

No. **1600-3**Water Division No. **3 JAMES RIVER** District
(Blanks to be Filled by the Engineer for the W. R. C.)**VESTED RIGHT
APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

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

1. Name of applicant Neal McBeth
Postoffice address Stromsburg, County _____, State Nebraska

I. If a corporation _____ 1600-3

(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 _____

In a telephone conversation with Mr. McBeth, he indicated he wanted his irrigation questionnaires and all other correspondence sent to his renter.

RENTER:

Harold Harms
Hitchcock, SD 57343

5-21-81

Genny

(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)

Completed

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Nature of diversion work DuBois Irrigation Well3. Amount of water claimed 2.28 cubic feet per second4. Source of water supply ground water5. Location of point of diversion In the center of the NE $\frac{1}{4}$ Section 26, T114N, R63W_____ on _____ bank Spink County.6. Annual period or periods during which water is to be used April thru October

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler(a) Number of acres to be irrigated 160 acres.(b) Legal subdivisions to be irrigated NE $\frac{1}{4}$ Section 26, T114N, R63W

(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 _____

Estimated cost of work:

- (a) Head Gates, \$-----
- (b) Pumping plant, \$-----
- (c) Fluming, \$-----
- (d) Canalearth, \$-----
- (e) Other structures -----
- Rock, \$-----
- Total, \$-----

Description of diversion works:

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

Well, mainline and sprinkler lines

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.)

Time required for completion of work completed years.

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

Choice of newspaper for publication of notice of intention to appropriate not applicable

STATE OF SOUTH DAKOTA
County of Butte ss.

I, Neil M. Roth, being first duly sworn in 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 Neil M. Roth

Subscribed and sworn to before me this 28 day of May 1911

Notary Public (or other qualified officer.)

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, JULY 29, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a.m. upon the 1ST day of JULY, 1968

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1600-3

Date of first receipt of application JULY 1, 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 1953

Approved JULY 17, 1968, Recorded in Book 12 Page 235

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~~

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

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

COMPLETED

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 2.28 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 WAS

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

APRIL THROUGH OCTOBER

Witness my hand this 29TH day of JULY, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued JULY 29, 1968

Water License issued JULY 29, 1968

Permit No. 1600-3

Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Neal McBethof Stromberg, County of Rock, and State of Nebraska, the holder of vested right of Permit No. 1600-3, issued upon ApplicationNo. 1600-3, bearing date of priority of 195 1953, authorizing the diversion of2.20 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at a point in theCenter of NE 1/4 Section 26, T114N, R63Wfor irrigation

purposes, has fully 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 recognized as satisfactory condition for diverting and conveying to the place of intended use 2.20 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE 1/4, Section 26, T114N, R63W

Witness my hand this 29thday of JulyA. D. 1968

State Water Resources Commission

By:

T. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1600-3.

WHEREAS, On the 1st day of July A. D. 1968

Neal McBeth

of Stroudsburg Nebraska and State of Nebraska duly made application (No. 1600-3) to us for a Vested Right permit to use 2.28 cubic feet per second of the waters of irrigation ground water County of Spink, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 29th day of July A. D. 1968 Vested Right Permit No. 1600-3 was issued to said applicant... for the diversion of said water, and recognizing providing for the completion of the works of diversion therein described on or before the day of A. D. 19 and for the application to beneficial use of said water on or before the day of A. D. 19 and,

WHEREAS, On the 1st day of July A. D. 1968 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.28 cubic feet per second of said waters, as evidenced by our Certificate No. 1600-3 dated July 29, 1968 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.28 cubic feet per second of water, with date of priority of 1953 and,

WHEREAS, On the 1st day of July A. D. 1968 proof was duly made of the application to beneficial use of 2.28 cubic feet per second of said water; for irrigating the NW Section 26, T114N, R263W

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 Neal McFarth
of Stromsburg, Nebraska the holder and owner of said vested right permit No. 1600-3
a water right, dating from 1953 to the use of 2.28
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 in the center of
NE 1/4, Section 26, T114N, R63W
and conducted to and upon the NE 1/4, Section 26, T114N, R63W

for the purpose of Irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and
subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 29th day of July A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission
By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ac't _____ C. F. S. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

June 24, 1968

Mr. Neal McBeth
Stromsburg, Nebraska 68666

Dear Mr. McBeth:

In checking Mr. Harold Harm's water right near Hitchcock, it was noted that you had dug a replacement well at the center of the NE $\frac{1}{4}$, Section 26, T114N, R62W, for irrigation of said quarter.

A check of our records indicates that no water permit was issued for the old well. However, under South Dakota statutes you are entitled to a "Vested Right" on such water use, with a priority of 1953. We are enclosing forms which you should sign before a notary public and return them to this office. Statutes provide that we charge \$10.00 for filing, examining and recording these documents.

Should you have any questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

Encl: As stated

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. NEAL MCBETH, FARMER, STROMSBURG, NEBR.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. NO PRIOR POSTING

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. old well 65' deep. 1966 replacement well 63' deep
located at center of NE 1/4 26, T119N, R62W.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 63' well, 20" dia, Jacuzzi 1/2" Pump, 1st. Huerfano VD to HF
Engine. Drilled in 1963 after Huerfano well. Original pipe line,
2 1/2" mi 6' & (2) 80 rd lines 5". Dubois No 1 Original well
pumped 2.28 c. & s

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Used for irrigation of NE 1/4 Section 26, T119N,
R62W, 160 Acres

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.28

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. This well was drilled in 1953 pump up to 220 c.f.s. and has been used, each year since 1953 approximately to state.

(Sign) *[Signature]*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before

me, at my office in Stromberg, County of P. 14
State of Nebraska, on this 28 day of June A. D. 1965
[Signature] Witnesses. *[Signature]*

My Commission expires November 13, 1970.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

SOUTH DAKOTA
WATER RIGHTS COMMISSION
~~Water Rights Commission~~

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

June 3, 1974

Neal McBeth
Stromsburg, Nebraska 68666

Dear Mr. McBeth:

On May 28, 1974, we contacted Mr. Harold Harms, and
the
the inspection of your water use system and inspection of the extent
of your application of water to beneficial use, as developed under your
Water Right Permit No. 1571-3 has been completed. Your final water
right document, Water License No. 1571-3 can now be issued to you.

Statutes require that we charge a \$12.00 fee for the inspection and
issuing of the Water License. Upon receipt of this \$12.00 fee from you,
Water License No. 1571-3 will be sent to you.

You will also receive the Certificate of Construction No. 1571-3
as required by statute.

Sincerely,

WATER RIGHTS COMMISSION

By:

Burton F. Jones
BURTON F. JONES
Water Rights Specialist

BFJ/fb

#1500-S

Also, in checking your "vested right" water right, it
was noted this was issued for the NE¹/₄ SECTION 26, T4N, R63W,
WHERE IT SHOULD BE NE¹/₄ SECTION 26, T4N, R63W. WE HAVE
MADE THIS CORRECTION IN OUR RECORDS, AND REQUEST THAT
YOU MAKE THE SAME CORRECTION IN YOUR COPIES.



Department of Water & Natural Resources

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

March 23, 1987

HAROLD HARMS
RR #1 BOX 148
HITCHCOCK, SD 57348



NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 irrigation Questionnaire has not been submitted for Permit No(s). 1600-3, 1571-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 1600-3, 1571-3 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

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

He did not farm the land in 1986. He no longer own the land.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1571-3
1600-3

April 28, 1987

Neal McBeth
Rural Route 1, Queen Valley
52 Victoria View
Apache Junction, Arizona 85220

Dear Mr. McBeth:

The purpose of this letter is to inquire about the status of your Water Right Nos. 1571-3 and 1600-3. Mr. Harold Harms, Hitchcock, South Dakota has notified our office that he did not farm the land in 1986 and no longer owns the land.

I contacted the Assessor's Office in Spink County to find out who now owns the land. They indicated the land under Water Right No. 1571-3 is still listed in your name and the land under Water Right No. 1600-3 is listed under Thelma and Robert McBeth.

Do you have another renter or manager that will be farming this land for you? The yearly irrigation questionnaires need to be sent to whoever will be irrigating the land. If you no longer intend to have the land irrigated, we would need to know this too.

Please contact our office as to your intentions concerning these water rights. Thank you for your assistance in this matter.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms



Department of Water & Natural Resources

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

March 23, 1987

HAROLD HARMS
RR #1 BOX 148
HITCHCOCK, SD 57348

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

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A handwritten signature in cursive script, appearing to read "John Hatch".

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

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



Department of Water & Natural Resources

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

April 29, 1987

1571-3
1600-3

Harold Harms
RR #1 Box 148
Hitchcock, SD 57348

Dear Mr. Harms:

This will acknowledge receipt of and thank you for the return of your 1936 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 1571-3 and 1600-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

1571-3

1600-3

Gentlemen,

Joe Allen Gutzke
now rents the land
owned by Neal Dorseth,
and Robert & Thelma Dorseth.

This man will be
forming & irrigating these
two farms for four
more years at least.

Neal Dorseth

RR#2

Stromsburg NE 68666





Department of Water & Natural Resources

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

September 21, 1988

NOTICE

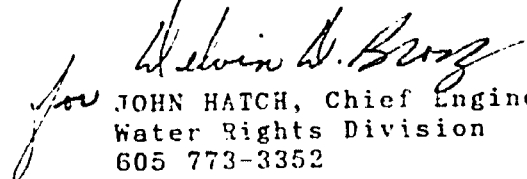
Neal McBeth
RR 2
Stromsburg NE 68666

Dear Mr. McBeth:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 1600-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

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

October 5, 1990

1571-3
1600-3

Allen Gatzke
RR #1 Box 147
Hitchcock, SD 57348

Dear Mr. Gatzke:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 1571-3 and Vested Water Right Claim No. 1600-3. They are currently listed in the name of Neal McBeth.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

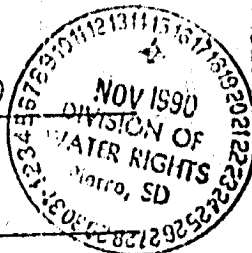
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 1600-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 11-13-90



I/We request that Vested Water Right Claim No. 1600-3

formerly owned by: Neal McBeth

be transferred to: (name & address) Allen & Bobbie Gatzke, RR1
Box 111, Pitchcock, SD 57348 (telephone No.) 636-2711

Title to the following described land(s)/property has been transferred as described above:
NE 1/4 Section 26, T114N, R65W

I/We understand that the validity of Vested Water Right Claim No. 1600-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA

County of Spink

I/We Be Allen Gatzke 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 that I know of my own personal knowledge that the information herein stated is true.

Allen Gatzke
(Signed)

Subscribed and sworn to before me this 13th day of November, 19 90.

Linda Simpson
(Notary Public)

My Comm. Exp. 8-8-93

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.



Department of Water & Natural Resources

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

November 16, 1990

1571-3
1600-3

Allen Gatzke
RR #1 Box 147
Hitchcock, SD 57348

Dear Mr. Gatzke:

Your "Notice of Transfer of Ownership" forms have been received for Water Right No. 1571-3 and Vested Water Right Claim No. 1600-3. The forms were completed properly, however, can not be filed without the appropriate filing fees.

Please remit a total of \$5.00 (\$2.50 for each transfer) as soon as possible. Water Right No. 1571-3 and Vested Water Right Claim No. 1600-3 will be transferred from Neal McBeth to Allen & Bobbie Gatzke, upon receipt of the filing fees.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, ~~November 20~~ November 20, 1950

RECEIVED OF Allen Gatzke, Box 147, Hitchcock SD 57343

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 Claim No. 1600-3 2.50

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total 2.50

By Allen Gatzke
Chief Engineer

DEPARTMENT OF WATER & NATURAL RESOURCES

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

1571-3
1600-3

GREAT FACES GREAT PLACES

January 17, 1991

CCD/V

Allen Gatzke
RR #1 Box 147
Hitchcock, SD 57348

Dear Mr. Gatzke:

Enclosed are Receipt Nos. 412430 and 412431 in the amount of \$2.50 each which you paid for transfer of Water Right No. 1571-3 and Vested Water Right Claim No. 1600-3.

Our records now reflect "ALLEN & BOBBIE GATZKE" as the owner of this Water Right.

Sincerely,

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1600-3 FOR IRRIGATION

(1) Neal McBeth, Stromsburg, NE was issued Vested Water Right No. 1600-3, July 29, 1968 for a right claim to appropriate 2.28 cubic feet of water per second from groundwater (one well), Spink County, South Dakota, for irrigation purposes. Vested Water Right No. 1600-3 with a priority date of 1953 was issued for the described water supply system with the application of water to beneficial use completed.

Water Right No. 1600-3 was transferred on November 15, 1990 to Allen and Bobbie Gatzke.

On March 6, 1996, the Water Management Board validated Vested Water Right No. 1600-3. Vested Water Right No. 1600-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a November 6, 1995, inspection of the system.

(2) The vested right owners are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: 1,400 feet south and 1,400 feet west of the northeast corner of Section 26-T114N-R63W (SW 1/4 NE 1/4).

The location of the irrigated acreage is all in **Section 26-T114N-R63W**

NW 1/4 NE 1/4	33 acres
NE 1/4 NE 1/4	33 acres
SW 1/4 NE 1/4	33 acres
SE 1/4 NE 1/4	33 acres
Total	132 acres

(3) Pursuant to Section 46-5-30.1 Allen and Bobbie Gatzke, HC 75 Box 147, Hitchcock SD 57348 the holders and/or owners of Vested Water Right No. 1600-3 are issued a license to appropriate 1.78 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1953 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation.

This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1600-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996
date



Water Rights Division - DWR
Conversation or File Documentation

File No. 1600-3
(Vested Right)

NAME OF PERSON OR FILE: Allen Gatzke (owner)

ADDRESS: RR 1, Box 147, Hitchcock, SD 57342 COUNTY Spink

DATE: _____ TELEPHONE (605) 766-2711

RE: Validation of Vested Right No. 1600-3 (DE's, Sec. 26, 114.1.3)

COMMENTS:

On 7-26-89 I inspected the lands irrigated
under Vested Right No. 1600-3 to determine the
status of the vested right claims. Mr. Gatzke
was not home but his mother allowed me to look
at the systems. The old permit was licensed for
2.28 cfs to irrigate 16.02 acres from one well
in the center of the DE's, means of a sprinkler irrigation
system.

An inspection of the property revealed that a center
pivot has been placed on the lands. A replacement
well has been drilled near the same location as the
old well.

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

NAME: _____

Permit No. 1600-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 6, 1995, made a thorough examination of the water use system constructed by Allen Gatzke of HC 75, Box 147 Hitchcock, SD 57348 holder of Permit No. 1600-3, bearing the priority of 1953 authorizing the diversion of 2.28 cu. ft. per second of the waters of groundwater for irrigation purposes, in Spink County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Western land Roller turbine pump with a US electric 60 HP motor, ID No. 4623-04-306,

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

Approximately 100 feet of 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

8 tower Reinke Electrogator Center Pivot

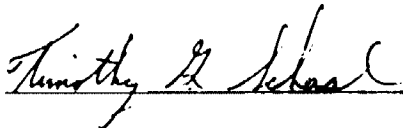
The system is in the following condition Good. The point of diversion is located 1400 ft. South & 1400 ft. West of the NE corner of Sec. 26-T114N-R63W (SW 1/4 NE 1/4). The works are capable of diverting and conveying to the place of use 1.78 (800 gpm) cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NE 1/4 Sec. 26-T114N-R63W	—	33 Acres
NE 1/4 NE 1/4	“ “	—33 Acres
SW 1/4 NE 1/4	“ “	—33 Acres
SE 1/4 NE 1/4	“ “	—33 Acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 12, 1995



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1600-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 6, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Allen Gatzke
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Allen Gatzke, HC 75, Box 147, Hitchcock, SD 57348

DIVERSION POINT LEGAL LOCATION: 1400 feet South & 1400 feet West of the NE corner of Sec. 26-T114N-R63W (SW 1/4 NE 1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch
- 2) No. of Wells 1
- 3) Depth(s) 63 feet
- 4) Well log is available No
- 5) Comment: no well log, info taken from file

Casing:

- 1) Diameter 20 inches
- 2) Length 63 feet
- 3) Type concrete

Screen:

- 1) Type slotted
- 2) Length ?? feet
- 3) Static water level XXXX feet

Pump:

- 1) Make Western Land Roller
- 2) Model XXXX
- 3) Size 12
- 4) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. 4623-04-306
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 100 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Reinke Electroqator
- 2) Overall length 1320 feet
- 3) Number of towers 8
- 4) Distance between towers XXX feet
- 5) End gun Yes
- 6) High or low pressure high 75 psi
- 7) Capacity 800 CPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief YES
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source No , said he would install hose
- 6) Interlock type electric
- 7) Injection pump type pos. displacement
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes

- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Yes
- 11) Comments : XXXX

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Yes
- 3) All structures, wells and lands on map Yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 18, 1995

Allen Gatzke
HC 75, Box 147
Hitchcock, SD 57348

Dear Mr. Gatzke:

Enclosed is a partially completed application form to add the additional well and appropriation of water to Vested Right Claim No. 98-3 for irrigation of the W 1/2 of Section 24-T114N-R63W. You need to sign the form, have it notarized and return it to us along with the \$150.00 filing fee. If you wanted to, you could also send in the \$100.00 licensing fee to license this amendment and Water Permit No. 5163-3 located in the SE 1/4 of Section 10-T114N-R63W. There is no fee associated with the validation of Vested Right Claim No. 1600-3 for the NE 1/4 of Section 26-T114N-R63W, everything there looked OK.

If you have any questions, please feel free to contact us.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

enclosure



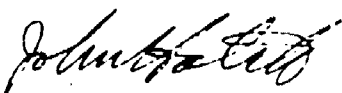
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1996

NOTICE

TO: Allen & Bobbie Gatzke
HC 75 Box 147
Hitchcock SD 57348

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim Nos. 98-3 and 1600-3

A Notice of Intent to validate Claim Nos. 98-3 and 1600-3 was published on June 22 and 29, 1988 in the Redfield Press. The Water Rights Program opposed validation of Nos. 98-3 and 1600-3 for purposes of completing an on-site investigation of the claims. The inspection of Claim Nos. 98-3 and 1600-3 was completed on November 6, 1995, by Tim Schaal, staff engineer.

The investigation of Claim No. 98-3 found that the number of acres being irrigated has been reduced from 301 acres to 268 acres. The investigation also found one additional well developed and diversion rate increased from 2.66 cubic feet of water per second (cfs) to 3.56 cfs. Subsequently, Water Permit Application No. 5897-3 has been submitted to include the additional well and the increased diversion rate of 0.90 cfs. Upon validation of Claim No. 98-3 and approval of Application No. 5897-3, the two permits will be incorporated into No. 5897-3.

The investigation of claim No. 1600-3 found that the number of acres being irrigated has been reduced from 160 acres to 132 acres. The diversion rate is to be reduced, accordingly, from 2.28 cfs to 1.78 cfs. This reduced diversion rate is based on the pump rate of 800 gallons per minute.

The Water Management Board will consider validation of Claim Nos. 98-3 and 1600-3 on March 6, 1996, at 10:00 am, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim Nos. 98-3 is recommended for a diversion rate of 2.66 cfs from groundwater (one well) to irrigate 268 acres. Validation of Claim No. 1600-3 is recommended for the diversion rate of 1.78 cfs from groundwater (one well) to irrigate 132 acres. Following the hearing, the Board is authorized to 1) validate the claims as

(continued)

February 7, 1996

NOTICE

Page 2

recommended, 2) validate the claims as licensed prior to the on-site inspection, 3) validate the claims based on evidence presented at the public hearing, or 4) defer validation of the claims. Applicable provisions of the published notice of intent to validate Claim Nos. 98-3 and 1600-3 will still apply at this hearing. A copy of the June 22 and 29, 1983, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 26, 1996 at the above Water Rights Program address to request copies of information pertaining to these validations, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

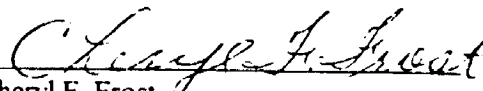
CERTIFICATION

I hereby certify that on February 7, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 7, 1996, regarding Hearing to Consider Validation of Recognized Vested Right Claim Nos. 98-3 and 1600-3, addressed as stated below:

Allen & Bobbie Gatzke, HC 75, Box 147, Hitchcock, SD 57348

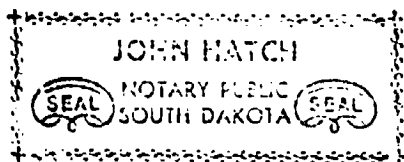
A copy of the above described Notice was sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of February, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

Allen and Bobbie Gatzke
HC 75, Box 147
Hitchcock SD 57348

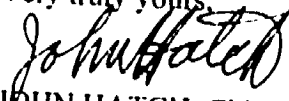
Dear Mr. and Mrs. Gatzke:

Enclosed are the following water licenses and validations which pertain to your various irrigation projects. Receipts for the inspection and issuance of the licenses are also enclosed.

- Vested Water Right No. 98-3 authorizes 2.66 cubic feet of water per second (cfs) to irrigate 268 acres.
- Water Permit No. 5897-3 authorizes an additional 0.90 cfs to irrigate the lands covered under Vested Water Right No. 98-3.
- Water License No. 5897-3 incorporates the applicable portions of Vested Right No. 98-3.
- Vested Water Right No. 1600-3 and Vested Water Right License No. 1600-3 authorizes 1.78 cfs to irrigate 132 acres.
- Water License No. 5163-3 authorizes 1.78 cfs to irrigate 132 acres.

As long as you use the water beneficially, as stated in the above listed water licenses, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


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

enclosures

1600

SOUTH DAKOTA
VESTED WATER RIGHT NO. 1600-3 FOR IRRIGATION

Date of Receipt of Claim July 1, 1968.

Date of Validation March 6, 1996.

The Water Management Board validated Vested Water Right Claim No. 1600-3 for irrigation purposes for Allen and Bobbie Gatzke, HC 75 Box 127, Hitchcock SD 57348 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1600-3 appropriates 1.73 cubic feet of water per second from one well located in the NE 1/4 Section 26 to irrigate 132 acres located in the NE 1/4 Section 26; all in T114N-R63W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

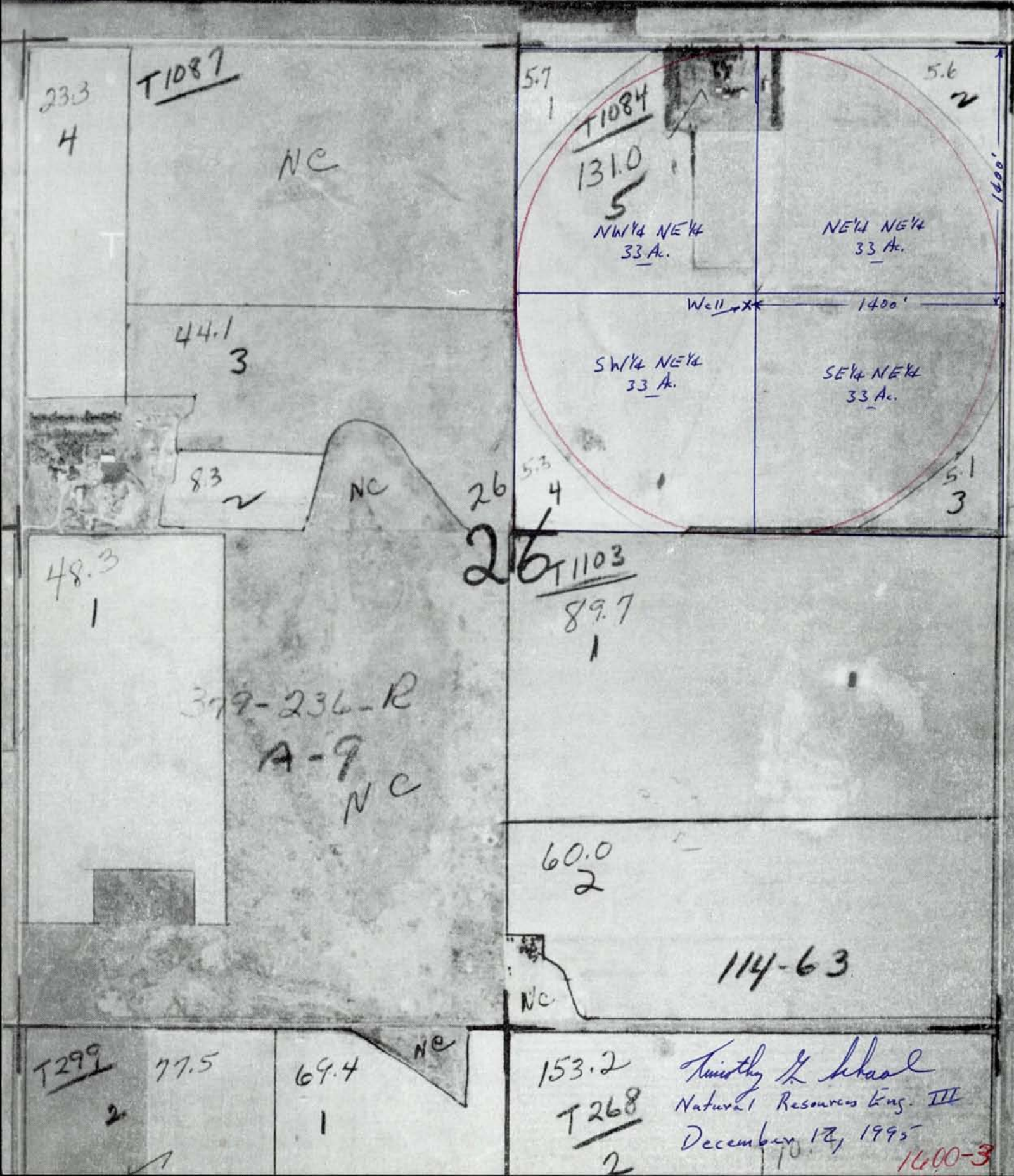
WATER MANAGEMENT BOARD

By: *John Hatch*
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

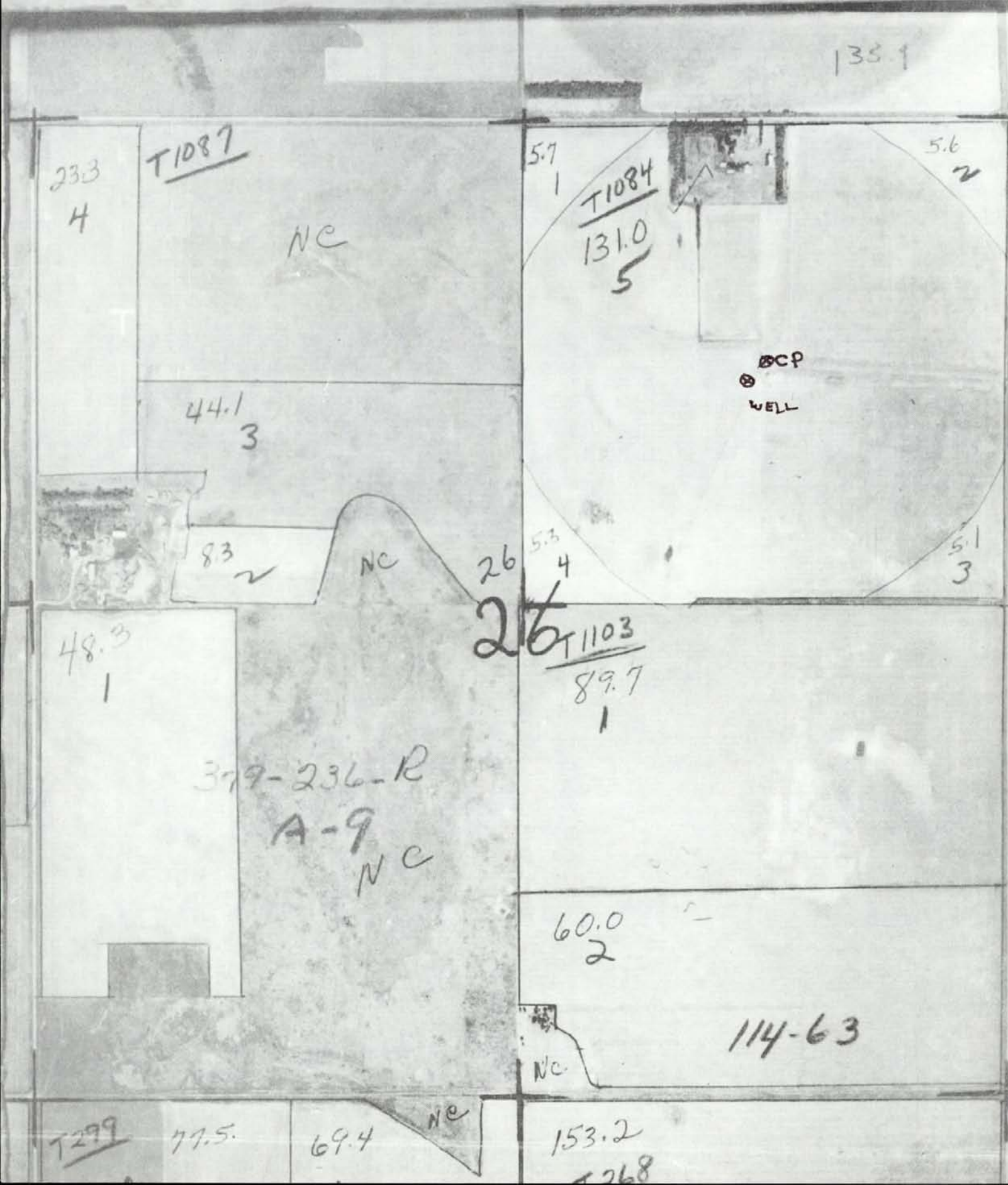
JUL 2 1996
date



NOT TO SCALE



NOT TO SCALE





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 28, 2024

1571-3, 1600-3, 3603-3
5123-3, 5149-3, 5162-3
5163-3, 5897-3, 6338-3
6338A-3, 6340-3, 6592-3,
7292A-3, 7292B-3

Jeffrey Gatzke
39334 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

This letter is intended to follow up on a recent telephone conversation between yourself and Eric Gronlund, Chief Engineer of the Water Rights Program, where you requested to have all water rights/permits currently held by Allen or Bobbie Gatzke, transferred to Gatzke Acres, with the exception of Water Right No. 6339A-3.

Please find enclosed, Notice of Transfer of Ownership forms for Water Right Nos. 1571-3, 3603-3, 5123-3, 5149-3, 5162-3, 5163-3, 5897-3, 6338-3, 6338A-3, 6340-3, 6592-3, 7292A-3, 7292B-3, and Vested Water Right No. 1600-3.

There is a fee of \$50.00 for each transfer, totaling \$700.00 for the transfer of all 14 licenses.

Please review each transfer form, verify that the contact information is listed correctly, complete the highlighted portions, and return the forms with the appropriate fees in the prepaid envelope.

Checks should be made payable to "SD Water Rights". You may also submit payment over the phone by calling out Fiscal Office at (605) 773-5559.

If you have any questions or concerns while reviewing the "Notice of Transfer of Ownership" forms, please contact me via telephone or email.

Sincerely,

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

enclosures

1600-3

RECEIVED

SEP 03 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. 1600-3

Date: Aug 30, 2024

I/We request that Water Right/Permit No. 1600-3 formerly owned by:
Allen/Bobbie Gatzke - Hitchcock SD be transferred to:

New Owner Name: Gatzke Acres (c/o Jeffrey Gatzke)
Address: 39334 187th St mobile: (605) 354-9006
City, State, Zip Hitchcock SD 57348 email: jeffrey@gatzkefarms.net

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

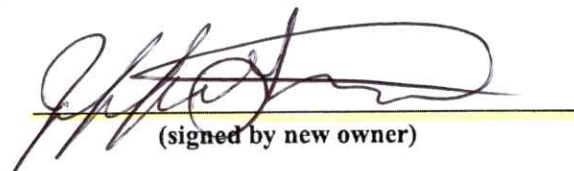
132 acres - NE 1/4 Section 26, T114N, R63W

☒ I understand that the validity of Water Right/Permit No. 1600-3 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, Jeffery Gatzke, 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, 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.

2021-08

PAID

SEP 03 2024

CK# 1866

Rec't# _____

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 4th 2024

RECEIVED OF Gatzke Acres LTD C/O Jeffery Gatzke 39334 187th St 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	\$ _____
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>5162-3 3603-3 5149-3 5163-3 7292A-3 7292B-3 1571-3 1600-3 5897-3 6338-3 6340-3 6592-3 6338A-3 5123-3</u>	<u>\$700.00</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>\$700.00</u>

By Eric Jonland
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2024

5171-3, 1600-3, 3603-3
5123-3, 5149-3, 5162-3
5163-3, 5897-3, 6338-3
6338A-3, 6340-3, 6592-3
7292A-3 & 7292B-3

Gatzke Acres
c/o Jeffery Gatzke
39334 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

I have received your "Notice of Transfer of Ownership" forms and the required fees for Water Right Nos. 5171-3, 1600-3, 3603-3, 5123-3, 5149-3, 5162-3, 5163-3, 5897-3, 6338-3, 6338A-3, 6340-3, 6592-3, 7292A-3 & 7292B-3. Enclosed is a receipt of payment for your records.

The above-listed water rights, previously owned by Allen & Bobbie Gatzke are now listed under Gatzke Acres. 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 rights, 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 rights 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

enclosure