

1411-2

1. Considered 7-21, 1976
2. Name of Applicant ERNEY PAHLKE
3. Post Office Address VALENTINE, NB.
4. Amount of water claimed 6.85
5. Source of water supply 3 WELLS 2-250' 1-200'
6. Water to be used for IRRIGATION
Acres to be irrigated 480
7. Water to be diverted and used in Todd county
about 14S-1E miles of Mission
8. Proof of Publication Received ~~8P~~ 7-20-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1411-2

KEYAPAH RIVER

1197-2

2

Map No. _____ Water Division No. _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

Erney Pohlke

1. Name of Applicant _____

Postoffice address Mission Route, Valentine, State Nebraska 69201

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Pohlke #14. Amount of water claimed (cubic feet per second) 6.855. Source of water supply Ground Water6. Location of point of diversion Center of the SW $\frac{1}{4}$, Section 8, and Center of the NW $\frac{1}{4}$, Section 17, Center of SE $\frac{1}{4}$, Section 7, T36N, R28WCounty Todd7. Annual period or periods during which water is to be used April thru October8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, irrigation Total number of acres to be irrigated 540 480

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.
SW $\frac{1}{4}$, Section 8	160		
NW $\frac{1}{4}$, Section 17	160		
SE $\frac{1}{4}$, Section 7	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Tribune, Mission, SD

12. Principal Features of the Proposed Water Supply System.

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

Wells, pumps and motors

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

C. Works proposed to apply water to beneficial use.

Sprinkler systems

Estimated Total Cost \$ _____

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 Hughes)I, Erney Pohlke 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 construction.Signed Erney PohlkeSubscribed and sworn to before me this 2nd day of July 19 76

Notary Public (or other qualified officer)

BETTY WESTLUND, L/W Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1411-2

ERNEY PAULKE
(Applicant)

MISSION ROUTE, VALENTINE
(Post Office Address)

NEBRASKA 69201 With the following modifications:
(State)

The irrigation wells approved under this Permit ~~25~~²⁵ located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application JULY 2, 19 76
Date of return to applicant for correction, amendments or changes required —, 19 —
Date of receipt of corrected application —, 19 —
Approved JULY 22, 19 76, Recorded in Book 15 Page 227

WATER RIGHT PERMIT NO. 1411-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1411-2 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 JULY 2, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 19 79
3. The whole of said work is to be completed on or before JULY 22, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 19 85
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 6.85 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 use. served, and if for the irrigation purpose 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 22, 19 85; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 28TH day of JULY, 19 76

WATER RIGHTS COMMISSION

By:

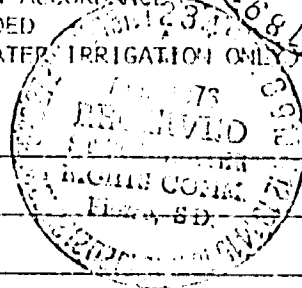
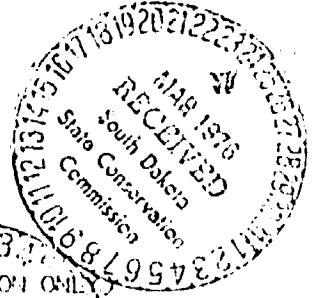
John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

CONSERVATION
COMMISSION
FORM #1 #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 GROUND WATER IRRIGATION ONLY)



NAME Erney Pahlke
ADDRESS Mission Route, Valentine, Nebr. 69201
COUNTY Todd

LEGAL DESCRIPTION

1. WELL LOCATION Center of NW¹ 17-36-28
2. LOCATION OF AREA TO BE IRRIGATED NW¹ 17-36-28

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, wheat, oats and hay

WATER QUALITY

5. SAMPLE NUMBER 76-189
6. SALINITY (EC x 10⁶) 482 (low-med)
7. SODIUM (SAR) 0.31 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Todd Co. Conservation District, County Extension Office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true and correct.

Erney Pahlke
APPLICANT'S SIGNATURE

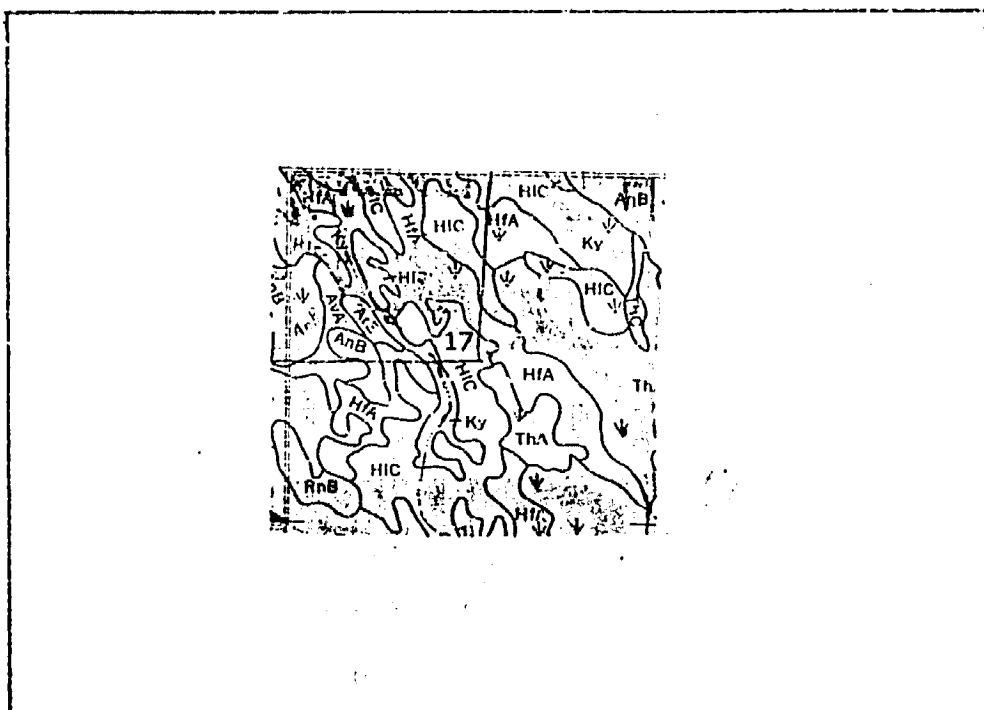
SUBSCRIBED AND SWORN BEFORE ME THIS
6th DAY OF March 1976.

Joseph Donald Briator
(TITLE OR SEAL)

Albert J. J. J.
APPROVED/____ APPROVED/____

(SOILS INFORMATION ON REVERSE SIDE)

MAP



NARRATIVE

- HfA - Holt fine sandy loam, 0 to 3% slopes. IIIe9. Very low to low available water capacity; moderately rapid intake rate.
- HfC - Holt-Vetal fine sandy loams, 3 to 9 % slopes. IVe8, - Holt. IIIe8-Vetal. Very low to low available water capacity; moderately rapid intake rate.
- Ky - Keya silt loam, IIc3. High available water capacity; moderately slow intake rate.
- AvA - Anselmo-Vetal fine sandy loams, 0 to 2% slopes. IIIe7. Low to moderate available water capacity, subject to soil blowing; moderately rapid intake rate.
- AtE - Anselmo-Tassel fine sandy loams, 9 to 21% slopes. Anselmo-VIe6. Tassel-VIe10. Low to moderate available water capacity, subject to soil blowing; moderately rapid intake rate.
- AnB - Anselmo fine sandy loam, 2 to 5% slopes. IIIe8. Low to moderate available water capacity, subject to soil blowing; moderately rapid intake rate.

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

Submitted by: Erney Pahlke Date Rec'd March 8, 1976
Address Valentine, Nebraska 69201 Sample No. 76-189
Identification Well-
W4, Sec. 17, T 36N, R 28W

WATER ANALYSIS

Calcium (Ca)	83	ppm*	4.15	me/l**
Magnesium (Mg)	14	ppm	1.15	me/l
Sodium (Na)	11	ppm	0.50	me/l
Potassium (K)	10	ppm	0.25	me/l
Sulfate (SO ₄)	7	ppm	0.15	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.27	me/l
Bicarbonate (HCO ₃)	254	ppm	4.16	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)	208	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	482	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.31			
Sodium	8.26	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.21			

Others:
*ppm=parts per million
**me/l=milliequivalents per liter

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

COMMENTS: Total cations 6.05 me/l
Total anions 4.58 me/l

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$8.00

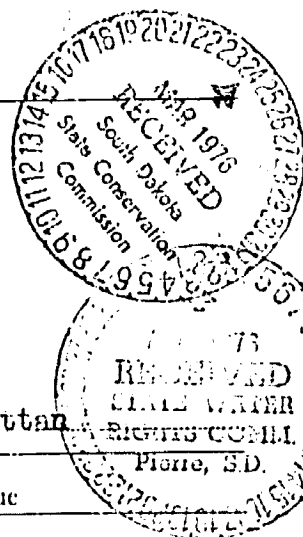
Make checks payable to: Water Quality Laboratory

Get along dotted line and return the lower portion with payment

Sample No. 76-189

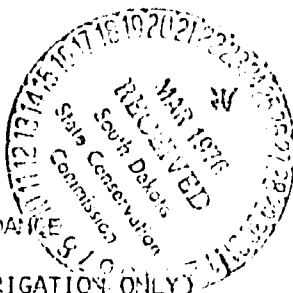
Amount Enclosed \$

Signed



CONSERVATION
COMMISSION
FORM W1 #1

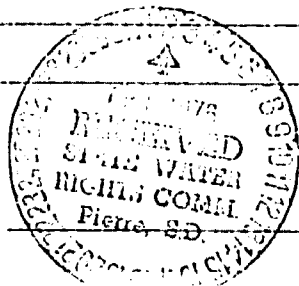
STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-1 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Erney Pahlke

ADDRESS Mission Route, Valentine, Nebr. 69201

COUNTY Todd



LEGAL DESCRIPTION

1. WELL LOCATION Center of SW8-36-28
2. LOCATION OF AREA TO BE IRRIGATED SW8-36-28

TYPE OF IRRIGATION

3. GRAVITY _____ FLOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, wheat, oats and hay

WATER QUALITY

5. SAMPLE NUMBER 76-190
6. SALINITY (EC x 10⁶) 431 (low-med)
7. SODIUM (SAR) 0.33 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Todd Co. Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

Erney Pahlke
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
8th DAY OF March 19 76.

Joseph Donald Bristow
(TITLE OR SEAL)

Albert J. Jett
APPROVED/DI PROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Erney Pahlke Date Rec'd March 8, 1976
 Address Valentine, Nebraska 69201 Sample No. 76-190
 Identification Well-
SW4, Sec. 8, T 36N, R 28W

WATER ANALYSIS

Calcium (Ca)	66	ppm*	3.30	me/l**
Magnesium (Mg)	12	ppm	0.98	me/l
Sodium (Na)	11	ppm	0.48	me/l
Potassium (K)	10	ppm	0.27	me/l
Sulfate (SO ₄)	7	ppm	0.15	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.13	me/l
Bicarbonate (HCO ₃)	256	ppm	4.20	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)	210	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	431	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.33			
Sodium	9.54	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.20			
Others:				

*ppm==parts per million
 **me/l==millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 5.03 me/l
 Total anions 4.48 me/l

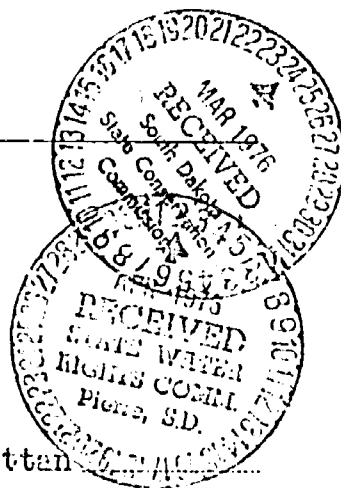
By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-190 Amount Enclosed \$
 Signed



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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30", Depth 250' Sec. 17
200' Sec. 8

(2) Casing, Type steel, Diameter 16", Thickness 1/4"
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 _____
sands and gravel

Depth to top of water bearing material 45' - 39'

Depth to bottom of water bearing material 200' and 250'

Thickness of water bearing material 39'

Depth to water (ground surface to water level) 165' and 205'

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

On same owner's property 60 rds. On property owned by others 100 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.

Ernest R. H. H. H.
Signature of Applicant

Form 6. - Notice of Intent to Appropriate Water

No. 1411-2

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 2, 1976

Notice is hereby given that Erney Pahlke

whose post office address is Valentine, Nebraska ~~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 6.35 cubic feet of water per second of time from the ground water through the

Pahlke #1, the point of diversion of which is to be located in the

Center of the SE1/4, Section 7, Center of the SW1/4, Section 8 and

Center of NW1/4

of Section 17, Twp. 36N, Range 28W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

SE1/4, Section 7; SW1/4, Section 8; NW1/4, Section 17, T16N, R28W

This application No. 1411-2 will be considered by the Water Rights Commission at the Court House at Winner, S.D.

upon the 21st day of July, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc:

Erney Pahlke, Mission Route, Valentine, NB 69201

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

No. 1411-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Margaret Figert hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd County 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
two dates:

Thursday, July 8, 1976

Thursday, July 15, 1976

Margaret Figert
(Signature)

Bookkeeper
(Title)

7-15-76
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that
Erney Pahlke whose post office
address is Valentine, Nebraska,
has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 6.85 cubic feet of
water per second of time from
ground water through the Pahlke
No. 1, the point of diversion of
which is to be located in the
Center of the SE $\frac{1}{4}$, Section 7,
Center of the SW $\frac{1}{4}$, Section 8 and
Center of NW $\frac{1}{4}$ of Section 17,
Twp. 36N, Range 28W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SE $\frac{1}{4}$, Section 7; SW $\frac{1}{4}$,
Section 8; NW $\frac{1}{4}$, Section 17,
T36N, R28W.

This application No. 1411-2 will
be considered by the Water
Rights Commission at the Court
House at Winner, S.D. upon the
21st day of July, 1976 at 10:00
a.m. All interested persons may
appear and be heard.

WATER RIGHTS
COMMISSION
Burton F. Jones,
Water Rights
Specialist

Publ.: July 8 and 15.





United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101

July 20, 1976



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

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on July 21, 1976, a hearing will be held at 10 a.m., by the Water Rights Commission at the Courthouse at Winner, South Dakota, on the application of Erney Pahlke, Mission Route, Valentine, Nebraska, for a permit to appropriate for beneficial use 6.85 cubic feet of water per second of time from the ground water through the Pahlke #1, the point of diversion being in the center of the SE $\frac{1}{4}$, Sec. 7, Center of the SW $\frac{1}{4}$ Sec. 3 and the Center of NW $\frac{1}{4}$ of Sec. 17 T. 36 N., R. 28 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 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; 26 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 131 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: Area Director, B.I.A.
Superintendent, Rosebud Agency
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Mr. Erney Pahlke, Mission Route Valentine, Nebraska 59201

Form 9. - Forwarding Permit to
Appropriate Water

No. 1411-2



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

July 28, 1976

Linney Pahlke
Mission Route
Valentine, Nebraska 69201

Dear Mr. Pahlke:

Enclosed herewith is your Water Right Permit No. ~~1411-2~~ 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. ~~1411-2~~

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 July 20, 1976 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.

Respectfully,
WATER RIGHTS COMMISSION

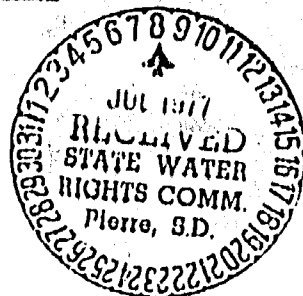
JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

Form 10.

No. 1411-2

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE



Post Office Valerius, S.D.

Date July 5, 1977

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1411-2.

Water Right Permit No. 1411-2 states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on June 29, 1977.
Applying the water to beneficial use was completed on June 29, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Erney Gahlke
(Signature)

Water Rights Division
605 773-3352

March 2, 1982

1411-2

Las Miller, Realtor
840 W 9th
Sioux Falls SD 57104

Dear Mr. Miller:

This letter is in regard to our telephone conversation of March 1, 1982 in which you requested application forms for filing of a water right, and a transfer form for transferring Permit No. 1411-2 in the name of Erney Pahlke.

Enclosed please find application forms and an instruction sheet for filing of a water right. Also enclosed is a partially completed transfer form. Please check over, date, sign and have notarized before returning it to this office with a \$2.50 filing fee. The permit can then be transferred to the new owner. If the new owner did not purchase all of the land listed at the top of the transfer form, please indicate this when returning the form.

In checking with the State Conservation Commission concerning the Soil/Water Compatibility Approval for lands covered under Permit No. 1411-2, it was found that the SE 1/4 of Section 7, T36N, R28E does not have approval from their office. In order to bring the permit into compliance with State Laws, it will be necessary for the new owner to obtain a Soil/Water Compatibility for the SE 1/4 of Section 7. For forms and procedures contact the State Conservation Commission, Anderson Building, Pierre SD, Phone: 773-3259.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

enclosure

cc: Martin Gertsonson
State Conservation Commission

Water Rights Division - DWR
Telephone Reference Sheet

NAME OF PERSON (Called/Calling): Arvid Lutter

ADDRESS: Valentine, NE COUNTY: Todd

DATE: Around Woodcock & March -
I didn't get shot out until later TELEPHONE: _____

RE: transfer of 1411-2.

COMMENTS:

Mr. Lutter indicated he owned the land covered
by Permit No. 1411-2, Mr. Chas. Pabke never did
own it - only leased it. Mr. Lutter requested
transfer form to have name changed to him. I
indicated I had already sent Ler Miller-Hilton
since the land was now being sold.
Mr. Lutter indicated he was permit in his
name until legally sold.

Form sent 3-23-82

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: Senay
3-22-82

WATER RIGHTS DIVISION

(605) 773-3352

March 23, 1982

Fred Lutter
Valentine, Nebraska 69201

Dear Mr. Lutter:

Per your recent request, enclosed please find our Form 20, "Notice of Transfer". Please check over, date, sign and have notarized before returning it to this office with a \$2.50 filing fee. The permit can then be transferred to your name.

Also enclosed is a copy of a letter sent to Les Miller, Realtor in Sioux Falls. Please note paragraph three of the letter which concerns the lack of Soil/Water Compatibility Approval on portions of land covered under Permit No. 1411-2. If the land is not sold and you intend on irrigating it will be necessary for you to bring the permit into compliance by obtaining soil/water compatibility approval on the SE $\frac{1}{4}$ of Section 7, T-35N, R-23E before irrigating. If the land is sold, the new owner will have to obtain the approval.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
cc:Martin Gertonson
Enc.

NO. 1411-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-30-87

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

480-acres, SW Section 8; NW Section 17; SE Section 7 all in T-36N,

R-28W

formerly owned by Erney Pahlke

has been transferred to Fred Lutter, 403 N. Main, Sioux Falls
together with any rights to the beneficial use of water thereon as evidenced by 57101

Water Right Permit No. 1411-2 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 _____) ss.

I, FRED LUTTER 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.

Fred Lutter
(Signed)

Subscribed and sworn to before me this 30 Day of MAY, 1987

[Signature]
(Notary Public)



On April 27, 1982 portions of Permit No. 1411-2 were transferred to 1411-2A, Fred Lutter. The portion transferred was 2.28 cfs and 160 acres in the NE 1/4 Section 7, T36N, R28W.

Permit No. 1411-2 (listed in the name of Erney Pahlke) now authorizes 4.57 cfs and 320 acres in the SW 1/4 Section 8 and NW 1/4 Section 17, T36N, R28W.

No. 1411A-2

1411-2

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 20 1985

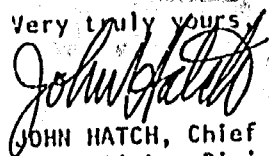
Erney Pahlke
HC 12, Box 30
Valentine, NE 69201

Dear Mr. Pahlke:

Enclosed herewith is, Water License No. 1411A-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 Laws 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. 1411-2 have been incorporated into this Water License No. 1411A-2.

WNR-817/3/83
Transmittal of Water License

DATE MICROFILMED
CAMERA OPERATOR

NOT TO SCALE

139.8

98-L

ERNEY
PAHLKE

ART
R209/c

42.5

8

4.4

Well #1
33 Ac

131.0

32 Ac

33 Ac

Well #2
33 Ac

4.2

6.1

29.4

36-28

4.9

15.7

14.9

18-L

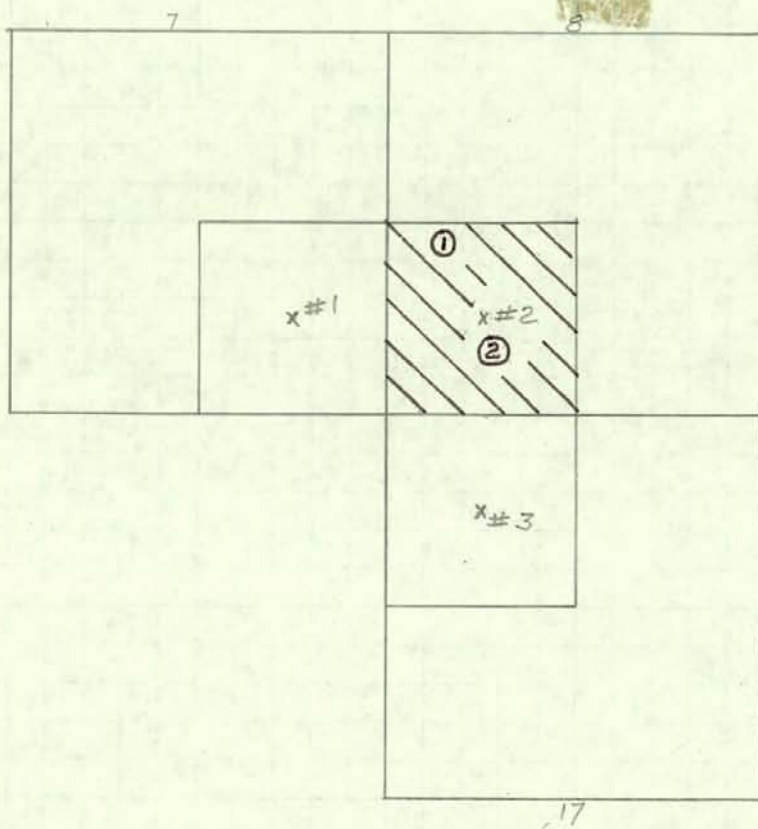
152.5

W/R 1411A-2



R 28W

1411-2
Erney Pahlke



Permit as approved 1411-2

Wells #1 center SE $\frac{1}{4}$ 7, T36N, R28W
#2 center SW $\frac{1}{4}$ 8, T36N, R28W
#3 center NW $\frac{1}{4}$ 17, T36N, R28W
Lands SE $\frac{1}{4}$ 7, SW $\frac{1}{4}$ 8, NW $\frac{1}{4}$ 17

The SE $\frac{1}{4}$ 7 was transferred to Fred Lutter 1411-2A

Developed

Wells ① 2429 ft. N 647 ft. E of SW corner 8, 36-28
② 957 ft. N 1406 ft. E of SW corner 8, 36-28

Lands 132.9 acres in SW $\frac{1}{4}$ 8 T36N R28W

The SE $\frac{1}{4}$ 7 never developed and notified for cancellation

The NW $\frac{1}{4}$ 17 never developed and will be dropped from license.

Comments: Change in point of diversion from section 17 well #3 to SW 8 well ①. application needed.

map
1411-2 (1411A-2)

6 Sept 84. Dale H. Lilken

22.8

all paper

(1-82)

152.5

"C.L." 1963-1968

Don Schmidt
OP

42.4

to L
Cove

27.5

lots

22.1

all paper

17

total amount of acres of trees
on Erney Place 4.7 A.S.C measure
Freds 3.4 acres A.S.C measure

36-28

Map # 1197-2

Map # 1197-2

Appl #

1411-2

139.8

"C. 4"
1969-1979

(1-82)

42.5

8

28.5

35.7

OUT

Whet

330.438

7.4
fallow

~~33.4~~

2.8
new
act

17.6
L

21.3

oak

18.7

Directed

15.8

36-28 to be Coun

Total amount of acres of trees on
Emerys 4.7 A.S.C Measure

Fred 3.4 A.S.C Measure

(1-82)

156.0

139.8

"C.L." 1969-1979

Boydland

Malt

7

109.0

"C.L." 1969-1979

100
Sutton

tree feds 3.4 acres
A.S.C. Measure

28.5

35.2



36.78

tree on Erney Pohl 4.7 A.S.C. Measure