

1509-3

1. Considered 3-20, 1968
2. Name of Applicant ROBERT J. CUNNINGHAM
3. Post Office Address YORK, NEBR.
4. Amount of water claimed 2.2
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in SPINK county
about 1 N 5 E miles of HITCHCOCK
8. Proof of Publication Received ✓
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

STP

No. **1509-3**Water Division No. **3** **JAMES RIVER** District
(Blanks to be Filled by the Engineer for the W. R. C.)

FEB 16 1938

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant G. W. Grosch
Silver Creek, Neb. 68663
 Postoffice address York County York State Nebraska

I. If a corporation NO

(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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Robert Cunningham Irrigation Project No. 13. Amount of water claimed 2.7 cubic feet per second4. Source of water supply DEEP WELL5. Location of point of diversion 1370' S, 1370' W of NW 1/4 Sec. 32
114.67 on SPINK County.6. Annual period or periods during which water is to be used FARMING SEASON - Apr. thru Oct.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? OVERHEAD SPRINKLER(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated NE 1/4 Sec. 32 T114N R62W S7PM

(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.)

(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 1094-3

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

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 OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

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

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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 years.

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

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

The Daily Plainsman - Harlan, S. D.

STATE OF SOUTH DAKOTA

County of *Spink*

ss.

I,

Robert J. Cunningham

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

Robert J. Cunningham

Subscribed and sworn to before me this

9

day of

February

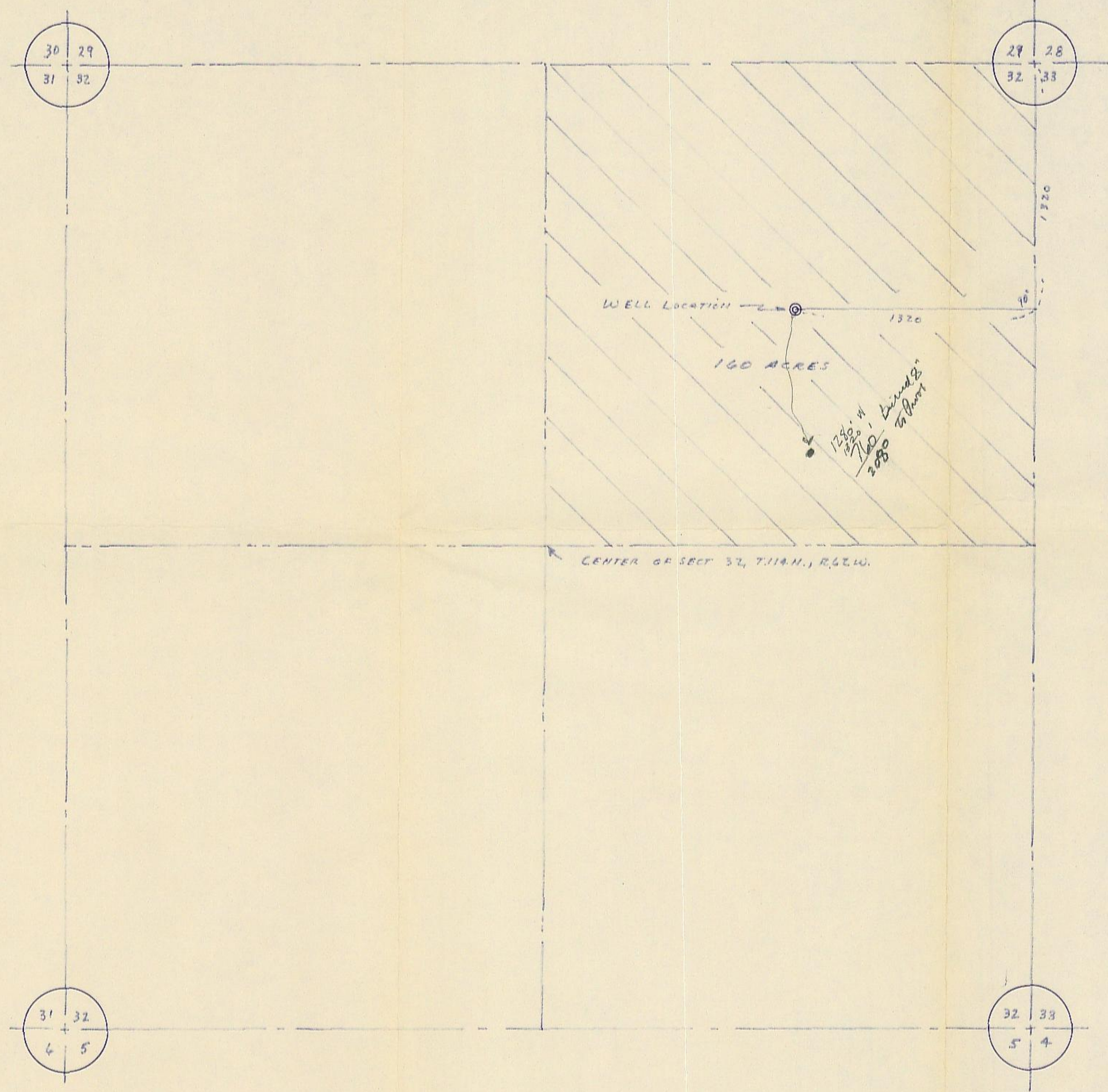
19

69

Notary Public (or other qualified officer.)

Ruthorn Beachley

*Each diversion must have a headgate or measuring device.



AREA BY LEGAL SUBDIVISION
 160 ACRES: NE 1/4 OF SECTION 32, T114N, R62W, 5TH PM.
 160 ACRES: TOTAL

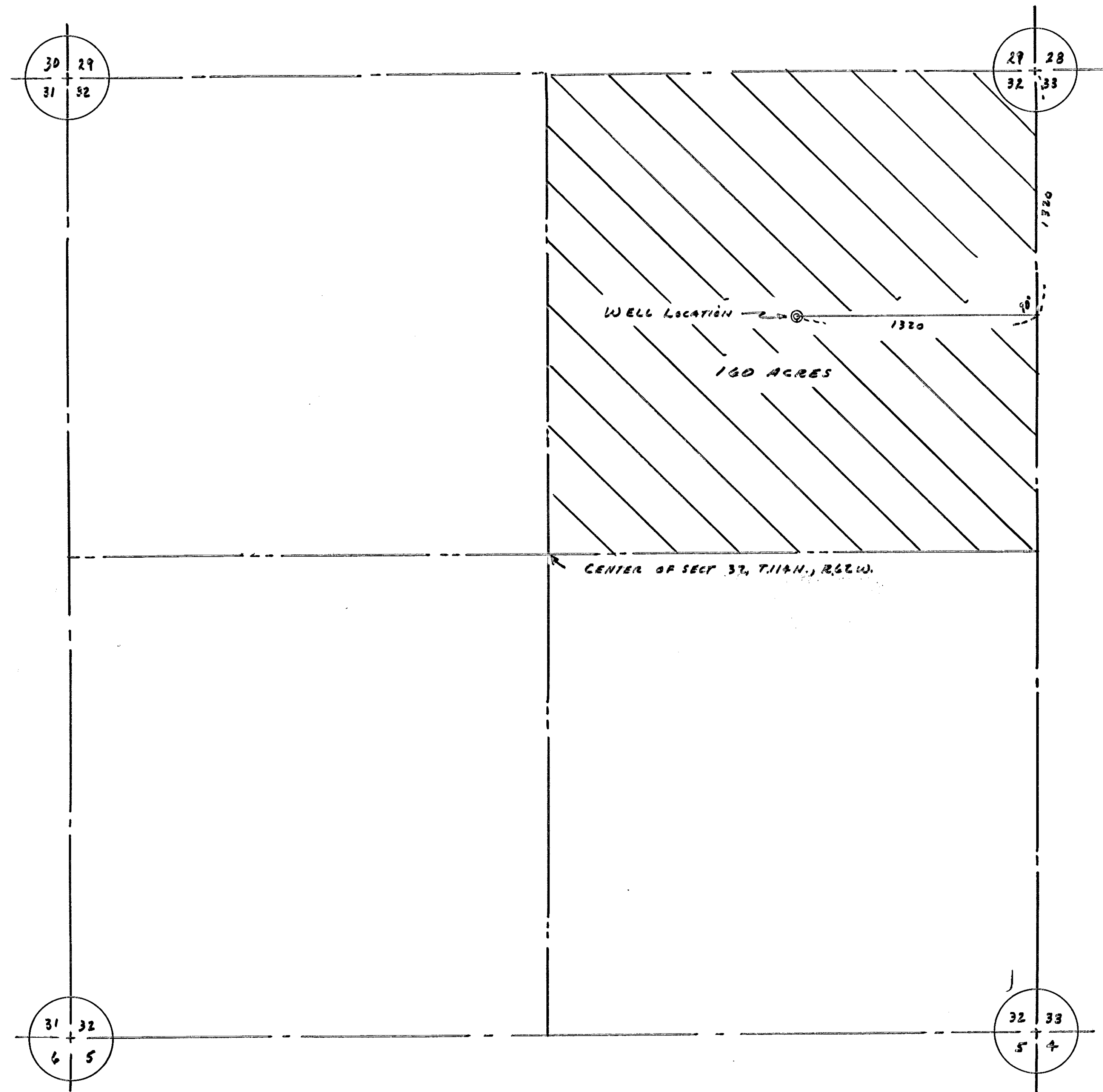
SURVEYOR'S CERTIFICATE
 STATE OF SOUTH DAKOTA), SS
 COUNTY OF BEADLE)
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF ROBERT CUNNINGHAM,
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
 WITHIN HIS OWNERSHIP BOUNDARIES ON FEB 1, 1968 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 1ST DAY OF FEB 1968

STATE OF SOUTH DAKOTA), SS
 COUNTY OF BEADLE)
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 1ST DAY
 OF FEB 1968
 MY COMMISSION EXPIRES MARCH 10, 1972

Harlan W. Meyer
 REG. LAND SURVEYOR #495
Corinne Johnson
 NOTARY PUBLIC

ROBERT CUNNINGHAM IRRIGATION PROJECT NO 1
 SHOWING AREA TO BE IRRIGATED AND WELL LOCATION
 WHERE WATER WILL BE DIVERTED - FOR PERMIT
 TO APPROPRIATE WATER.

OWNER ROBERT CUNNINGHAM
 SURVEYOR HARLAN W. MEYER



AREA BY LEGAL SUBDIVISION
160 ACRES: NE 1/4 OF SECTION 32, T.14N., R.62W., S.14N.
160 ACRES: TOTAL

SURVEYOR'S CERTIFICATE

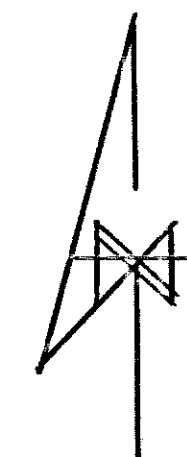
STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF ROBERT CUNNINGHAM,
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON FEB 1, 1968 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHTS IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 1ST DAY OF FEB 1968

Harlan W. Meyer
REG. LAND SURVEYOR #495

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
SUBSCRIBED AND SWORN TO BEFORE ME THIS 1ST DAY
OF FEB 1968

Bernice Johnson
NOTARY PUBLIC

MY COMMISSION EXPIRES MARCH 10, 1972



SCALE 1" = 400'

ROBERT CUNNINGHAM IRRIGATION PROJECT NO 1
SHOWING AREA TO BE IRRIGATED AND WELL LOCATION
WHERE WATER WILL BE DIVERTED - FOR PERMIT
TO APPROPRIATE WATER.

OWNER ROBERT CUNNINGHAM
SURVEYOR HARLAN W. MEYER

MAP 021094-3 (APPL. NO 1507-3)

Remarks by State Water Resources Commission:

- The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer.
- If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, or the capacity of the well or periods of operation or other arrangements will be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MARCH 25, 1968

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
9 a.m. upon the 16TH day of FEBRUARY, 1968

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1509-3

Date of first receipt of application FEBRUARY 16, 1968

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 FEBRUARY 16, 1968

Approved MARCH 20, 1968 Recorded in Book 10 Page 126

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 _____

SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

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

MARCH 20, 1974

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

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.2 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 MARCH 20, 1974, said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 25TH day of MARCH, 1968

State Water Resources Commission

By:

W. J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 4, 1973

Water License Issued MAY 15, 1973

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 inches, Depth 85 feet

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

Size of casing 22" OD - 17" ID, Thickness of casing 2 1/2"

Length of casing 4 feet. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Slot

Size of perforated screen 3/16" X 3"
(diameter) (length)

Thickness of gravel pack 7", length of gravel pack Total

(c) Water Bearing Materials

Distance to water 20 Character of water bearing materials Sand & Gravel

Thickness of water bearing material 65'

(d) Pump and Motor

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

Name of pump Western Land Roller, size 6"

Kind of motor _____
(gasoline, electric, diesel, etc.)

Horsepower _____, Name of Motor _____

(e) Complete well

Capacity _____ at drawdown of _____ Estimated cost _____

(f) Owner of land upon which well is located Robert J. Cunningham
Name

615 East 6th St. York, Nebraska 68467
Address

(g) Distance to nearest existing wells

On same owner's property 180 rods On property owned by others 120 rods

Permit No. 1509-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Robert J. Cunningham

_____ the holder _____ of
Permit No. 1509-3, issued upon Application No. 1509-3, bearing date of priority of February 16,
1968 authorizing the diversion of 2.2 cu. ft. per second of the waters of _____
ground water _____ County of Spink, State of South Dakota at _____
a point 1280 feet West and 2080 feet South of the NE Corner, Section 32,
T114N, R62W

_____, for irrigation

purposes, has _____ 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 2.2 cu. ft. per second of water.

Date May 4, 1973

WATER RESOURCES COMMISSION

By.

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1509-3

(1) WHEREAS, On the 16th day of February, A. D. 19 68
Robert J. Cunningham

made Water Right Application No. 1509-3 for a permit to use 2.2 cubic feet per second of the water of ground water

County of Spink, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 25th day of March, A. D. 19 68

Permit No. 1509-3, with a date of priority of February 16, 1968

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 March, A. D. 19 73 and for the application to beneficial use of said water on or before the 20th day of March, A. D. 19 74

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 1.9 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 a 135 acre circle in the NE $\frac{1}{4}$, Section 32, T114N, R62W

(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 Robert J. Cunningham
York, Nebraska

the holder _____ and owner _____ of said permit No. 1509-3 a water right, dating from February 16, 1968
to use of 1.5 cubic feet per second of the waters
of ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 1280 feet West and 2080 feet South
of the NE Corner, Section 32, T114N, R62W

and conduct to and upon a 135 acre circle in the NE 1/4, Section 32, T114N, R62W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1509-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of May A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

on or before
(First Publication February 22, 1962)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 16, 1962

Notice is hereby given that Robert A. Cunningham whose postoffice address is York, Nebraska 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 3.2 cubic feet of water per second of time from the ground water through the Cunningham Irrigation Project the point of diversion of which is to be located on the bank of said stream in the Center 1/4 of the NE 1/4 of Section 32 Twp. 114N Range 62W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 Section 32, T114N, R62W

and for _____ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March 1962, at 2:00 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:

cc: Robert Cunningham, York, Nebr.

Chief Engineer, Executive Officer,

BURTON S. JONES

Water Rights Specialist

1509-3

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE

SS.

I, Jeannette C. Lusk,
being duly sworn on oath, say that THE DAILY PLAINSMAN
is a daily paper published at Huron, Beadle County, South
Dakota, and that said newspaper has a bonafide circulation
of at least 250 copies daily; that said newspaper has been
published within said county for fifty-two consecutive weeks
immediately prior to this date; that said newspaper is printed
in whole or in part, in an office maintained at said place of
publication; that I am publisher

of said newspaper
and know the facts herein stated. The annexed notice headed

Appropriation of Water

was published for 4 successive weeks once each
week, the same day each week, in said newspaper, and not in
any supplement of the said newspaper, the first publication on
the 21 day of Feb., 1968, and the last

publication on the 13 day of March, 1968.
That the full amount of the fee charged for publishing the
same, to-wit:

Twenty-four and 50/100 Dollars insures to the benefit of
the publisher of said newspaper; that no agreement or under-
standing for the division thereof has been made with any
other person, and that no part thereof has been agreed to be
paid to any person whomsoever.

Jeannette C. Lusk

Subscribed and sworn to before me this 21 day of
February, 1968

A. J. Popovich
Notary Public, South Dakota

My term expires 9-21-75

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA,
COUNTY OF

SS.

I,
being duly sworn on oath, say that I am the authorized attor-
ney for the party foreclosing the mortgage described in the
annexed notice; that no agreement or understanding for any
division of the fees therefore has been made with any person
whomsoever, and that no part thereof has been refunded or
rebatbed by the party publishing this notice.

Subscribed and sworn to before me this _____ day of

, 19____

RECEIVED
MAR 13 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

FP 32145-100-100 71P 3-114
APPROPRIATION OF WATER
No. 1943-3
Office of State Water Resources Com-
mission, Pierre, S. Dak. February 10,
1968.
Notice is hereby given that Robert
J. Cunningham, whose postoffice ad-
dress is York, Nebraska, has made an
application in accordance with the pro-
visions of the Water Laws of South Da-
kota for a permit to appropriate for
beneficial use 2.5 cubic feet of water
per acre of land from ground water
through the Cunningham Irrigation Pro-
ject No. 1, the point for diversion of
which is located in the center of
the NE 1/4 of Section 31, Twp. 11N Range
23W. Said water to be used for the
purpose of providing irrigation on the
following described land: NE 1/4, Section
32, T11N, R23W, 1/4 Sec. 32, T11N, R23W.
This application will be taken up by
the State Water Resources Commission
at their office at Pierre for consid-
eration upon the 25th day of March, 1968,
at 2:00 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 con-
sideration of any or all information pre-
sented.
4464 State Water Resources Com-
mission, Pierre, S. Dak.
FURTON E. JONES
Water Rights Specialist
No. 74 (rev)

Permit No. 1509-3Water Division 3 JAMES 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 ROBERT CUNNINGHAM of YORK, NEBRASKA holder of Permit No. 1509-3, bearing date of priority of FEBRUARY 16, 1968 authorizing the diversion of 2.2 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in SPINK 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:

85' DEEP WELL WITH 17" I.D. CONCRETE CASING
WESTERN LAND ROLLER 8" PUMP
POWERED BY GENERAL MOTORS 283 MOTOR-PROPANE

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

780' OF BURIED 8" MAINLINE TO PLOT

C. Works used to apply water to beneficial use.

13 TOWER KROY SELF PROPELLED SPRINKLER S

The system is in the following condition: GOOD

The point of diversion is located 1280' W & 2080' S OF THE
NE CORNER, SECTION 32, T114N, R62W

The works are capable of diverting and conveying to the place of use 2.2
 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:

135 ACRE CIRCLE IN THE NE⁴ SECTION 32, T114N, R62W

comprising a total of 135 acres of land.

Date APRIL 3, 1973

Auston Jones
 (Signature)

**WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION**

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date 1-14-76

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

NF 1/4 32-114-62 Sprink Co.

formerly owned by

Robert Cunningham

has been transferred to

G. W. Grosch

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1509-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

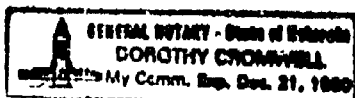
NEBRASKA
 STATE OF ~~SOUTH DAKOTA~~)
 County of Nance) ss.

I, G. W. Grosch 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.

G. W. Grosch

(Signed)

Suscribed and sworn to before me this 18th day of January 19 77



Dorothy Cromwell
 (Notary Public)





Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

January 19, 1983

1509-3
1511-3
1512-3
2367-3

Jerry Gilbert
RR 1 Box 84
Hitchcock SD 57348

Dear Mr. Gilbert:

This letter is in regard to the 1982 Irrigation Questionnaire you returned for Permits No. 1509-3, 1511-3, 1512-3 and 2367-3 listed in the name of G. W. Grosch of Silver Creek NF.

This office needs to know whether or not you now own the land covered under these permits or if you returned them as the "operator". If you now own the land the permits should be transferred to your name. If you operate the systems, your name can be added to the files as that of operator or leasor.

Please advise this office as to the status of these permits.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

Dept. of Interior Nat. Resources,
Attn: Henry Young

Jan 23, 1953

This is to advise you
that I am the operator only, of
the land covered by the permit
you listed. The land in question
is still owned by H. W. Groch
Estate of Silver Creek, NE.

Thank you,

Jerry L. Slichter
Rt 1 Box 84
Hitchcock, S.D.

573418

Permit #s

1509-3

1511-3

1512-3

2367-3



Water Rights Division - DWNR
Conversation or File Documentation

File No. (1509-3)
1511-3
1512-3
2367-3

NAME OF PERSON OR FILE: Wayne Grosch

ADDRESS: Silver Creek, NE

COUNTY _____

DATE: March 11, 1987

TELEPHONE _____

308-773-2261 or 773-2144

RE: ownership of 1509-3, 1511-3, 1512-3 & 2367-3

COMMENTS:

Mr. Grosch indicated the permits should be transferred to Elsie Grosch. They
are now listed under the name of G W Grosch (Estate). Elsie was G W's wife.

Send transfer forms to Frank Zelda, he handles paperwork for Elsie Grosch.

Frank Zelda

PO Box 591

PHONE: 402-564-9666

Columbus, NE 68601

The land is being rented by Allen Wipf at Frankfort, SD

Send Irrigation questionnaires to Mr. Wipf.

4-10-87 Mrs. Wipf indicated that Greg Highway R.R.
Witchcock actually rents the land, him & Allen
Wipf work together

File in Permit or other _____ as necessary. Use to document conversations and
what the other party _____; why action or decision was made.

4/82

NAME: _____

Denise M. Mark

1509-3
1511-3
1512-3
2367-3

Nov. 6, 1986

John Hatch, Chief Engineer
Water Right Division
Pierre, SD



Dear Sir:

We are returning the irrigation questionnaires you sent me. We did not operate this property this year. Please change your records accordingly. Following is the name and address of the person in charge of this property:

Wayne Grosch
Grosch Irrigation
Box 337
Silver Creek, Neb. 68663

Sincerely,
Kathy Gilbert
for Perry Gilbert



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1509-3
1511-3
1512-3
2367-3

March 13, 1987

Frank Zelda
PO Box 591
Columbus, Nebraska 68601

Dear Mr. Zelda:

Please find enclosed four copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$10.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 12, 1987

Allen Wipf
RR Box 77
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed are the 1986 Irrigation Questionnaires for Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3. These water rights are currently listed under the name of G.W. Grosch (Estate).

Wayne Grosch has informed our office that you operate the irrigation systems and would have the needed data. Please complete the forms and return them to our office as soon as possible. Also indicate on the forms who they should be addressed to next year.

Thank you for your assistance in this matter. A postage paid envelope is enclosed.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures



1509-3

Department of Water & Natural Resources

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

January 29, 1988

GREG HOFER, RENTER
RR
HITCHCOCK, SD 57348

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2367-3, 1509-3, 1511-3, 1512-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2367-3, 1509-3, 1511-3, 1512-3 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.

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

cc: Elsie Grosch, %Frank Zelda, PO Box 591, Columbus, NE 68601

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

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

February 9, 1988

1511-3
1512-3
2367-3
1509-3

Greg Hofer, renter
Box 57, RR 1
Hitchcock SD 57348

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1511-3, 1509-3, 1512-3 & 2367-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

cc: Frank Zelda
PO Box 591
Columbus NE 68601

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

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

September 29, 1988

1509-3
1511-3
1512-3
2367-3

Frank Zelda
PO Box 591
Columbus, NE 68601

Dear Mr. Zelda:

I am writing in regard to Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3 currently listed in the name of G W Grosch (Estate). Transfer forms were sent to you in March, 1987 for use in filing an ownership change on the water rights. To date, we have not heard from you on this matter.

In a September 28, 1988 telephone conversation between Jim Wendte, of this office, and Dick Grosch, Mr. Grosch stated the water rights should still be transferred to Elsie Grosch. Enclosed are partially completed "Notice of Transfer" forms. Please have them completed and returned to our office. A \$2.50 filing fee is required for each (total of \$10.00).

Water License No. 1511-3 was issued for irrigation of land in the NE 1/4 of Section 5, T113N, R62W. The original application was for the entire N 1/2 of the Section. Mr. Grosch stated during the telephone conversation with Mr. Wendte, that the N 1/2 was developed at the same time from the two wells. The Water License will be reissued to include the NW 1/4 of Section 5. There will be no charge for reissuance of the license.

Upon receipt of the transfer forms and filing fees, Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3 will be transferred to the proper owner. At that time, Water License No. 1511-3 will be reissued and sent to you. If you have any questions, please contact us. Your prompt attention in this matter will be appreciated.

Sincerely,

Genny McMath

GENNY MCMATH,
Natural Resources Analyst
605 773-3352

enclosures





Department of Water & Natural Resources

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

February 8, 1989

FRANK ZELDA
PO BOX 591
COLUMBUS, NE 68601

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1509-3, 2367-3, 1511-3, 1512-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, 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, the Water Management Board can:

1. Amend Permit No(s). 1509-3, 2367-3, 1511-3, 1512-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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



— 2-25-89

The Last Two years
These Reports Haven't gotten
filled out on time so
maybe you better mail
them in the future to me
seems I always end up
getting them filled out any
way

Allen W. Wil

(1509-3), 1511-3, Box 77
1512-3, 2367-3 Frankfort, SD



EASTERN WAREHOUSE
Winter Haven, Florida
813-299-4122

WESTERN WAREHOUSE
Madera, California
209-674-3334

WESTERN LAND ROLLER COMPANY
Phone (402) 463-1306 - Hastings, Nebraska 68901
Manufacturers of Irrigation Pumps Since 1935.

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 7, 1989

1509-3
1511-3
1512-3
2367-3

Frank Zelda
PO Box 591
Columbus, NE 68601

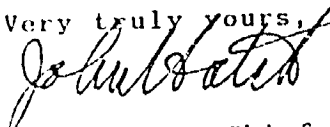
Dear Mr. Zelda:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3. The forms were completed and returned by Allen Wipf, Frankfort, SD. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. The questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3 are still listed in the name of G W Grosch Estate. "Notice of Transfer" forms were sent to you March 13, 1987 and September 29, 1988 for use in filing an ownership change. Please notify us as to whether the water rights should still be transferred or left as they are.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

cc: Allen Wipf, Box 77, Frankfort, SD 57440



Department of Water & Natural Resources

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

July 13, 1989

1509-3
1511-3
1512-3
2367-3

Frank Zelda
PO Box 591
Columbus, NE 68601

Dear Mr. Zelda:

In response to our July 13th telephone conversation, enclosed is an additional set of transfer forms. The transfer forms are for use in filing an ownership change on Water Right Nos. 1509-3, 1511-3, 1512-3 and 2367-3. They are currently listed as G W Grosch Estate.

The transfer forms will need to be completed and signed in the presence of a notary public. Upon completion, please return them to our office with a \$2.50 filing fee for each (total of \$10.00).

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



Frank J. Zeldin, F.A.

BOOKKEEPING AND TAX SERVICE
2476 33rd. AVENUE — BOX 591
COLUMBUS, NE 68601

July 20, 1989



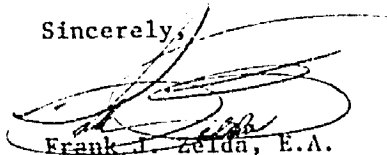
South Dakota Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota, 57501-3181

Re: 1509-3, 1511-3,
1512-3, 2367-3

Atten: Genny McMath
Natural Resources Analyst

Enclosed is a copy of your letter dated 7/13/89 along
with the completed and signed Notice of Transfer of
Water Permit forms which you requested. Thank you
for your help in this matter.

Sincerely,



Frank J. Zeldin, F.A.

FJZ:sf
Enc.

NO. 1509-3

NOTICE OF TRANSFER OF



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 19, 1989

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

135 acres - NE 1/4 Section 32, T114N, R62W

formerly owned by G W Grosch Estate

has been transferred to Elsie M. Grosch, Silver Creek, Ne. 68663

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~Permit~~ No. 1509-3 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 Div. 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.

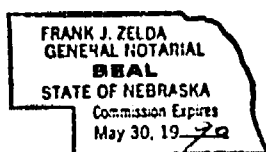
NEBRASKA
STATE OF ~~SOUTH DAKOTA~~)
County of Nance) ss.

I, Elsie M. Grosch being first duly sworn on my oath despose 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.

Elsie M. Grosch
(Signed)

Subscribed and sworn to before me this 20 Day of July, 1989.

[Signature]
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, July 24, 19 29

RECEIVED OF Elsie H. Grosch, Silver Creek NE 68663

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____ Water Right No. 1509-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

JOHN HATCH

15

 **Department of
Water & Natural Resources**

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

August 30, 1989

No. 1509-3
1511-3
1512-3
2367-3

Elsie Grosch
c/o Frank Zelda
PO Box 591
Columbus NE 68601

Dear Mr. Zelda:

Enclosed are receipts in the amount of \$2.50 each for the transfer of Water Rights No. 1509-3, 1511-3, 1512-3 and 2367-3.

Our records now show Elsie Grosch as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





1509-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 9, 1992

Oak Tree Trust Company
Grosch Brothers
PO Box 762
O'Neill, NE 68763

Dear Sirs:

The enclosed irrigation questionnaires and chemical reporting forms were returned to our office by Allen Wipf. He has indicated that he did not farm the land in 1992 and that the forms should be mailed to you.

Please complete the questionnaires and chemigation reports as accurately as possible. Upon completion, return them to our office by December 31, 1992.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 9, 1999

1509-3
1512-3

John Waterbury
Box 762
O'Neill NE 68763

Dear Mr. Waterbury:

I am writing in regard your request on behalf of Elsie Grosch for additional wells under Water Right Nos. 1509-3 and 1512-3. Water Right No. 1509-3 appropriates 1.9 cubic feet of water per second (cfs) from a well constructed in the Tulare- Hitchcock Aquifer for irrigation of 135 acres in Spink County. Water Right No. 1512-3 also appropriates 1.9 cfs from a Tulare - Hitchcock well to irrigate 135 acres in Beadle County.

The request is for an additional well under each water right to serve as helper well. The new wells are to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, T114N, R62W and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6, T113N, R62W and are to be constructed into the same aquifer as the existing well (approximately 85 feet deep). No additional water will be appropriated.

Upon review of the request and pursuant to SDCL 46-5-13.1, Elsie Grosch is authorized to develop an additional well under Water Right Nos. 1509-3 and 1512-3 without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No additional appropriation of water is authorized.

The additional helper wells must be constructed in accordance with SD Well Construction Standards. Standard 74:02:04:28 is the applicable construction standard. The additional wells must be grouted from the top of the formation to the land surface in order to comply with the standards. If you have any questions on well construction, please contact Ken Buhler at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHT PROGRAM

February 4, 1999

RE: Request for an additional point of diversion from Water Right Nos. 1509-3 and 1512-3,
Elsie Grosch

Elsie Grosch, through John Waterbury, submitted two applications requesting authorization for an additional point of diversion for Water Right Nos. 1509-3 and 1512-3. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Right No. 1509-3 appropriates 1.9 cubic feet of water per second (cfs) from one well (Tulare - Hitchcock Aquifer) located in the SE1/4 NE1/4 Section 32, T114N, R62W for irrigation of 135 acres in the NE1/4 Section 32, T114N, R62W. The additional point of diversion is to be located in the SE1/4 NE1/4 Section 32, T114N, R62W approximate 1,250 feet north east of the existing well. Mr. Waterbury states in his request that this will be a helper well with no additional appropriation of water or additional acreage being requested. The proposed well is to be constructed to an approximate depth of 85 feet into the Tulare - Hitchcock Aquifer with the pump set at approximately 40 feet.

Water Right No. 1512-3 appropriates 1.9 cubic feet of water per second (cfs) from one well (Tulare - Hitchcock Aquifer) located in the approximate center of the NW1/4 Section 6, T113N, R62W for irrigation of 135 acres in the NW1/4 Section 6, T113N, R62W. The additional point of diversion is to be located in the NW1/4 NW1/4 Section 6, T113N, R62W. Mr. Waterbury states in his request that this will be a helper well with no additional appropriation of water or additional acreage being requested. The proposed well is to be constructed to an approximate depth of 85 feet into the Tulare - Hitchcock Aquifer.

Observation well records for the Tulare-Hitchcock indicate that water levels are for the most part at the highest levels recorded. This is due to the wet climatic condition of the last few years. Observation well SP-79N is located within 2 miles of both proposed additional points of diversion (see map). A hydrograph for this observation well is attached.

A review of existing diversion within the general area of these two water rights was conducted based on Water Rights Program records. The attached map shows the location of domestic and irrigation wells in relation to proposed additional points of diversion. There are a number of domestic and irrigation wells in the general vicinity. Interference has not been a concern in the past and these additional diversion points should not affect the existing conditions. This request is for the no additional appropriation of water to either Water Right No. 1509-3 and 1512-3. These proposed wells are characterized by the applicant as helper wells in order to divert the quantity of water authorized under each water right. This area has been irrigated for many years with no apparent problem.

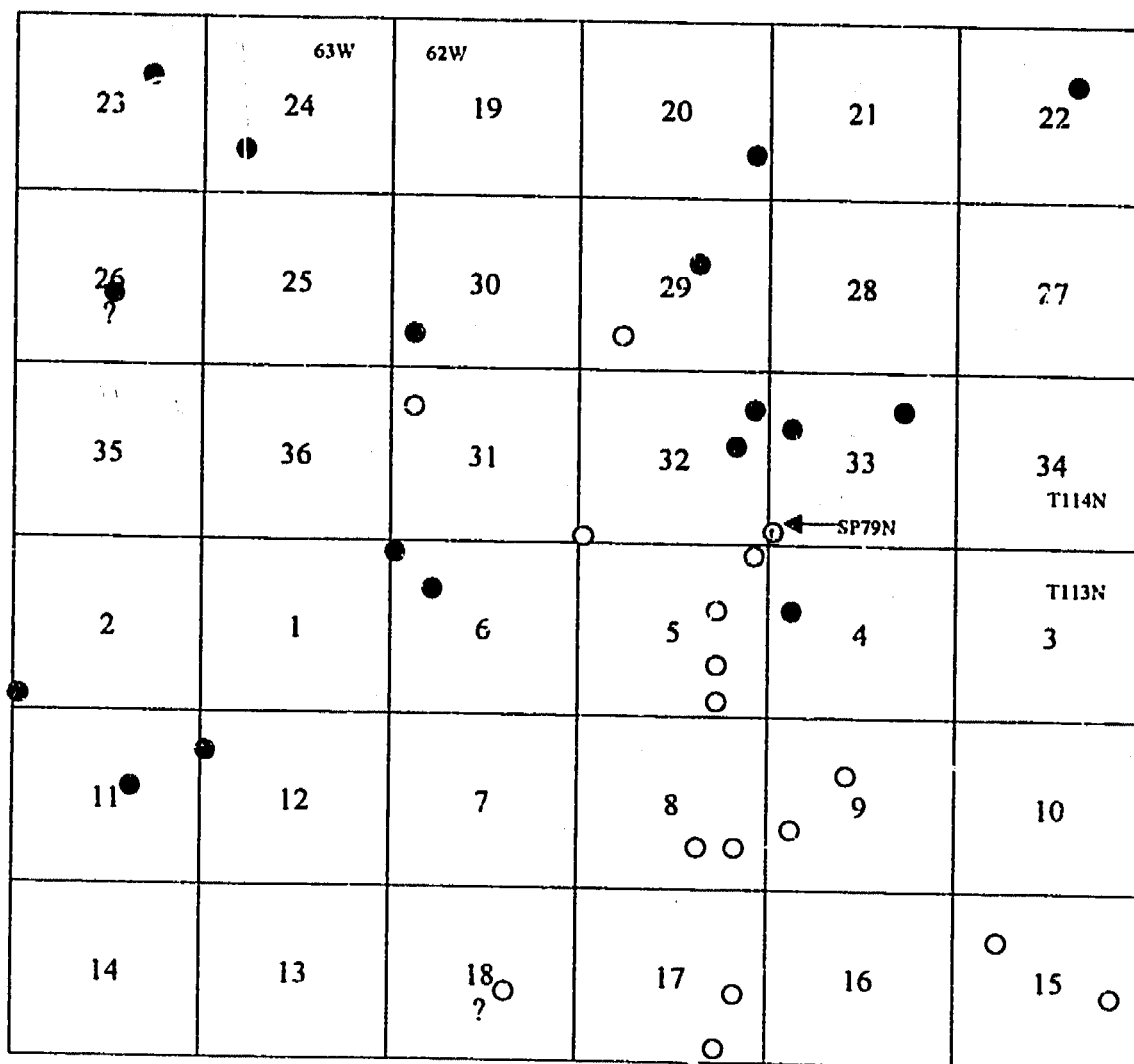
Eric Gronlund
Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Water Right Nos. 1509-3 and 1512-3 may construct an additional point of diversion without requiring an application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for an additional diversion point. This approval does not authorize an increase in the diversion rates or irrigated acres authorized by the respective water right.

Approved by:

John Hatch 2-9-99
John Hatch, Chief Engineer
Water Rights Program

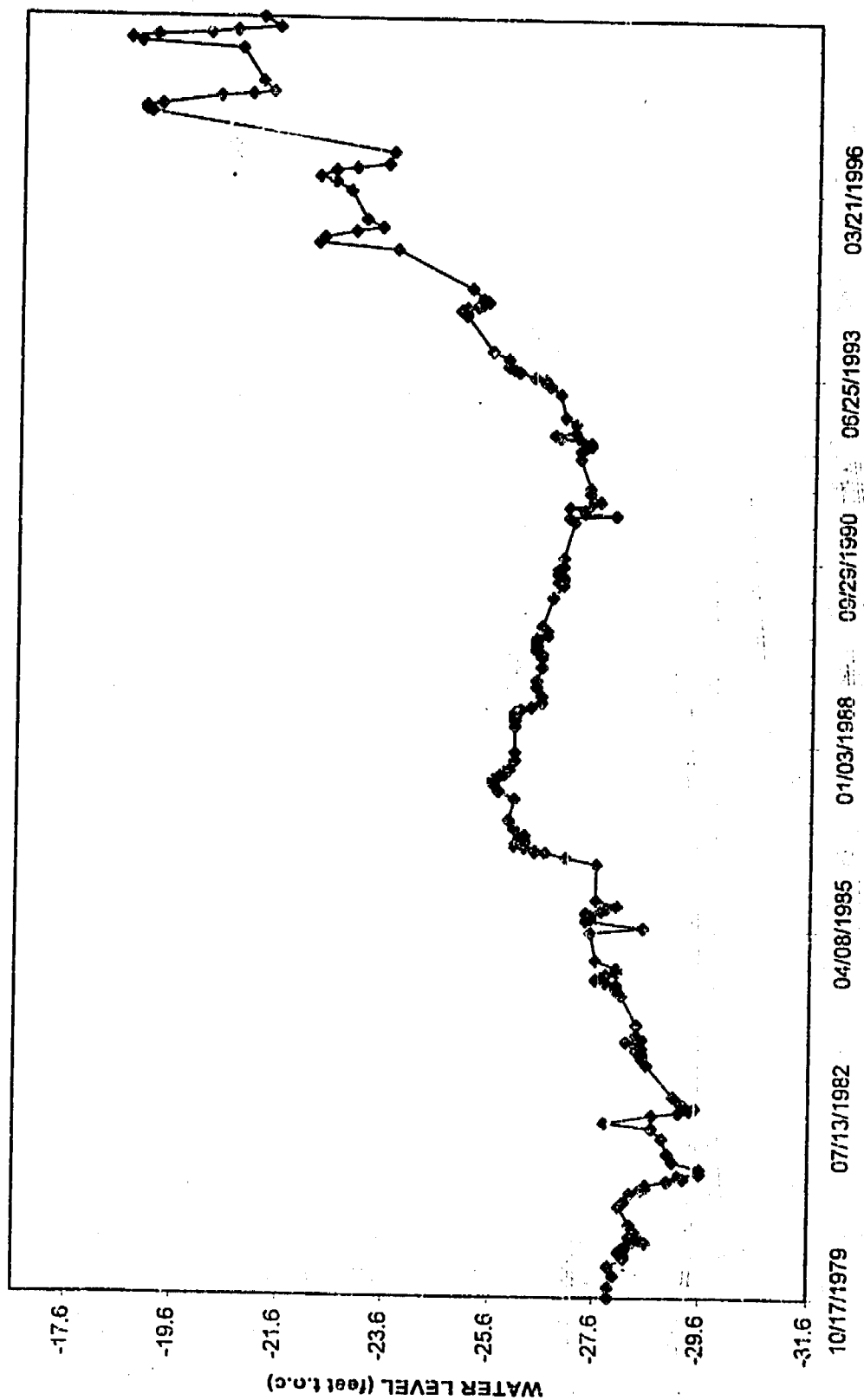
Domestic wells and Water Right/Permits¹ located into the Tulare Hitchcock Aquifer in a 2 mile radius of Grosch's request of additional wells for Water Right Nos. 1509-3 & 1512-3



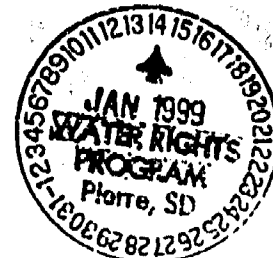
- existing wells covered by Water Right Nos. 1509-3 and 1512-3
- proposed additional diversion points
- domestic wells located in the Tulare Hitchcock Aquifer
- irrigation wells located in the Tulare Hitchcock Aquifer

¹ This map shows the approximate location of wells the Water Rights Program has record of in the area. The status of the wells is unknown and some wells may be abandoned. On the other hand there may be some wells in the area that are not on record with the Water Rights Program.

WATER RIGHTS' OBSERVATION WELL
SP-79N



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. _____	(office use only) Hydrologic Unit _____
	Basin _____	
	Newspaper _____	



Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right X Amendment/Correction to Permit No. 1509-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
add'l diversion point pursuant to SDCL 46-5-13.1

1. Name of Applicant Elsie Grösch Phone _____
(check title) _____ Owner _____ Tenant/lessee _____
Mailing Address Box 762 O'Neill NE State 68763
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 19 ^{rounded} CFS or *** GPM *** AF Total Acreage 135 ^{rounded}
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare - Hitchcock

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

existing SE 1/4 NE 1/4 Section 32 T114N R62W
new helper well SE 1/4 NE 1/4 Section 32 T114N R62W County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NE 1/4 Section 32, T114N R62W</u>	<u>135</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Plan to construct a helper well, approx 85' well with pump set at approx. 40'. No additional appropriation of water or add'l acreage being requested.

STATE OF SOUTH DAKOTA) SS

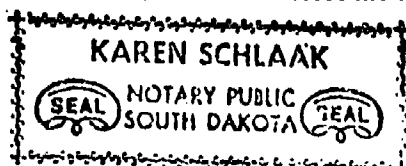
County of Hughes

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, John Waterbury, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature John Waterbury

Subscribed and sworn to before me this 14th day of January 19 99



Karen Schlaak
Notary Public signature

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

WELL LOCATION



137c

160 ACRES

1240' W
1320'
760' *bridge*
2080' *To front*

CENTER OF SECT 32, T.114 N., R.62 W.



1509-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: GROSCH BROTHERS, PO BOX 762, O'NEILL, NE 68763 0762

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5671-3, 1509-3, 1512-3 & 2367-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit Nos. 1509-3, 1512-3 & 2367-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5671-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 5671-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 1509-3, 1512-3 & 2367-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2001

John Waterbury
PO Box 762
O'Neill, NE 68763

RE: Water Right No. 1650-2 (Waterbury Brothers)
Water Right Nos. 1509-3, 1512-3, 2367-3 & 5671-3 (Grosch Brothers)

Dear Mr. Waterbury:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1650-2, 1509-3, 1512-3, 2367-3 and 5671-3.

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

You inquired about adding the legal descriptions to the forms. We used to put the county designation on the label but since we started using window envelopes for mailing, the post office did not appreciate the added notations on the label. We are trying to work out a solution and hopefully in the coming years we can get the task accomplished. In the meantime, I have written up a list of legal descriptions for the above water rights and included them with this letter.

Thanks again John for stopping by the office. If you have any questions, please contact me.

Sincerely,

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

enclosure



January 16, 2002

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: GROSCH BROTHERS, PO BOX 762, O'NEILL, NE 68763 0762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5671-3, 1509-3, 1512-3 & 2367-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1509-3, 1512-3 & 2367-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5671-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5671-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1509-3, 1512-3 & 2367-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

1509-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GROSCH BROTHERS
PO BOX 762
O'NEIL, NE 68763 0762

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

W. Waterbury 1-22-02

C. Signature

X *W. Waterbury* ☐ Agent ☐ AddresseeD. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery

☐ Yes

2. Article

7001 2510 0004 4797 5736

PS Form 3811, July 1999

Domestic Return Receipt

107-95-00-M-0952



1509-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/dnr

January 29, 2002

John Waterbury
Waterbury Brothers
PO Box 762
O'Neill, NE 68763 0762

RE: Water Right/Permit No. 1650-2 (Waterbury Brothers) and
Nos. 1509-3, 1512-3, 2367-3 & 5671-3 (Grosch Brothers)

Dear Mr. Waterbury:

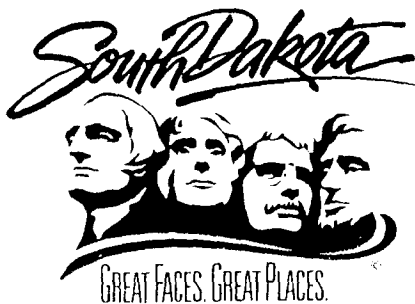
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1650-2, 1509-3, 1512-3, 2367-3 & 5671-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 2003

No. 1509-3
1512-3
2367-3
5671-3

Peterson Farms
c/o Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 1509-3, 1512-3, 2367-3, 5671-3. The water rights are currently listed in the name of Elsie M Grosch. For your information, a copy of each water right is enclosed also.

The transfer forms should be checked over for accuracy and signed by the new owner. Upon completion, return the forms to our office with a required filing fee of \$2.50 (\$10.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
APR 11 2003
WATER RIGHTS
PROGRAM

No. 1509-3

Date: 4-9-03

I/We request that Water Right/Permit No. 1509-3

formerly owned by: Elsie M Grosch

be transferred to: (name & address) Peterson Farms, c/o Lenny Peterson, 19111 Maple Ave,
Hitchcock SD 57348

Telephone No. 605-266-2793

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

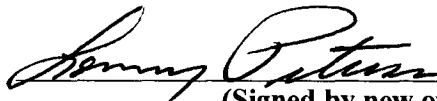
135 acres – NE 1/4 Section 32-T114N-R62W

I/We understand that the validity of Water Right/Permit No. 1509-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Peterson Farms, the new owner, certify that the above information is true and correct.


(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 and the water used, the permit becomes a right. A water right may be lost for three 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 Environment and Natural Resources

Date April 11, 2003

RECEIVED OF Peterson Farms, 19111 Maple Avenue, Hitchcock SD 57388

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	2.50	
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>1509-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000722

By

Darlene White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 2003

1509-3
1512-3
2367-3
5671-3

Lenny Peterson
Peterson Farms
19111 Maple Ave
Hitchcock SD 57348

Dear Mr. Peterson:

I am writing to acknowledge receipt of the transfer forms and filing fees for Water Right Nos. 1509-3, 1512-3, 2367-3 and 5671-3. The ownership changes have been completed. The water rights formerly listed in the name of Elsie M Grosch are now listed in the name of Peterson Farms.

Enclosed are Receipt Nos. 000722, 000723, 000724 and 000725 in the amounts of \$2.50 each. You may keep these for your records. I am also returning the duplicate copies of the transfer forms you submitted. These are yours to keep. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIVED

AUG 14 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1509-3

Date: _____

I/We request that Water Right No. 1509-3

formerly owned by: Peterson Farms

be transferred to: (name & address) Oscar Inc., 18892 390th Ave., Hitchcock SD 57348

Telephone No. _____

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

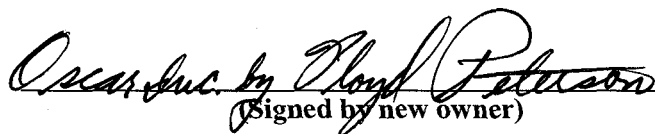
135 acres – NE ¼ Section 32, T114N, R62W

I/We understand that the validity of Water Right No. 1509-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We _____, the new owner, certify that the above information is true and correct.


(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 and the water used, the permit becomes a right. A water right may be lost for three 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 Environment and Natural Resources

Date 8/14, 20⁰⁷

RECEIVED OF Peterson Farms 19111 Maple Ave Hitchcock SD 57348

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	2	50
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>1509-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03124

By

Garland Erbe

Chief Engineer

[Signature]

1509-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2007

1509-3
3065B-3
6330A-3

Floyd Peterson
18892 390th Ave
Hitchcock SD 57348

Lenny Peterson
19111 Maple Ave
Hitchcock SD 57348

Oscar & Lenny;

Thank you for stopping by the office to take care of the ownership changes for Water Right No. 1509-3 and Water Permit Nos. 3065B-3 and 6330A-3.

The transfers have been completed as follows:

- Water Right No. 1509-3 (NE ¼ Section 32, T114N, R62W) was transferred from Peterson Farms to Oscar Inc.;
- Water Permit No. 3065B-3 (SW ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms;
- Water Permit No. 6330A-3 (SE ¼ Section 2, T114N, R63W) was transferred from Floyd Peterson to Peterson Farms.

Receipt Nos. 03124, 03125 and 03126 in the amounts of \$2.50 each are included in Lenny's letter.

If I can answer any questions for you, give me a call.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2010

Floyd Peterson
209 27th St NW
Huron SD 57350-5010

RE: Water Right or Permit Nos. 616-3, 1509-3, 3255-3, 4612A-3, 5601-3 6182-3, 6183-3,
6196-3, 6200-3, 6231-3, 6312A-3, 6332-3, 6400-3, 6655-3, 6711A-3, 6331A-3, 7125-3
& 7183-3

Dear Oscar:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaires.

The notice was originally mailed to 18892 30th Ave, Hitchcock SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2025

1509-3

6196-3

Sean Flanery
18690 398th Ave
Hitchcock SD 57348

Dear Mr. Flanery:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaire.

The notice was originally mailed to you at 257 27th St, NW, Huron SD 57350. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **IVVXZN**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

581 NFE 114182410010/14/25
RETURN TO SENDER
FLANERY SEAN M
18690 398TH AVE
HITCHCOCK SD 57348-7824

RETURN TO SENDER

