, Range 49, West of the 5th P.M., Union County, South Dakota

☒ I understand that the validity of Water Right/Permit No. 6519B - 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 Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Robert Peter 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/23, 2007

RECEIVED OF Robert P Walsh 515 Pinehurst Ave Vermillion SD 57069

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>6519B-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. _____	2	50
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03099

By *Garland E. Ebel*
Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2007

6519B-3

Robert Peter Walsh
47844 County Rd 1B
Elk Point SD 57025

Dear Mr. Walsh:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on Water Right No. 6519B-3. The transfer has been completed. The water right, formerly held by Kenneth B Mouw is now listed in your name.

Enclosed is your Receipt No. 03099 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you about the water right, please contact me.

Sincerely,

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

enclosure