

781-1

1. Considered July 15, 1962
2. Name of Applicant Arthur L. Keitz
3. Post Office Address Ralph
4. Amount of water claimed 8.25
5. Source of water supply Big Knobby, Indiana & Dry Ditch
6. Water to be used for Irrigation  
Acres to be irrigated 8.80
7. Water to diverted and used in Hardin County  
about 1/4 miles 3 mi of Ralph.
8. Proof of Publication      Received None  
Not Received \_\_\_\_\_
9. Application      Approved July 19  
Subject to Reconsideration  
Not Approved \_\_\_\_\_  
Action deferred ✓
10. Remarks: for investigation

No. 781-1

Water Division No. 1 Grand River District

(Blanks to be Filled by the Engineer for the W. R. C.)

DEC 28 1968

3:00 PM

STATE WATER RESOURCES COMM.  
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 Arthur L. Reitz  
Postoffice address Ralph, County Hardin, 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)

Direct labor

(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_

(e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work Reitz Irrigation Project #2

3. Amount of water claimed 8.25 cubic feet per second

4. Source of water supply Big Nasty Creek, Indian Creek, &amp; Dry Draw

5. Location of point of diversion See Attachment Between points in 1/4 mile 3 1/2 miles S 42 1/2 E Sect 12 between 1/4 mile 3 1/2 miles S 42 1/2 E on Both bank Hardin County.

See 1/4 section T 21 R 12 B E

6. Annual period or periods during which water is to be used April 1<sup>st</sup> thru Nov. 1<sup>st</sup>

## 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination

(a) Number of acres to be irrigated 8.60 acres.

(b) Legal subdivisions to be irrigated See Attachment

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

(a) Nature of use Irrigation and Stockwater

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

See Attachment 4 98-1

**8. Estimated cost of work:**

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

**9. Description of diversion works:**

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

Pineapple Plant, Pipe, Ditches, and Dikes.

## II. Dimensions of works.

(a) Dam: Height ..... feet; length at bottom ..... feet; length at top ..... feet; thickness at bottom ..... feet; thickness at top ..... feet; slope at front water face .....; slope at back face ..... material used in construction .....

(b) Reservoir: Capacity when filled ..... acre feet. Surface area at highwater mark ..... acres.

(c)\* Head gate: Width \_\_\_\_\_ feet; height \_\_\_\_\_ feet;  
Material \_\_\_\_\_

(d) Canal: Total length \_\_\_\_\_ miles.

(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 4 years.

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

The Buffalo Times Herald, Buffalo, S. Dak.

STATE OF SOUTH DAKOTA

County of Jefferson

## ARTICLE 1 RE

I, John Moore, 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

Subscribed and sworn to before me this 28<sup>th</sup> day of December 19<sup>th</sup> 18

Notary Public (or other qualified officer)

\*Each diversion must have a headgate or measuring device.

Lands to be irrigated and the diversion points for the Reitz Irrigation Project #2.

Area 1.

Diversion will be between point A which is S 0°E 875' from the W $\frac{1}{4}$  corner of Section 16, T21N, R8E and point B which is the E $\frac{1}{4}$  corner of Section 16, T21N, R8E.

The lands to be irrigated from this diversion -

S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 16	80	acres
S $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 16	80	"
N $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 16	80	"
N $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 16	80	"
Total	<u>320</u>	"

All in T21N, R8E

Area 2.

Diversion will be between point C which is N90°W 560' from the NE corner of Section 10, T21N, R8E and point D which is N6° 45'W, 860' from the S $\frac{1}{4}$  corner of Section 11, T21N, R8E.

The lands to be irrigated from this diversion -

E $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10	80	acres
W $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11	80	"
SW $\frac{1}{4}$ Sec. 11	<u>160</u>	"
Total	<u>320</u>	"

All in T21N, R8E

Area 3.

Diversion will be between point E which is N 0° E 594' from the SW corner of Section 13, T21N, R8E and point F which is N90° E, 2904' from SW corner of Section 13, T21N, R8E.

The lands to be irrigated from this diversion -

SW $\frac{1}{4}$ Sec. 13	160	acres
S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13	80	"
Total	<u>240</u>	"

All in T21N, R8E

NOTE: Portions of the land to be irrigated is covered by Permit No. 586-1

Remarks by State Water Resources Commission:

See attached statement which is hereby  
made a part of this permit.

STATE OF SOUTH DAKOTA  
County of Hughes } ss.

Pierre, South Dakota, July 21, 1967

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock  
P.m. upon the 28<sup>th</sup> day of December, 1966.

State Water Resources Commission

By: Richard D. Schmoyer  
For Chief Engineer, Executive Officer

Number of permit 781-1

Date of first receipt of application December 28, 1966

Date of return to applicant for correction, amendments or change required as follows: 19

Date of receipt of corrected application 19

Date from which applicant may claim right December 28, 1966

Approved July 19, 1967, Recorded in Book 9 Page 294

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 JANUARY 19, 1970

2nd. The whole of said work is to be completed on or before July 19, 1972

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

July 19, 1976

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 8.25 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 July 19, 1976; said water to be used during the following described annual period:

April 1<sup>st</sup> through November 1<sup>st</sup>

Witness my hand this 21<sup>st</sup> day of July, 1967.

State Water Resources Commission

By: Alvin Briney  
Chief Engineer, Executive Officer

Certificate of Construction issued December 26, 1974

Water License issued December 26, 1974

Water Right Application 781-1

This permit allows the pump irrigation of 320 acres, such acreage being the S $\frac{1}{2}$  N $\frac{1}{2}$  and N $\frac{1}{2}$  S $\frac{1}{2}$  of Section 16, T21N, R8E. The source of water can be either the flows of Little Big Nasty Creek or from existing or proposed storage in dams on Little Big Nasty Creek in the described area. Ninety-eight acres of the described land are irrigated by a spreader system as authorized in water permit No. 586-1.

This permit allows the pump irrigation of 320 acres, such acreage being the SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ , Section 11 and E $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 10, all in T21N, R8E. The source of water can be either the flows of Indian Creek, or from existing storage of the flows of Indian Creek in the described area. One hundred and thirty-five acres of the described land, are irrigated by a spreader system as authorized in water permit No. 586-1.

This permit allows the pump irrigation of 240 acres, such acreage being the SW $\frac{1}{4}$  and the S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 13, T21N, R8E. The source of water is Big Nasty Creek. This permit does not authorize the construction of dams on Big Nasty Creek. Flows of Big Nasty Creek which would otherwise be used for downstream livestock watering or prior water right use shall be by-passed. Sixty-nine acres, of the described land, are irrigated by a spreader system, as authorized in water permit No. 586-1, using the flows of a small tributary of Big Nasty Creek.

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 781-1

(1) WHEREAS, On the 28th day of December A.D. 1966  
 Arthur L. Reitz

made Water Right Application No. 781-1 for a permit to use 8.25 cubic feet per second of the waters of Big Nasty and Indian Creeks and dry draw

County of Harding, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 21st day of July A.D. 1967  
 Permit No. 781-1, with a date of priority of December 28, 1966

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 19th day of July A.D. 1972 and for the application to beneficial use of said water on or before the 19th day of July A.D. 1976

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 8.25 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 T21N, R8E

		Acres			Acres
Section 10	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38	Section 16	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	38		SE $\frac{1}{4}$ NE $\frac{1}{4}$	39
Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36		SW $\frac{1}{4}$ NW $\frac{1}{4}$	30
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39		SE $\frac{1}{4}$ NW $\frac{1}{4}$	35
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35		NW $\frac{1}{4}$ SW $\frac{1}{4}$	39
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38		NE $\frac{1}{4}$ SW $\frac{1}{4}$	39
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38		NE $\frac{1}{4}$ SE $\frac{1}{4}$	39
Section 13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40		NW $\frac{1}{4}$ SE $\frac{1}{4}$	39
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	38			
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	37		Total	817 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35			
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30			

(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 Arthur I. Reitz

of Ralph, South Dakota  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 781-1 a water right, dating from December 28, 1966  
to use of 8.25 cubic feet per second of the waters  
of Big Nasty and Indian Creeks and dry draws  
in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at (1) Between points A. (S.0° East, 875 feet from NW  
Corner, Sec. 16, T21N, R8E) & B. (E $\frac{1}{2}$  Cor. Sec. 16, T21N, R8E (2) between points C (N. 90°  
West 560 ft. from NW Cor. Sec. 10, T21N, R8E) and D (N. 6° 45' West, 860 ft. from S $\frac{1}{2}$   
Cor. Sec. 11, T21N, R8E). (3) between pts. E. (N. 0° West, 594 ft. from SW Cor. Sec. 13,  
T21N, R8E) & Pt. F. (N. 90° E., 2904 ft. from SW Cor. Sec. 13, T21N, R8E, also drainage  
and conducted to end upon portions of Sections 10, 11, 13 and 16, T21N, R8E, more  
fully described on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 781-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 26th day of December A. D.  
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

DONALD DRISCOLL

Form 15.

Permit No. 781-1

Water Diversion No. \_\_\_\_\_ Water District

**CERTIFICATE OF CONSTRUCTION**

This is to Certify, That Arthur L. Reitz

Permit No. 781-1, issued upon Application No. 781-1, bearing date of priority of December 28 1966 the holder        of authorizing the diversion of 8.25 cu. ft. per second of the waters of Big Nasty & Indian Creeks and dry draw        County of Harding, State of South Dakota at between points (1) A (8.0° E., 875 ft. from NW Cor. Sec. 16, T21N, R8E) & B. (E½ Cor. Sec. 16, T21N, R8E) and C. (N.90° 360 feet from NE Cor. Sec. 10, T21N, R8E) and D. (N.6° 45" West, 860 ft. from SE Cor. Sec. 11, T21N, R8E). (3) between pts. E. (N.0° W., 594 ft. from SW Cor. Sec. 13, T21N, R8E) & Pt. F. (N.90° E., 2904 ft. from SW Cor. Sec. 13, T21N, R8E, also for drainage from North on Sec. 12 and Sec. 13, T21N, R8E. for irrigation

purposes, no        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 17.0 cu. ft. per second of water.

Date December 26, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

Permit No. 781-1  
 Water Division I Grand 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 Arthur L.  
Reitz of Ralph, South Dakota holder  
 of Permit No. 781-1, bearing date of priority of December 28, 1966  
 authorizing the diversion of 8.25 cu. ft. per second of the waters of Little Nasty Creek, Indian Creek, Big Nasty Creek  
 for irrigation purposes, in Harding 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: Existing storage dams. Pumps from flows of creeks or from: Area I: 15 ac. ft. storage: 1 dam; Area I $\frac{1}{4}$ : 25 ac. ft. storage, 5 dams. See attachment for pumps available.

B. Works used to transport water to place of use,  
 Ditches & dykes

C. Works used to apply water to beneficial use.

Retaining dykes in some areas.  
 45 - 1 $\frac{1}{2}$  " aluminum siphon tubes.  
 1 - Rainbird Rain Gun - 2" nozzle

The system is in the following condition: good condition

(1) Between Pts. A (S 0° E 875' from W $\frac{1}{4}$  Cor Sec 16  
 The point of diversion is located T21N R8E) and B (E $\frac{1}{4}$  Cor Sec 16 T21N R8E),  
 (2) Between Points C (N90°W 560' from NE Cor Sec 10 T21N R8E) and D  
 (N6°45' W 860' from S $\frac{1}{4}$  Cor Sec 11 T21N R8E). (3) Between Pts. E (N 0°W  
 594' from SW Cor Sec 13 T21N R8E) & Pt. F (N 90°E 2904' from SW Cor Sec 13  
 The works are capable of diverting and conveying to the place of use 17.8 e.f.s. / T21N R8E, also drain-  
 cu. ft. pe. second of water which is to be used for irrigation /age from N on Sec 12 &  
 /Sec 13 T21N R8E

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

comprising a total of 817.0 acres of land.

Date 12/13/74

Marvin T. Knecht  
 (Signature)

Marvin T. Knecht  
 Water Resources Technician

1 Christi fulli pump, power take-off, driven by available tractors

12" Serial #1093--12"

450' of 12" rubber discharge hose

1 Perkley pump power take-off, driven by available tractors-8"

6 - 8" x 30' aluminum irrigation pipe, miscellaneous fittings

7 - 6" x 30' aluminum irrigation pipe

4 - 4" x 30' aluminum irrigation pipe, miscellaneous fittings

1 pump, 4" intake - 3" discharge belt-driven  
30' suction hose

1 Berkley pump, power take-off driven  
3" Serial #16160

3 Torrent pumps, made by Northwest Industries

Float on water - 6" discharge hose

Powered by 3½ h.p. Lawson Motors

(1) Serial 2738, Model 200

(2) Serial 7291, Model 200

(3) Serial unknown, Model 200

III

NE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 13	40	acres
NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 13	38	
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 13	37	
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 13	37	
SW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 13	35	
SE $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 13	30	
All	T21N R8E		217	acres

II

NE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 10	38	acres
SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 10	38	
NW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 11	36	
SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 11	39	
NE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 11	35	
NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 11	38	
SW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 11	38	
SE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 11	38	
All	T21N R8E		300	acres

I

SW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 13	40	acres
SE $\frac{1}{4}$	NE $\frac{1}{4}$	Sec 16	39	
SW $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 16	30	
SE $\frac{1}{4}$	NW $\frac{1}{4}$	Sec 16	35	
NW $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 16	39	
NE $\frac{1}{4}$	SW $\frac{1}{4}$	Sec 16	39	
NW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 16	39	
NW $\frac{1}{4}$	SE $\frac{1}{4}$	Sec 16	39	
All	T21N R8E		300	acres

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County HARDING }ss.

Donald J. Cannack being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the BUFFALO TIMES-HERALD a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the TOWN of BUFFALO County of HARDING and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 9 - 16 - 23 March 2

in each and every issue of the full number thereof, the first publication being made on the 9th day of February 1967 and the last publication on the 2nd day of March 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

*Donald J. Cannack*

Subscribed and sworn to before me this 3rd day of March A. D. 1967

*Richard D. Schmooyer*  
MAR 6 1967  
NOTARY PUBLIC

STATE WATER RESOURCES COMMISSION  
Pierre, S. D.

*Richard D. Schmooyer*  
Notary Public Harding County, S. D.

## APPROPRIATION OF WATER

No. 781-1

Office of State Water Resources  
Commission, Pierre, S. Dak.  
January 27, 1967

Notice is hereby given that Arthur L. Reitz, whose postoffice address is Ralph, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5.25 cubic feet of water per second of time from Big Nasty Creek, Indian Creek, and Little Big Nasty Creek through the Reitz Irrigation Project No. 2, the points of diversion which are to be located; on both banks of Little Big Nasty Creek between a point in the NW<sup>1</sup> SW<sup>1</sup>, Section 16 and a point in the NE<sup>1</sup> SE<sup>1</sup>, Section 16, T21N, RSE; on both banks of Indian Creek between a point in the NE<sup>1</sup> NE<sup>1</sup> Section 10 and a point in the SE<sup>1</sup> SW<sup>1</sup> Section 11, T21N, RSE; and on both banks of Big Nasty Creek between a point in the SW<sup>1</sup> NW<sup>1</sup> Section 13 and a point in the SW<sup>1</sup> SE<sup>1</sup> of Section 13, T21N, RSE. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE<sup>1</sup> NE<sup>1</sup> and NW<sup>1</sup> SE<sup>1</sup>, Section 16; NE<sup>1</sup> NE<sup>1</sup> Section 10; NW<sup>1</sup> NW<sup>1</sup> and SW<sup>1</sup> Section 11; and SW<sup>1</sup> SW<sup>1</sup> Section 13, all in T21N, RSE. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, 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:

RICHARD D. SCHMOYER  
Water Right Specialist  
(Pub. Feb. 9-16-23-Mar. 2)

Form 8 -- Notice of Intention to Appropriate Water

No. 781-1

(First publication on or before February 16, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission  
Pierre, S. Dak. January 27, 1967

Notice is hereby given that Arthur L. Reitz, whose postoffice address is Ralph, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 8.25 cubic feet of water per second of time from Big Nasty Creek, Indian Creek, and Little Big Nasty Creek through the Reitz Irrigation Project #2, the points of diversion which are to be located; on both banks of Little Big Nasty Creek between a point in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16 and a point in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, T21N, R8E; on both banks of Indian Creek between a point in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 10 and a point in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 11, T21N, R8E; and on both banks of Big Nasty Creek between a point in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 13 and a point in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13, T21N, R8E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16; E $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10; W $\frac{1}{4}$  NW $\frac{1}{4}$  and SW $\frac{1}{4}$  Section 11; and SW $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13, all in T21N, R8E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, 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:

RICHARD D. SCHMOYER  
Water Right Specialist

CC: Mr. D. L. Carmack, Publisher  
Times-Herald  
Buffalo, S.D.

DRAINAGE AREA  
63 SECTIONS

DRAINAGE AREA  
15½ SECTIONS

DRAINAGE AREA  
2 SECTIONS

DRAINAGE AREA  
3 SECTIONS

DRAINAGE AREA  
21 SECTIONS

TOTAL DRAINAGE AREA OUTLINED - 136 SECTIONS

Water Right Applications 781-1, 784-1, 791-1, 792-1,  
793-1, and 794-1 of Arthur Reitz

At their March 1967 meeting, the Commission considered Water Right applications 781-1 and 784-1 of Arthur Reitz which proposed irrigation of four different areas with water from Big Nasty Creek and its tributaries. Mr. Reitz had also submitted four additional water right applications which were to be scheduled for later consideration by the Commission. Mr. Donald Hagger, Attorney, representing Mr. Dale Robinson, owner of a spreader irrigation system downstream from most of Mr. Reitz's proposed irrigation, asked that the Commission have the area checked before acting on water right applications 781-1 and 784-1. The Commission deferred action pending investigation by the Staff.

A sketch map has been prepared to aid in explaining the factors involved.

The area in red represents the 405 acres for which Mr. Dale Robinson has recorded his vested right claim No. 381-1 for spreader irrigation from Big Nasty Creek based on construction in 1952, 1953, and 1954.

The areas in orange indicate four areas that Mr. Reitz has already developed for spreader irrigation from tributaries of Big Nasty Creek. This irrigation was authorized in water permit No. 586-1.

The small area shown in violet represents a small irrigation by releases from a relatively large dam on Big Nasty Creek. This irrigation reportedly dates back to a "Location of Water" signed in 1903, and filed under water right number 0148-1.

The area in yellow represents 70 acres approved in November, 1964 for spreader irrigation in water permit No. 737-1.

The three different areas in light green represent three areas proposed for irrigation by Mr. Arthur Reitz in his water right application 781-1. This is one of the two deferred at the March, 1967 meeting of the Commission.

Consider first the A portion of 781-1. This application proposes irrigation of 320 acres by pumping from Little Big Nasty Creek at any point within the colored area. As shown, 98 of these 320 acres are already irrigated by a spreader system. While not specified in the application, it seems that the intent is to pump from storage in three dams, as well as from Little Big Nasty Creek when flowing. The Commission Staff estimates the three dams will have a storage capacity of about 20 acre-feet.

The B portion of application 781-1 proposes irrigation of 320 acres by pumping from Indian Creek at any point within the colored area. As shown 135 acres of this 320 acres is already irrigated by a spreader system. While not specified in the application, the intent is to pump from

three storage dams as well as from the flow of Indian Creek. The estimate of storage here is 35 acre-feet. The C portion of application 781-1 proposes irrigation of 240 acres by pumping from Big Nasty Creek. As shown, 69 of these 240 acres are already irrigated by a spreader system utilizing the flows originating from the small tributary to the north.

There are no existing dams on Big Nasty Creek in this area and water right application 781-1 proposes none.

The area in darker green represents the area proposed for irrigation in water right application 784-1 of Mr. Reitz. This was also deferred at the March meeting of the Commission. This application proposes the irrigation of 360 acres of land by pumping from Big Nasty Creek. As shown, 108 acres of this 360 acres is already irrigated by spreader irrigation with flows originating in Phillips Draw, a small tributary coming in from the southwest. The application proposes pumping from Big Nasty Creek at any point within the colored area. While not specifically mentioned in the application, this stretch of Big Nasty Creek includes the relatively large storage dam mentioned in the discussion on water right filing 0148-1.

The four areas shown in brown represent the four areas proposed for irrigation in four water right applications of Mr. Reitz, which are now being considered for the first time by the Commission.

Application 791-1 proposes the irrigation of 255 acres by pumping water from Big Nasty Creek. No existing dams

are located in this stretch of the Creek and none are proposed in this application.

Application 792-1 proposes the irrigation of 221 acres by pumping water from Big Nasty Creek. No existing dams are located in this stretch of the creek and none are proposed in this application.

Application 793-1 proposes the irrigation of 499 acres from Holsteen and Indian Creeks which are tributaries of Big Nasty Creek. The map shows five dams in this stretch of the two creeks. The intent is to pump water both from the water stored in these dams and from flows of the creeks. The Commission Staff estimates the storage here as 30 acre-feet.

Application 794-1 proposes irrigation of 140 acres from Little Big Nasty Creek. It appears to be an after thought to water right application 781-1, portion A.

The Soil Conservation Service estimates that the average annual runoff for this portion of Harding County varies between 0.1 and 0.3 inches. This estimate considers the normal stockdam development. Using the mean of these figures, 0.2 inch, provides for an average annual runoff of 1450 acre-feet from the 136 sections of drainage area above the Dale Robinson spreader system. On these intermittent stream drainage areas, an annual runoff can vary greatly from the average annual runoff.

The average annual use of water for the irrigation systems, existing and proposed would probably vary from 0 to 6 inches

with the average being about 4 inches for a well-developed system. A 4-inch application from the estimated 1450 acre-feet of average annual runoff would be sufficient to irrigate 4350 acres.

Following is a summary of the irrigation acreages discussed.

0148-1	William Green	50 Acres	Existing--estimated
381-1	Dale Robinson	405 Acres	"
737-1	Clara Anderson	70 Acres	"
586-1	Arthur Reitz	410 Acres	"
		935	
781-1	Arthur Reitz	578 Acres	Additional Proposed
789-1	Arthur Reitz	252 Acres	" "
791-1	Arthur Reitz	255 Acres	" "
793-1	Arthur Reitz	499 Acres	" "
794-1	Arthur Reitz	140 Acres	" "
792-1	Arthur Reitz	221 Acres	" "
		1945	

This is 935 acres of assumed existing irrigation in the 136 section drainage area, and 1724 additional acres proposed by Mr. Reitz, a total of 2659 acres within the 136 drainage area.

Comparing the 2659 acres with the estimated 4350 that could be irrigated from the average annual runoff, is an indication that there should be sufficient water for the additional irrigation proposed by Mr. Reitz.

Mr. Reitz proposes pump irrigation on 1945 acres of land plus supplemental pump irrigation on an additional 410 acres already under spreader irrigation. The source of water is to be the flows in Big Nasty Creek and its tributaries plus water to be stored in dams. The estimate of the Commission

Staff is that the total storage indicated for all of Mr. Reitz's application would be 130 acre-feet. At an average annual application of 4 inches, this would provide for the irrigation of 390 acres.

Consider also the time it would take to do such pump irrigation. If two portable pumps were used, 12 hours each day, diverting at the rate of 2 cubic feet per second, each, the total amount of water diverted per day would be 3.97 acre-feet. This would cover 12 acres to a depth of 4 inches. At such a pumping rate, it would take 197 days to put a 4-inch application to the 2355 acres proposed for pump irrigation by Mr. Reitz.

While the above figures are based on some quick off-the-cuff estimates, they are an indication that the Reitz water right application propose pump irrigation to a considerable degree in excess of what will actually be pump irrigated.

In many cases the Commission has approved water right applications proposing excess acreage for irrigation, knowing that the excess acreage will be deleted when the final inspection is made. However, there have not been many applications to pump water from the intermittent type of stream without storage of the water. The excess acreage, until deleted, can reduce the number of acres that can be approved for actual irrigation in a drainage area. When you have pump irrigation involving portable pumps and irrigation of grasslands, it is nearly impossible by visual inspection to determine just what lands

have been irrigated. In this type of water right application, the acreage approved after final inspection tends to be excessive, if the acreage in the original application is excessive.

In view of the factors as discussed, the Commission Staff will recommend some acreage reduction as recommendations are made for each application. The recommended reductions, 463 acres, are in those areas which seem least likely to be irrigated. If the acreages recommended for approval are developed, the Applicant could then resubmit the reduced acreage..

#### RECOMMENDATIONS

##### Water Right Application 781-1

This application proposes pump irrigation of 880 acres at three different locations from three different water sources, as indicated below:

320 acres from Little Big Nasty Creek

320 acres from Indian Creek

240 acres from Big Nasty Creek

It is recommended that this application be approved for the acreage requested as follows:

Diversions from Little Big Nasty Creek and from Indian Creek. Water can be diverted from the flows of these tributaries, or from storage in existing or proposed dams on these tributaries.

Diversion from Big Nasty Creek. Water from the flows of Big Nasty Creek can be diverted, with flows as needed for down-

stream livestock watering, or prior water use to be by-passed.

Water Right Application 784-1

This application proposes irrigation of 360 acres of land from Big Nasty Creek. The application proposes diversion from a section of the creek which includes a relatively large storage dam.

It is recommended that this application be approved for the 360 acres of irrigation, as requested, except that diversion of flow, or storage of water, shall not be made in such a manner as to stop the downstream flow of water which would otherwise be used for livestock watering or prior water right use.

Water Right Application 791-1

This application proposes irrigation of 255 acres from flows of Big Nasty Creek.

Recommendation: That the east 144 acres only be approved and low flows as needed for downstream livestock watering or prior water right use are to be by-passed.

Water Right Application 792-1

This application proposes irrigation of 221 acres with diversion from the flow of Big Nasty Creek. There are no prior water rights downstream on Big Nasty Creek at the location proposed.

It is recommended that this application be approved for the acreage as requested, with a stipulation that low flows as needed for downstream livestock watering are to be bypassed.

Water Right Application 793-1

This application proposes the irrigation of 499 acres with diversion from the flows, and from water stored in dams, on Holsteen and Indian Creeks.

Recommendation: That a specified 287 acres of the 499 acres be approved.

Water Right Application 794-1

This application proposes irrigation of 140 acres with diversion from the flow, and water stored in dams, on Little Big Nasty Creek.

Approval of this application is not recommended.

Recommended Water Permit Wording

Water Right Application 781-1

This permit allows the pump irrigation of 320 acres, such acreage being the S $\frac{1}{2}$ , N $\frac{1}{2}$  and N $\frac{1}{2}$ , S $\frac{1}{2}$  of Section 16, T21N, R8E. The source of water can be either the flows of Little Big Nasty Creek or from existing or proposed storage in dams on Little Big Nasty Creek in the described area. Ninety-eight acres of the described land are irrigated by a spreader system as authorized in water permit No. 596-1.

This permit allows the pump irrigation of 320 acres, such acreage being the SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ , Section 11 and E $\frac{1}{2}$ , NE $\frac{1}{4}$ , Section 10, all in T21N, R8E. The source of water can be either the flows of Indian Creek, or from existing storage of the flows of Indian Creek in the described area. One hundred and thirty-five acres of the described land, are irrigated by a spreader

system as authorized in water permit No. 586-1.

This permit allows the pump irrigation of 240 acres, such acreage being the SW $\frac{1}{4}$  and the S $\frac{1}{4}$ , SE $\frac{1}{4}$  Section 13, T21N, R8E. The source of water is Big Nasty Creek. This permit does not authorize the construction of dams on Big Nasty Creek. Flows of Big Nasty Creek which would otherwise be used for downstream livestock watering or prior water right use shall be by-passed. Sixty-nine acres, of the described land, are irrigated by a spreader system, as authorized in water permit No. 586-1, using the flows of a small tributary of Big Nasty Creek.

Water Right Application 784-1

This permit allows the pump irrigation of 360 acres, such acreage being the NW $\frac{1}{4}$ , the W $\frac{1}{4}$ , NE $\frac{1}{4}$ , the N $\frac{1}{4}$  SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 6, T21N, R8E. The permit allows diversion from the flows of Big Nasty Creek and from water stored in an existing dam on Big Nasty Creek, providing such diversion of flow, or storage of water, shall be not made in such a manner so as to stop the downstream flow of water which would otherwise be used for livestock watering or prior water right use. One hundred and eight acres of the described land are being irrigated by a spreader system using the flows of Phillips Draw.

Water Right Application 791-1

This permit allows the pump irrigation of 144 acres in the S $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 9, and the N $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 16, both in T21N, R8E. The source of water is Big Nasty Creek. This permit does

not authorize the construction of dams on Big Nasty Creek. Flows of Big Nasty Creek which would otherwise be used for downstream livestock watering or prior water right use shall be by-passed.

Water Right Application 792-1

This permit does not authorize the construction of dams on Big Nasty Creek. Low flows as needed for downstream livestock watering shall be by-passed.

Water Right Application 793-1

This permit allows the irrigation, by a combination of pumping and water spreading, of 287 acres in the W $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 26, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, both in T22N, R8E. This source of water can be either the flows of Holsteen and Indian Creek or from water stored in existing dams on these tributaries of Big Nasty Creek.

**OVERSIZE**  
**DOCUMENT IS**  
**SUPPLEMENTARY**  
**TO MICROFILM FILE**

781-1  
784-1  
791-1  
792-1  
793-1

May 13, 1986

Curtiss A. Reitz  
Box 17  
Ralph, South Dakota 57650

Dear Mr. Reitz:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$12.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, total of \$12.50 the permits will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

*Equal Opportunity Employer*



# Department of Water & Natural Resources

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

September 2, 1986

Second Notice  
Permit No. 781-1  
784-1, 791-1, 792-1,  
and 793-1

Curtis A. Reitz  
Box 17  
Ralph, South Dakota 57650

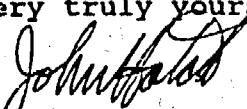
Dear Mr. Reitz:

On May 13, 1986 notice was sent to you concerning the transfer of Water Permit Nos. 781-1, 784-1, 791-1, 792-1, and 793-1 in the name of Arthur L. Reitz which covers irrigation of 1813 acres in portion of Sections 6, 9, 10, 11, 13, 16, T21N-R8E; Section 36, T21N-R9E; and Sections 26 and 34 of T22N-R8E. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find an additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each (total of \$12.50). The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 required 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 us.

Very truly yours,

  
John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

S509.WR

WATER RIGHTS DIVISION  
(605) 773-3352

September 8, 1986

Curtiss A. Reitz  
Box 17  
Ralph, South Dakota 57650

Dear Mr. Reitz:

This will acknowledge receipt of the five transfer notices you submitted for transferring water rights owned by Arthur Reitz to your name. However, as stated on the transfer forms, a \$2.50 filing fee is required before the transfers can be executed (\$2.50 each).

Please remit the needed filing fees as soon as possible. The total amount due for the five transfers is \$12.50.

If you have any questions, please advise.

Sincerely,

Genny McMath  
Natural Resources Analyst

GM:ms

Ralph, S.D. Box 17  
51650  
Sept. 9, 1986

MR. John Hatch -

Sorry for the "delay" in the papers for  
TRANSFER of WATER RIGHTS - A somewhat hectic  
summer -

Enclosed PLEASE find check for \$125.00 -

Any further information - I'll be more prompt -

Sincerely

Carlton A. Bell



## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 8/4/86

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

817 Acres - E $\frac{1}{2}$ NE $\frac{1}{4}$  Section 10; W $\frac{1}{2}$ NW $\frac{1}{4}$  & SW $\frac{1}{4}$  Section 11; SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 13;

S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  Section 16; T21N-R8E

formerly owned by Arthur Reitz

has been transferred to Curtiss A. Reitz, Box 17, Ralph, South Dakota 57650  
(please include complete mailing address)  
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 781-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF ~~South~~ DAKOTA )  
County of Hettinger ) ss.

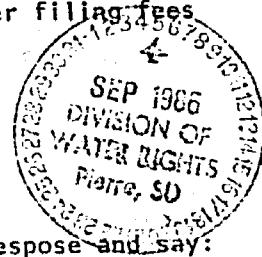
I, Curtiss A. Reitz being first duly sworn on my oath deposes and say:  
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Curtiss A. Reitz  
(Signed)

Subscribed and sworn to before me this 3<sup>rd</sup> Day of Sept., 1986.

Adeline E. Bagnell  
(Notary Public)

Aug. 22, 1991



**RECEIPT**  
**Division of Water Rights**  
**South Dakota Department of Water and Natural Resources**

410553

Pierre, September 12, 1986

RECEIVED OF Curtiss A. Retiz, Box 17, Ralph, SD 57650  
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 781-1	2 50
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____ (Any Other Work Provided by Law)	Total

By John Hatch  
Chief Engineer JOHN HATCH MS



# South Dakota Department of Water & Natural Resources

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

WATER RIGHTS DIVISION  
(605) 773-3352

791-1  
792-1  
793-1  
781-1  
784-1

September 15, 1986

Curtiss A. Reitz  
Box 17  
Ralph, South Dakota 57650

Dear Mr. Reitz:

Enclosed are receipt Nos. 410553-510554-510555-410556 and 410557 in the amount of \$2.50 each, total of \$12.50, which you paid for transfer of Water Right Nos. 781-1, 784-1, 791-1, 792-1 and 793-1. Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.5

*Equal Opportunity Employer*

SOUTH DAKOTA

# Department of Water & Natural Resources

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

March 23, 1987

CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

## 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). 781-1, 793-1, 991-1, 792-1, 791-1, 784-1. 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). 781-1, 793-1, 991-1, 792-1, 791-1, 784-1 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.



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3752

NOTE: If the questionnaires are received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA

# Department of Water & Natural Resources

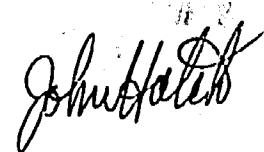
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

May 13, 1987

## NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

FROM: John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 991-1, 781-1,  
793-1, 792-1, 791-1, 784-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 991-1, 781-1, 793-1, 792-1, 791-1, 784-1 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in SUSPENSION of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 781-1

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 781-1 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

<b>2. SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.	
1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address.      2. <input type="checkbox"/> Restricted Delivery.	
3. Article Addressed to:  DURRLESS O RETIIZ BOX 17 (N.D.H. SD 57654	4. Article Number <b>P 576 309 735</b> Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> COD
Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> .	
5. Signature - Addressee <input checked="" type="checkbox"/>	
6. Signature - Agent <input checked="" type="checkbox"/> <i>Damon L. Kail</i>	
7. Date of Delivery <i>5-18-87</i>	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

SOUTH DAKOTA

# Department of Water & Natural Resources

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

January 29, 1988

CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

## NOTICE

Re: Violation of Water Permit No(s). 781-1, 991-1, 784-1, 791-1, 792-1, 793-1

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 781-1, 991-1, 784-1, 791-1, 792-1, 793-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 781-1, 991-1, 784-1, 791-1, 792-1, 793-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

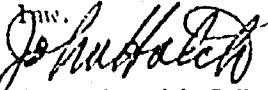
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 781-1, 991-1, 784-1, 791-1, 792-1, 793-1 until either the 1987 Questionnaire is submitted or for a period of up to one 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA

# Department of Water & Natural Resources

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

March 14, 1988

## NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

FROM: John Hatch, Chief Engineer, Water Rights Division  
605-773-3352 *John Hatch*

SUBJECT: One Year Suspension of Water Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1 be SUSPENDED until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

(787-1) 784-1 791-1 792-1 793-1 991-1

<b>SENDER:</b> Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.	
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. <i>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</i> For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.	
1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.	2. <input type="checkbox"/> Restricted Delivery <i>1 (Extra charge)†</i>

CURTIS A REITZ  
BOX 17  
RALPH, SD 57650

4. Article Number <b>P501 739 003</b>	
5. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	
6. Always obtain signature of addressee or agent and DATE DELIVERED.	
7. Addressee's Address (ONLY if requested and fee paid)	
X <i>Curtis A. Reitz</i>	
6. Signature - Agent X <i>Curtis A. Reitz</i>	
7. Date of Delivery <i>3-17-88</i>	

South Dakota

# Department of Water & Natural Resources

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

February 9, 1990

CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

## NOTICE

RE: Violation of Water Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

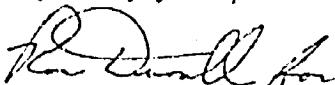
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 991-1, 781-1, 784-1, 791-1, 792-1, 793-1 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing 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.

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3552

SOUTH DAKOTA

# Department of Water & Natural Resources

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

March 14, 1990

781-1  
784-1  
791-1  
792-1  
793-1  
991-1

Curtiss A. Reitz  
Box 17  
Ralph, SD 57650

Dear Mr. Reitz:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 781-1, 784-1, 791-1, 792-1, 793-1 and 991-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

*Ron Duvall*  
RON DUVALL  
Natural Resources Engineer  
Water Rights Division



GREAT FACES. GREAT PLACES.

February 1, 1991

CURTIS A REITZ  
BOX 17  
RALPH SD 57650

## DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3151

### NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 781-1; 784-1; 791-1; 793-1; & 991-1

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 781-1; 784-1; 791-1; 793-1; & 991-1. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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. Suspend Permit No(s). 781-1; 784-1; 791-1; 793-1; & 991-1 until either the 1990 chemigation report(s) is submitted or for a period of up to one 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.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

<p><b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address.    2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to:</p> <p>CURTISS A REITZ BOX 17 RALPH SD 57650</p> <p>781-1</p>	
<p>4. Article Number</p> <p>D 1694 057 468</p>	
<p>Type of Service:</p> <p><input type="checkbox"/> Registered    <input type="checkbox"/> Insured  <input checked="" type="checkbox"/> Certified    <input type="checkbox"/> COD  <input type="checkbox"/> Express Mail    <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p>Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.</p>	
<p>5. Signature - Addressee</p> <p>X</p>	
<p>6. Signature - Agent</p> <p>X <i>John Reitz</i></p>	
<p>7. Date of Delivery</p> <p>8-4-91</p>	
<p>8. Addressee's Address (ONLY if requested and fee paid)</p> <p>PO Box 355 New England N.Y. 584617-0355</p>	



GREAT FACES. GREAT PLACES.  
February 1, 1991

CURTISS A REITZ  
BOX 17  
RALPH SD 57650

## DEPARTMENT OF WATER & NATURAL RESOURCES

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

### NOTICE

RE: Violation of Water Permit No(s) 781-1, 784-1, 791-1, 793-1, 991-1

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 781-1, 784-1, 791-1, 793-1, 991-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 781-1, 784-1, 791-1, 793-1, 991-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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, the Water Management Board can:

1. Suspend Permit No(s) 781-1, 784-1, 791-1, 793-1, 991-1 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to two years;
2. Postpone any action;
3. Take no action.

The hearing 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.

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

<b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.	
1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address. 2. <input type="checkbox"/> Restricted Delivery (Extra charge)	
3. Article Addressed to:  CURTISS A REITZ BOX 17 RALPH SD 57650  <i>781-1</i>	4. Article Number  P 1694 059 385
Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> .	
5. Signature — Addressee <i>Curtiss A. Reitz</i> 6. Signature — Agent <i>O</i> 7. Date of Delivery <i>3.8.91</i>	
8. Addressee's Address (ONLY if requested and fee paid) <i>PO Box 355 New England ND 58647</i>	

PS Form 3811, Apr. 1989

\* U.S.G.P.O. 1989-235-815

DOMESTIC RETURN RECEIPT



**DEPARTMENT OF WATER & NATURAL RESOURCES**

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

March 6, 1991

**NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT**

**TO:** CURTISS A REITZ  
BOX 17  
RALPH, SD 57650

**FROM:** Ron Duvall, Natural Resources Engineer IV  
Water Rights Division *Ron Duvall*  
(605) 773-3352

**SUBJECT:** One Year Suspension of Water Permit No(s).  
*(781-1, 784-1, 791-1, 793-1, 991-1)*

Pursuant to the provisions of the notices dated February 1, 1991, and following the hearing of February 27, 1991, the Water Management Board has ordered:

That Water Permit No(s). 781-1, 784-1, 791-1, 793-1, 991-1 be SUSPENDED until December 31, 1991. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1990 irrigation questionnaire and the 1990 chemigation report.

Suspension of a permit means water may not be pumped during the 1991 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: CURTISS A. REITZ  
PO BOX 355  
NEW ENGLAND ND 586470355

FROM: Ron Duvall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Violation of Water Permit No(s) 781-1, 784-1, 791-1, 793-1 & 991-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 781-1, 784-1, 791-1, 793-1 & 991-1. The request for the questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 781-1, 784-1, 791-1, 793-1 & 991-1 qualification.

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification, or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. suspend or cancel Permit No(s) 781-1, 784-1, 791-1, 793-1 & 991-1 in accordance with applicable provisions of SDCL 46-1-12;
2. postpone any action; or
3. take no action.

The hearing 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL,  
PIERRE SOUTH DAKOTA 57501-3181

January 20, 1993

NOTICE

TO: CURTISS P. RITZ  
BOX 17  
RALPH, SD 57650

FROM: Ben DeWall, Natural Resources Engineer IV  
for JOHN HATCH, Chief Engineer  
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 781-1; 784-1; 791-1; 793-1; & 991-1

We are writing to file chemigation report(s) for Permit No(s) 781-1; 784-1; 791-1; 793-1; & 991-1. A hearing was held on October 16, 1992. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 781-1; 784-1; 791-1; 793-1; & 991-1. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and a hearing before the Board. The hearing held by the Board is to determine what action will be taken concerning violation of Administrative rule 74:02:09:02(3). It is the intent of chemigation users to report the type of chemical applied, the date, time, and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 54A-11 through 54A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. At the hearing, the Water Management Board can:

1. Reopen or cancel Permit No(s). 781-1; 784-1; 791-1; 793-1; & 991-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Take no action; or
3. Take no action.

The hearing 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

March 10, 1993

NOTICE OF CANCELLATION OF WATER RIGHTS

TO: John A. Poff, P.O. Box 385, New England, ND 58647-0385

RE: John A. Poff, Natural Resources Engineer IV  
Water Right Division  
(Permit #3181)

*John A. Poff*

RE: Cancellation of Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1

Under the provisions of the notice dated January 29, 1993 the Water Management Board found

you failed to file Water Right Nos. 781-1, 784-1, 791-1, 793-1 and 991-1 for irrigation within the 1992 irrigation questionnaires and chemical reporting forms.

Failure to return the 1992 irrigation questionnaires and chemical reporting forms after the third violation of Water Right Nos. 781-1, 784-1, 791-1, 793-1 and 991-1 for irrigation, Chapter 46-1-12 states that the Board may suspend a permit or license for the first violation, suspend for up to three years for the second violation and may cancel the permit or license for the third violation. The decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Termination of your Water Rights means that if you intend to irrigate in the future, you will either need to apply for new water permits or appear before the Board and request them to rescind the cancellation of your water rights. If you wish to petition the Water Management Board to rescind the cancellation, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5-6, 1993, in Pierre. The letter should include your reasons for not completing the irrigation questionnaires prior to the March Board Meeting.

Enclosed, as you requested during our March 4, 1993 telephone conversation, are additional 1992 irrigation questionnaires. You stated you did not apply chemicals through any of your irrigation systems and do not intend to in the future.

781-1

## CERTIFICATION

I hereby certify that on March 8, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 1993, regarding NOTICE OF CANCELLATION OF WATER RIGHT NOS. 781-1, 734-1, 791-1, 793-1 & 991-1, along with Irrigation Questionnaire forms for each Water Right addressed as stated below:

curtiss A. Reitz, P.O. Box 355, New England, ND 58647-0355.

## Change of Heart

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) SS

Sworn to, before me, this 5<sup>th</sup> day of March, 1993.

卷之三

Notary Public



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

April 13, 1994

## NOTICE

TO: Curtis A Reitz, PO Box 355, New England, ND 58647-0355

11-011: Ron Invatt, Natural Resources Engineer IV  
Water Rights Division  
(509) 774-3352

Ron Daniels

Notice of Hearing to Consider Request for  
Re-consideration of Cancelled Water Right Nos. 781-1,  
781-2, and 783-1, & 891-1

On April 19, 1993, request to the Water  
Department to consider cancellation of Water Right Nos.  
11-1004-1 and 11-1004-1 has been scheduled for 9:00  
AM, April 26, 1993, in the Floyd Battie Training Center, Joe Foss  
Field, Rapid City, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-2-1, 46-2-9, 46-2-11, and 46-2-17. These are administrative hearings pursuant to procedures contained in SDCL

If a hearing is taken at the hearing, the Board may issue a decision to limit their action to cancel your water rights, or to take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any action rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Prior to April 26, 1993, contact the Water Rights Division by writing to 523 E Capitol, Pierre, SD 57501-3181 or calling (605) 773-3352 to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

On March 9, 1993, an additional set of 1992 irrigation questionnaires were mailed to you. To date, we have not received the completed forms. Please complete and return the forms to our office prior to the May 5th, Water Management Board Meeting.

cc: Diane Best, Assistant Attorney General

•/•/•/ - /

## CERTIFICATION

I hereby certify that on April 20, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 20, 1993, regarding Notice of Hearing to Consider Request for Reconsideration of Cancelled Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 addressed as stated below:

Curtiss A. Reita, P.O. Box 355, New England, ND 58647-0355.

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

for breakfast

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
COUNTY OF HUGHES ) 36

Witnessed before me this 11th day of April, 1993.

1996-1997

Notary Public

781-1

Curtiss A Reitz  
Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1

GENERAL

Applications submitted by: Arthur Reitz

Transferred September 5, 1986 to: Curtiss A Reitz

Permits Licensed:	781-1	December 26, 1974
	784-1	"
	791-1	"
	793-1	"
	991-1	April 9, 1985

The water rights were AMENDED May 6, 1987, to include the Irrigation Questionnaire Qualification. This action was taken for nonreturn of the 1986 irrigation questionnaire.

ONE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	Date Request Mailed	Date Irrigation Ques. Returned	Date of any Board Action
1986	to form mailed	SUSPENDED	none
1989	October, 1989	March 7, 1990	none
1990	October, 1990	did not return form	Feb. 27, 1991
1991	1st form mailed	SUSPENDED	none
1992	October, 1992	did not return form	March 3, 1993

PAST VIOLATIONS

1986 Irrigation Questionnaire Violation

January 29, 1988, Mr. Reitz was given notice of violation for nonreturn of 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, the Water Management Board SUSPENDED, Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 until December 31, 1988.

March 14, 1988, Mr. Reitz was notified of the Board action taken to suspend his water rights.

1990 Irrigation Questionnaire Violation

February 12, 1991, Mr. Reitz was given notice of violation for nonreturn of the 1990 irrigation questionnaire and failure to report chemical use and of the hearing scheduled before the Water Management Board to be held February 27, 1991.

781-1

Curtiss A Reitz  
Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1

GENERAL

Applications submitted by: Arthur Reitz

Transferred September 5, 1986 to: Curtiss A Reitz

Permits Licensed:	781-1	December 26, 1974
	784-1	"
	791-1	"
	793-1	"
	991-1	April 9, 1985

The water rights were AMENDED May 6, 1987, to include the Irrigation Questionnaire Qualification. This action was taken for nonreturn of the 1986 irrigation questionnaire.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Ques. Returned</u>	<u>Date of any Board Action</u>
1988	no form mailed	SUSPENDED	none
1989	October, 1989	March 7, 1990	none
1990	October, 1990	did not return form	Feb. 27, 1991
1991	no form mailed	SUSPENDED	none
1992	October, 1992	did not return form	March 3, 1993

PAST VIOLATIONS

1. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Reitz was given notice of violation for nonreturn of 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, the Water Management Board SUSPENDED, Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 until December 31, 1988.

March 14, 1988, Mr. Reitz was notified of the Board action taken to suspend his water rights.

2. 1990 Irrigation Questionnaire Violation

February 1, 1991, Mr. Reitz was given notice of violation for nonreturn of the 1990 irrigation questionnaire and failure to report chemical use and of the hearing scheduled before the Water Management Board to be held February 27, 1991.

781-1

February 27, 1991, the Water Management Board **SUSPENDED** Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 until December 31, 1991.

March 6, 1991, Mr. Reitz was notified of the Board action taken to suspend his water rights.

3. 1992 Irrigation Questionnaire Qualification

January 29, 1993, Mr. Reitz was given notice of violation for nonreturn of his 1992 irrigation questionnaires and chemical reporting forms and of the hearing scheduled before the Water Management Board to be held on March 3, 1993. The "Notice" was sent Certified Mail, Return-Receipt requested. The Return-Receipt card was signed by Mr. Reitz on February 1, 1993.

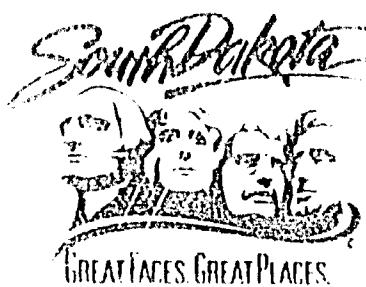
March 3, 1993, the Water Management Board **CANCELLED** Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 for the third violation of failure to return the 1992 irrigation questionnaires and chemical reporting forms.

March 4, 1993, Mr. Reitz contacted the office (spoke with Ron Duvall, NR Resources Engineer) concerning the Board action to cancel his water rights. He requested additional irrigation questionnaires and indicated he did not apply chemicals through any of his irrigation systems and did not intend to in the future.

March 8, 1993, Mr. Reitz was sent a "Notice of Cancellation of Water Rights" informing him of the Board action and what he needed to do in order to bring the matter back before the Board. Additional irrigation questionnaires were sent with the notice.

April 19, 1993, a letter was received (questionnaires were not included) from Mr. Reitz requesting time on the May Water Management Board Meeting agenda for the purpose of presenting testimony.

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

May 10, 1993

NOTICE

TO: Curtiss A Reitz, PO Box 355, New England, ND 58647-0355  
FROM: JOHN HATCH, Chief Engineer  
Water Rights Division  
(605) 773-3352 *John Hatch*  
SUBJECT: Reinstatement of Water Right Nos. 781-1, 791-1 & 991-1

Pursuant to your letter of April 19, 1993, and following a hearing by the Water Management Board May 5, 1993, the Board rescinded the March 3rd motion to cancel Water Right Nos. 781-1, 791-1 and 991-1. This action reinstated Water Right Nos. 781-1, 791-1 and 991-1, effective immediately.

The Water Management Board took into consideration that the irrigation questionnaires were now on file in the Division office. Your attendance at the hearing, to explain the circumstances involving the delay in returning the questionnaires assisted the Board in making a decision.

The Board's motion to rescind the cancellation of your water rights included a statement that "failure to submit future required irrigation questionnaires will result in a one year suspension or possible cancellation of the right(s) without reinstatement."

Violations of any qualifications on irrigation permits and subsequent Board action become part of the permanent record. This notice will be placed in Water Right Nos. 781-1, 791-1 and 991-1 and failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

During the hearing, you testified that you no longer own the land described in Water Right Nos. 784-1 and 793-1. The Board rescinded the cancellation of these water rights stating cancellation should not have occurred since the present owner of the land had not caused the violations to take place. We will contact the new owner(s) concerning the transfer and status of Water Right Nos. 784-1 and 793-1.

c: Diane Best, Assistant Attorney General

Dear Sirs:



781-1

Permit # 991-1 and the  
descriptions on Sec. 13 are the  
only acres that I have left with  
Water Rights. (the former permits  
in my file)- the land now  
belongs to David Mollman (my  
brother-in-law) of Ludlow, S.D.

I will be willing to help with any technical questions you may have.

Pinky Regards)

John R. Peet

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

June 22, 1995

781-1

791-1

991-1

Curtiss A Reitz  
PO Box 355  
New England, ND 58647

Dear Mr. Reitz:

I am contacting you regarding ownership of land described under Water Right Nos. 781-1, 791-1 and 991-1. You indicated when returning your 1994 irrigation questionnaires that you owned No. 991-1 and legal descriptions in Section 13. My question is whether or not you wish to have the water rights divided and reissued to reflect separate ownership.

Enclosed are copies of the water rights currently listed in your name. Please review them and make any notations necessary concerning ownership status. I also included copies of the inspection reports. If the water rights are to be split, I will need to know which acres, diversion points and portions of the water use systems that should be described for each owner.

If the water rights are to be divided and reissued, the only cost involved will be a transfer fee of \$2.50 for each water right. Thank you for your assistance in this matter and if I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

DEAR SIRS:

Because of my health I have sold my land & water rights to my son DAMON REITZ, 869 28<sup>th</sup> st N., DICKINSON, N.D. 58601. — He definitely wants to continue the water systems. We closed the deal just lately in November.

Thank You

Curtis A. Reitz





781-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 16, 1997

Damon Reitz  
69 28th St N  
Dickinson ND 58601

Dear Mr. Reitz:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 781-1, 791-1 and 991-1. Irrigation questionnaires recently submitted by Curtis Reitz, indicate that you are now the owner of these water rights.

The transfer forms should be checked over for accuracy and signed by you in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 for each transfer (total \$7.50).

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

If you have any questions, please contact me.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Water Rights Program  
605 773-3352

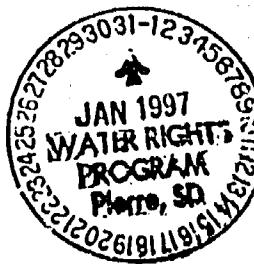
enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

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

No. 781-1

Date: 1/23/97



I/We request that Water Right No. 781-1

formerly owned by: Curtis Reitz

be transferred to: (name & address) Damon Reitz, 869 28th St N., Dickinson ND 53601

Telephone No. 701-225-5853

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

817 acres - E 1/2 NE 1/4 Section 10; W 1/2 NW 1/4, SW 1/4 Section 11; S 1/2 SE 1/4, SW 1/4 Section 13; S 1/2 NE 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 16; all in T21N-R8E

I/We understand that the validity of Water Right No. 781-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

NORTH  
STATE OF SOUTH DAKOTA )  
County of STARK )

I/We DAMON L. REITZ 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.

Damon L. Reitz  
(Signed)

Subscribed and sworn to before me this 28th day of January, 1997.

Pamela L. Pullen  
(Notary Public)  
PAMELA L. PULLEN,  
MY COMM. EXPIRES 1-11-99

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed for 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

415235

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre,

January 31, 1997

RECEIVED OF Damon Reitz, 869 28th St. N., Dickinson, ND 58601  
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. \_\_\_\_\_ to Appropriately Water, to construct  
and to put water to beneficial use \_\_\_\_\_

Fee for Application for Permit No. \_\_\_\_\_ to Appropriately 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 Water Right No. 781-1

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

By

*John Skilton (CR)*



781-1

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 13, 1997

Nos. 781-1  
791-1  
991-1

Damon Reitz  
869 28th St. N.  
Dickinson, ND 58601

Dear Mr. Reitz:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 781-1, 791-1 and 991-1.

Our records now show you as the owner of Water Right Nos. 781-1, 791-1 and 991-1.

Sincerely,

A handwritten signature in black ink that reads "Cheryl F. Frost".

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

enclosure



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 22, 1998

781-1

791-1

991-1

Damon J. Reitz  
RR 1 Box 211  
Scranton, ND 58653-9761

Dear Mr. Reitz:

Enclosed is a "Notice" dated October 16, 1998 concerning the 1998 irrigation questionnaires. The notice was originally mailed to 869 28<sup>th</sup> St W, Dickinson, ND. 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



781-1  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 21, 2003

781-1  
791-1  
991-1

Damon L Reitz  
RR 1 Box 211  
Scranton ND 58653

Dear Mr. Reitz:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires for Water Right Nos. 781-1, 791-1 and 991-1. In order for the questionnaires to be considered complete, we need to have you include more information..

Please include the pump rate (in gallons per minute) and the hours per day that the systems were running. If you do not have exact pump rates, go ahead and write in an estimate of how many gallons per minute you feel they are running at. We use the information to calculate how much water was used from a specific source.

Please complete the form and return it to us by December 1<sup>st</sup>. If you have any questions, please contact me.

Sincerely,

*Genny McMath*

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

enclosures

781-1



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

October 23, 2019

781-1  
991-1

Damon L Reitz  
3453 Lucke Ln W  
Grand Forks ND 58201-9624

Dear Mr. Reitz:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaires.

The notice was originally mailed to Scranton ND. The post office notified us that your address has changed and I will update our records accordingly.

With regard to the irrigation questionnaire for Water Right No. 781-1, there are notes in the file that you had abandoned irrigation under No. 781-1. If that is still the case, please mark the questionnaire for No. 781-1 confirming your intent. The legal descriptions for each water right are listed on the questionnaires. **If you have not abandoned the use and would irrigate if conditions warrant irrigation, please let us know.**

Sincerely,

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

enclosures



# DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

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

November 4, 2024

781-1  
991-1

Damon Reitz  
1032 David Dr  
Grand Forks ND 58201

Dear Mr. Reitz:

Enclosed is a "Notice" dated October 23, 2024, concerning the 2024 Irrigation Questionnaires.

The notice was originally mailed to 3453 Lucke Ln W, Grand Forks ND 58201. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaires or submit your reports online at <https://danr.sd.gov/iq/> using this password *HVFXGJ*.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

W. C. Dunc

Amanda Dewell  
Permitting Administrator  
Water Rights Program  
605 773-3352  
[Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)

*enclosures*