

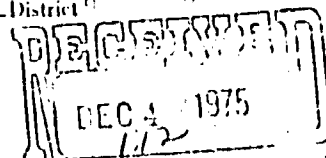
Water Right Number 1318-2

1. Considered 1-22, 1976
2. Name of Applicant EDWARD LOGTERMAN
3. Post Office Address MANHATTAN, MONT.
4. Amount of water claimed 1.9
5. Source of water supply GROUND WATER (230' DEEP WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 270
7. Water to be diverted and used in TERR County
about 15S, 7W miles of MISSION
8. Proof of Publication
Received 1-5-76
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 1318-2Map No. 1116-2Water Division No. 2KEYAPAH RIVER

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

District



APPLICATION FOR PERMIT

STATE WATER RIGHT
DIVISION, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Edward J. Jorgensen
Postoffice address CROOKSTON, State NEBRASKA
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Longterm Irrigation Well
4. Amount of water claimed (cubic feet per second) 1.9
5. Source of water supply Ground Well
6. Location of point of diversion Center Point of the NW 1/4 Sec 17
TOWNSHIP 36 RANGE 29
County Todd
7. Annual period or periods during which water is to be used MAY 1 to Sept 30 yearly
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 270

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.
NW 1/4 of NW 1/4 Sec 17 T 36 R 29	40	NW 1/4 SW 1/4 S 17 T 36 R 29	20
NE 1/4 of NW 1/4 Sec 17 T 36 R 29	40	NE 1/4 SW 1/4 S 17 T 36 R 29	20
SE 1/4 of NW 1/4 Sec 17 T 36 R 29	40	NW 1/4 SW 1/4 S 17 T 36 R 29	40
SW 1/4 of NW 1/4 Sec 17 T 36 R 29	30	SE 1/4 SW 1/4 S 17 T 36 R 29	20

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Tribune (Mission S. DAK)
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Ground Well (PERFORM 24) with Electric Pump
OF APPROXIMATE 100 HP.

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

Circular System (1/4 mile Radius) and/or 8" main
line.

C. Works proposed to apply water to beneficial use.

SPRINKLING HEADS ON CIRCULAR
SYSTEM, and/or TOW LINES & 1/4 mile wheel linesEstimated Total Cost \$30,000Attachments: 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 ToddI, Edward J. Jorgensen the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Edward J. JorgensenSubscribed and sworn to before me this 1st day of Dec 1975

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1318-2

EDWARD LOGTERMAN
(Applicant)

MANHATTAN
(Post Office Address)

MONTANA 59741 With the following modifications:
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation well draws so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 4 1975
Date of return to applicant for correction, amendments or changes required — 19—
Date of receipt of corrected application — 19—
Approved JANUARY 22 1976 Recorded in Book 14 Page 184

WATER RIGHT PERMIT NO. 1318-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1318-2 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 DECEMBER 4 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 1976
3. The whole of said work is to be completed on or before JANUARY 22 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22 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 1.9 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 JANUARY 22 1979; said water to be used during the following described annual period: MAY 1 TO SEPTEMBER 30

Witness my hand this 29TH day of JANUARY 1976

WATER RIGHTS COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

CONSERVATION
COMMISSION
WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED WELL IRRIGATION ONLY)

FOR COMMISSION USE ONLY

IRRIGATION SYSTEM _____

WATER QUALITY _____

SOILS CAPABILITY _____

APPROVED [Signature]

DISAPPROVED _____

NAME Ed Legterman
ADDRESS Crookston, Nebr 69212
COUNTY Todd

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 17-36-29
2. AREA TO BE IRRIGATED NW 1/4 + SW 1/4 17-36-29

TYPE OF IRRIGATION

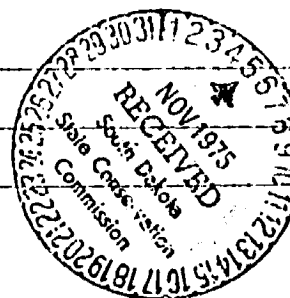
3. GRAVITY _____ SPRINKLER (INDICATE TYPE) X
4. CROPS TO BE IRRIGATED small grain and alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE average slope is 0-5%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION majority of soils are
capability Class IIIe

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER 75-1031
8. SALINITY EC = 441 micromhos/cm (low-medium)
9. SODIUM SAR = 0.15 (low)



I DO HEREBY CERTIFY THAT A CHEMICAL ANALYSIS OF THE GROUND WATER TO BE
ACQUIRED FOR IRRIGATION FROM SOUTH DAKOTA STATE UNIVERSITY AND:

THE LAND CAPABILITY FOR IRRIGATION INFORMATION HAS BEEN ACQUIRED FROM

Todd County Conservation District

AND:

THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE WELL AND LAND TO BE
IRRIGATED IS TRUE AND CORRECT.

Edward Sogterman

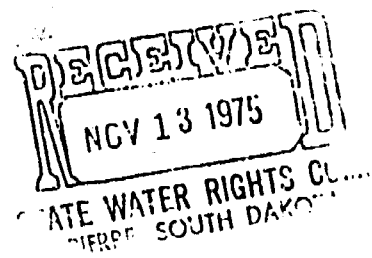
SUBSCRIBED AND SWORN BEFORE ME THIS

22 DAY OF Oct. 1975.

Erwin Sigert

Notary Public

(TITLE)



REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Edward Logteman, Crookston, Neb. Date Rec'd October 29, 1975
 Address o/o Robert Logteman Sample No. 75-1031
Rt. 1, Box 104 Identification Well-
Manhattan, Montana 59741 NW 1, Sec. 17, T 36N, R 29W

WATER ANALYSIS

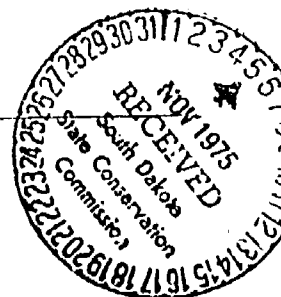
Calcium (Ca)	63	ppm*	3.15	me/l**
Magnesium (Mg)	8	ppm	0.66	me/l
Sodium (Na)	5	ppm	0.21	me/l
Potassium (K)	12	ppm	0.30	me/l
Sulfate (SO ₄)	4	ppm	0.08	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	239	ppm	3.92	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	196	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	441	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.15			
Sodium	4.86	% of cations		
Residual sodium carbonate	0.11	me/l		
pH	7.30			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 4.32 me/l
 Total anions 4.20 me/l



By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-1031

Amount Enclosed \$

Signed

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 28, Depth 280
- (2) Casing, Type Steel Diameter 16" Thickness 219 wall
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type W. A. Brown, Diameter 16", Length 160'
- (4) Gravel Pack, Thickness 6", Length of gravel pack Top to Bottom

E. Dugout Information or Estimates

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Fine sand +
sandstone

Depth to top of water bearing material 63

Depth to bottom of water bearing material 240

Thickness of water bearing material 140

Depth to water (ground surface to water level) 63

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 40 rds. On property owned by others 160 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Edward Logterman
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

J. 1318-2

Publish first publication, on or before January 8, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 12, 19 75

Notice is hereby given that Edward Logterman
whose post office address is Manhattan, Mont., 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
1.9 cubic feet of water per second of time from the ground water through the
Logterman Irrigation Well, the point of diversion of which is to be located in the _____

Center of the Well
of Section 17, Twp. 36N, Range 29W. Said water to be used for the purpose
of providing irrigation on the following described land:

W 1/2 Section 17, T36N, R29W

This application No. 1318-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 22nd day of January, 19 76, at 2:30 PM M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc: Edward Logterman

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

1318-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Margaret Sigert hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd Co. Tribune

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

Thursday, Dec. 18, 1975

Thursday, Dec. 25, 1975

Margaret Sigert
(Signature)

Co-Owner
(Title)

12-31-75
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that
Edward Logterman, whose post
office address is Manhattan,
Mont., has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 1.9 cubic
feet per second of time from the
ground water through the Log-
terman Irrigation Well, the point
of diversion of which is to be
located in the Center of the NW 1/4
of Section 17, Twp. 36N, Range 29
W. Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: W 1/2, Section 17,
T36N, R29W.

This application No. 1318-2 will
be considered by the Water
Rights Commission at their
office at Pierre upon the 22nd,
day of January, 1976 at 2:30 p.m.
All interested persons may ap-
pear and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights
Specialist

Publ Dec. 18 and 27



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401
December 30, 1975

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on January 22, 1976, at 2:30 p.m., a Hearing will be held by the Water Rights Commission at their office at Pierre, South Dakota, on the application of Edward Logterman, Manhattan, Montana, for a permit to appropriate for beneficial use 1.9 cubic feet of water per second of time from the ground water, the point of diversion being in the Center of the NW $\frac{1}{4}$ of Sec. 17, T. 36 N., R. 29 W. for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F 2d 783; United States v. McIntire, 101 F 2d 650; and United States v. Alexander, 313 F 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director
Superintendent, Rosebud Indian Reservation
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Edward Logterman, Manhattan, Montana 59741

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

January 20, 1976

Edward Logterman
Route 1, Box 104
Manhattan, Montana 58741

Dear Mr. Logterman:

Enclosed herewith is your Water Right Permit No. 1318-2 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1318-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated December 30, 1975 contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 73-3352

September 14, 1983

1513-2

1318-2

Robert Logterman
Crookston NE 59212

Dear Mr. Logterman:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1513-2 has been completed.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

The inspection of your water use system showed that the systems authorized by Water Permit No. 1318-2, Ed Logterman and No. 1513-2, Robert Logterman are operated as one system. Therefore, upon licensing Permit No. 1513-2, the applicable portions of Permit No. 1318-2 will be incorporated into the License. In order to incorporate the two permits, Permit No. 1318-2 should be transferred to your name.

Enclosed is a partially completed notice of transfer. Please check over, date, sign before a notary and return the form to this office with a \$2.50 filing fee. Permit No. 1318-2 will then be transferred to your name.

Please submit the transfer form and a total of \$52.50 in filing fees (\$50.00-License/\$2.50-transfer) to this office. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Contact this office if you have any questions.

Sincerely,

GERINY MCMATH
Water Rights Specialist

GM:ks

enclosure

NOTE: On form of payment, please include permit number to insure proper handling of the fees.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12/14/83

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

W $\frac{1}{2}$ Section 17, T36N, R29W

formerly owned by Ed Logterman
has been transferred to Robert Logterman Crookston NE 69212
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1318-2 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 Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Todd) ss.

I, Ed Logterman 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.

Ed Logterman
(Signed)

Subscribed and sworn to before me this 14 Day of Dec, 1983.

Erin D. Dyer
(Notary Public)



RECEIPT

Division of Water Rights

No 4 9442

South Dakota Department of Water and Natural Resources

Pierre, December 15, 19 93

RECEIVED OF Robert Logterman, Crookston, NE 69212

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 _____ for WR# 1318-2		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)

No. _____
1318-2

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

December 21, 1983

Robert Logterman
Crookston, Nebraska 69212

Dear Mr. Logterman:

Enclosed is receipt No. 4 9442 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1318-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1513-2

1318-2

February 8, 1984

Robert Logterman
Crookston, Nebraska 69212

Dear Mr. Logterman;

Enclosed herewith is, Water License No. 1513-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 1318-2 have been incorporated into this Water License #1513-2.

WNR-817 3/83
Transmittal of Water License

Legal Descrip.

West $\frac{1}{2}$
of Sec 17
TWP 36N
Range 29W

Prepared By
Kenneth W. Stephen
Todd Co Extension
Agent.

101.0

C.A.P.

(3-144)

← Well site
Center of NW $\frac{1}{4}$

40.5

27.7

12.9

47.0

49.8

17

57.7

80.9

77.1

11.9

36-27

APPL NO 1513-2
MAP NO 1116-2 (APPL NO 1318-2)

Edward
Loggeman