

1268-3

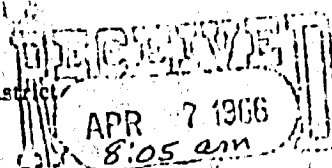
1. Considered 5-18, 1966
2. Name of Applicant Ray Frank
3. Post Office Address Medison
4. Amount of water claimed 2.04
5. Source of water supply ground water
6. Water to be used for irrigation
- Acres to be irrigated 143
7. Water to be diverted and used in Lake County about  
1/2 W miles of Medison
8. Proof of Publication Received ✓  
Not Received
9. Application Approved                       
Subject to                       
Not Approved                       
Action deferred

10. Remarks:

See Letter

No. 1268-3Water Division No. 3Big Sioux River

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



## APPLICATION FOR PERMIT

STATE WATER RESOURCES COUNCIL

## To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Ray Wentz  
 Postoffice address Box 368, County Lake, State SD  
MADISON

## I. If a corporation

- (a) Name of same \_\_\_\_\_  
 (b) Date and place of incorporation \_\_\_\_\_  
 (c) Amount of capital stock \_\_\_\_\_  
 (d) Amount paid in \_\_\_\_\_  
 (e) Names and addresses of directors \_\_\_\_\_

(NOTE—A certified copy of articles of incorporation must accompany the application.)

## II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) Cash on hand, \$ adequate

(c) Treasury stock, \$ \_\_\_\_\_

(d) Bonds to be issued, \$ \_\_\_\_\_

(e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work Wentz's Irrigation Project No. 13. Amount of water claimed 176,204 cubic feet per second4. Source of water supply Well5. Location of point of diversion 1320' E + 1520' N of SW Corner Sec. 12T106N R53W on \_\_\_\_\_ bank Lake County.6. Annual period or periods during which water is to be used April 1st to Nov 1st

7. To be used for:

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

(a) Number of acres to be irrigated 123,143 acres.(b) Legal subdivisions to be irrigated N 1/4 + S 1/4 of SW 1/4 + ALL 1/2 S of R106N in NW 1/4

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

Sec 12 - T106 - R53

(c) Statement as to domestic use (giving location, etc.) \_\_\_\_\_

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

(a) Nature of use \_\_\_\_\_ Name any of the above uses claimed

(b) Amount of power to be generated \_\_\_\_\_ horse power.

Amount claimed for engine cooling \_\_\_\_\_

(c) Location of plant \_\_\_\_\_

(d) Method of developing power \_\_\_\_\_

(e) Point where water will be returned to stream \_\_\_\_\_

MAP NO 885-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

(b) Pumping plant, \$2,000.00

(d) Canal-earth, \$-----

Rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Turbine Pump

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

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

| DEPTH AT<br>OUTLET- FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET- ACRES | FEET | ACRE- FEET<br>CAPACITY |
|--------------------------|------------------------------------------------|------|------------------------|
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |
|                          |                                                |      |                        |

(c)\* Head gate: Width ----- feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 ----- years.

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

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

Madison Daily Leader

STATE OF SOUTH DAKOTA

County of -----

AS.

I, Ray E. Wink, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

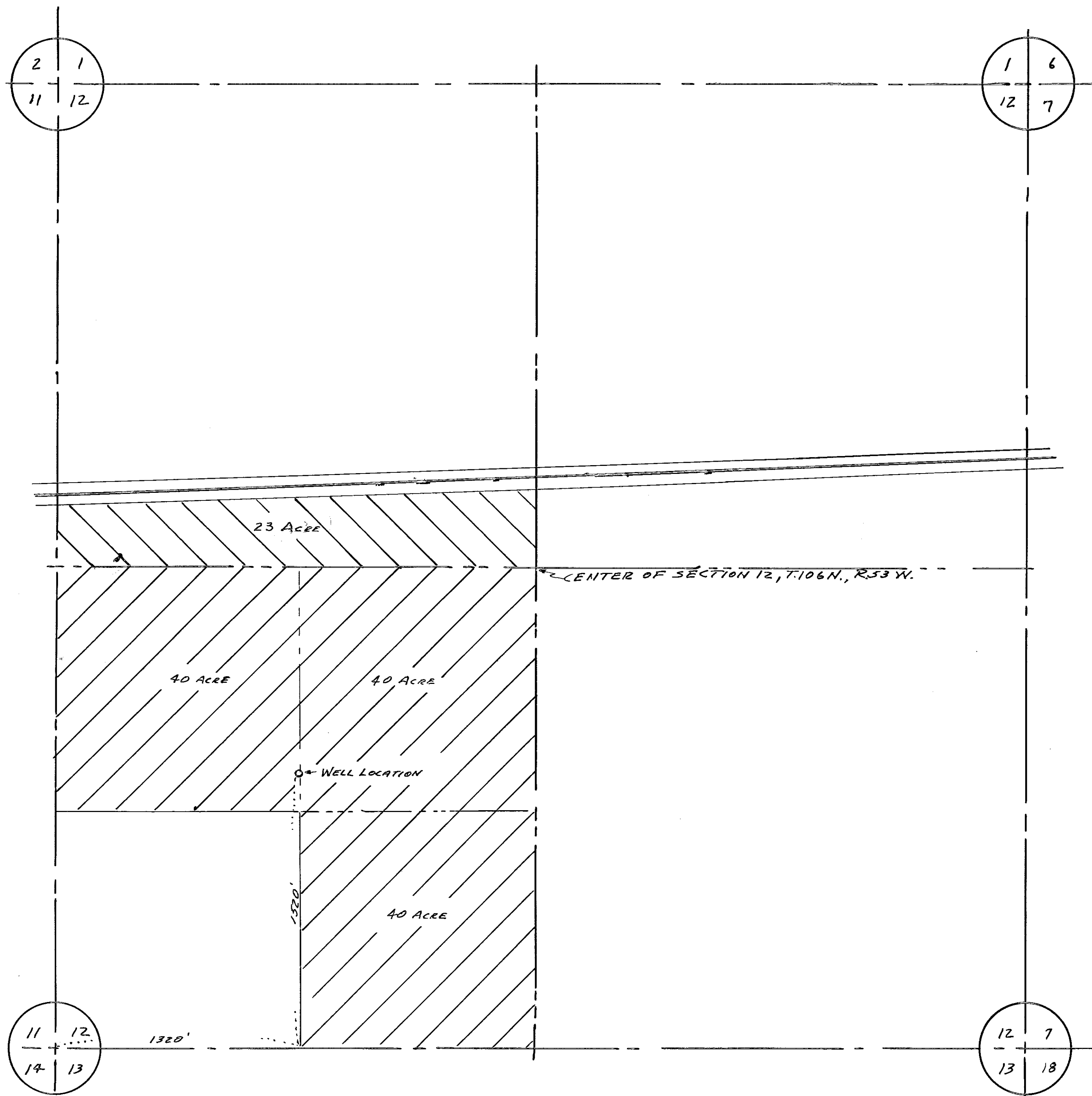
Signed

Subscribed and sworn to before me this -----

day of -----

19-----

Ernest L. Barker  
Notary Public (or other) qualified officer.)



# AREA BY LEGAL SUBDIVISION

23 ACRE : NW 1/4, SECTION 12, T.106 N., R.53 W., 5TH PM.  
 120 ACRE : S. W 1/4, SECTION 12, T.106 N., R.53 W., 5TH PM.  
 143 ACRE : TOTAL

## SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA )  
 )  
 COUNTY OF BEADLE )  
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR  
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY  
 CERTIFY THAT, AT THE REQUEST OF "RAY WENK"  
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED  
 WITHIN HIS OWNERSHIP BOUNDARIES ON MARCH 24, 1966 FOR WHICH APPLICATION  
 FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP  
 IS A TRUE REPRESENTATION THERE OF.  
 WITNESS MY HAND AND SEAL THIS 24TH DAY OF MAR. 1966

Harlan W. Meyer  
 REG. LAND SURV.

STATE OF SOUTH DAKOTA )  
 )  
 COUNTY OF BEADLE )  
 ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC  
 WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY  
 APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE  
 PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE  
 AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.  
 WITNESS MY HAND AND NOTARY SEAL THIS 24TH DAY OF MARCH 1966  
John R. Thomas  
 MY COMMISSION EXPIRES 3-7-74 NOTARY PUBLIC

SCALE 1"=400'

RAY WENK IRRIGATION PROJECT NO. 1  
 SHOWING AREA & DIVERSION POINTS WHERE WATERS  
 WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

RAY WENK OWNER

HARLAN W. MEYER SURVEYOR  
 MAR 66

MAP NO 885-3 (APPL NO 1268-3)

Remarks by State Water Resources Commission:

THE CITY OF MADISON HAS PRIORITY RIGHTS TO THIS WATER UNDER A FUTURE USE WITH PRAIRIAL PERMIT, AND THIS APPLICATION IS APPROVED SUBJECT TO THIS PRIORITY RIGHT TO THE EXTENT AS NEEDED BY THE CITY OF MADISON.

This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements will be required to protect the domestic water supply.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

JULY 22, 1966

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock

a.m. upon the 7<sup>TH</sup> day of

APRIL

1966

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit

1268-3

Date of first receipt of application

APRIL 7

1966

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

19

Date of receipt of corrected application

19

Date from which applicant may claim right

APRIL 7

1966

Approved

JULY 20

1966

Recorded in Book

9

Page

140

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

JANUARY 20, 1968

2nd. The whole of said work is to be completed on or before

JULY 20, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

JULY 20, 1971

4th. The water appropriated shall be used for the purpose of

IRRIGATION

5th. The priority right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.04 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before

JULY 20, 1971

said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this

22<sup>ND</sup> day

of

JULY

1966

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Chief Engineer, Executive Officer

Certificate of Construction Issued

APRIL 29

1970

Water License Issued

APRIL 29

1970

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 41

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 16", Thickness of casing 10 Gauge

Length of casing 21. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Slotted

Size of perforated screen 16" (diameter), 20' (length)

Thickness of gravel pack 7, length of gravel pack 41

(c) Water Bearing Materials

Distance to water 7. Character of water bearing materials

0-3- Top Soil, 3-11 Sand & gravel, 11-18 Sand & boulder, 18-27 Coarse Gravel, 27-29 Boulders, 29-33 Coarse Gravel, 33-41 Sand & fine Gravel.

Thickness of water bearing material 38'

(d) Pump and Motor

Type of pump Turbine  
(centrifugal, propeller, mixed flow, etc.)

Name of pump Westernland Roller, size 6" Column 8" Bore

Kind of motor LP Gas  
(gasoline, electric, diesel, etc.)

Horsepower 50, Name of Motor Chrysler

(e) Complete well 8

Capacity 800 at drawdown of 34. Estimated cost \$820.00

(f) Owner of land upon which well is located

Address

(g) Distance to nearest existing wells

On same owner's property 180 rods. On property owned by others 240 rods

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1268-3

(1) WHEREAS, On the 7th day of April A. D. 19 66  
Ray Wenk, Jr.

made Water Right Application No. 1268-3 for a permit to use 2.04 cubic feet per second of the waters of ground water

County of Lafayette, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of July A. D. 19 66

Permit No. 1268-3, with a date of priority of April 7, 1966

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 20th day of July A. D. 19 69 and for the application to beneficial use of said water on or before the 20th day of July A. D. 19 71

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 .90 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

**for irrigating the following land in Section 12, T106N, R53W**

|                                   | Acres            |
|-----------------------------------|------------------|
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 40               |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 40               |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 40               |
| S $\frac{1}{2}$ NW $\frac{1}{4}$  | 23               |
| <b>Total</b>                      | <b>143 Acres</b> |

(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 Ray Vent, Jr.

\_\_\_\_\_ of Edison, South Dakota

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No 1268-3 a water right, dating from April 7, 1946

\_\_\_\_\_ to use of .90 cubic feet per second of the waters of ground water

in the County of Lake and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1520' north and 1320' east of the SW Corner,

Section 12, T106N, R53W

and conduct to and upon Portions of the SW and SE NE 1/4, Section 12, T106N, R53W, described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1268-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 29th day of April A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. W. GRIMES

Form 15.

Permit No. 1268-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ray Wenk, Jr.

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1268-3, issued upon Application No. 1268-3, bearing date of priority of April 7,  
1966 authorizing the diversion of 2.04 cu. ft. per second of the waters of \_\_\_\_\_  
ground water County of Lake, State of South Dakota at a  
point 1520' North and 1320' East of the SW Corner, Section 12, T106N, R53W

\_\_\_\_\_, for irrigation

purposes, ha. 8 complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use .90 cu. ft. per second of water.

Date April 29, 1970

WATER RESOURCES COMMISSION

By:

**J.W. GRIMES, Executive Officer**

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County of Lake } ss.

Grace M. Johnson of the City of Madison,  
County of Lake, State of South Dakota, being first duly sworn on oath,  
deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by the Madison Daily Leader, Inc., George M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the

Bookkeeper of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this

affidavit and the advertisement headed

Appropriation of Water  
printed copy of which hereunto attached, was printed and published in the said newspaper for four successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 14th day of April, 1966;  
On Thursday, the 21st day of April, 1966;  
On Thursday, the 28th day of April, 1966;  
On Thursday, the 5th day of April, 1966;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_;  
On \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_;

That \$ 16.26 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Grace M. Johnson

Subscribed and sworn to before me this 5th day of

May, 1966.

Lloyd C. Welber  
Notary Public, Lake County, South Dakota.

April 14, 21, 28, May 5  
APPROPRIATION OF WATER  
Office of State Water Resources Commission,  
Pierre, S. Dak., April 12, 1966.  
Notice is hereby given that Ray Wenk whose post office address is Madison, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 204 cubic feet of water per second of time from ground water through Wenk's Irrigation Project No. 1, the point of diversion of which is to be located in the NW 1/4 of the SW 1/4 of Section 12 Twp. 106N Range 53W. Said water to be used for the purpose of providing irrigation on portions of the following described land:  
SE 1/4 SW 1/4, N 1/4 SW 1/4, S 1/2 NW 1/4, Section 12, T106N, R53W.  
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of May, 1966, at 2 P.M. All interested persons may appear and be heard.  
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.  
State Water Resources Commission  
By: BURTON F. JONES  
Water Right Specialist

Publication Fees . . . \$ \_\_\_\_\_  
Notary Fees . . . \$ \_\_\_\_\_  
Total . . . \$ \_\_\_\_\_  
Received Payment,

on or before April 21, 1966  
(First Publication)

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 12, 1966

Notice is hereby given that Ray Wenk whose postoffice address is Madison S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.04 cubic feet of water per second of time from the ground water through the Wenk's Irrigation Project #1, the point of diversion of which is to be located on the bank of said stream in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 12 Twp. 106N Range 53W portions of the said water to be used for the purpose of providing irrigation on the following described land:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , Section 12, T106N, R53W

~~XXXXXX~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of May, 1966, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

BURTON F. JONES  
Water Right Specialist

CC: George M. Hunter, Publisher  
Daily Leader  
Madison, S.D.

## Water Right Application 1268-3 - Ray Wenk

At the May 1966 meeting, Water Right Application No. 1268-3 of Ray Wenk to withdraw up to 2.08 c.f.s. of water from a 41 foot well in the Madison Area was considered. In a letter, the Mayor Madison, representing the City Council objected to the application because the proposed irrigation well was in the area approved for future use development by the City of Madison. The Commission staff indicated additional information was needed regarding domestic wells. A permit had been previously issued for an irrigation well in the immediate area, but it was not known if the well had been constructed. The Commission deferred action, pending investigation by the staff.

Later, a letter was received from Mr. Harry A. Robinson, president of the Lake Herman Development Association asking that the effect the proposed irrigation well would have on lake levels and particularly on the level of Lake Herman be considered.

A report published by the State Geological Survey in 1959 entitled "Special Report No. 2 - Geology of the Shallow Water Supply at Madison, South Dakota" contains information which is helpful in considering this application.

The proposed irrigation well is located  $\frac{3}{4}$  mile west of the west boundary of the city limits of Madison. Special Report No. 2 indicates that the estimated depth of 41 feet is reasonable and that little or no artesian pressure would be expected from such a well. The nearest domestic well owned by others would be located over  $\frac{1}{2}$  mile from the proposed irrigation well. The Commission staff believes the water right permit if approved should contain the domestic well interference clause, even though it is probable that serious domestic well interference would not be caused by the proposed irrigation well.

Water Right Permit 364-3 approved the construction of an irrigation well at a location  $\frac{1}{4}$  mile east of that site proposed for this irrigation well. The well authorized in permit 364-3 has never been constructed and the five year construction period has been exceeded. Therefore consideration of cancellation of Permit No. 364-3 has been scheduled.

Normal irrigation from the irrigation well proposed in Application No. 1268-3 would lower the level of Lake Herman less than 1 inch if all of the water were to be pumped directly from Lake Herman. Also, because of the large area of the aquifer as mapped in Special Report No. 2 and because of the difference in water levels at Lake Herman and the proposed well site, the Commission Staff would expect the proposed irrigation to have an insignificant effect on the water level of Lake Herman.

The existing water supply of the City of Madison is taken mainly from two wells located about  $2\frac{1}{4}$  miles east of the proposed irrigation well. At this distance, considering the characteristic of this aquifer, a shallow aquifer with little artesian pressure, the Commission Staff is certain the proposed irrigation well would not have a serious adverse effect on the Madison's existing well system.

The City of Madison in future use permit No. 747-3 has authorization to develop an additional 11.11 c.f.s. from nine sections of land. The proposed irrigation well is in this specified nine sections of land. Special Report No. 2, indicates that it may be advisable in the future for the City of Madison to extend its well field towards the location of the proposed irrigation well.

It would certainly be a long time, if ever, before Madison's well field will be extended so that the proposed irrigation well would have an adverse effect on such extended well field. Under such conditions, Section 61.0122 of the State Water Laws specify that this water is surplus to that needed by the City of Madison and shall be made available to water right applicants until such time as the water is needed by Madison.

The Commission Staff recommends that Water Right Application No. 1268-3 be approved, containing the following qualifying statements:

"The City of Madison has priority rights to this water under a future use withdrawal permit and this application is approved subject to this prior right to the extent as needed by the City of Madison".

"This well is located near domestic wells which may obtain water from the same aquifer. If the well covered by this Permit to Appropriate Water depletes the domestic water supply, restrictions, to the extent necessary, of the capacity of this well or periods of operation or other arrangements will be required to protect the domestic water supply."

The future use section of the Water Laws 61.0122 is contained in Chapter 61.01 entitled "WATERS". While the future use section 61.0122 first became effective in 1955, Chapter 61.01 "WATERS" originated in the Territorial Legislature and the 1907 Water Law contained many sections still contained in the 1955 Act. Prior to 1955 the South Dakota Courts had declared that the provisions of the water laws did not apply to ground water and to wells. Then in 1955 a new chapter of the water laws 61.04 entitled "GROUND WATER AND WELLS" was enacted.

Section 61.0122 of the "WATERS" chapter, Appropriations for future use states in part "-----Any intending appropriator of such surplus water shall make an application to the Commission and may receive a temporary permit, under a procedure to be prescribed by the Commission, which shall conform as closely as practicable to the standard procedure for appropriating water under this title. Each such permit shall state that it shall be effective only until such time as the state institution, facility or property or the municipality or conservancy sub-district shall notify the Commission that it is ready to use the water covered by the terms of the permit, such notification to be given at least six months in advance of the date at which the state institution, facility, or property or the municipality or conservancy sub-district intends to begin such use. The Commission shall thereupon cancel the temporary permit as of such date. No temporary permittee shall acquire under such permit any right to the use of surplus water beyond the time the temporary permit is cancelled. Source: HB-960, Enacted 1966 Session.

Chapter 61.04 "GROUND WATERS AND WELLS" does not contain a section pertaining to future use withdrawals. Section 61.0404, Appropriation of Water, states in part, "----In all other respects the procedure for appropriating water under Chapter 61.01 shall be followed insofar as practicable.

It is not practicable to tell a holder of such temporary permit for use of underground water that as of specified date he can no longer irrigate because a City will be using all of the water, because in all probability there will be many times when he could use such underground water without adverse effect on the City's well system or water supply.

It is not practicable for the future use holder to be able to set a date when the temporary permits are to be cancelled and have the Commission cancel temporary permits as of such date. For example there may be a long delay in the construction period.

Because of this impracticality, individual permits issued for areas for which underground future use withdrawals have been authorized, have not stated that the permits are temporary permits and will be cancelled after six month notice from the future use permit holder, but instead such individual permits have stated that a prior future use permit has been issued for the same area and the individual permit is subject to this prior future use permit to the extent as needed by the future use permit holder.

OFFICE OF  
THE MAYOR

CITY OF MADISON  
MADISON, SOUTH DAKOTA 57042

April 25, 1966

Mr. J. W. Grimes, Exec. Officer  
State Water Resources Commission  
State Capitol  
Pierre, South Dakota

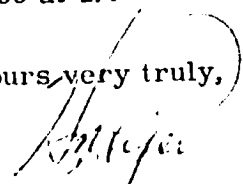
Dear Sir:

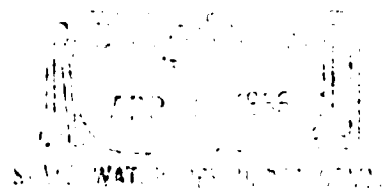
The City of Madison, Lake County, South Dakota, acting by and through its Commissioners takes this means to object to the application of Ray Wenk of Madison, South Dakota, for an appropriation of 2.04 cubic feet of water per second of time from ground water through Wenk's Irrigation Project No. 1., the point of diversion of which is to be located in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 12 Twp. 106N Range 53W. Such water to be used for the purpose of providing irrigation on portions of the following described real estate: SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; N $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 12, Twp. 106N, R. 53W.

The said City of Madison makes this objection for the reason that it has heretofore made application for and has been granted by your office the right to appropriate certain amounts of ground water lying under the real estate described above for municipal purposes. The permit issued by your office to said City of Madison for such right to appropriate ground water is permit No. 747-3. Such permit authorizes said City of Madison to take ground water for municipal purposes from water division No. 2, Big Sioux River District, Map No. 556-3, which includes the same real estate described in the application of Ray Wenk.

This letter may be used for the purpose of lodging the objection of the said City of Madison at the hearing on said application of Ray Wenk for an appropriation of ground water which hearing is to be heard at your office on May 18, 1966 at 2:00 o'clock P. M. of said day.

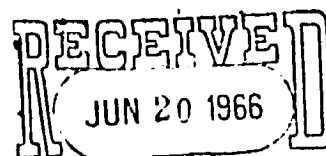
Yours very truly,

  
H. M. Piper  
Mayor of the City of Madison  
Madison, South Dakota



GENERAL BEADLE STATE COLLEGE  
MADISON, SOUTH DAKOTA 57042

DIVISION OF SCIENCE AND MATHEMATICS  
June 17, 1966



STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Mr. Joe Grimes, Director  
Water Resource Commissioner  
Pierre, South Dakota

Dear Mr. Grimes:

In recent weeks there has been talk of farm irrigation near Lake Herman. It now seems that an application approval has been submitted by the Ray Wenk farms to irrigate approximately 120 acres. We are not against irrigation as long as water is plentiful. However, we are wondering what effect this will have on the water level of Lake Herman? We cannot afford to have water problems with the Lakes in this region because of the lake depths.

Will you please have engineers test the water supply not only as to the amount available but what probably would be the effect on the surrounding lake levels.

Again, I do not know if a water conservancy level has been established for these lakes. If one has been established this would resolve the problem.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Harry A. Robinson".

Harry A. Robinson, President  
Lake Herman Development Association

gr

1268-3

July 1, 1966

Mr. H. M. Piper  
Mayor of City of Madison  
Madison, South Dakota

Dear Mayor Piper:

This is to inform you that the Roy Wenk Water Right Application No. 1268-3 to withdraw 2.04 cubic feet per second of water from a well to irrigate 143 acres of land will be reconsidered by the Water Resources Commission at their office at Pierre, South Dakota at 10:00 A.M., C.S.T., on July 21, 1966.

Enclosed for your information is a copy of the water laws of South Dakota. Your attention is called to section 61.0122, page 8. The water that Mr. Wenk proposes to use is surplus to that water now needed by the City of Madison. As stated in section 61.0122, such surplus water may be temporarily appropriated by any person.

The Commission staff is certain Mr. Wenk's proposed irrigation will not adversely affect the City of Madison's existing well system. Under section 61.0122, if the City expanded their system, and then the proposed Wenk irrigation project had an adverse effect, the rights of the City would be still protected.

The recommendation of the Commission staff will be to approve the application subject to the future use water right No. 747-3 of the City of Madison and subject to restriction, if pumping of the irrigation well should adversely affect domestic well supplies.

Sincerely,

J. W. Grimes

JWG:DD:ls  
cc Mr. Milton Fischer  
Water Resources Commissioner  
Milbank, South Dakota

1268-3

July 1, 1966

Mr. Harry A. Robinson  
Madison, South Dakota 57042

Dear Mr. Robinson:

This is to inform you that the Roy Wenk Water Right Application No. 1268-3 to withdraw 2.04 cubic feet per second of water from a well to irrigate 143 acres of land will be reconsidered by the Water Resources Commission at their office at Pierre, South Dakota at 10:00 A.M. C.S.T., on July 21, 1966.

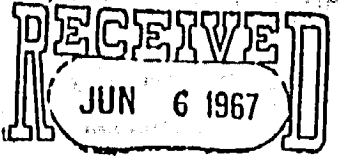
In your letter of June 17, 1966 you asked that the effect the proposed irrigation would have on the water level of Lake Herman be considered. The Commission staff is certain such irrigation would have no significant effect on the lake level. If all of the irrigation water for such proposed irrigation during a normal season were to come from Lake Herman, it would lower the lake level less than one inch. In actual fact the chances are that such irrigation would not have any effect whatsoever on the lake levels.

The recommendation of the Commission staff will be to approve the application, subject to the future use water right No. 747-3 of the City of Madison and subject to restriction, if pumping of the irrigation well should adversely affect domestic well supplies.

Sincerely,

JWG:DD:ls

J. W. Grimes

Permit No. 1268-3Water Division No. 7 Big Sioux River Water DistrictSTATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) \_\_\_\_\_

(Date) June 5

TO THE STATE WATER RESOURCES COMMISSION  
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of \_\_\_\_\_

2.04 cu. ft. per second of the waters of the state from Aprilthrough the 1st of Novfor irrigation purposes

\_\_\_\_\_ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Ray Went

2. The postoffice address of such person or the place of business of such corporation is Box 191  
County of Lake State of South Dakota

3. The number of such permit is 1268-3 and the date set for the completion of such work is June 5

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.04 cubic feet per second.

6. The amount of land for which said water is available is 14.3 acres,  
particularly described as follows: N 1/2 & SE 1/4 of S 1/4, All Land South  
of Rapidan in NW 1/4 Sec 12 T 104 R 53

I hereby certify that the facts set forth in the above notice are true.

Ray Went

(Signature of Owners) \_\_\_\_\_

Permit No. 1268-3  
 Water Division 3 SIOUX RIVER Water District

REPORT OF EXAMINATION OF WORKS  
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Ray Wenk  
Madison, South Dakota holder  
 of Permit No. 1268-3, bearing date of priority of April 7, 1966  
 authorizing the diversion of 2.04 cu. ft. per second of the waters of shallow ground water  
 for irrigation purposes, in Lake 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:

43 foot deep well - 16 inch casing - gravel packed  
 6 inch turbine pump  
 25 H.P. Electric Motor

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

3200 feet of 5 inch main line (aluminum)

C. Works used to apply water to beneficial use.

1200 feet hand-moved sprinkler pipe

The system is in the following condition: good

The point of diversion is located 1520 feet north and 1320 feet east of SW Corner  
of Section 12, T106N, R53W

The works are capable of diverting and conveying to the place of use 0.90  
 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: All in Sec. 12, T106N, R53W

|                                       |                           |
|---------------------------------------|---------------------------|
| NE $\frac{1}{4}$ SW $\frac{1}{4}$     | 40 acres                  |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$     | 40 acres                  |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$     | 40 acres                  |
| That part of NW $\frac{1}{4}$ , South |                           |
| of the R.R. track                     | 23 acres                  |
| comprising a total of                 | <u>143</u> acres of land. |

Date April 20, 1970

Donald Driscoll  
 DONALD DRISCOLL, Deputy Chief Engineer  
 Water Resources Commission

 **Department of  
Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

May 26, 1988

Ray Wenk  
Box 931  
Madison, SD 57042

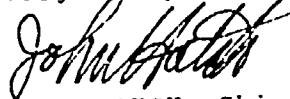
Dear Mr. Wenk:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 1268-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



## Department of Water & Natural Resources

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

February 9, 1990

RAY WENK  
BOX 931  
MADISON, SD 57042

### NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1268-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

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

1. Amend Permit No(s). 1268-3 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

 **Department of  
Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 23, 1990

1268-3

Ray Wenk  
Box 931  
Madison SD 57042

Dear Mr. Wenk:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1268-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

*Ron Duvall* /ks  
RON DUVAL  
Natural Resources Engineer  
Water Rights Division



1268-3

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

January 21, 1993

1268-3

Ray Wenk, Jr  
930 N Egan  
Madison, SD 57042

Dear Mr. Wenk:

Enclosed is a copy of Water Right No. 1268-3 and the 1992 irrigation questionnaire. The questionnaire was originally sent to Box 931, Madison, SD.

Please complete the questionnaire and return it to our office as soon as possible. Our records show that the land has not been irrigated in the past few years. You should be aware that if the land is not irrigated at least once every three years, the water right may not be valid. However, if there is legal excuse for not irrigating (for example - not enough water, too much water, CRP Program, or court proceedings which would prohibit use of water) the three year period would not be relevant.

I have also enclosed a postage paid envelope for your use in returning the irrigation questionnaire. On the questionnaire, please advise us of the status of Water Right No. 1268-3. If you have any questions, please contact me.

Sincerely,

*Genny McMath*  
Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODED LAWS. THIS IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

REDUCTION RATIO 25:1 ROLL NUMBER 11-26 DATE MICROFILMED 9/15/93

CAMERA OPERATOR SIGNATURE Jacqui R. Kinn



January 30, 1996

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

 JOE FOSS BUILDING  
 523 EAST CAPITOL  
 PIERRE, SOUTH DAKOTA 57501-3181
**NOTICE**
**TO:** RAY WENK, JR. 930 N EGAN, MADISON, SD 57042

**FROM:** Ron Duvall, Natural Resources Engineer  
 for John Hatch, Chief Engineer  
 Water Rights Program



**SUBJECT:** Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No. 1268-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCI. 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**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.

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

RAY WENK, JR  
930 N EGAN  
MADISON SD 57042

**4a. Article Number**

2348 318 912

**4b. Service Type**

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

1-31-96

**5. Received By: (Print Name)****8. Signature: (Addressee or Agent)**

X

**8. Addressee's Address (Only if requested and fee is paid)**

1268-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3111

February 6, 1996

1268-3

Ray Wenk, Jr.  
930 N Egan  
Madison, SD 57042

Dear Mr. Wenk:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.**

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

1268-3



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

January 9, 1998

NOTICE

TO: RAY WENK, JR, 930 N EGAN, MADISON, SD 57042

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1268-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s) please contact Genny McMath at (605) 773-3352.

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.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following service (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1268-3

RAY WENK, JR  
930 N EGAN  
MADISON SD 57042

4a. Article Number

2119 141 179

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

Ray Wenk

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102505-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



1268-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 20, 1998

1268-3

Ray Wenk, Jr  
PO Box 368  
Madison, SD 57042-0368

Dear Mr. Wenk:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1268-3.

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*

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



1268-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: RAY WENK, JR, PO BOX 368, MADISON, SD 57042 0368

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1268-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

**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.



1268-3

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8516 1985

Your item was delivered at 8:51 am on January 21, 2005 in MADISON, SD 57042. The item was signed for by B WENK.

[Shipment Details >](#)

### Notification Options

▶ Track & Confirm by email

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[Go >](#)

▶ Request Proof of Delivery

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### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

### U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8516 1985

RAY WENK, JR  
PO BOX 368  
MADISON SD 57042 0368

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

#### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)  
or call 1-800-222-1811

#### CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®

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(See Reverse)

PS Form 193, July 2001



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 25, 2005

1268-3

Cheryl Gustafson  
For Ray Wenk, Jr  
PO Box 368  
Madison SD 57042

Dear Ms. Gustafson:

I am writing to acknowledge receipt of the information for the 2004 irrigation questionnaire for Water Right No. 1268-3. I completed a questionnaire for Mr. Wenk based on our January 25<sup>th</sup> telephone conversation. Enclosed is a copy of the report you may keep for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1268-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

1268-3



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 2021

**NOTICE**

TO: RAY WENK, JR, PO BOX 368, MADISON, SD 57042 0368

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 1268-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: RBCRRX**

**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.



**DENR**  
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 1, 2021

1268-3

Ray Wenk Jr  
PO Box 368  
Madison SD 57042-0368

Dear Mr. Wenk:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 1268-3. 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 blue ink that reads "Genny McMath".

Genny McMath  
Water Rights Program  
605 773-3352  
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 19, 2024

**NOTICE**

TO: RAY WENK, JR, PO BOX 368, MADISON, SD 57042 0368

FROM: Ron Duvall, Engineer III  
for Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 1268-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YEMSSA**

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

February 15, 2024

1268-3

Ray & Marcia Wenk Trust  
c/o Lori Wenk-Schemmel  
6801 W 146<sup>th</sup> Ter, Apt 7201  
Overland Park KS 66223

Dear Ms. Wenk-Schemmel:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1268-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

I have also received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 1268-3 previously owned by Ray Wenk Jr is now listed under the Ray & Marcia Wenk Trust. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us

RECEIVED

FEB 14 2024

OFFICE OF  
WATER

## NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. 1268-3

Date: 2/14/2024

I/We request that Water Right/Permit No. 1268-3 formerly owned by:  
Ray Wenk, Jr. be transferred to:

New Owner Name: Ray and Marcia Wenk Trust in care of Executor/Daughter: Lori Wenk Schemmel  
Address: 6801 W. 146th Ter, Apt. 7201 mobile: 858-344-1051  
City, State, Zip Overland Park, KS, 66223 email: lwschemmel@msn.com

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

Water Right No. 1268-3, previously held by my father, Ray Wenk, Jr. / transferred to Ray and Marcia Wenk Trust in care of Executor/Daughter: Lori Wenk Schemmel on 2/14/2024.

☒ I understand that the validity of Water Right/Permit No. 1268-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

**A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.**

I, Ray and Marcia Wenk Trust in care of Lori Wenk, the new owner, certify that the above information is true and correct.

Lori Wenk Schemmel  
Lori Wenk Schemmel (Feb 14, 2024 11:49 CST)  
(signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 14, 2024

RECEIVED OF Ray/Marcia Wenk Trust c/o Executor/Daughter: Lori Wenk Schemmel 6801 W. 146<sup>th</sup> Ter, apt 7201  
Overland Park KS 66223

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

|                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | \$ _____       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   | \$ _____       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         | \$ _____       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            | \$ _____       |
| Fee for Filing Transfer Form <u>1268-3</u>                                                                     | <u>\$50.00</u> |
| Fee for _____                                                                                                  | \$ _____       |
| Fee for Issuing New Well Driller's License No. _____                                                           | \$ _____       |
| Fee for Renewal of Well Driller's License No. _____                                                            | \$ _____       |
| Fee for Issuing Well Pump Installer's License No. _____                                                        | \$ _____       |
| Fee for Renewal of Well Pump Installer's License No. _____                                                     | \$ _____       |
| (Any Other Work Provided by Law)                                                                               |                |
| TOTAL                                                                                                          | <u>\$50.00</u> |

By Eric Gronlund  
Chief Engineer  
*zm*

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Elizabeth Thomson, 19634 Chandler St, Gretna NE 68028

**DATE:** 10/29/2025

**TELEPHONE:** 402-202-1747

**RE:** Cancellation of WR No. 1268-3

**COMMENTS:**

Liz Thomson called after receiving the letter I'd sent her, which was meant to address the extended period of non-use under Water Right No. 1268-3. She confirmed that the property covered by 1268-3 was owned by herself and her brother William Wenk.

After some discussion with the individual who currently rents/operates the property, it was decided that irrigation had been abandoned many years prior and there was no intent to resume. Liz expressed that she and her brother would be agreeable to cancellation of WR No. 1268-3.

I told her that my hope is to have that cancellation scheduled for the December WMB meeting, and that a Notice would be mailed to her prior to any action by the Board. I welcomed her to call me with any questions although it did not seem like that was likely to happen.



Amanda Dewell  
Water Rights Program



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

October 20, 2025

1268-3

William Wenk Jr Trust  
c/o Liz Thompsen  
19634 Chandler St  
Gretna NE 68028

Dear Ms. Thompsen:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the permit holders, Lori Wenk-Schemmel, that the property they had previously reported on had been sold to you; however, a review of our records indicates that the property authorized by Water Right No. 1268-3 (143 acres in portions of Section 12-T106N-R53W), has not been irrigated since the 1970s. For this reason, before ownership of the water right is transferred, I believe cancellation of this water rights should be discussed.

Please contact me at your earliest convenience.

Sincerely,

Amanda Dewell  
Permitting Administrator  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us