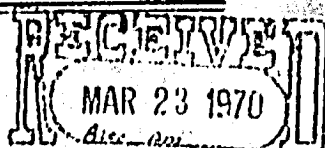


Water Right Number 1746-3

1. Considered MAY 20, 1972
2. Name of Applicant ALICE GOETZ
3. Post Office Address DELMONT, S.D.
4. Amount of water claimed 1.71
5. Source of water supply GROUND WATER-40' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in DOUGLAS County
about 4W Miles of Yellowstone
3. Proof of Publication
Received 10/5 5-27-70
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application
10. Remarks:

No. 1746-3

Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMMISSION
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 Mrs. Alice Goetz to Wm. F. Goetz
Postoffice address Delmar, County Douglas, State S.D.

- I. If a corporation -----
- (a) Name of same -----
 - (b) Date and place of incorporation -----
 - (c) Amount of capital stock -----
 - (d) Amount paid in -----
 - (e) Names and addresses of directors -----

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

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

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

- (b) Cash on hand, \$ Adapted (c) Treasury stock, \$ -----
(d) Bonds to be issued, \$ ----- (e) Other resources, \$ -----

2. Name of diversion work Alice Goetz #1

3. Amount of water claimed 1.71 cubic feet per second

4. Source of water supply Well

5. Location of point of diversion Center point of SW 1/4 - SE 1/4, 95-63

----- on ----- bank ----- County.

6. Annual period or periods during which water is to be used Twice a year

7. To be used for:
I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkling

(a) Number of acres to be irrigated 120 acres.

(b) Legal subdivisions to be irrigated SW 1/4 SE 1/4 SE 1/4 of SW 1/4 95-63

(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 1746-3

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: Heightfeet; length at bottomfeet; length at top

.....feet; thickness at bottomfeet; thickness at top

feet; slope at front water face; slope at back face

material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater markacres.

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

(c)* Head gate: Widthfeet; heightfeet;

Material

(d) Canal: Total lengthmiles.

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 work³.....years.

11. Time required for complete application of water to the proposed beneficial use⁵..... years.

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

Delmont Record, Delmont, S. Dak.

STATE OF SOUTH DAKOTA

County of Sanborn ss.

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

Signed

Subscribed and sworn to before me this

12

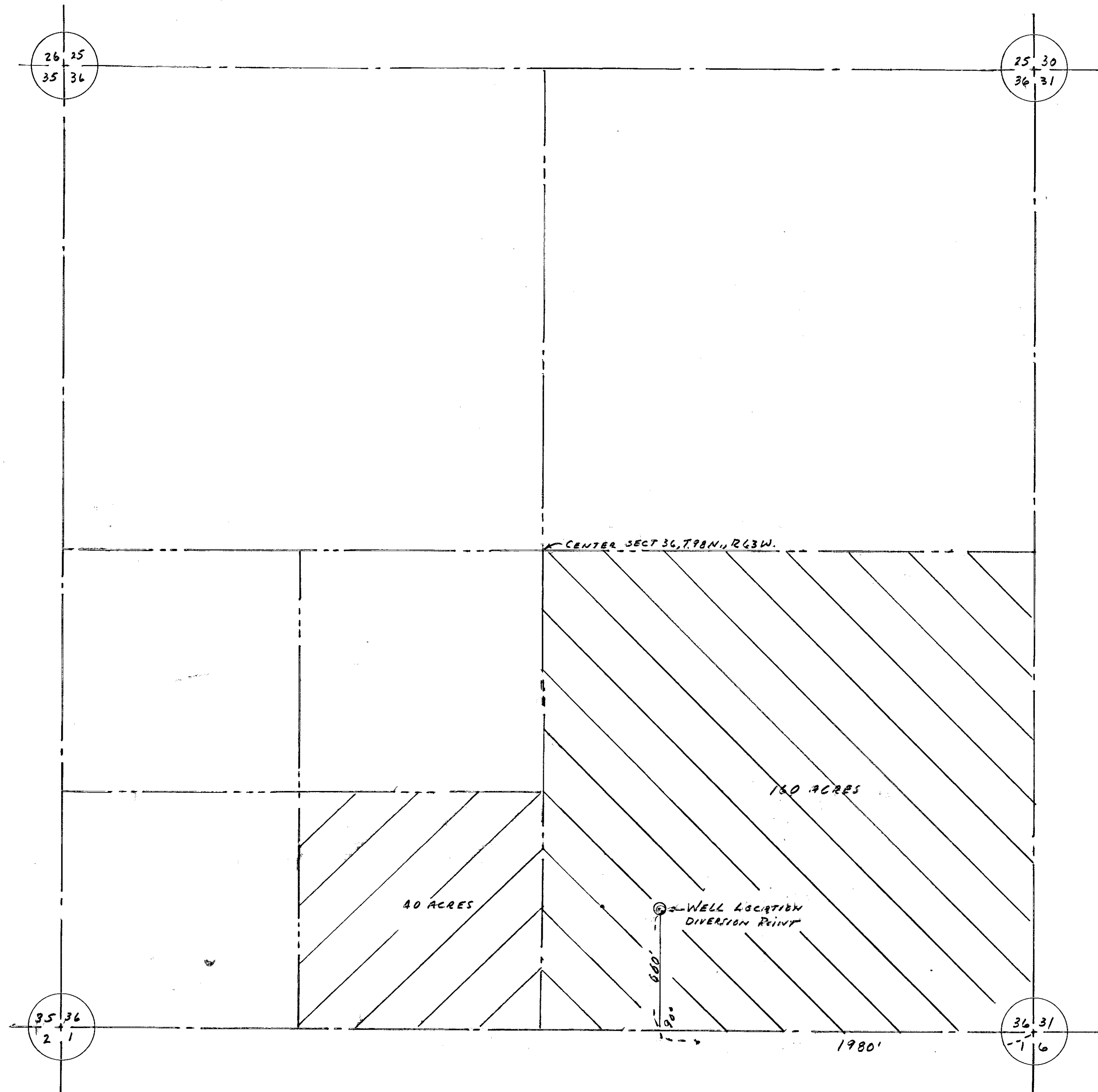
day of

March

1970

James L. Goetz
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



AREAS BY LEGAL SUBDIVISION

40 ACRES: SE 1/4, SW 1/4, SECT 36, T.98N., R.63W. 5TH PM.
 160 ACRES: SE 1/4, SECT 36 T.98N., R.63W. 5TH PM.
 200 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 ALICE GOETZ,
 SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
 WITHIN HER OWNERSHIP BOUNDARIES ON MAY 12, 1970 FOR WHICH
 APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
 WITNESS MY HAND AND PROFESSIONAL ENGINEER'S SEAL
 THIS 12TH DAY OF MAY 1970

Harlan W. Meyer
 REG. P.E. NO. 495

ALICE GOETZ IRRIGATION PROJECT NO 1
 SHOWS AREA TO BE IRRIGATED & WELL DIVERSION POINT
 LOCATION - FOR PERMIT TO APPROPRIATE WATER

OWNER
 PROFESSIONAL ENGINEER

ALICE GOETZ
 HARLAN W. MEYER
 MAY 1970

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MAY 28, 1970

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

AM on the 23RD day of MARCH, 1970

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 17463

Date of first receipt of application MARCH 23, 1970

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 MARCH 23, 1970

Approved MAY 20, 1970, Recorded in Book 11 Page 139

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

NOVEMBER 20, 1971

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

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

MAY 20, 1975

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 1.71 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 MAY 20, 1975; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 28TH day of MAY, 1970

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY 2, 1974

Water License Issued

JULY 2, 1974

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32", Depth 46'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 18", Thickness of casing 10 ga
 Length of casing 40', If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Slotted
 Size of perforated screen 1/8" (diameter) 1' (length)
 Thickness of gravel pack 7', length of gravel pack 40'

(c) Water Bearing Materials

Distance to water 11 ft, Character of water bearing materials Gravel - Gravel Deposit
 Thickness of water bearing material 60 ft

(d) Pump and Motor

Type of pump Centrifugal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Western Hand Pumper, size 8"
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 50, Name of Motor Allis Chalmers

(e) Complete well

Capacity 1500 at drawdown of 4', Estimated cost 2000⁰⁰

(f) Owner of land upon which well is located

Name Wm E. Brown, Agent
 Address Dalmon S. DDK

(g) Distance to nearest existing wells

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

WATER LICENSE NO. 1746-3

(1) WHEREAS, On the 23rd day of March A. D. 1970
Mrs. Alice Goetz

made Water Right Application No. 1746-3 for a permit to use 1.71 cubic feet per second of the waters of ground water

County of Douglas State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 28th day of May A. D. 1970
Permit No. 1746-3 with a date of priority of March 23, 1970

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 May A. D. 1973 and for the application to beneficial use of said water on or before the 20th day of May A. D. 1975

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 1.56 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in Section 36, T98N, R63W

S½ SE¼ 80 acres

SE¼ SW¼ 40 acres

Total 120 Acres

(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 Mrs. Alice Goetz

_____ of Yankton, S.D.

the holder _____ and owner _____ of said permit No. 1746-3 a water right, dating from March 23, 1970

_____ to use of 1.56 cubic feet per second of the waters of ground water

in the County of Douglas and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 660 ft. North and 1980 ft. West of the SE Corner, Section 36, T98N, R63W

and conduct to and upon portions of Section 36, T98N, R63W, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1746-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of July A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer BONALD DRISCOLL

Permit No 1746-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mrs. Alice Goetz

_____ the holder _____ of
Permit No. 1746-3, issued upon Application No. 1746-3, bearing date of priority of March 23,
1970 authorizing the diversion of 1.71 cu. ft. per second of the waters of _____
ground water County of Douglas, State of South Dakota at _____
a point 660 ft. North and 1980 ft. West of the SE Corner, Section 36,
T98N, R63W
_____, for irrigation

_____ purposes, has ⁸ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.56 cu. ft. per second of water.

Date July 2, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

No. 1746-3

Publish first publication, on or before April 23, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 20, 1970

Notice is hereby given that Alice Goetz

whose post office address is Delmont, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.71

cubic feet of water per second of time from it's ground water (40 foot well)

Alice Goetz §1

the point of diversion of which is to be located in the

SW¼ SE¼

of Section 36, Twp. 98N, Range 63W. Said water to be used for the purpose

of providing irrigation on the following described land:

S¼ SE¼ and SE¼ SW¼, Section 36, T98N, R63W

This application No. 1746-3 will be considered by the Water Resources Commission at their office at Pierre upon the 20th day of May, 1970, at 2:00 P. .M. All interested persons may appear and be heard.

cc: William Grose, Delmont, S.D.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

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

No. 1746-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Douglas)

I, Maynard H. Goehring hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Delmont Record

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Two of Delmont

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

April 23, 1970

April 30, 1970

May 7, 1970

May 14, 1970

Maynard H. Goehring
(Signature)

Publisher
(Title)

May 15, 1970
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

April 20, 1970

Notice is hereby given that
Alice Goetz whose post office
address is Delmont, South Dak-
ota, has made an application in
accordance with the provisions
of the water laws of South Da-
kota for a permit to appropriate
for beneficial use 1.71 cubic feet
of water per second of time
from ground water (40 foot well)
through the Alice Goetz No. 1,
the point of diversion of which
is to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 36, Twp. 98N, Range
63W. Said water to be used for
the purpose of providing irriga-
tion on the following described
land: S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 36, T98N, R63W.

This application No. 1746-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 20th
day of May, 1970, at 2:00 P.M.
All interested persons may ap-
pear and be heard.

WATER RESOURCES COM-
MISSION

By: Burton F. Jones, Water
Rights Specialist.

RECEIVED
MAY 27 1970

STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

GROSCH IRRIGATION CO., INC.

SILVER CREEK, NEBRASKA

WELL DRILLING
COMPLETE
INSTALLATION & SERVICING

.804

SOLD TO							DATE		
JOB ADDRESS							ORDERED BY		
PCS.	SIZE	LENGTH	DESCRIPTION	FEET	TOTAL FEET	PRICE	AMOUNT		
DELIVER			RECEIVED BY				TOTAL		

BRICKER'S INC., NORFOLK, NEBR. 4

Permit No. 1746-3Water Division 3 MISSOURI RIVER Water District

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

^{Rights}
TO: Water ~~Division~~ 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 Mrs. Alice Goetz
of James T. Goetz of Box 708, Yankton, S.D. holder____
of Permit No. 1746-3, bearing date of priority of March 23, 1970
authorizing the diversion of 1.71 cu. ft. per second of the waters of ground water
for irrigation purposes, in Douglas 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:

Well 52 feet deep, 24 inch diameter concrete casing.
Western Land Roller, turbine pump 6" Mod 6d
U.S. Electric Electric motor, 4 H.P., Type RV

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

2600 feet of buried 8 inch asbestos-cement pipe
three center pivots

C. Works used to apply water to beneficial use.

Valley center pivot, circular sprinkler system (6 towers)

The system is in the following condition: Excellent

The point of diversion is located 660 ft. North and 1980 ft. West of the SE Corner of
Section 36, T98N, R63W

The works are capable of diverting and conveying to the place of use 1.56
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

All in Section 36, T98N, R63W

S $\frac{1}{2}$ SE $\frac{1}{4}$ 80 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres

comprising a total of 120 acres of land.

Date September 19, 1973

Donald W. Dineen
(Signature)



Department of Water & Natural Resources

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

March 23, 1987

JAMES T GOETZ
BOX 708
YANKTON, SD 57078

NOTICE

Re: Violation of Water Permit(s). 4761-3, 4670-3 and 1936
Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4761-3, 4670-3. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4761-3, 4670-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2142-3, 1805-3, and 1746-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

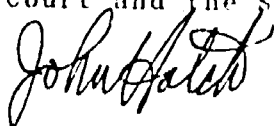
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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 hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4761-3, 4670-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2142-3, 1805-3, and (1746-3) to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

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) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: JAMES T GOETZ
P.O. BOX 708
YANKTON, SD 57078

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

SUBJECT: Amendment to Water Permit No(s). 1746-3, 2142-3, 1805-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 1746-3, 2142-3, 1805-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 1746-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 1746-3 to add the following qualification:

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number
P576 309 711

Type of Service:

☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**

5. Signature - Addressee
[Signature]

6. Signature - Agent
[Signature]

7. Date of Delivery
5/14/87

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

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

WASHINGTON MAY 14 1987



Department of Water & Natural Resources

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

February 9, 1990

JAMES T GOETZ
BOX 708
YANKTON, SD 57078

NOTICE

RE: Violation of Water Permit No(s). 4670-3, 4761-3, 1805-3, 2142-3, 1746-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4670-3, 4761-3, 1805-3, 2142-3, 1746-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4670-3, 4761-3, 1805-3, 2142-3, 1746-3 qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson 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. Suspend Permit No(s). 4670-3, 4761-3, 1805-3, 2142-3, 1746-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

March 14, 1990

1746-3
1805-3
2142-3
4670-3
4761-3

James T. Goetz
1715 Walnut
Yankton, SD 57078

Dear Mr. Goetz:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 1746-3, 1805-3, 2142-3, 4670-3 and 4761-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,



RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 5, 1992

James T Goetz
Box 703
Yankton, SD 57078

RE: Water Permit Nos. (1746-3), 1805-3, 2142-3, 4670-3 & 4761-3

Dear Mr. Goetz:

I am contacting you in regard to your irrigation permits in Charles Mix and Douglas Counties. In reviewing your 1991 irrigation questionnaires and the legal descriptions you wrote on the forms, I noted a discrepancy in what we show permits for and what you are actually irrigating.

The following is a brief summary of your permits:

No. 1746-3 - S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 36, T98N, R63W;

No. 1805-3 - SE 1/4 Section 26, T98N, R63W;

No. 2142-3 - SW 1/4 Section 26, T98N, R63W;

No. 4670-3 - NE 1/4 SW 1/4 Section 36, T98N, R63W, and

No. 4761-3 - NW 1/4 Sec. 34, SW 1/4 SE 1/4 Sec. 27, T98N, R64W

Your 1991 questionnaires reflected irrigation for Permit Nos. 1746-3, 1805-3, and 2142-3. You did not specify whether or not you irrigated on lands described under Permit Nos. 4670-3 and 4761-3. You did, however, list a legal description in the NE 1/4 SE 1/4, Section 21, T98N, R63W and indicated you did not irrigate the land in 1991.

I am unable to find a permit for you for the land described above in Section 21, T98N, R63W. If this land will be irrigated in the future, you will need to make an application and obtain a water permit prior to irrigating.

Please contact us as to the status of irrigation under Water Permit Nos. 4670-3 and 4761-3. It may be, that our records are not as up-to-date as they should be. If this is the case, either myself or another member of our staff would be willing to go over them with you to determine where the discrepancy lies. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 7773-3352



January 29, 1993

1746-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE

TO: JAMES T GOETZ
PO BOX 708
YANKTON SD 57078

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 1746-3, 1805-3, 2142-3, 4670-3 & 4761-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1746-3, 1805-3, 2142-3, 4670-3 & 4761-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1746-3, 1805-3, 2142-3, 4670-3 & 4761-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd MacArthur 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 SDCL 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) 1746-3, 1805-3, 2142-3, 4670-3 & 4761-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JAMES T GORTZ
PO BOX 708
YANKTON SD 57078

1746-3

4a. Article Number

P 906 520 122

4b. Service Type

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

7. Date of Delivery

1-30-93

5. Signature (Addressee)

6. Signature (Agent)

[Signature]

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

Thank you for using Return Receipt Service.



1746-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 1993

James T Goetz
PO Box 708
Yankton, SD 57078-0708

RE: Water Permit Nos. 1746-3, 1805-3, 2142-3, 4670-3 and 1761-3

Dear Mr. Goetz:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for the above listed permits. You may disregard the January 29, 1993, Notice of Violation of Water Permits.

The questionnaires were received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

EXEMPT FROM AUTOMATIC DECLASSIFICATION

NOTICE OF TRANSFER OF OWNERSHIP

No. 1746-3

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

Date: 3-18-94I/We request that Water ~~Permit~~/Right No. 1746-3formerly owned by: Mrs. Alice Goetzbe transferred to: (name & address) James T. Goetz, Box 708, Yankton, SD 57078(telephone No.) (605) 665-9495

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

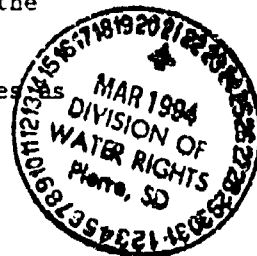
SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4 of Section 36 T98N R63W

I/We understand that the validity of Water ~~Permit~~/Right No. 1746-3 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 SDC 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

I/~~we~~ James T. Goetz 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.

(Signed)

Subscribed and sworn to before me this 18th day of March, 1994.

(Seal)

My Commission Expires: 9-11-97Jean L. Lawrence
(Notary Public)

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.

RECEIPT

414098

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 21, 19 94

RECEIVED OF James T Goetz, 1715 Walnut, Yankton, SD 57078

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 Water Right No. 1746-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By John Hatch
Chief Engineer



1746-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 1994

No. 1746-3

James T. Goetz
Box 708
Yankton, SD 57078

Dear Mr. Goetz:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1746-3.

Our records now show you as the owner of Water Right No. 1746-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



1746-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

4670-3

James T. Goetz
Box 768
Yankton, SD 57078

Dear Mr. Goetz:

Enclosed is Water License No. 4670-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414126 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4670-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Right No. 1746-3 have been incorporated into this Water License No. 4670-3.