

791-1

1. Considered July 12, 1961
2. Name of Applicant Arthur C. Reiter
3. Post Office Address Kalispell
4. Amount of water claimed 3.6
5. Source of water supply Big Misty Creek
6. Water to be used for Irrigation
Acres to be irrigated 255
7. Water to diverted and used in Harding County
about 1/4 miles 400 of Ralph.
8. Proof of Publication Received July 11
Not Received _____
9. Application Approved C
Subject to Recommendation
Not Approved _____
Action deferred _____
10. Remarks:

No. 791-1

Water Division No. 1 Grand River District
(Blanks to be filled by the Engineer for the W. R. C.)FEB 17 1961
810-222

APPLICATION FOR PERMIT

SALT WATER DIVISION
WATER RIGHTS DIVISION
PIERCE COUNTY, WASH.

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 HARDING, State SD. DAK.

I. If a corporation PRIVATE ENTERPRISE

- (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 AND THE EMPLOYMENT OF OTHERS

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

2. Name of diversion work BIG NASTY SECTIONS 9 & 16 T. 21 N., R. 8 E-BHM

3. Amount of water claimed 3.6 cubic feet per second

4. Source of water supply BIG NASTY CREEK P.D. 5154 5129 F.P. 5656 Sec. 9
NW 36 E from the S $\frac{1}{4}$ cor. Sec. 9, T. 21 N., R. 8 E-BHM to a point which lies5. Location of point of diversion S 19° W 1396 ft. from the E $\frac{1}{4}$ Cor. sec. 9 T 21 N., R. 8 E-BHM
on bank County.

6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

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

(a) Number of acres to be irrigated 35.5 acres Toatl 152 ac
SW-SW-28 ac, SE-SW-39 ac, SW-SE-35 ac, SE-SE-36 ac. Sec. 9, T. 21 N., R. 8 E/

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
NW-NW-12 ac, NE-NW-38 ac, NW-SE-36 ac, NE-NE-35 ac. Sec. 16, T. 21, R. 8 123 ac
(c) Statement as to domestic use (giving location, etc.) Grand total 256 ac

Irrigation and stockwater only

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

(a) Nature of use Irrigation and stockwater only

Name any of the above uses claimed

(b) Amount of power to be generated None horse power

Amount claimed for engine cooling None

(c) Location of plant None

None

(d) Method of developing power

(e) Point where water will be returned to stream X Y Z Y

MAP # 66X-1

8. Estimated cost of work: Couplings and accessories	£4000.00
(a) Head Gates, \$.....	(b) Pumping plant, \$ 1000.00
(c) Fluming, \$.....	(d) Canal-earth Sprinklers & risers Rock, \$ 620.00
(e) Other structures Ditching & leveling \$.....	Total, \$ 650.00
9. Description of diversion works: Trailer mounting & motor	£1000.00
I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)	£7650.00

II. Dimensions of works.

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

(b) Reservoir: Capacity when filled _____ acre feet. Surface area at high-water mark _____ acres.

(c)* Head gate: Width _____ feet; height _____ feet;

Material

(d) Canal: Total length: _____ miles.

(Give dimensions where reductions in size are made.)

14. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

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

THE BUFFALO TIMES-HERALD, BUFFALO, N.Y.

STATE OF SOUTH DAKOTA

County of **Harding**

I, ARTHUR 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Memor

Subscribed and sworn to before me this 1st day of JANUARY 1987

Noary Pibb (or other qualified officer).

Carl H. Corneil

PLAN
OF
The Big Nasty Sections 9 and 16 Project, Property of Arthur L. Reitz, of Ralph, Harding County, South Dakota
Sprinkler and gravity irrigation.
Scale; 1 inch = 630 feet
8 inches = 1 mile.

- - - SURVEYOR'S CERTIFICATE. - - -

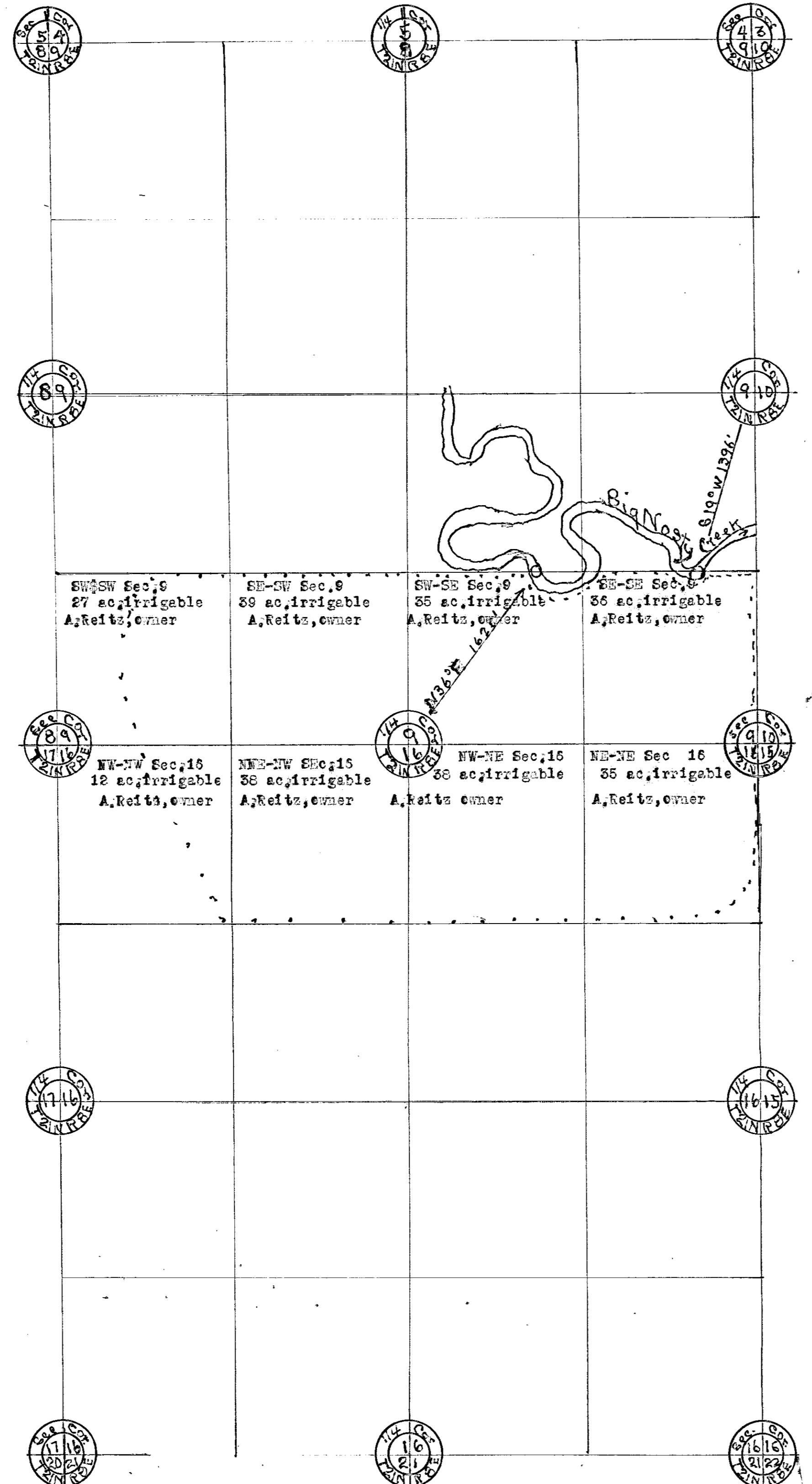
I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota do hereby certify that at the request of Arthur L. Reitz of Ralph, Harding County, South Dakota, I have made a survey and prepared this plat of the above described irrigation project for the purpose of showing the irrigable areas in the several legal subdivisions shown herein as a part of his application for a permit to appropriate water for irrigation purposes. I further certify that the bearings and lengths of all lines shown are correct to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 8th day of February 1937.

Carl M. Cornell (SEAL)
Carl M. Cornell, Licensed Surveyor. No. 144

Subscribed and sworn to before me at Buffalo, South Dakota this 8th day of February 1937.

Eleanor Lindholm (SEAL)
Notary Public.



MAP # 66X-1 (App# 791-1) ³

Remarks by State Water Resources Commission:

This permit allows the pump irrigation of 144 acres in the S₄SE₄, Section 9, and the N₂NE₄, 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.

STATE OF SOUTH DAKOTA
County of Hughes } 83.

Pierre, South Dakota, July 21, 1962

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock A.m. upon the 17th day of February, 1962.

State Water Resources Commission

By: Richard D Schuayen
For Chief Engineer, Executive Officer

Number of permit 791-1

Date of first receipt of application February 17, 1962

Date of return to applicant for correction, amendments or changes required as follows: 1962

Date of receipt of corrected application 1962

Date from which applicant may claim right February 12, 1962

Approved July 19, 1962, Recorded in Book 9, Page 297

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

July 19, 1972

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 2.05 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 12, 1970; said water to be used during the following described annual period:

April 1st through November 30th

Witness my hand this 21st day of July, 1962.

State Water Resources Commission

By: John J. Schuayen
Chief Engineer, Executive Officer

Certificate of Construction Issued

DECEMBER 26, 1974

Water License Issued

DECEMBER 26, 1974

Form 15.

EX 791-1
Permit No. _____

Water Diversion No. 1 GRAND RIVER Water District

CERTIFICATE OF CONSTRUCTION

Arthur L. Reitz

This is to Certify, That _____

the holder _____ of
791-1 _____, issued upon Application No. 791-1, bearing date of priority of February 17,
1967 _____, authorizing the diversion of 2.05 cu. ft. per second of the waters of _____
Big Nasty Creek _____, County of Harding, State of South Dakota at _____
between points North 36° East, 1628' from the S₁ Corner and South 19° West,
1396 feet from the E₁ Corner, Section 9, T21N, R3E
for _____ irrigation _____

⁸
purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 17.8 cu. ft. per second of water.

Date December 26, 1974

By: **WATER RIGHTS COMMISSION**

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 791-1

(1) WHEREAS, On the 17th day of February A.D. 19 67
Arthur L. Reit:

made Water Right Application No. 791-1 for a permit to use 2.05 cubic feet per second of the waters of Big Nasty Creek

County of Harding, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 21st day of July A.D. 19 67
Permit No. 791-1, with a date of priority of February 17, 1967
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. 19 72 and for the application to beneficial use of said water on or before the 19th day of July A.D. 19 76

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 2.05 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

Section 9	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>35 acres</u>
	<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>36 acres</u>

Section 16	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>38 acres</u>
	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>35 acres</u>

Total	<u>144 acres</u>
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(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 L. Reitz

_____ of _____ Ralph, South Dakota

the holder _____ and owner _____ of said permit No. 791-1 a water right, dating from February 17, 1967

_____ to use of 2.05 cubic feet per second of the waters of _____

Big Nasty Creek

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 between points North 36° East, 1628 feet from the
5¹/₂ Corner and South 19° West, 1396 feet from the E₁ Corner, Section 9, T21N, R8E

and conduct to and upon portions of Sections 9 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. 791-1 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 DRIECKOLL

Permit No. 791-1Water Division 1 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. 791-1, bearing date of priority of February 17, 1967 authorizing the diversion of 2.05 cu. ft. per second of the waters of 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:

Pumps. See attached listing.

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

Ditch & dyke.

C. Works used to apply water to beneficial use.

Dyke & siphons.

The system is in the following condition: good

The point of diversion is located Between Pts. (A) N 36° E 1628' from S $\frac{1}{4}$ Cor Sec 9, T21N R8E; and (B) S 19° W 1396' from E $\frac{1}{2}$ Cor Sec 9 T21N R8E

The works are capable of diverting and conveying to the place of use 17.8

cu. ft. per second of water which is to be used for irrigation

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

<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec 9</u>	<u>35 acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Sec 9</u>	<u>36 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec 16</u>	<u>35 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec 16</u>	<u>38 acres</u>

comprising a total of 144 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 Berkley 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Harding } ss.

Donald L. Cammack 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

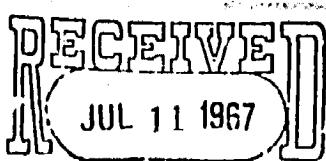
Town of Buffalo County of
Harding and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 15 - 22 - 29 - July 6

in each and every issue of the full number thereof, the first publication being made on the 15th day of June 1967 and the last publication on the 29th day of July 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 Editor the printer and publisher of the said newspaper.

Donald L. Cammack

Subscribed and sworn to before me this 7th day of July 1967 A. D. 1967



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Donald L. Cammack
Notary Public *Harold L. Cammack* County, S. D.

APPROPRIATION OF WATER

No. 791-1

Office of State Water Resources Commission, Pierre, S. Dak.
May 31, 1967

Notice is hereby given that Arthur L. Reitz whose postoffice address is Ralph, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.6 cubic feet of water per second of time from Big Nasty Creek through the Reitz No. 4, the point of diversion of which is to be located on the right bank of said stream between a point in the SW1 SE1 and a point in the SE1 of the SE1 of Section 9 Twp. 21N Range 8E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SI SW1, SI SE1, Sec. 9; NE NW1, NE NE1, Section 16, 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 19th day of July, 1967, at 2 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. June 15-22-29-July 6)

On or before June 22 (First Publication 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 31, 1967

Notice is hereby given that Arthur L. Reitz whose postoffice address is Ralph S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.6 cubic feet of water per second of time from ~~the~~ Big Nasty Creek through the Reitz #4 ~~the~~ the point of diversion of which is to be located on the right bank of said stream in the SW ~~the point in the SW and a point~~ 1/4 of the SW ~~SW~~ 1/4 of Section 9 Twp. 21N Range 8E. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, SW 1/4, Sec. 9; NW 1/4, NW 1/4, Section 16, all in T21N, R8E

and for ~~irrigation~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1967, at 2 P.M. All interested persons may appear and be heard.

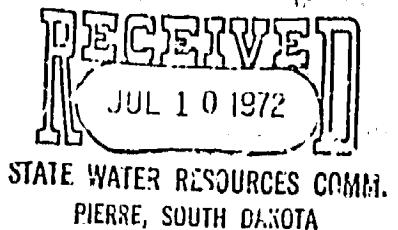
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission:

By:

RICHARD D. SCHUYLER
Richard D. Schuyler, Executive Officer
Water Right Specialist

CC: D. L. Cummack, Publisher
Times Herald
Buffalo, S.D.



APPLICATION FOR EXTENSION OF TIME

TO: Water Resources Commission
State Office Building No 2
Pierre, South Dakota 57501

Date July 15, 1972
July 11, 1972

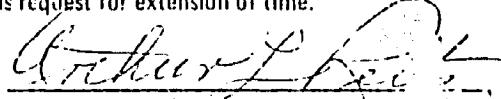
Dear Sirs:

In Water Right Permit No. 791-1 it's specified that the water diversion system is to be completed by July 19, 1972 and that the water is to be put to the limit of beneficial use by July 19, 1972.

I hereby request that the date for completing the diversion system be extended to July 19, 1976 and that the date for putting the water to the limit of beneficial use be extended to July 19, 1976.

The extension of time for the completion of these works is requested for the following reasons: Additional time needed to complete putting water to beneficial use.

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.


(Signed)
Holder of Permit No. 791-1

APPROVED: 7-12-72

WATER RESOURCES COMMISSION

By: 

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 is 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	"
		<u>935</u>	
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	<u>221</u> Acres	"
		<u>1945</u>	"

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 sources 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 recommended for each application. The recommended result, 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 by-passed.

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. 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.

Water Right Application 784-1

This permit allows the pump irrigation of 360 acres, such acreage being the NW $\frac{1}{4}$, the W $\frac{1}{2}$ NE $\frac{1}{4}$, the N $\frac{1}{2}$ 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 $\frac{1}{2}$ SW $\frac{1}{4}$, Section 9, and the N $\frac{1}{2}$ 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 793-1

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

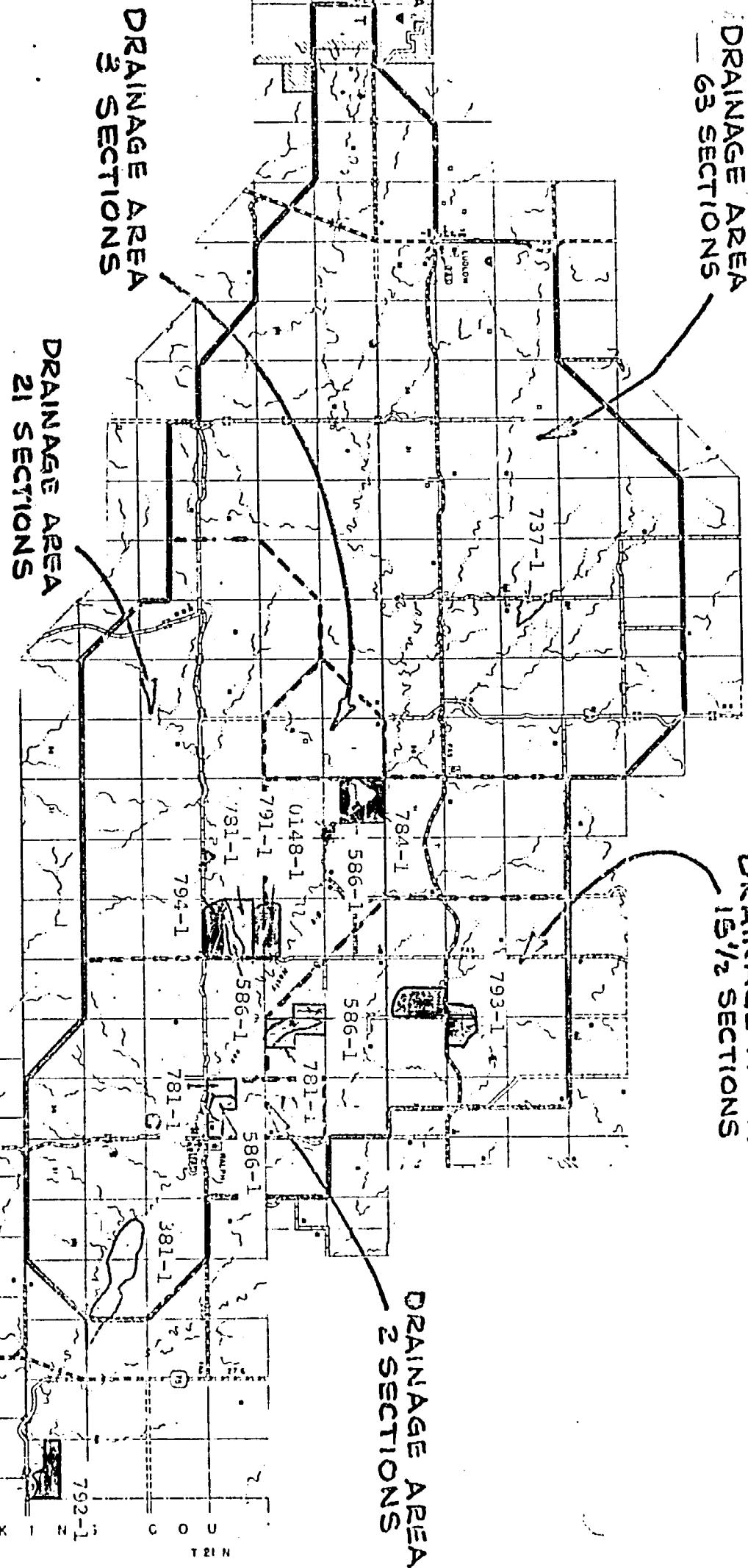
This permit allows the irrigation, by a combination of pumping and water spreading, of 287 acres in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 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.

DRAINAGE AREA
63 SECTIONS

DRAINAGE AREA
15½ SECTIONS

ON A
REST

DRAINAGE AREA
2 SECTIONS



TOTAL DRAINAGE AREA OUTLINED - 136 SECTIONS

**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



South Dakota Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

September 2, 1986

Second Notice
Permit Nos. 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
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S509.WR

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 8/4/1986

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

144 Acres- S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ 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. 791-1 as provided for in SDCL 46-5-32 and 46-5-33.

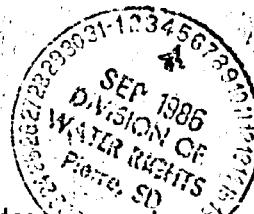
You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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)
) ss.
County of Hettinger)

I, Curtiss A. 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 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 2nd Day of Sept., 1986.

Adeline E. Bayne
(Notary Public)

Aug. 22, 1991

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410555

Pierre, September 12, 1986

RECEIVED OF Curtiss A. Reitz, 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 791-1 _____

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

2 50

By John Hatch
Chief Engineer JOHN HATCH MS

SOUTH DAKOTA

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
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
RAPID CITY, 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
605 773-3352

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



Department of Water & Natural Resources

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

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. 791-1

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. 791-1 to add the following qualification:

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

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
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

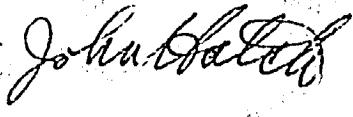
March 14, 1988

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

SUBJECT: John Hatch, Chief Engineer
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.

**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-20 at LaCrosse, Rapid City SD.

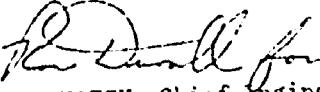
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

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
605 773-3352



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/rra
RON DUVALL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

CURTISS A REITZ
BOX 17
RALPH SD 57650

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.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.
February 1, 1991

CURTISS A REITZ
BOX 17
RALPH SD 57650

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



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.



791-1

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 Per. t 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:

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

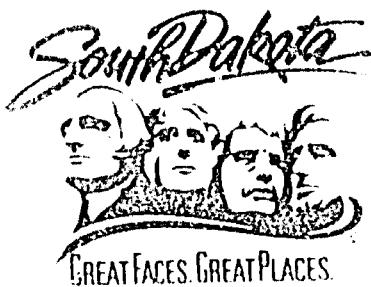
The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, 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.

791-1



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
BOX 17
RALPH, SD 57650

FROM: Ron Duvall, 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

The first notice to file chemigation report(s) for Permit No(s) 781-1; 784-1; 791-1; 793-1; & 991-1 was dated October 16, 1992. Our records indicate that we have not received the 1992 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 1992 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 is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours 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 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 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. 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 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.

791-1



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

March 8, 1993

NOTICE OF CANCELLATION OF WATER RIGHTS

TO: curtiss A Reitz, PO Box 355, New England, SD 58647-0355

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

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

Pursuant to the provisions of the notice dated January 29, 1993 the Water Management Board has:

CANCELLED Water Right Nos. 781-1, 784-1, 791-1, 793-1 and 991-1 for failure to return the 1992 irrigation questionnaires and chemical reporting forms.

Failure to return the 1992 irrigation questionnaires and chemical reporting forms was the third violation of Water Right Nos. 781-1, 784-1, 791-1, 793-1 and 991-1. SDCB 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Cancellation 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 cancellations, 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.

Enclosure

791-1

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, 784-1, 791-1, 793-1 & 991-1, along with Irrigation Questionnaire forms for each Water Right addressed as stated below:

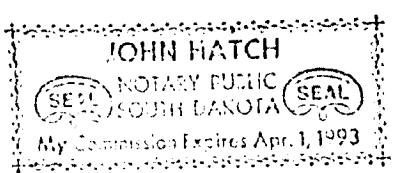
Curtiss A. Reitz, P.O. Box 355, New England, ND 58647-0355.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John Hatch
Notary Public

791-1



Curtiss A. Reitz
Box 17
Ralph, SD. 57650

Department of Environment
and Natural Resources
400 POMA BUILDING
523 EAST CAPITOL 57501-3181

Dear Sirs:
Please acknowledge this request to appear at the early May hearing pertaining to my water permits. At that time I hope to give testimony that may help to recind the decision that was made at the early March hearing concerning my water rights. I was not able to attend that meeting.

Sincerely,

Curtiss A. Reitz

791-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 20, 1993

NOTICE

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

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

A handwritten signature of Ron Duvall.

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Cancelled Water Right Nos. 781-1,
784-1, 791-1, 793-1 & 991-1

The hearing on your April 19, 1993, request to the Water Management Board to reconsider cancellation of Water Right Nos. 781-1, 784-1, 791-1, 793-1 & 991-1 has been scheduled for 9:00 am, May 5, 1993, in the Floyd Matthew Training Center, 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 4-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind their action to cancel your water rights, defer action or 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 decision 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 8, 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

731-1

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

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COURT OF APPEALS) SS
COUNTY OF HUGHES)

Return to, before me, this 26th day of April, 1993.

JOHN HATCH
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires
April 1, 2001

John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

791-1

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

Year	Date Request Mailed	Date Irrigation Ques. Returned	Date of any Board Action
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.

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, 1992, 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.



791-1

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 *John Hatch*
(605) 773-3352
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.

cc: Diane Best, Assistant Attorney General

791-1

CERTIFICATION

I hereby certify that on May 10, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 10, 1993, regarding Reinstate of Water Right Nos. 781-1, (791-1) & 991-1 addressed as stated below:

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

Copy Sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of May, 1993.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



991-1

Dear Sirs:

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 Flandor, S.D.

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

Kind Regards,

Charles A. Reit



791-1

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 28th st N., DICKINSON,
N.D. 58601. — He definitely wants to
continue to water systems. We closed
the deal just lately in December.

Thank You

Curtis A. Petty





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

January 16, 1997

Damon Reitz
869 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.

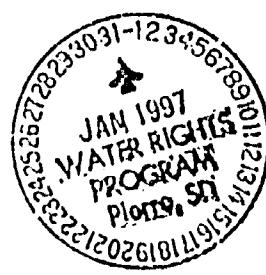
Sincerely,

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. 791-1

Date: 1/23/97

I/We request that Water Right No. 791-1

formerly owned by: Curtis Reitz

be transferred to: (name, & address) Damon Reitz, 869 28th St N, Dickinson ND 58601

Telephone No. 701-225-5853

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

144 acres - S 1/2 SE 1/4 Section 9 and N 1/2 NE 1/4 Section 16; all in T21N-R8E

I/We understand that the validity of Water Right No. 791-1 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.

STATE OF ^{NORTH} ~~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 23rd day of January, 1997.

Pamela R. Pullen
(Notary Public)
PAMELA R. 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 and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

415236

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 Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 791-1 _____

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Damon Reitz (cc)



791-1

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,

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

October 22, 1998

781-1
791-1
991-1

Damon L 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 28th 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



791-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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 1st. If you have any questions, please contact me.

Sincerely,

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

enclosures

2011 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
Please fill out and return before December 2, 2011

Permit/Right No. 791-1

Name	Damon L Reitz	Owner <input checked="" type="checkbox"/>	Operator <input type="checkbox"/>
Address	902 1st Ave. N	Email reitz@ndsupernet.com	
City, State, Zip	Scranton ND 58653	Phone 701-275-6183	

1. Did you irrigate in 2011? *yes **no

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating and proceed to the end of the questionnaire to submit your form:

sufficient moisture no water available
 system not constructed use abandoned
 enrolled in CRP, through what year? _____
 other, please explain in comment box: _____

Comment Box:

This land was sold, my intentions were to buy it back and I was unable to do so.

2. Does this permit allow use of both ground water and surface water? *yes no

*If yes, which source was used?

ground (well), or surface, or both

3. Did you apply chemicals or fertilizer through the irrigation system? yes no

Attention: Multiple irrigation permit holders!

If possible, please complete a separate questionnaire for each one of your water permits/rights. However, if you are unable to do this and you plan to report water usage for all your water permits/rights on one report, please answer the following:

I am reporting the combined water usage under the following permits/rights:

List combined Permits/Rights

List any Permits/Rights under which **no** irrigation occurred

The water use reporting form is on the next page. However, if you prefer reporting your water use based on kilowatt-hours, please provide the following information and then proceed to the last page to submit this form.

of Kilowatt-hours _____

Crop types irrigated and number of acres for each crop:

Operating pressure lb/sq.in. _____

Depth to water (feet) _____

If you need more space, please provide the additional kilowatt-hours information on the last page of this form.

If you need assistance completing the water use information on the next page, here is a sample completed form:

In June and July, a total of 190 acres were irrigated -- 130 acres were alfalfa and 60 acres were corn:

Alfalfa -- using center pivot @ 900 gallons per minute (gpm) for 5 days in June only at 24 hours per day

Corn -- using big gun @ 380 gpm for 8 days in June and for 10 days in July at 12 hours per day

MONTH	CROP	ACRES	PUMP RATE (GPM)	# DAYS	AVE/HRS DAY
JUNE	ALFALFA	130	900	5	24
	CORN	60	380	8	12
JULY	CORN	60	380	10	12

For personal assistance please contact Genny McMath at (605) 773-3352 or by email at genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 7, 2011

791-1

Craig Mollman
13683 Lincoln Rd
Ludlow SD 57755

Dear Mr. Mollman:

Thank you for taking the time to visit with me about the land authorized for irrigation under Water Right No. 791-1. Damon Reitz notified us when submitting his annual irrigation questionnaires this year that he did not own the land described in Water Right No 791-1 and that I should contact Mary Lou Mollman.

Enclosed is a copy of the water right and a couple different maps to give you an idea of where the land is located. I have also included a form for filing an ownership change with the water right. If the land is irrigated, the transfer of ownership needs to be filed with us. The form should be completed, signed and returned to us with a \$50.00 fee made payable to the Water Rights Program.

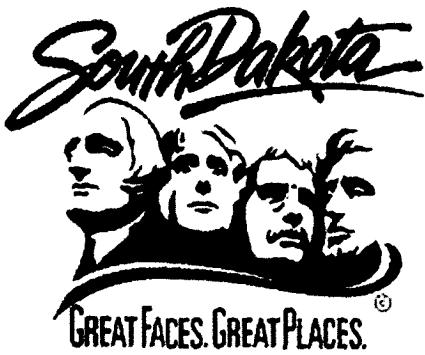
Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If the land is not irrigated, an ownership change is not required. If no irrigation is being done, the water right would be scheduled for cancellation consideration at the next Water Management Board meeting to be held sometime in March, 2012. Please review the water right and give me a call so we know how to proceed. Thank you in advance for your help.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

791-1

July 11, 2012

Craig Mollman
13683 Lincoln Rd
Ludlow SD 57755

Dear Mr. Mollman:

I am contacting you once again concerning ownership of land described in Water Right No. 791-1. The water right is currently listed in the name of Damon Reitz. It is our understanding that the land is owned by Mary Lou Mollman. In December, 2011, I spoke with you concerning the water right and forwarded you a copy of the water right and a transfer form for filing an ownership change. To date we have not received anything back from you.

In the event you no longer have the original transfer form, I am sending along another one for use in filing the ownership change. The form should be completed, signed and returned to us with a \$50.00 fee made payable to the Water Rights Program. For informational purposes, under South Dakota Water Law, 46-5-30.3, the Notice of any sale, grant, lease, conveyance, or other transfer of an application, permit, or license to appropriate water shall be filed with the chief engineer within ninety days.

If the land will not be irrigated, an ownership change is not required however we need something in writing from you indicating the intent to discontinue the water right. Thank you in advance for helping to update the water right.

Sincerely,

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

enclosure



791-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2013

NOTICE

TO: MARY LOU OR CRAIG MOLLMAN, 13683 LINCOLN RD, LUDLOW SD 57755
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No. 791-1. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 791-1 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, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 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. 791-1 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.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 12, 2013

791-1

Craig Mollman
13685 Lincoln Rd
Ludlow SD 57755

Dear Mr. Mollman:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire. You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 791-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Also received along with the irrigation questionnaire was the transfer of ownership form to change the water right from Damon Reitz to "Craig Mollman or Mary Lou Mollman". The transfer form was completed properly however cannot be filed for record without the required \$50.00 fee.

Upon receipt of the \$50.00 fee from you, the water right can be transferred to your names. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
FEB 12 2013
WATER RIGHTS
PROGRAM

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

No. 791-1
Date: 2-7-13

I/We request that Water Right No. 791-1

formerly owned by: Damon Reitz

be transferred to: (name & address) 13685 Lincoln Rd. Ludlow, SD;
Craig Mollman or Mary Lou Mollman

Telephone No. 605-576-3203

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

144 acres – S ½ SE ¼ Section 9 and N ½ NE ¼ Section 16, T21N, R8E

I/We understand that the validity of Water Right No. 791-1 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Craig Mollman or
Mary Lou Mollman, the new owner, certify that the above information is true and correct.

Craig Mollman or
Mary Lou Mollman
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/11, 20 13

RECEIVED OF Craig A Mollman 13685 Lincoln Rd Ludlow SD 57555

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

Fee for Application for Permit No. _____ and to put water to beneficial use	to Appropriate Water, to construct		
Fee for Application for Permit No. _____	to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____	after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form _____	<u>791-1</u>		50 00
Fee for _____			
Fee for Issuing New Well Driller's License No. _____	for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____	for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____	for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____	for C.Y. _____		
(Any Other Work Provided by Law)		TOTAL	50 00

No. 06231

By Leland E. Eide
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.dnr.sd.gov

March 19, 2013

791-1

Craig or Mary Lou Mollman
13685 Lincoln Rd
Ludlow SD 57755

Dear Mr. Mollman and Ms. Mollman:

I am writing in regard to the recent transfer form and filing fee you submitted for changing ownership on Water Right No. 791-1.

The ownership change has been completed. Water Right No. 791-1 formerly held by Damon Reitz is now listed in your names. Enclosed for your records is Receipt No. 06231 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Craig & Joyclyn Mollman, 13685 Lincoln Rd, Ludlow SD 57755

DATE: 11/22/2024

TELEPHONE: 605.576.3203

RE: Cancel Water Right

COMMENTS:

After receiving the 2024 Irrigation Questionnaire for WR No. 791-1 I called the Mollman residence to discuss the reported abandonment of the system.

Craig's wife (Joyclyn ?) answered and conveyed that they would like the water right cancelled, saying that the last 2 generations living on the property had not used any irrigation, stating that irrigation last took place in the 1940s and that they only wish to be able to water pastured cattle from the creek.

I assured her that use of water for livestock in a pasture was a domestic use and did not require permitting.

I also informed her that a Notice would be sent prior to any Board action (March 2025) and invited her or Craig to call with any questions, although it didn't sound like there were any.



Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 26, 2025

NOTICE OF CANCELLATION

TO: Craig & Joyclyn Mollman, 13685 Lincoln Rd, Ludlow, SD 57755

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water

SUBJECT: Cancellation of Water Right No. 791-1

Amanda Dewell

Water Right No. 791-1 authorizes the diversion of 2.05 cubic feet of water per second from Big Nasty Creek for the irrigation of 144 acres located in the S ½ SE ¼ Section 9 and N ½ NE ¼ Section 16; all in T21N, R8E. Water Rights Program staff called your residence after receiving your 2024 Irrigation Questionnaire to confirm the reported abandonment of the irrigation system. Conversation was had with Ms. Joyclyn Mollman, affirming the property associated with the water right had not been irrigated since the 1940's and that the only use of water was for pastured livestock. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 791-1 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Right No. 791-1 at **9:30 am, Wednesday, May 7, 2025 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 791-1 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by April 7, 2025. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by April 7, 2025.

Prior to April 7, 2025, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 7, 2025.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER RIGHT NO. 791-1, CRAIG MOLLMAN**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Right No. 791-1.

After receiving the 2024 Irrigation Questionnaire, which stated that irrigation practices had been abandoned, Water Rights Program staff called the Mollman residence to confirm the abandonment of the irrigation system. Mrs. Mollman confirmed that irrigation practiced on the property had been abandoned and that irrigation had not taken place on the property since the 1940's.

The acting Chief Engineer is recommending cancellation of the above water right due to abandonment, or forfeiture, or both.

Amanda Dewell
Amanda Dewell, Permitting Administrator, Water Rights Program
For Mark Mayer, PE, Director of Office of Water
March 26, 2025

Note:

Cancellation of the water permit does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION dated March 26, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on March 26, 2025.

Water Right No. 791-1

Craig & Joyclyn Mollman
13685 Lincoln Rd
Ludlow, SD 57755

Water Right No. 3001-3

Nancy Roda
PO Box 218
Willoughby, OH 44096

Water Right No. 3190-3

Dennis Sanger
17620 366th Ave
Rockham, SD 57470

Water Right No. 2205-3

Buisker Family Trust, c/o
Randy Buisker
48222 Grape Vine Ln
Big Stone City, SD 57216

**Water Right Nos. 1132-3,
2718-3 & Vested Water
Right No. 825-3**

City of Miller, c/o Finance
Officer
PO Box 69
Miller, SD 57362

Water Right No. 7310-3

Klein Land & Cattle, c/o
Gayle Klein
35968 234th St
Gann Valley, SD 57341

Water Right No. 2036-3

Todd Mcelhany
45840 SD Hwy 22
Castlewood, SD 57223

Water Permit No. 7647-3

Jared Higman
PO Box 345
Vermillion, SD 57069

Water Permit No. 8375-3

Maxon Conkey
19141 369th Ave, St
Lawrence, SD 57373

Water Permit No. 7518-3

Jerry Runia
2145 SE Lake Dr
Estelline, SD 57234

Water Permit No. 8222-3

Southeast Farmers Co Op,
c/o Larry Bork
31303 471st Ave
Burbank, SD 57010

Water Permit No. 6961-3

Norman Kramer
31105 436th Ave
Yankton, SD 57078

Water Permit No. 8172-3

Chris Lamb
43116 182nd St
Vienna, SD 57271

Water Permit No. 7647-3

~~Jared Hingman
PO Box 345
Vermillion, SD 57069~~

Water Right No. 2506-3

James Reiners
45270 284th St
Hurley, SD 57036

Water Right No. 2269-3

Travis Wiese
29370 460th Ave
Centerville, SD 57014

Water Permit No. 8148-3

Troi D Andernacht
45835 284th St
Hurley, SD 57036

Water Permit No. 8052-3

Dennis Wolff
34365 104th St
Long Lake, SD 57457

Water Right No. 2603-3

Dana Dennert
11821 391st Ave
Colombia, SD 57433

Water Right No. 5545-3

University of South Dakota,
c/o Nate Steele
414 E Clark St
Vermillion, SD 57069

Water Permit No. 7905-3

Huron Hutterian Brethren,
c/o Joey Waldner
40068 Huron Colony Ln
Huron, SD 57350

Water Permit No. 8624-3

Mark Johnson
40737 305th St
Avon, SD 57315

Water Right No. 7171-3

Willow Run Management
Co, c/o Barry Anderson
8000 E Hwy 42
Sioux Falls, SD 57110

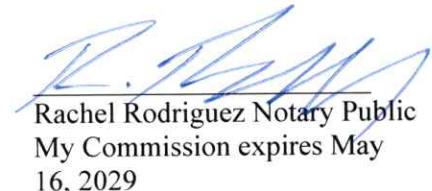



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA
)

) SS
COUNTY OF HUGHES
)

Sworn to, before me, this 26th
day of March,
2025.


Rachel Rodriguez Notary Public
My Commission expires May
16, 2029



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 9, 2025

791-1

NOTICE OF ENTRY OF ORDER

Craig & Joyclyn Mollman
13685 Lincoln Rd
Ludlow SD 57755

Dear Mr. & Ms. Mollman:

This will notify you that on Wednesday, May 7, 2025, the Water Management Board cancelled your Water Right No. 791-1, authorizing the irrigation of 144 acres from Big Nasty Creek, Harding County, South Dakota.

This action was taken under the conditions outlined in our notice to you March 26, 2025. If you have any questions concerning the Board action, please contact Amanda Dewell, with our program, at (605) 773-3352.

Sincerely,

Mark Mayer, PE
Director of Office of Water

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated May 9, 2025, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on May 9, 2025.

Water Right No. 791-1
Craig & Joyclyn Mollman
13685 Lincoln Rd
Ludlow SD 57755

Water Right No. 3001-3
Nancy Roda
PO Box 218
Willoughby OH 44096

Water Right No. 3190-3
Dennis Sanger
17620 366th Ave
Rockham SD 57470

Water Right No. 2205-3
Buisker Family Trust
c/o Randy Buisker
48222 Grape Vine Ln
Big Stone City SD 57216

**Water Right Nos. 1132-3 & 2718-3
Vested Water Right No. 825-3**
City of Miller
c/o Finance Officer
PO Box 69
Miller SD 57362

Water Right No. 7310-3
Klein Land & Cattle
c/o Gayle Klein
35968 234th St
Gann Valley SD 57341

Water Right No. 2036-3
Todd Mcelhany
45840 SD Hwy 22
Castlewood SD 57223

Water Permit No. 7647-3
Jared Higman
PO Box 345
Vermillion SD 57069

Water Permit No. 8375-3
Maxon Conkey
19141 369th Ave
St Lawrence SD 57373

Water Permit No. 7518-3
Jerry Runia
2145 SE Lake Dr
Estelline SD 57234

Water Permit No. 6961-3
Norman Kramer
31105 436th Ave
Yankton SD 57078

Water Permit No. 8172-3
Chris Lamb
43116 182nd St
Vienna SD 57271

Water Right No. 2506-3
James Reiners
45270 284th St
Hurley SD 57036

Water Right No. 5545-3
University of South Dakota
c/o Nate Steele
414 E Clark St
Vermillion SD 57069

Water Permit No. 8222-3
Southeast Farmers Co-Op
c/o Larry Bork
31303 471st Ave
Burbank SD 57010

Water Permit No. 7905-3
Huron Hutt Breth
c/o Joey Waldner
40068 Huron Colony Ln
Huron SD 57350

Water Right No. 2269-3
Travis Wiese
29370 460th Ave
Centerville SD 57014

Water Permit No. 8148-3
Troi Andernacht
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Willow Run Management Co
c/o Barry Anderson
8000 E Hwy 42
Sioux Falls SD 57110


Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)
Sworn to, before me, this 9th day

of May, 2025.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

