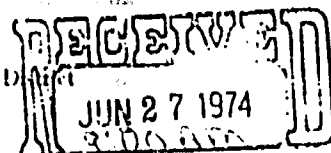


1190-2

1. Considered 7-17, 1974
2. Name of Applicant DENNIS ZANDSTRA
3. Post Office Address RAPID CITY
4. Amount of water claimed .18
5. Source of water supply RAPID CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 9
7. Water to be diverted and used in FENNINGTON County
about 4 E miles of RAPID CITY.
8. Proof of Publication Received 7-16-74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1190-2
 Map No. 1014-2 Water Division No. 2 RAPID CREEK
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT STATE WATER RIGHTS CO. PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota APPLICATION FOR CHANGE OF POINT OF DIVERSION - SEE ATTACHED STATEMENT

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Dennis Zandstra
 Postoffice address R.R. 2, Box 207, Rapid City State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
 3. Name of diversion work Zandstra pump irrigation project
 4. Amount of water claimed (cubic feet per second) 0.18 c.f.s. at Hawthorn Ditch headgate
 5. Source of water supply Rapid Creek
 6. Location of point of diversion Hawthorne Ditch Headgate, South 12⁰ West, 2520 feet from the
NE Corner, Section 6, T1N, R8E
 _____ County Pennington
 7. Annual period or periods during which water is to be used April through November
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, _____ Total number of acres to be irrigated 9

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.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T1N, R8E	9		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal, Rapid City, SD
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Hawthorne Ditch Headgate
Centrifugal pump
Gasoline or electric motor

B. Works proposed to transport water to place of use.

W Approximately four miles of Hawthorne Ditch
1500 feet of mainline pipe

C. Works proposed to apply water to beneficial use.

Existing laterals from Iowa Ditch

Estimated Total Cost \$ 5,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

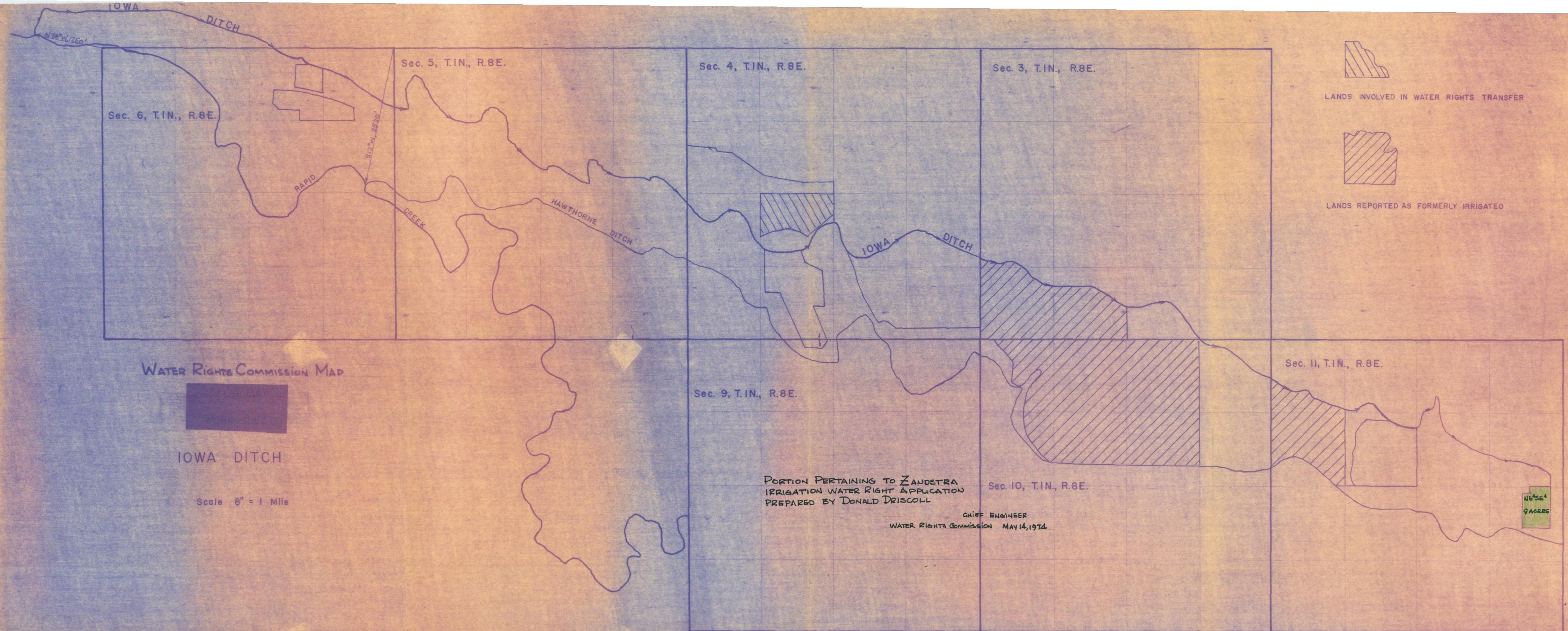
STATE OF SOUTH DAKOTA)

County of Pennington) ss.

I, Dennis Zandstra, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matter therein stated are true and that I intend to be able to complete the necessary construction

Signed Dennis ZandstraSubscribed and sworn to before me this 25 day of June 1974

Notary Public (or other qualified officer)



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1190-3
DENNIS ZANDSTRA (Applicant) RR. #2 Box 207, Rapid City (Post Office Address)
SOUTH DAKOTA 577121 (State) With the following modifications:

Date of first receipt of application JUNE 27 1974
 Date of return to applicant for correction, amendments or changes required _____ 19____
 Date of receipt of corrected application _____ 19____
 Approved JULY 17 1974 Recorded in Book 13 Page 27

WATER RIGHT PERMIT NO. 1190-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1190-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 21 1896
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 17 1976
3. The whole of said work is to be completed on or before JULY 17 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 17 1979
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 injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .18 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, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 JULY 17 1979; said water to be used during the following described annual period: APRIL THRU NOVEMBER

Witness my hand this 19th day of JULY 1974

WATER RIGHTS COMMISSION

By: Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 20 1981
 Water License Issued JANUARY 20 1981

ATTACHED STATEMENT

Dennis Zandstra, Water Right Application

The intent of this application is to change the point of diversion from the Iowa Ditch headgate located North 78° West, 1250 feet from the NW Corner of Section 6, T1N, R8E to the Hawthorne Ditch located South 12° West, 2520 feet from the NE Corner of Section 6, T1N, R8E for the following land being irrigated in Section 11, T1N, R8E, retaining the priority established under the Iowa Ditch:

NE $\frac{1}{4}$ SE $\frac{1}{4}$

9 acres

May 21, 1896 priority.

Permit No. 1190-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dennis Zandstra

_____ the holder _____ of
Permit No. 1190-2, issued upon Application No. 1190-2, bearing date of priority of May 21,
1896 authorizing the diversion of .18 cu. ft. per second of the waters of
Rapid Creek County of Pennington, State of South Dakota at a
point south 12° west 2250' from the NE Corner Sec. 6-T1N-R8E

_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the work 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 .89 cu. ft. per second of water.

Date: January 20, 1931

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1190-2

(1) WHEREAS, On the 27th day of June A. D. 1974
Dennis Zandstra

made Water Right Application No. 1190-2 for a permit to use .18 cubic feet per second of the waters
of Rapid Creek
County of Pennington, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 17th day of July A. D. 1974
Permit No. 1190-2, with a date of priority of May 21, 1896

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 17th day of July A. D. 1977 and for the
application to beneficial use of said water on or before the 17th day of July A. D. 1979

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 .13 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,
to irrigate 9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11-T1N-R8E

(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 Dennis Zandstra

_____ of Rapid City, SD

the holder _____ and owner _____ of said permit No. 1190-2 a water right, dating from May 21, 1896

_____ to use of _____ cubic feet per second of the waters of Rapid Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point south 12° west 2250' from the NE

Corner Section 6-T1N-R8E

and conducted to and upon nine acres in NE¼ SE¼, Section 11-T1N-R8E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1190-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 20th day of January A. D.

Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH.

Form 6 - Notice of Intent to Appropriate Water

1190-2

Publish first publication, on or before July 8, 1974

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 1, 1974

Notice is hereby given that BN Dennis Zendstra

whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use change the point of diversion and to 18 cubic feet of water per second of time from the Rapid Creek through the

Zendstra Pump Irrigation Project, the point of diversion of which is to be located in the changed from a point in the NE 1/4 SE 1/4, Section 36, 12N, R7E, (Iowa Ditch) to a point in the SE 1/4 NE 1/4

of Section 6, Twp. 1N, Range 8E (Hawthorne Ditch). Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 SE 1/4, Section 11, 11N, R8E

This application No. 1190-2 will be considered by the **WATER RIGHTS COMMISSION** at their office at Pierre upon the 17th day of July, 1974, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Dennis Zendstra, R.R. #2, Box 207, Rapid City, South Dakota 57701

Affidavit of Publication

STATE OF SOUTH DAKOTA

ss.

County of Pennington

I, Jerry J. Shoener

....., being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each Week for two successive weeks, the first publication thereof being on the 8th day of July 1974, that the fees charged for the publication thereof are Fourteen Dollars and sixty two cents.

July 8, 1974
NOTICE
INTENT TO APPROPRIATE WATER
 F. J. Zandstra, South Dakota 57501
 July 1, 1974
 Notice is hereby given that Dennis Zandstra whose post office address is Rapid City, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of the water from the Zandstra Pump Irrigation Project, the point of diversion of which is to be changed from a point in the SE 1/4 Sec 36, T2N, R7E, (Hawthorne Ditch) to a point in the SE 1/4 Sec 36, T2N, R7E, (Hawthorne Ditch). Said water to be used for the purpose of providing irrigation on a portion of the following described land: NE 1/4 Sec 36, T2N, R7E.
 If application No. 1190-2 will be considered by the Water Rights Commission at their office at 2:30 P.M. on the 17th day of July, 1974, at 2:30 P.M. All interested persons may appear and be heard.
 WATER RIGHTS COMMISSION
 By: BURTON F. JONES,
 Water Rights Specialist

Jerry J. Shoener

Subscribed and sworn to before me this 15th day of

..... July 1974

Burton F. Jones
 Notary Public.

RECEIVED
 JUL 16 1974

STATE WATER RIGHTS COMM.
 PIERRE, SOUTH DAKOTA

1190-7 Dennis Bondage

4-15-87 Basing. Bodeley. notes

Est 400 + 7.50

Trailer Prior file off. B.

Contractor for several trailers

and. and also 5' dim pipe

adequate ft to cover area

Apurto + Standard volume then

Model 550, Lx 7' 2807

Size pipe 2' 1.3"

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7879

PIERRE, January 5, 1911

RECEIVED OF Dennis Zandstra, Rt. 2, Box 207, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	1190-2	50.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	1190-2	
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / 61

Permit No. 1190-2Water Division 2 Rapid Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Dennis Zandstra._____ of RR #2, Box 207, Rapid City, S.Dak 57701 holder _____of Permit No. 1190-2, bearing date of priority of May 21, 1876 BWauthorizing the diversion of .18 cu. ft. per second of the waters of Rapid Creek.for Irrigation purposes, in Pennington 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:

Hedgato at Rapid Creek to divert water into the Hawthorne Ditch pump at Hawthorne Ditch to Field. Tractor power Take-off pump - Berkeley (no tag) - Est 400 gpm.

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

6" Aluminum pipe. Enough to cover the Field from the pump

C. Works used to apply water to beneficial use.

Sprinkler = Rainbird Volume Gun. Model 550. Ser # 2807, Ring size est 13"The system is in the following condition: Good.The point of diversion is located South 12° West 2250 ft from the NE cor sec. 6., T1N R8EThe works are capable of diverting and conveying to the place of use .89 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: _____

NE 1/4 SE 1/4 sec. 11, T1N R8E 9. Acres

comprising a total of 9 acres of land. $9 \div 70 = .13 \text{ cfs}$
License for .13 cfsDate April 15, 1980
4/16/1980Lesley J. McNaught
(Signature)



Department of Water & Natural Resources

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

March 23, 1987

DENNIS ZANDSTRA
RR #5, BOX 700
RAPID CITY, SD 57701

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). 1190-2. 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). 1190-2 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
605 713-3352

NOTE: If the questionnaire(s) is 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: DENNIS ZANDSTRA
RR #5, BOX 700
RAPID CITY, SD 57701

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

SUBJECT: Amendment to Water Permit No(s). 1190-2

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). 1190-2 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. 1190-2

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. 1190-2 to add the following qualification:

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: DENNIS ZANDSTRO RR #5, BOX 700 RAPID CITY, SD 57701	4. Article Number P576 309 753 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Dennis Zandstro</i>	8. Addressee's Address is PAID BY requested and PAID
6. Signature — Agent X	USPS
7. Date of Delivery 5/14	

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

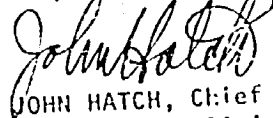
DEC 1 1988

Hawthorne Ditch
c/o Charles Johnson, President
1500 E 27th St
Rapid City SD 57701

Dear Mr. Johnson:

Enclosed are your Validated Vested Water Right and Water License No. 2039-2.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,



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

JH:ks

enclosures

The applicable portions of Water Right Nos. 35-2, 1152-2, 1153-2, 1190-2 and
Location Certificate Nos. 11702 and 6527 have been incorporated into No. 2039-2.

Equal Opportunity Employer

R 8 E

T
1
N

center Sec. 11

9 ac.

NE 1/4 SE 1/4

PT A11

Pumps Bottom

PT A4

PT A5

PT A6

PT A7

horizontal

vitch

Dennis Zander
1190-2

~~2-11-01~~ ~~draw~~

~~Map # 1070-2~~

APPI # 1100-2