

Considered: _____

WATER PERMIT NO. 106A-2

MAP No. 106A-2

Name of Applicant James A Lintz

Post Office Address Rt 1, Box 23 XXXX Hermosa 57744

Amount of Water Claimed no additional (.54) Total Acres No add'l (38)

Source of Water Supply Grace Coolidge Creek (Squaw Creek)

Water to be used for IRR County Custer

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 11-7-84 Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 9/24/84 Fee 50.00 Remarks _____

6/6/1911 Change of Diversion

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

not applicable

Diversion Point _____

Between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3 both in T3S R7E

Land to be Irrigated _____

W $\frac{1}{2}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Section 3 both all in T3S R7E

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map drawn PREPARED BY Tim Schaal, DWR Reviewed and the Number _____

assigned on 10/10/84 By Betty Westlund

Betty Westlund NRA III

No. <u>106A-2</u>	Hydrologic Unit <u>10120109</u>
Map No. <u>106A-2</u>	Basin <u>UC</u>
Newspaper <u>CUSTER Co CHRONICLE, Box 551</u>	<u>57130</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☐ Future Use ☐☒ Application to amend Permit No. 106-2 with old priority date retained June 6, 1911☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant James A. Lintz Phone No. 255-4269Post Office Address Rt 1, Box 23 Hermosa State SD 57744
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 0.54 Total acres irrigated 383. Source of Water supply Grace Coolidge Creek (Squaw Creek)4. Location of point of diversion Between a point located 1400 ft North of center Section
10, T3S, R7E and a point located 600 ft North of NE corner Section 10, T3S, R7ECounty Custer5. Counties where water will be used Custer6. Annual period during which water is to be used April 1st to October 31st

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 - T3S - R7E	16
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 "	12.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 "	3.5
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3 "	6.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Applicant plans on diverting directly from Grace Coolidge Creek and using a big gun to irrigate.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Custer)^{ss}I, James A. Lintz the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this 18th day of SeptMy Commission
Expires Jan. 22, 1991Patricia A. Bechard
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 106A-2

James A. Lintz

(Applicant)

RT 1 Box 23 Hermosa

(Post Office Address)

South Dakota

(State)

57744

(Zip Code)

With the following qualifications.

No diversions may be made unless there is a flow of at least 2.5 cubic feet per second* in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T3S, R7E.

Any diversions from Grace Coolidge Creek are subject to the prior rights of Mrs. Helen Callan and Minnie Bender Burns.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

That approval of Permit No. 106A-2 incorporates the applicable portions of Water Right No. 106-2 into No. 106A-2 and cancels the abandoned portions of Water Right No. 106-2.

* See recommendation of Chief Engineer.

Date of first receipt of application September 24, 1984

Date of return to applicant for correction, amendments or changes required —, 19—

Date of receipt of corrected application —, 19—. Approved May 15, 1985

The Water Management Board hereby approves this Water Permit No. 106A-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is June 6, 1911
2. One-fifth of the work is to be completed on or before —, 19—
3. The whole of said work is ~~to be completed on or before~~ —, 19—
4. The time limit for proof of beneficial use of water is —, 19—
5. The water appropriated shall be used for the purpose of Irrigation
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed no add'l cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 —, 19—; said water to be used during the following described annual period: April 1 to October 31

WATER MANAGEMENT BOARD

By: John Hatah
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

NOV 19 1985

—, 19—



RECOMMENDATION OF CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NO. 106A-2, James A Lintz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 106A-2, James A Lintz, Rt 1, Box 23, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 106A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. No diversions may be made unless there is a flow of at least 2.5 cubic feet per second* in Grace Coolidge Creek for downstream domestic use, during diversions, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T3S, R7E.
2. Any diversions from Grace Coolidge Creek are subject to the prior rights of Mrs. Helen Callan and Minnie Bender Burns.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. That approval of Permit No. 106A-2 incorporates the applicable portions of Water Right No. 106-2 into No. 106A-2 and cancels the abandoned portions of Water Right No. 106-2.

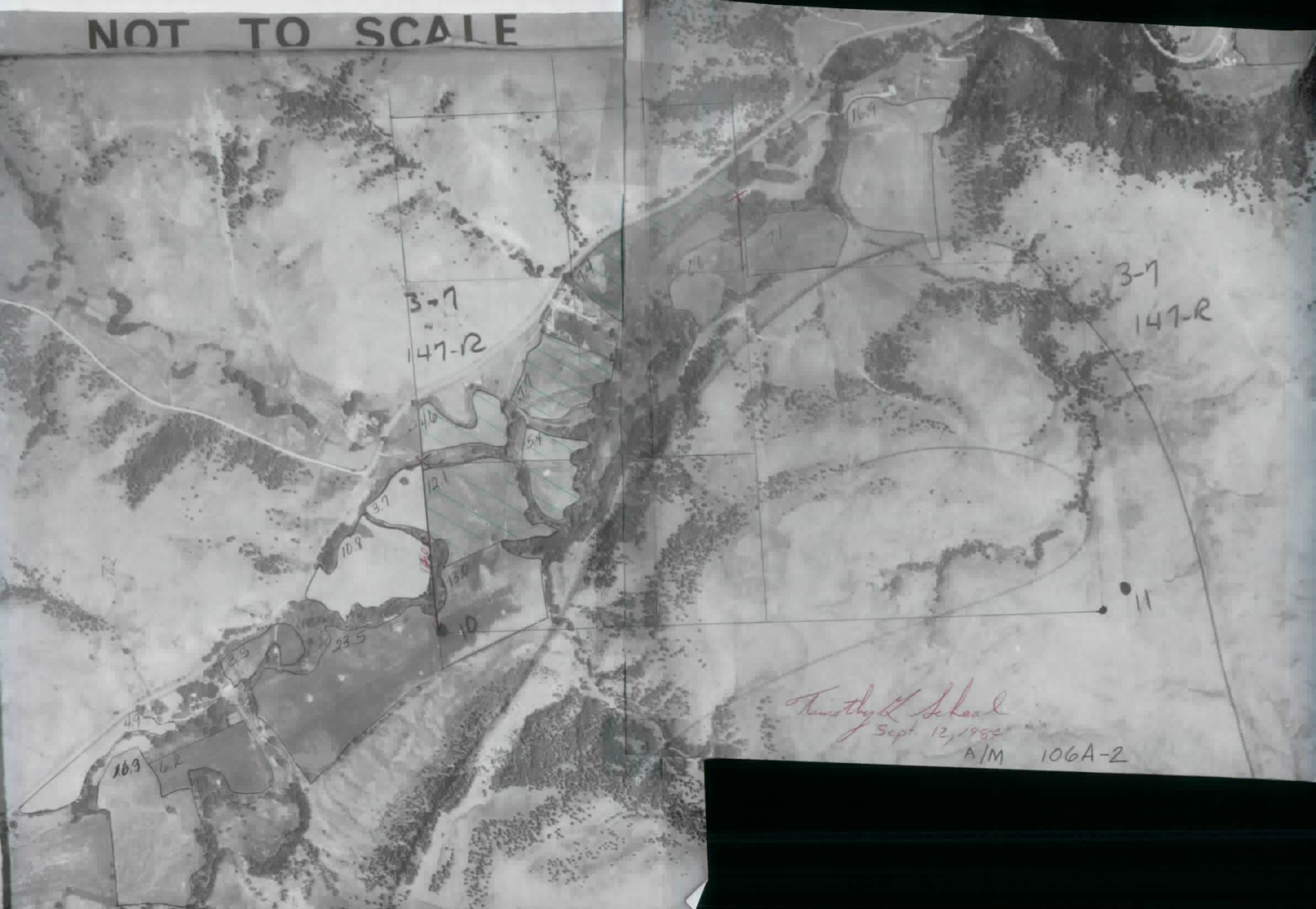
See the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 18, 1984

* The Chief Engineer will arrange for installation of a Staff Gauge in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. A staff gauge is a graduated scale mounted on a plant, wall or other like object from which the water surface elevation may be used.

NOT TO SCALE



Timothy L. Sehead
Sept. 12, 1988

A/M 106A-2

RECEIPT

Division of Water Rights

No 4 9758

South Dakota Department of Water and Natural Resources

Pierre, September 24, 1984

RECEIVED OF James A. Lintz, Route #1, Box 23, Hermosa, SD 57744

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

Fee for Application for Permit No. 106A-2 to Appropriate Water, to construct works and to put water to beneficial use Amend Permit #106-2	50	00
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		
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	50	00

By

Chief Engineer

JOHN HATCHMS

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Randall O'Neill hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Custer County Chronicle

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Custer

County of Custer and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 25, 1984

November 1, 1984

Randall O'Neill
(Signature)

Public Printer
(Title)

11/2/84
(Date Signed)

Cost of Printing: \$37.19 -- Total

October 25, 1984 \$20.66

November 1, 1984 -- \$16.53

Notice of Hearing

NOTICE OF HEARING on Application No. 106A-2 and to Amend Water Right No. 106-2.

Notice is hereby given that James A. Lintz whose mailing address is Rt 1, Box 23, Hermosa, South Dakota has made an application for a permit to amend Water Right No. 106-2 to change 1) the point of diversion on Grace Coolidge Creek from the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T3S, R7E to a location between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 both in T3S, R7E; and 2) the method of diversion from gravity flow through the use of a timber and rock diversion, dam, headgate, ditches and a flume to diversion through a pump at locations on Grace Coolidge Creek in Sections 10 and 3, T3S, R7E to irrigate 38 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 all in T3S, R7E. The requested rate of diversion of water under Application No. 106A-2 is 0.54 cubic feet per second.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 106A-2 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

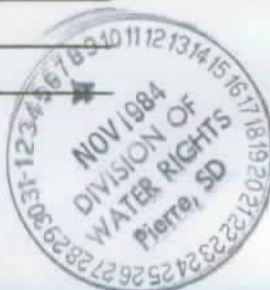
This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E Capitol, Pierre SD on December 5 1984 at 11:15 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a deter-

mination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.



Instruction to Newspaper - Publish first publication of the following Notice on or before October 25, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 106A-2 ~~to Appropriate Water~~
and ~~for~~ to Amend ~~Water Permit~~ or Water Rights No. 106-2

Notice is hereby given that James A Lintz whose mailing address is Rt 1, Box 23, Hermosa, South Dakota has made an application for a permit to amend Water Right No. 106-2 to change 1) the point of diversion on Grace Coolidge Creek from the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T3S, R7E to a location between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 both in T3S, R7E; and 2) the method of diversion from gravity flow through the use of a timber and rock diversion dam, headgate, ditches and a flume to diversion through a pump at locations on Grace Coolidge Creek in Sections 10 and 3, T3S, R7E to irrigate 38 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 all in T3S, R7E. The requested rate of diversion of water under Application No. 106A-2 is 0.54 cubic feet per second.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 106A-2 because ~~1) unappropriated water is available,~~ 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building,
Room 216, 523 E Capitol, Pierre SD on December 5 19 84 at 11:¹⁵~~00~~ am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 19, 1984

N O T I C E

TO: Rittberger Beef & Dairy
Rt 3, Box 13
Hermosa SD 57744

FROM: John Hatch, Chief Engineer
Water Rights Division

A handwritten signature in dark ink, appearing to read "John Hatch".

SUBJECT: Consideration of Water Permit Application No. 1687-2

Due to a typing error the hearing date for consideration of Water Permit Application No. 1687-2 was advertised for December 15, 1984. The scheduled hearing date is December 5, 1984 at 11:15 am in Conference Room 216, Joe Foss Building, Pierre SD. This hearing date and time is the same as for the Callan Application No. 1900-2 and Lintz Application No. 106A-2.

cc: James Lintz
Helen Callan and Minnie Bender Burns



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 21, 1984

N O T I C E

TO: Mrs. Helen Callan
 Rt 1, Box 41
 Hermosa SD 57744

 James A Lintz
 Rt 1, Box 23
 Hermosa SD 57744

 Mrs. Minnie B Burns
 Rt 1, Box 29
 Hermosa SD 57744

 Rittberger Beef & Dairy
 Rt 3, Box 13
 Hermosa SD 57744

FROM: John Hatch, Chief Engineer
 Water Rights Division

SUBJECT: Automatic Extension of Time on Water Permit Application Nos.
 1687-2 and 1900-2 and Recommended Delay of No. 106A-2

Pursuant to petitions received from Mrs. Helen Callan and Mrs. Minnie B. Burns and SDCL 46-2A-4 and 46-2A-5 the time of hearing for consideration of Water Permit Applications No. 1687-2 (Rittberger Beef & Dairy) and 1900-2 (Mrs. Helen Callan and Mrs. Minnie Burns) is automatically extended. The Water Management Board will now consider Water Permit Applications No. 1687-2 and 1900-2 at 1:15 pm, March 6, 1985 in Room 216, Joe Foss Building, Pierre SD. The Chief Engineer will also recommend to the Water Management Board on December 5, 1984 that consideration of Water Permit Application No. 106A-2 for James A Lintz be considered March 6, 1985 at the above stated place and time.

cc: Dan Doyle, Assistant Attorney General



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 4, 1985

NOTICE

TO: Mrs. Helen Callan, Rt 1, Box 41, Hermosa SD 57744
Mrs. Minnie Bender Burns, Rt 1, Box 29, Hermosa SD 57744
James A Lintz, Rt 1, Box 23, Hermosa SD 57744
Rittberger Beef & Dairy, Inc., Rt 3, Box 13, Hermosa SD 57744

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division

SUBJECT: Rescheduled Hearings on Water Permit Application Nos. 1687-2A,
1900-2 and 106A-2 and Rescheduled Cancellation Considerations
of Water Right Filing Nos. 0138-2 and 0185-2.

The hearings on the above Water Permit Applications and Water Right Filings were postponed pursuant to a request from Andrew Reid, attorney representing Mrs. Callan and Mrs. Burns. The hearings before the Water Management Board will now be at 11:00 am, May 15, 1985 in the Civil Defense Room, located in the basement of the Capitol Building, Pierre SD.

We are recommending the following addition to qualification No. 1 for Water Permit Application Nos. 1687-2A, 1900-2 and 106A-2:

"The 2.5 cfs flow bypass may be changed by the Water Management Board, if flow measurements indicate a need for change."

JH:TS:ks

cc: Daniel D Doyle, Assistant Attorney General
Andrew Reid, Attorney
Curt Ireland, Attorney



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

106A-2

NOV 19 1985

James A. Lintz
Route 1, Box 23
Hermosa, South Dakota 57744

Dear Mr. Lintz:

Enclosed is your Water Permit No. 106A-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: James A. Lintz

ADDRESS: HCR 89, Box 50

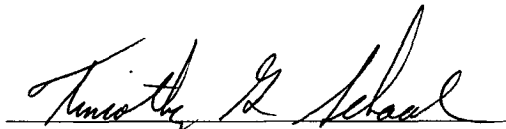
COUNTY: Custer

DATE: November 10, 1997

TELEPHONE: 255-4269

RE: XXXXXXXX

I talked to Jim today about the comment on his Irrigation Questionnaire concerning reconstruction of his flood diversion dam. I told him that when Water Permit No. 106A-2 was approved the applicable portions of Water Right No. 106-2 were incorporated into Water Permit 106A-2 and the abandoned portions canceled and this would include his diversion dam. He said he would like to divert from the creek and use a small storage dam to flood irrigate some of the same acreage he pumps onto. I told him that would take a new application which may not get approved. He still asked for one of us to stop by and look at it and I said we could. He then mentioned he may try to raise fish in the small storage dam.

A handwritten signature in cursive script, reading "Timothy G. Schaal", written over a horizontal line.

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



106A-2

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9181

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:55 PM on January 25, 2010 in HERMOSA, SD 57744. The item was signed for by B LINTZ.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 1:55 pm, HERMOSA, SD 57744
- Notice Left, January 23, 2010, 10:37 am, HERMOSA, SD 57744
- Out for Delivery or Available at PO Box, January 23, 2010, 8:50 am, HERMOSA, SD 57744
- Sorting Complete, January 23, 2010, 8:20 am, HERMOSA, SD 57744
- Arrival at Post Office, January 23, 2010, 7:40 am, HERMOSA, SD 57744

Notification Options

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No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9181

JAMES A LINTZ
13973 SD HWY 36
HERMOSA SD 57744

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel



**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 28, 2010

106A-2

James A Lintz
13973 SD Hwy 36
Hermosa SD 57744

Dear Mr. Lintz:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 106A-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



106A-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 11, 2003

Dear Water Right Holder;

The SD Department of Environment and Natural Resources is alerting Grace Coolidge Creek water right holders of low flows in the stream. On July 30, 2003 a staff engineer measured the flow in the creek at less than two (2) cubic feet per second (cfs) on the Lintz property. Water rights on Grace Coolidge Creek have the qualification that no diversions from the stream are authorized unless the flow at the lower end of the Lintz property is at least 2.5-cfs.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

This is not a shutoff order. This letter is only intended to give you advanced warning that flow in Grace Coolidge Creek is quite low and water right holders need to closely monitor water usage. If shut-off orders are issued, you will receive another letter from the department.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Don Stroup at (605) 773-3352.

Sincerely,

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program



106A-2
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 22, 2010

NOTICE

TO: JAMES A LINTZ, 13973 SD HWY 36, HERMOSA, SD 57744

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 106A-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) 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(s) 106A-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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(s) 106A-2 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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: <https://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.



106A-2

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9181

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 1:55 PM on January 25, 2010 in HERMOSA, SD 57744. The item was signed for by B LINTZ.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 1:55 pm, HERMOSA, SD 57744
- Notice Left, January 23, 2010, 10:37 am, HERMOSA, SD 57744
- Out for Delivery or Available at PO Box, January 23, 2010, 8:50 am, HERMOSA, SD 57744
- Sorting Complete, January 23, 2010, 8:20 am, HERMOSA, SD 57744
- Arrival at Post Office, January 23, 2010, 7:40 am, HERMOSA, SD 57744

Notification Options

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
PTL 2000 0000 0802 9181JAMES A LINTZ
13973 SD HWY 36
HERMOSA SD 57744Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811~~Signature Confirmation Receipt~~

- ☐ Priority Mail™ Service
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- ☐ Package Services parcel

PS Form 153, May 2002



**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 28, 2010

106A-2

James A Lintz
13973 SD Hwy 36
Hermosa SD 57744

Dear Mr. Lintz:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 106A-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 106A-2

I have this day, August 30, 2016 made a thorough examination of the water use system constructed by Jim Lintz, 13973 SD Highway 36, Hermosa, SD 57744 of Permit No. 106A-2, bearing the priority of 6/6/1911 authorizing the diversion of 0.54 cu. ft. per second of the waters of Grace Coolidge Creek for irrigation purposes, in Custer County.

Inspection contact & relationship to permit holder, if applicable: **Jim Lintz, owner**
605-255-4269

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model Tracto-rain
- 3) Size pto belt drive 4" discharge
- 4) Capacity 275 GPM @ 90 PSI

Power:

- 1) Source PTO - diesel
- 2) Horsepower rating 20 hp

Comment: As an alternative pump/power source, Lintz also uses a fire truck with a fogger nozzle capable of delivering up to 1,000 gpm but operated at less than full capacity. The truck can pump directly out of the creek with a 2 1/2" fire hose.

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

- 1) Type portable aluminum pipe
- 2) Size 4 inches
- 3) Length varies

Comments:

C. Works used to apply water to beneficial use:

Big Gun:

- 1) Make Nelson
- 2) Nozzle size 1.0 inches
- 3) Capacity 275 GPM

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes

No diversions are made unless there is flow of at least 2.5 cfs. Operator gauges flow based on flow through 24" culvert downstream of irrigated areas.

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes

List any extended period of nonuse: **Legal excuse for no irrigation since 2004**

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located between the following points:

West extent: **1,330' S and 2,593' W of the NE corner Section 10 T3S R7E (43.806973, -103.269021)**

East extent: **497' N and 1' W of the SE corner Section 3 T3S R7E (43.811924, -103.259227)**

2. The works are capable of diverting and conveying to the place of use 0.61 cu. ft. per second of water (275 gpm) which is to be used for sprinkler irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 10 T3S R7E:
NW ¼ NE ¼ 11.7 acres
NE ¼ NE ¼ 2.1 acres
SW ¼ NE ¼ 14.5 acres

Section 3 T3S R7E:
SE ¼ SE ¼ 8.0 acres

comprising a total of 36.3 acres of land and the license should be issued for 0.52 cfs .

3. All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project:

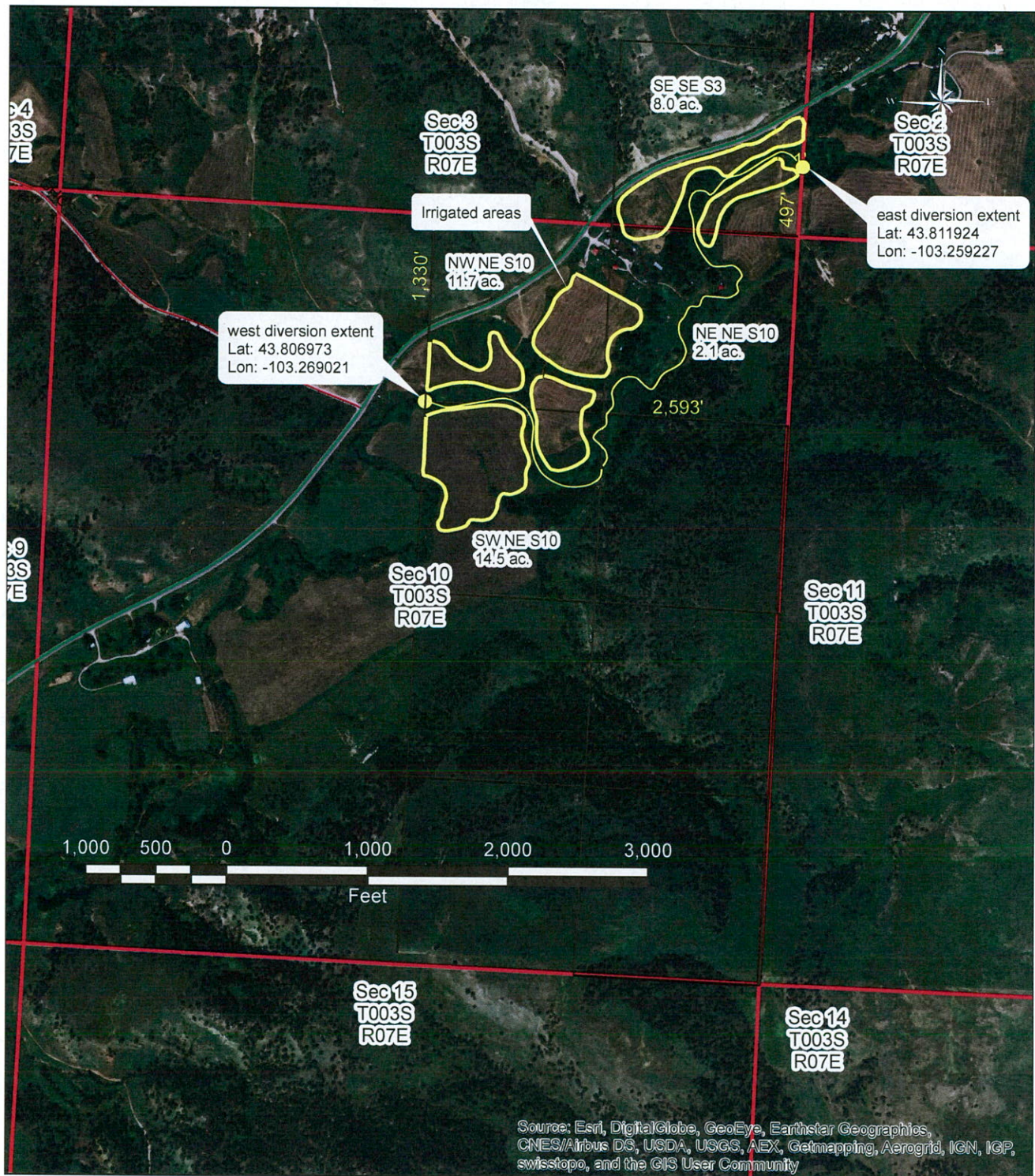
Permit 106A-2 incorporates the applicable portions of Water Right No. 106-2 and cancels abandoned portions of Water Right 106-2. The method of irrigation used requires more than the statutory limit of 1 cfs for each 70 acres. The license is issued for .52 cfs based on 1 cfs for each 70 acres.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

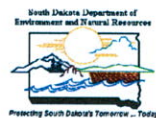
Date report completed: 8/30/2016

Water Right #106A-2
Jim Lintz
8/30/2016

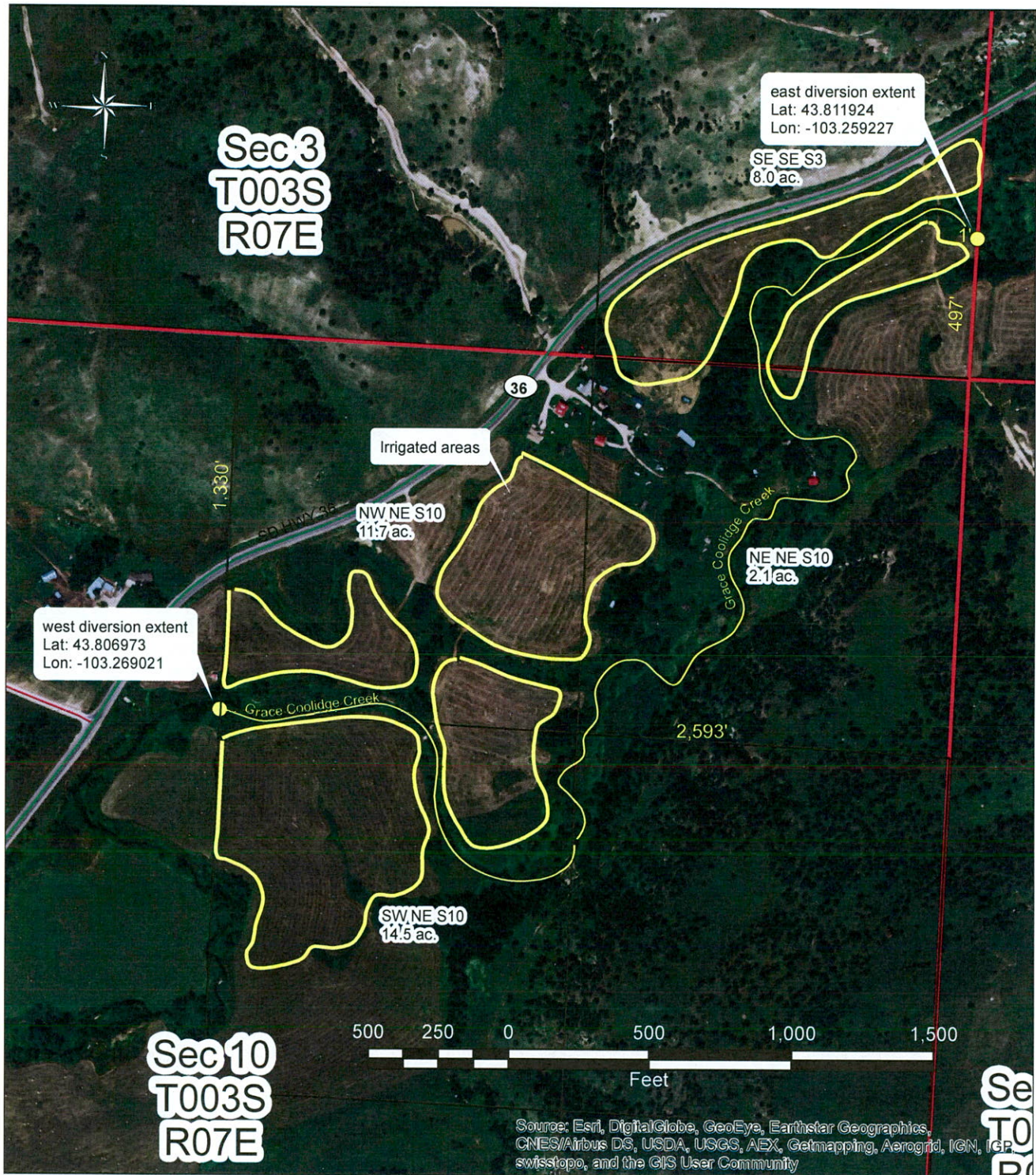


Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program

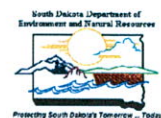


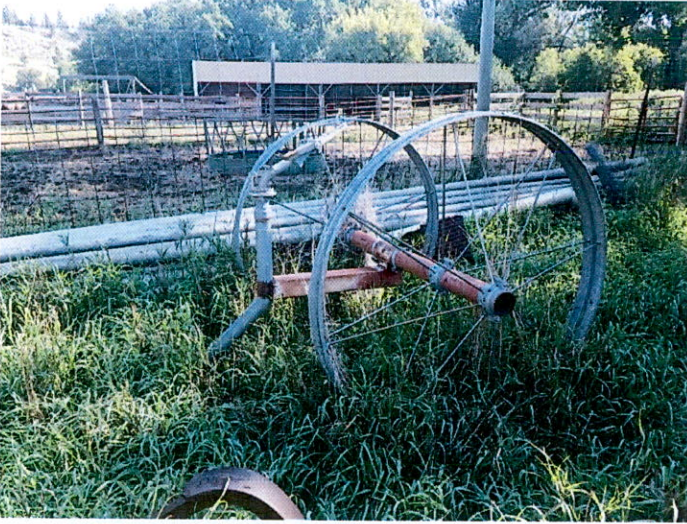
Water Right #106A-2
 Jim Lintz
 8/30/2016



Steven Quissell

Steven Quissell
 Water Rights Inspector
 DENR Water Rights Program

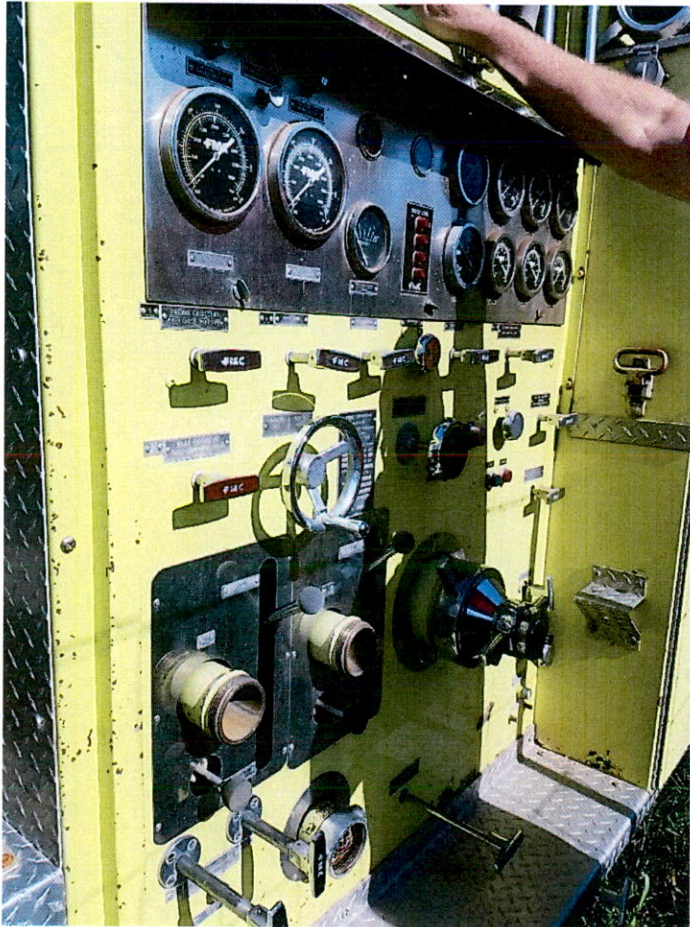




Big Gun and portable pipe



Tracto-Rain pto pump



Pumper controls



Fire truck irrigator



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 6, 2016

106A-2

James Lintz
13973 SD Hwy 36
Hermosa SD 57744

Dear Mr. Lintz:

On August 30, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 106A-2, was completed by Steven Quissell, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-5455.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352
karen.schlaak@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/13, 20 16

RECEIVED OF James A Lintz 13973 SD Hwy 36 Hermosa SD 57744

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	50	00
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. <u>106A-2</u>		
Fee for Filing Transfer Form _____		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07916

By James Hoelmer
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

OCT 24 2016

106A-2

James Lintz
13973 SD Hwy 36
Hermosa SD 57744

Dear Mr. Lintz:

Enclosed is Water License No. 106A-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 106A-2

(1) James Lintz, 13973 SD Highway 36, Hermosa SD 57744 made Application No. 106A-2, September 24, 1984 for a water permit to divert 0.54 cubic feet of water per second from Grace Coolidge Creek, Custer County, South Dakota for irrigation purposes. Permit No. 106A-2, with a priority date of June 6, 1911 (established under Water Right No. 106-2) was approved May 15, 1985 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

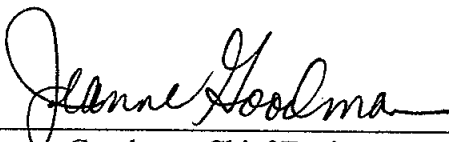
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 106A-2 is issued a license, bearing a priority date of June 6, 1911 to appropriate 0.52 cubic feet of water per second from Grace Coolidge Creek to irrigate 36.3 acres.

The diversion point may be located between the following points: 1,330 feet S and 2,593 feet W of the NE corner Section 10-T3S-R7E (SW 1/4 NE 1/4) and 497 feet N and 1 foot W of the SE corner Section 3-T3S-R7E (SE 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 10-T3S-R7E		Section 3-T3S-R7E	
NW 1/4 NE 1/4	11.7 acres	SE 1/4 SE 1/4	8.0 acres
NE 1/4 NE 1/4	2.1 acres		
SW 1/4 NE 1/4	14.5 acres		
Total 36.3 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 106A-2 including the following qualifications:

- No diversions may be made unless there is a flow of at least 2.5 cubic feet of water per second in Grace Coolidge Creek for downstream domestic use, during diversion, at the lower end of the Lintz property in the SE 1/4 SE 1/4 Section 3-T3S-R7E. ***Operator gauges flow based on flow through 24 inch culvert downstream of irrigated acres.***
- Any diversions from Grace Coolidge Creek are subject to the prior rights of Mrs. Helen Callan and Minnie Bender Burns.
- This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- That approval of Permit No. 106A-2 incorporates the applicable portions of Water Right No. 106-2 into No. 106A-2 and cancels the abandoned portions of Water Right No. 106-2.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 24 2016
date



RECOMMENDATION OF CHIEF ENGINEER FOR
WATER PERMIT APPLICATION NO. 106A-2, James A Lintz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 106A-2, James A Lintz, Rt 1, Box 23, Hermosa SD.

The Chief Engineer is recommending APPROVAL of Application No. 106A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. No diversions may be made unless there is a flow of at least 2.5 cubic feet per second* in Grace Coolidge Creek for downstream domestic use, during diversions, at the lower end of the Lintz property in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T3S, R7E.
2. Any diversions from Grace Coolidge Creek are subject to the prior rights of Mrs. Helen Callan and Minnie Bender Burns.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. That approval of Permit No. 106A-2 incorporates the applicable portions of Water Right No. 106-2 into No. 106A-2 and cancels the abandoned portions of Water Right No. 106-2.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 18, 1984

* The Chief Engineer will arrange for installation of a Staff Gauge in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3. A staff gauge is a graduated scale mounted on a plant, wall or other like object from which the water surface elevation may be used.

Report on Water Permit Applications
on Grace Coolidge Creek
October 18, 1984

Water Permit Application No. 1900-2 submitted by Mrs. Helen Callan and Minnie Bender Burns is an amendment to change the diversion point, method of diversion, and method of irrigation for Water Right Filing No. 021-2. Water Permit Application No. 106A-2 submitted by James A. Lintz is an amendment to change the diversion point, method of diversion, and method of irrigation for Water Right No. 106-2. Water Permit Application No. 1687-2A submitted by Rittberger Beef and Dairy Inc., requests 1.18 cfs from Grace Coolidge Creek to irrigate 82.5 acres, plus a 3 cfs diversion rate from Grace Coolidge Creek during high flow periods and local runoff to fill a 103 acre feet dry draw storage dam.

Discussion

Callan and Burns Application No. 1900-2

Water Right Filing No. 021-2 with an April 15, 1887 priority date was filed to divert 1500 miners inches (30 cfs) of water from Squaw Creek (Grace Coolidge Creek). The diversion point was to be near the middle of the SW1/4 NE1/4 of Section 16-T3S-R7E to irrigate land in the SE1/4 of Section 9-T3S-R7E and the NE1/2 SW1/4 of Section 10-T3S-R7E. The diversion dam was abandoned in approximately 1972. The ditch system is still in existence, although it is evident that it has not been used for years. Mrs. Callan's husband, Thomas (deceased) stopped in the Water Right Division Office in January 1980. He stated he had not been able to irrigate for several years because no water was available. Mr. Callan mentioned an interest in irrigating when water became available and asked about changing the point of diversion. Mrs. Callan has stated some irrigation was accomplished whenever enough water was available. The ditch system was not used, but water was pumped from the creek in 1980, 1983, and 1984.

Lintz Application No. 106A-2

Water Right No. 106-2 has a priority date of June 6, 1911 and was licensed in 1912 for a diversion rate of 1.0 cfs to irrigate 39.3 acres. The diversion rate does not comply with the 1907 law which said the maximum diversion rate cannot exceed 1.0 cfs for every 70 acres and should be changed. The diversion point is located in the SW1/4 NE1/4 Section 10-T3S-R7E and the irrigated lands are located in the SE1/4 SE1/4 of Section 3 and the NE1/2 NE1/4 and the SW1/4 NE1/4 of Section 10-T3S-R7E. The system consists of a diversion dam, wood flume, and ditches. The dam and flume would need major repair in order to function properly. Mr. Lintz reported water was diverted into the ditches in 1976, 1978, and some in 1980. Water was also pumped during 1984.

The Lintz and Callan systems were designed for gravity flow and would require a large flow in order to function properly. The applicants are requesting a change in diversion to modify the systems from gravity flow to systems that will pump water directly from Grace Coolidge Creek. The change will enable the applicants to utilize Grace Coolidge Creek during periods of flow which are considerably less than what is required for the old systems.

Application No. 106A-2

We are recommending approval of Water Permit Application No. 106A-2 with the following qualifications.

- 1) That a low flow by-pass of 2.5 cfs be required at the lower end of Lintz's property for downstream domestic use.
- 2) That the irrigation water use questionnaire be submitted each year.
- 3) That approval of No. 106A-2 incorporates the applicable portions of Water Right No. 106-2 into No. 106A-2 and cancels the abandoned portions of Water Right No. ~~021-2~~.

106-2

Application No. 1687-2A

We are recommending approval of Water Permit Application No. 1687-2A with the following qualifications.

- 1) That a low flow by-pass of 2.5 cfs be required at the lower end of Lintz's property for downstream domestic use.
- 2) That the irrigation water use questionnaire be submitted each year.

Timothy G. Schaal

Timothy G. Schaal
Water Resources Engineer

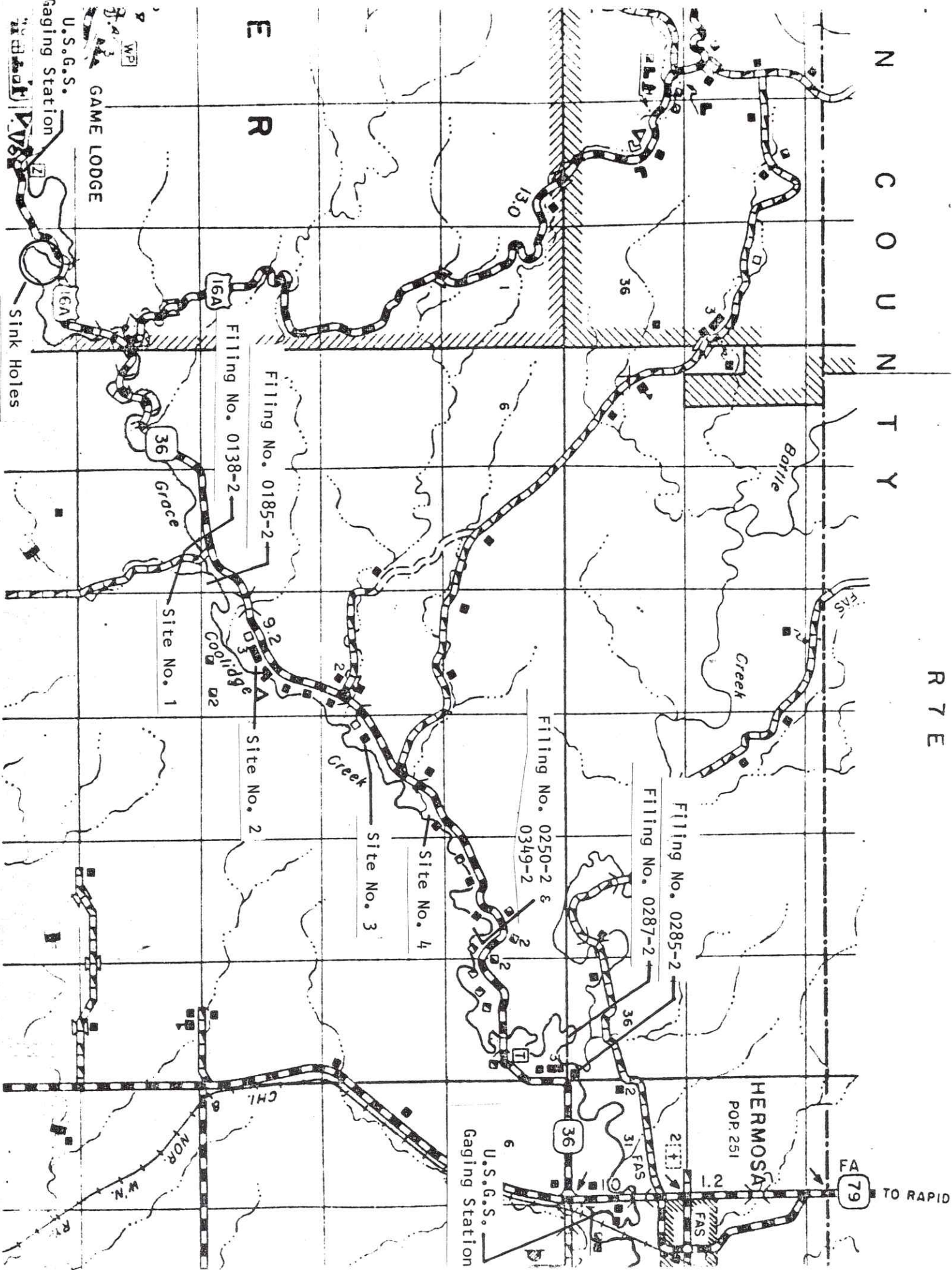
BATTLE CREEK AT HERMOSA
Mean Monthly Flow (cfs)

Table 2

Year	April	May	June	July	Aug	Sept
1950	4.6	8.5	4.5	5.1	1.3	2.6
1951	3.0	3.0	12.9	16.2	4.7	5.7
1952	2.6	125.0	31.6	9.3	2.2	1.3
1953	3.3	7.5	13.3	2.5	12.3	1.1
1954	2.7	1.5	0.8	0.4	0.2	0.2
1955	1.4	0.7	1.3	0.7	0.2	0.1
1956	0.9	15.1	3.5	5.8	3.3	0.2
1957	2.2	88.0	97.7	49.7	25.5	5.2
1958	11.7	20.9	13.1	5.2	2.6	1.8
1959	2.2	2.2	4.8	5.3	0.7	0.7
1960	1.1	4.0	4.7	0.8	0.3	0.1
1961	0.9	0.9	3.2	3.9	0.2	0.1
1962	0.3	47.5	93.5	75.5	17.3	2.1
1963	17.3	26.5	100.0	25.5	5.6	5.8
1964	3.8	9.0	23.4	21.3	2.5	1.5
1965	3.0	129.0	102.0	46.5	13.6	5.6
1966	7.1	6.0	3.3	2.5	3.1	1.6
1967	2.9	3.8	158.0	25.8	9.0	6.9
1968	5.4	4.8	13.8	5.1	5.3	5.8
1969	4.2	3.3	2.8	29.5	3.2	3.7
1970	4.2	7.0	26.6	2.9	2.3	1.7
1971	31.9	57.2	80.8	14.3	6.1	5.0
1972	4.9	9.3	142.0	29.5	17.1	8.8
1973	28.7	31.8	19.0	8.1	6.4	8.8
1974	5.6	5.3	3.3	2.4	1.5	1.8
1975	9.0	6.6	18.6	2.6	2.0	1.7
1976	3.6	44.4	107.0	17.2	11.1	6.0
1977	6.1	5.0	2.5	4.1	3.6	2.9
1978	4.1	86.5	30.3	11.8	8.1	4.6
1979	5.3	4.9	2.1	19.6	16.5	9.6
1980	4.9	3.9	2.4	1.5	1.9	2.0
1981	1.9	38.5	4.8	2.9	2.2	2.0
1982	3.2	9.0	23.6	9.9	10.0	7.2
TOTAL	194.0	816.6	1151.2	463.4	201.9	114.2
Ave.	5.9	24.7	34.9	14.0	6.1	3.5
Median	3.8	7.5	13.3	5.8	3.3	2.1

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James Lintz – Water Right No. 106A-2

Current Water Right No. 106A-2 appropriates 0.54 cfs (240 gpm) from Grace Coolidge Creek for irrigation of 38 acres. Diversion of water is authorized between points on the property.

Under this amendment – the diversion was reduced from 1 cfs to 0.54 cfs and instead of a gravity system, it was going to be a pump system.

If goes back to a gravity system, no permitting would be necessary if

- the same acres are irrigation
- the diversion is limited to 0.54 cfs (this may be difficult with a gravity type of system)
- bypass requirement are adhered to

Plans to install a dam would likely require a new water permit application. Unsure how we'd recommend. This would likely obtain a new prior date and be subject to bypass requirements. New because it 1) would be an impoundment; 2) it an additional use if used for fish farming; 3) could become a year round use.

Any change would need to be public notice and is very possible other users or interested persons would file petitions.

106A-2
James A. Lintz
Rt 1 Box 23
Hermosa, SD 57744
(605)255-4269

3
T3S R7E



Lower
Diversion
Limit

500

1360

2640

Upper
Diversion
Limit

10

6.6

8.5

12.5

5.7

4.7

0 550 1,100 Feet



Donald E. Stroup
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program