

W r Right Number 1986-3

1. Considered May 23, 19 73
2. Name of Applicant Fred A. Walth
3. Post Office Address Glenham, S.D.
4. Amount of water claimed 6.84
5. Source of water supply Missouri River
6. Water to be used for irrigation
- Acres to be irrigated 480
7. Water to be diverted and used in Walworth County
about 5.5 12 W Miles of SELBY
8. Proof of Publication Received 5-4-73
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action Jeferred _____

10. Remarks:

No. 1986-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APR 10 1973

STATE WATER RESOURCES COM.
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 Fred A. Walth
 Postoffice address Glenham, County Walworth, State South Dakota

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)

Direct labor.(b) Cash on hand, \$ 15,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ 50,000.002. Name of diversion work WALTH3. Amount of water claimed 6.84 cubic feet per second4. Source of water supply Missouri River, known as Oahe Dam5. Location of point of diversion SE 1/4 of Section 29-123-78, as shown on
attached map 1300' W & 800' N of the SE corner,
SECTION 29, T123N, R78E on Walworth County.6. Annual period or periods during which water is to be used April thru September

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? overhead
thru center pivot.(a) Number of acres to be irrigated 480 acres.(b) Legal subdivisions to be irrigated East Half and Northwest Quarter of Section 33

(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.)

in Township 123, North of Range 78, consisting of 480 acres.

(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 developm.

(e) Point where water will be returned to stream

201408-3
MAP

8. Estimated cost of work:

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

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

(e) Other structures -----

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

(b) Pumping plant, \$.30,000.00
& line Rock, \$-----

Total, \$.30,000.00

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 HEAD GATE	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 ----- five ----- years.

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

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

Mobridge Tribune, Mobridge, S. Dak.

STATE OF SOUTH DAKOTA

County of ----- Walworth -----

ss.

I, ----- Fred A. Walth -----, 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 -----

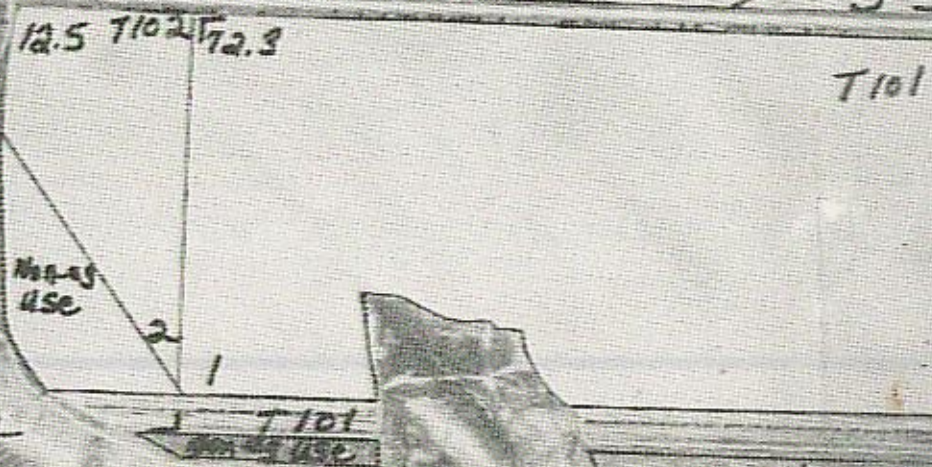
Fred A. Walth

Subscribed and sworn to before me this ----- 11th ----- day of ----- April ----- 19.73.

Notary Public (or other qualified officer)

1976

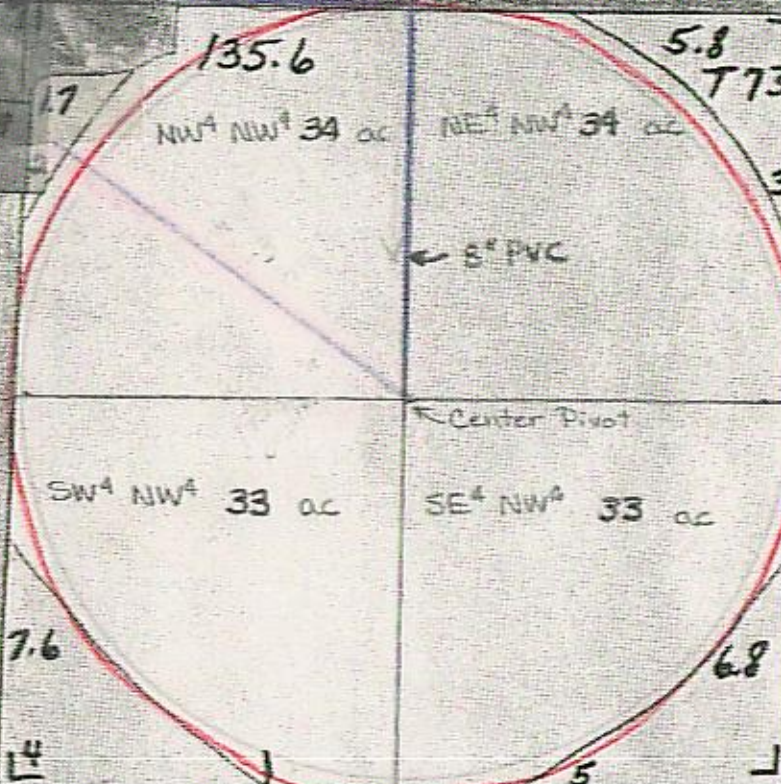
NOT TO SCALE



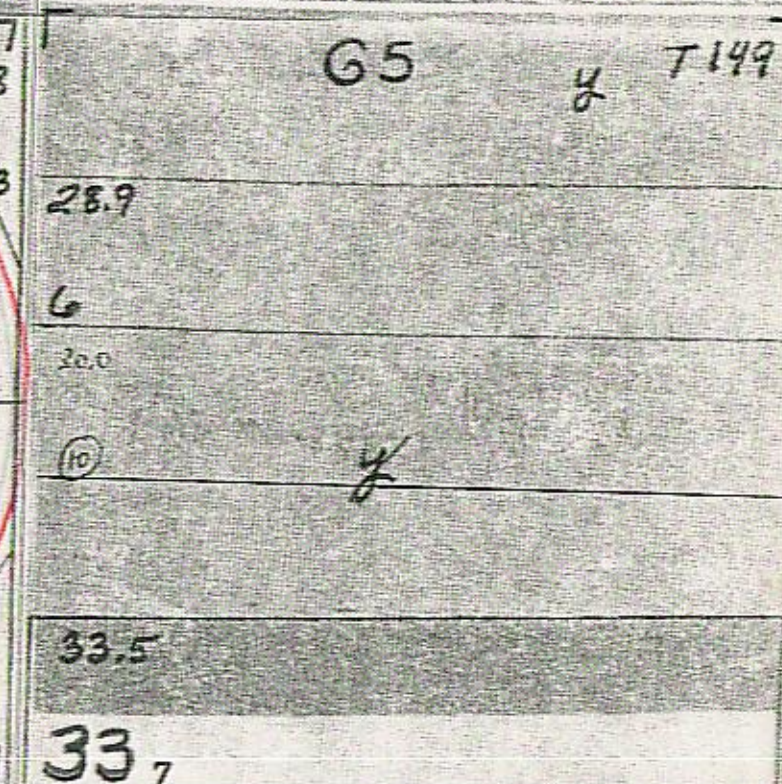
123-78

1986

NOT TO SCALE



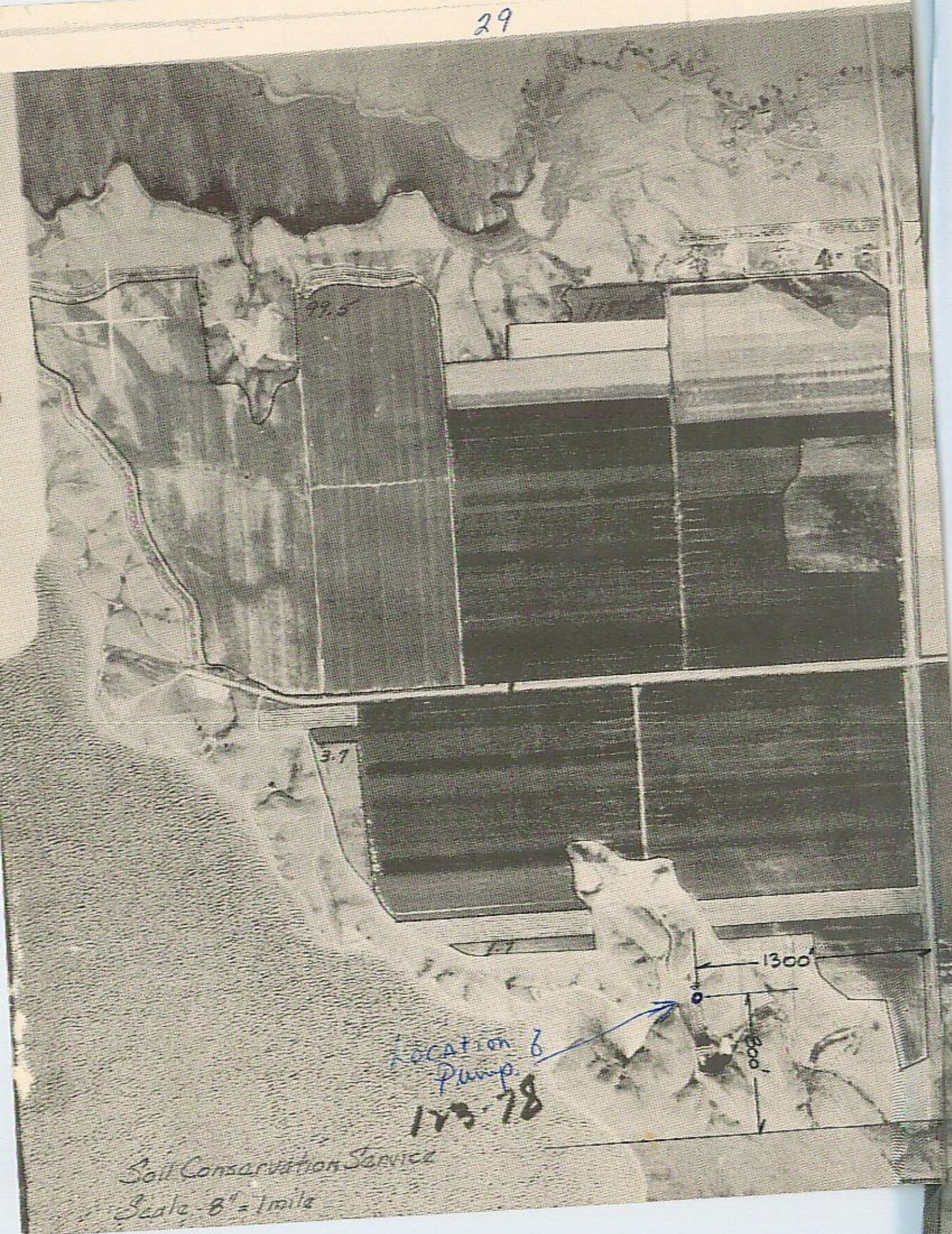
149.3
Total Acres = 134



Prepared by:
Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division
3-23-93

123-78





Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA,
County of HUGHES } ss.

Pierre, South Dakota, MAY 29, 1973

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 16TH day of APRIL, 1973.

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1986-3

Date of first receipt of application APRIL 16, 1973

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right APRIL 16, 1973

Approved MAY 23, 1973, Recorded in Book 12 Page 216

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 23, 1975

2nd. The whole of said work is to be completed on or before MAY 23, 1978

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

MAY 23, 1982

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 6.84 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 23, 1982; said water to be used during the following described annual period:

APRIL THRU SEPTEMBER

Witness my hand this 20TH day of MAY, 1973

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

1986-3

J. _____

Publish first publication, on or before May 10, 1973NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 23, 1973Notice is hereby given that Fred A. Walthwhose post office address is Glenham, 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 use6.84 cubic feet of water per second of time from the Missouri River through theWalth #1, the point of diversion of which is to be located in the _____SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Twp. 123N, Range 78W. Said water to be used for the purpose of providing irrigation on the following described land:NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 33, T123N, R78W

This application No. 1986-3 will be considered by the Water Resources Commission at their office at Pierre upon the 23rd day of May, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Bormann and Buckmeier, 116 Fourth Street West., Mobridge, S.D. 57601

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

No. 1986-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Dorothy Horn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Mobridge Tribune

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

of Mobridge of Mobridge, South Dakota

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

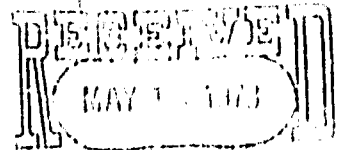
May 3, 1973

May 10, 1973

Dorothy Horn
(Signature)

Burton F. Jones
(Title)

May 10, 1973
(Date Signed)



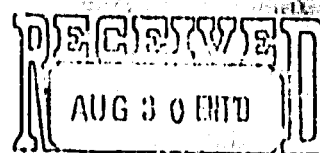
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
April 23, 1973
Notice is hereby given that
Fred A. Walth whose post office
address is Glenham, South
Dakota has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 6.81 cubic feet of
water per second of time from the
Missouri River through the Walth
No. 1, the point of diversion of
which is to be located in the
SE 1/4 of Section 29, Twp.
123N, Range 78W. Said water to
be used for the purpose of
providing irrigation on the
following described land:
NW 1/4, NE 1/4 and SE 1/4, Section 33,
T123N, R78W.
This application No. 1986-3 will
be considered by the Water
Resources Commission at their
office at Pierre upon the 23rd day
of May, 1973, at 2:00 p. m. All
interested persons may appear
and be heard.

Water Resources Commission
Burton F. Jones,
Water Rights Specialist

53-510

Form 10.



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

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

Post Office Mobridge, South Dakota

Date August 28, 1973.

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1986-3.

Water Right Permit No. 1986-3 states that the diversion system is to be constructed by May 23, 19 78 and that the water is to be put to beneficial use by May 23, 19 82.

The diversion system was completed on 28th of June 19 73. Applying the water to beneficial use was completed on June 30, 19 73.

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

Fred A. Walth
(Signature)

Zimmerman Center point 12 acres
Model 310, Serial 87003

Inspected on October 30, 1973
10-30-73

The 11 1/4 section 33, T122N, R78W
is being irrigated under lease to
George Turner and Edlie Barons

Land irrigated 135 acres with experimental
gum irrigation in connection

Percless Centrifugal pump 6" I
No 2665734-

Marathon Electric Motor - 100 H.P.
Type R

4700 feet of 5" mainline

Zimmerman Center Point Center Sprinkler
10 Turnover.

called Mr. Weirly on Nov. 2, 1973
There are 3 quarters covered in the
pasture. Mr. Weirly thinks the other 2
quarters may be irrigated within a year or
two. This he wants under ready for
final inspection. Inspect after May 23,
1973, unless earlier request is received.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 21, 1984

1653-3A

1986-3

2187-3

3568-3

Ed Berens
RR #1, Box 61
Selby SD 57472

Dear Mr. Berens:

This letter will acknowledge receipt of and thank you for submission of your 1983 Irrigation Questionnaires. Enclosed, as you requested, are copies of the water permits listed in your name. Water Permit No. 1986-3 is listed under Fred A Walth, but our records indicate you are the operator of the system.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 23, 1987

ED BERENS
PR #1 BOX 61
SELBY, SD 57472

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). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3, 2459-3. 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). 3568-3, ~~1986-3~~, 2187-3, 1653-3A, 1568-3, 2459-3 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.

 **Department of
Water & Natural Resources**

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

April 24, 1987

1568-3	1653-3A
1986-3	2187-3
2459-3	3568-3

Eddie Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3 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,



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

 **Department of
Water & Natural Resources**

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

February 8, 1989

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

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). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3. 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.

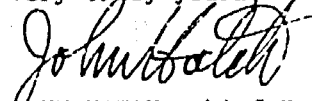
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 3568-3, 1986-3, 2187-3, 1653-3A, 1568-3 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



SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 23, 1989

1568-3
1653-3A
(1986-3)
2187-3
2459-3
3568-3

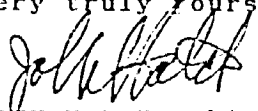
Ed Berens
RR #1 Box 61
Selby, SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3 and 3568-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

cc: George Turner, Glenham, SD 57631



Department of Water & Natural Resources

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

February 9, 1990

ED BERENS
RR #1 BOX 61
SELBY, SD 57472

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

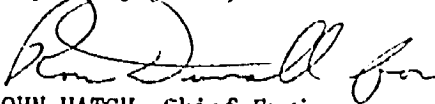
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2187-3, 3568-3, 1653-3A, 1986-3, 1568-3, 2459-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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

Very truly yours,


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

CC: George Turner, SR 1 Box 77, Glenham SD 57631



Department of Water & Natural Resources

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

February 16, 1990

1568-3
1653-3A
1986-3
2187-3
2459-3
3568-3

Ed Berens
RR 1, Box 61
Selby SD 57472

Dear Mr. Berens:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1568-3, 1653-3A, 1986-3, 2187-3, 2459-3, and 3568-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. 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
RON DUVALL /KS
Natural Resources Engineer
Water Rights Division



1986-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 5, 1993

No. 1986-3

Richard Walth
302 W. 13th St.
Mobridge, SD 57601

Dear Mr. Walth:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1986-3. The water permit is currently listed in the name of Fred A. Walth.

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

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,

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

enclosure

Permit No. 1986-3Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Richard Walth of 302 W 13th Street, Mobridge, SD 57601 holder of Permit No. 1986-3, bearing the priority of April 16, 1973 authorizing the diversion of 6.84 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Walworth County.

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

A. Works used to divert the water:

Reliance motor, model no. 365TS-P-B, 100 hp and Peerless pump with a 900 gpm capacity.

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

3380' of 8" aluminum pipe and 1320' of 8" pvc pipe.

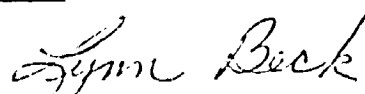
C. Works used to apply water to beneficial use:

Zinnatic center pivot, 1260' long, 10 tower, with end gun, high pressure, 900 gpm capacity.

The system is in the following condition good. The point of diversion is located 1380' W and 825' N of the SE corner Sec. ³⁴29-123-78. The works are capable of diverting and conveying to the place of use 2.0 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 NW 1/4 Sec. 33-123-78:NW 1/4 34 acres, NE 1/4 34 acres, SW 1/4 33 acres, SE 1/4 33 acrescomprising a total of 134 acres of land and the license should be issued for 1.91 cfs.Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are:

Date 9-21-92

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

1986-3

REPORT ON INSPECTION OF PERMIT NUMBER 1986-3

DATE 9-21-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: SW 1/4 SE 1/4 Sec. ²⁹8-123-78, 1380' W and 825' E of the SE corner
Sec. 8-123-78. *bm*

²⁹
bm

- | | | |
|------------------------------------|---------|---------------------------------|
| 1) Motor: | 1) Pump | 1) make <u>Peerless</u> |
| 1) make <u>Reliance</u> | | 2) model |
| 2) model No. <u>365TS-P-B</u> | | 3) size inches |
| 3) horsepower rating <u>100</u> hp | | 4) capacity <u>900</u> GPM |
| | | 5) turbine pump - No. of stages |
| | | 6) operating pressure PSI |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|----------------------------|
| a) type <u>Aluminum</u> | b) size <u>8</u> inches | c) length <u>3380</u> feet |
| a) type <u>PVC</u> | b) size <u>8</u> inches | c) length <u>1320</u> feet |

SYSTEM TYPE:

- e) Center pivot:
- 1) make Zimatic
 - 2) overall length 1260 feet
 - 3) number of towers 10
 - 4) distance between towers feet
 - 5) end gun Y (Y/N)
 - 6) high or low pressure high
 - 7) capacity 900 GPM

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)



1986-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 12, 1993

SECOND NOTICE
PERMIT NO. 1986-3

Richard Walth
302 W. 13th St.
Mobridge, SD 57601

Dear Mr. Walth:

On April 5, 1993, notice was sent to you concerning the transfer of Water Permit No. 1986-3 in the name of Fred A. Walth. Our office has received your "Notice of Transfer of Ownership" form, but we have not received the required \$2.50 fee. Before we can proceed with the transfer of ownership, we must receive this fee.

Please submit a copy of this letter with the required fee to properly direct the receipt of your fee.

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

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

DIVISION OF WATER RIGHTS

523 E. CAPITOL JOE FOSS BLDG.

PIERRE, SOUTH DAKOTA 57501

Is your RETURN ADDRESS completed on the 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:

Richard Walth
302 W. 13th St.
Mobridge, SD 57601

1986-3

4a. Article Number

P 318 052 513

4b. Service Type

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

7. Date of Delivery

4-13-93

5. Signature (Addressee)

Richard Walth

6. Signature (Agent)

Carl Cheek

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

Thank you for using Return Receipt Service.

1986-3
Sorry about the
inconvenience I have
caused

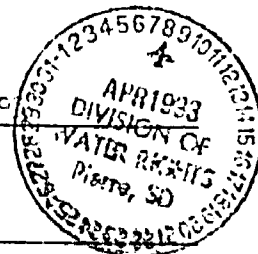
My apology

Richard



No. 1986-3

Date: April 7, 196



(telephone No.) (605) 845-7090

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1986-3
413729

Pierre, April 14, 1993

RECEIVED OF Richard Walth, 302 W 13th St, Mobridge, SD 57601

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 Permit No. 1986-3	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John W. Hatch



1986-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 16, 1993

No. 1986-3

Richard Walth
302 W. 13th St.
Mobridge, SD 57601

Dear Mr. Walth:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1986-3.

Our records now show you as the owner of Water Permit No. 1986-3.

Sincerely,

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

enclosure



1986-3

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

April 26, 1993

1986-3

Richard Walth
302 W. 13th Street
Mobridge, SD 57601

Dear Mr. Walth:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1986-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

NOTE: On check or money order, please specify your permit number.
This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1986-3
413748

Pierre, _____ April 29, 1993

RECEIVED OF Richard Walth, 302 W 13th St, Mobridge, SD 57601

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. <u>1986-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *Clark Walth*
Chief Engineer

1986-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1986-3

(1) Fred Walth, of Glenham, SD 57631 made Application No. 1986-3, April 16, 1973 for a water permit to appropriate 6.84 cubic feet of water per second from the Missouri River, Walworth County, South Dakota for irrigation purposes. Permit No. 1986-3, with a priority date of April 16, 1973 was approved May 23, 1973 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 1978 and for the application to beneficial use of said water on or before May 23, 1982.

On April 8, 1993, Water Permit No. 1986-3 was transferred from Fred Walth to Richard Walth.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.91 cubic feet of water per second for beneficial use. The location of the diversion point is 1380 feet W and 825 feet N of the SE corner of Section 29 T123N-R78W (SW1/4 SE1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T123N-R78W	Section 33	NW1/4 NW1/4	34 acres
		NE1/4 NW1/4	34 acres
		SW1/4 NW1/4	33 acres
		SE1/4 NW1/4	33 acres
		Total	134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Walth of 302 W. 13TH Street, Mobridge, SD 57601 the holder and/or owner of Water Permit No. 1986-3 is issued a license to appropriate water, the right to use 1.91 cubic feet of water per second from the Missouri River with a priority date of April 16, 1973 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1986-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 15 1993

Date



1986-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 15 1993

1986-3

Richard Walth
302 W. 13th Street
Mobridge, SD 57601

Dear Mr. Walth:

Enclosed is Water License No. 1986-3 and Receipt No. 413748 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1986-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

rd
enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 31, 1997

1986-3

Allen Walth
13640 Walth Bay Rd
Glenham, SD 57631

Dear Mr. Walth:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 1986-3. The water right is currently listed in the name of Richard Walth.

Please complete the portion titled "*be transferred to: (name & address).....*". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

As you requested, once we receive the transfer form and fee back in our office, I will forward a copy of the form to Al Thomas with the Corps of Engineers. If you have any questions, please contact me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1986-3

Date: 11-14-97



I/We request that Water Right No. 1986-3

formerly owned by: Richard Walth

be transferred to: (name & address) Allen L. Walth 13640 Walth Bay Rd
Glenham, S.D. 57631 Telephone No. 605-762-3371

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

134 acres - NW¼ Section 33, T123N, R78W

I/We understand that the validity of Water Right No. 1986-3 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Walworth)

I/We Allen L. Walth 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 L. Walth
(Signed)

Subscribed and sworn to before me this

14th day of November, 19 97.

Shirley Suek
(Notary Public)

My Commission expires: 09-29-03

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 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

415533

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 17, 1997

RECEIVED OF Aller L. Walch, 13640 Walch Bay Rd., Glenham, SD 57631

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. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 1986-3</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Joh. Hatch
Chief Engineer



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

November 19, 1997

Al Thomas
US Army Corps of Engineers
Pierre Real Estate Office
PO Box 670
Pierre, SD 57501-0670

RE: Transfer of Water Right No. 1986-3

Dear Mr. Thomas:

Enclosed is a copy of a "Notice of Transfer of Ownership" which transfers Water Right No. 1986-3 from Richard Walth to Allen L Walth. Allen called and requested that I send a copy of the completed form to you.

For informational purposes, Water Right No. 1986-3 authorizes diversion of water from the Missouri River to irrigate 134 acres in the NW¼ Section 33, T123N, R78W.

If you have any questions, please give me a call.

Sincerely,

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

enclosures



1786-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 11, 1997

No. 1986-3

Allen L. Walth
13640 Walth Bay Rd.
Glenham, SD 57631

Dear Mr. Walth:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1986-3.

Our records now show you as the owner of Water Right No. 1986-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure

May 15, 2003

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

Allen L. Walth
13640 Walth Bay Road
Glenham, South Dakota 57631

Dear Mr. Walth:

Reference is made to your application for a Department of the Army permit to install a submersible pump and aluminum pipe in the Missouri River/Lake Oahe at mile 1183.9, located in the Northeast Quarter of Section 32, Township 123 North, Range 78 West, Walworth County, South Dakota.

Based on the information submitted, the proposed irrigation intake project, as described on the enclosed drawings, meets the criteria established for General Permit 90-04 and has been assigned application number 200330064.

Accordingly, for the purposes of Section 10 of the Rivers and Harbor Act (33 USC 403) and/or Section 404 of the Clean Water Act (33 USC 1344), and in accordance with 33 CFR Part 325.5(c)(1), the irrigation intake construction is authorized without further processing provided the stipulations, conditions and criteria of General Permit 90-04 (copy enclosed) are strictly adhered to.

As a special condition to this permit, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Any changes to the size, location or withdrawal rate of this structure from that identified herein may require additional Department of the Army Authorization.

NOTE: The above determination does not obviate the requirement to obtain state, tribal or local assent as required by law.

The attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.

If you have any questions regarding the above, please feel free to contact this office at the above Regulatory Office address, or telephone Andy Mitzel of my staff, or myself, at (605) 224-8531.

Sincerely,

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

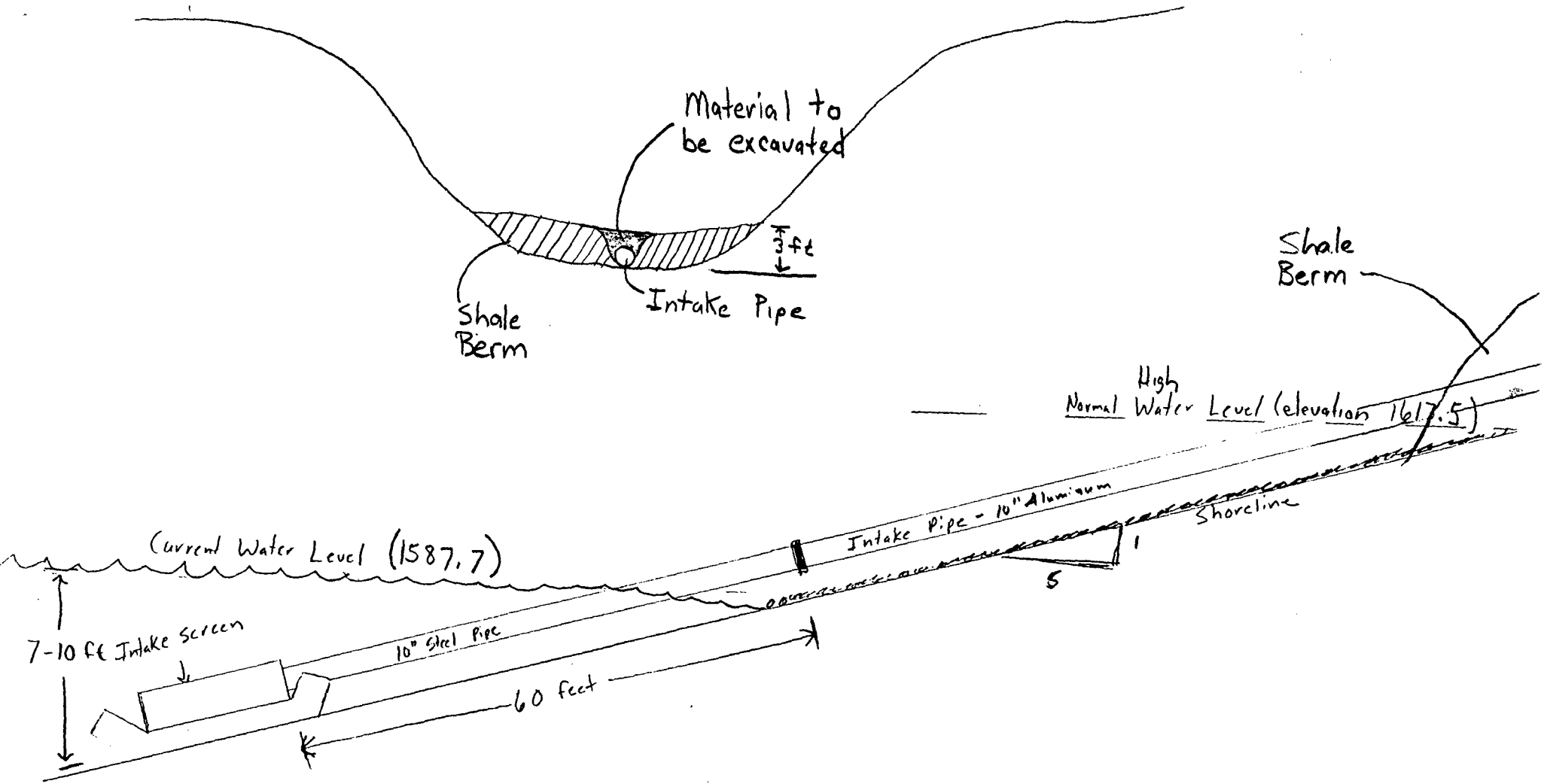
CF: Bartel, Corps of Engineers (CENWO-OD-OA), Pierre, SD
Fletcher, Environmental Protection Agency, Denver, CO
Peterson, SD Dept of Game, Fish, and Parks, Pierre, SD
Miller, SD Dept of Env. and Natural Res., Pierre, SD
Gober, US Fish and Wildlife Service, Pierre, SD

RECEIVED

MAY 16 2003

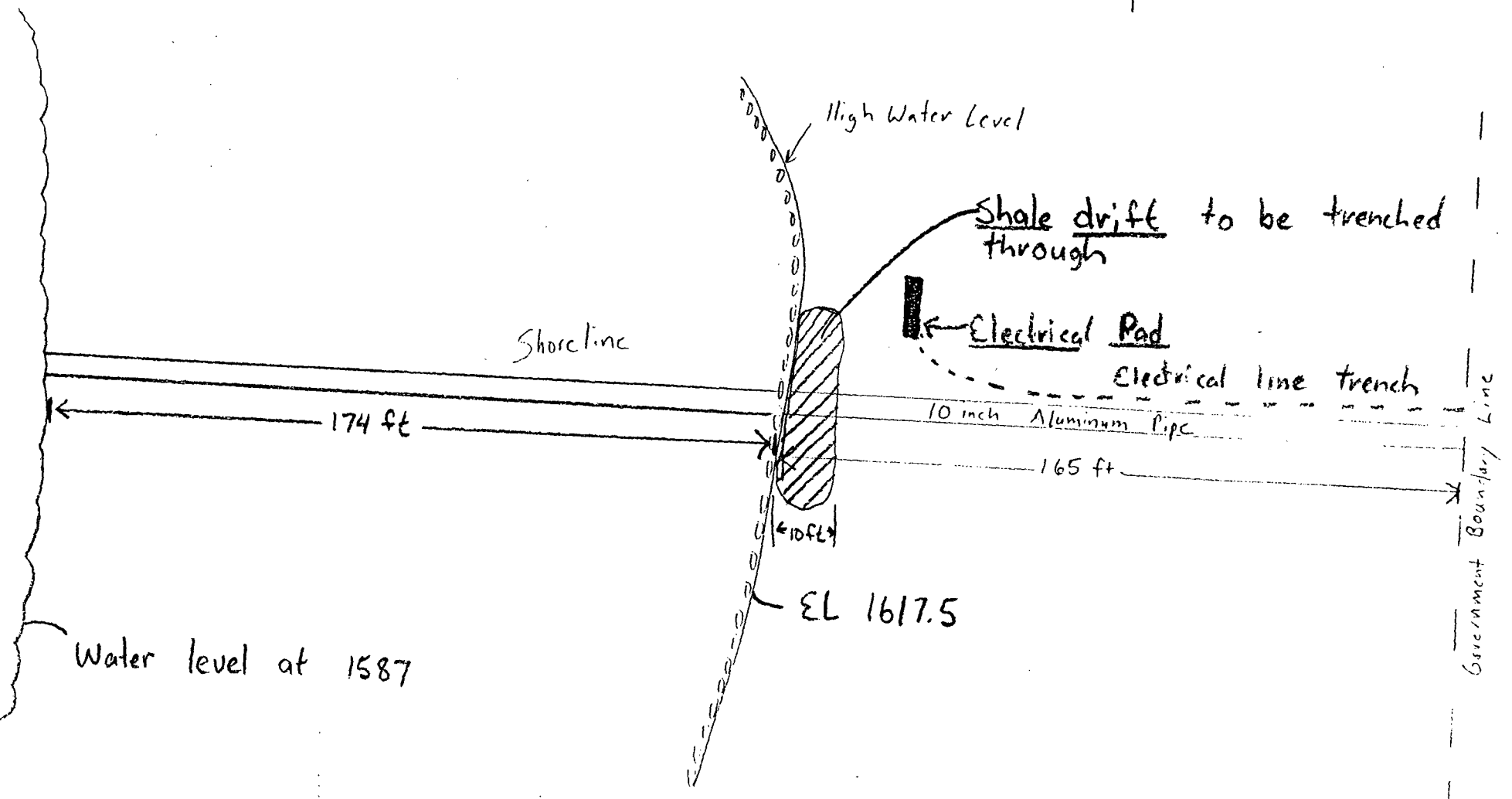
SURFACE WATER PROGRAM

Cross Section



Attachment #2

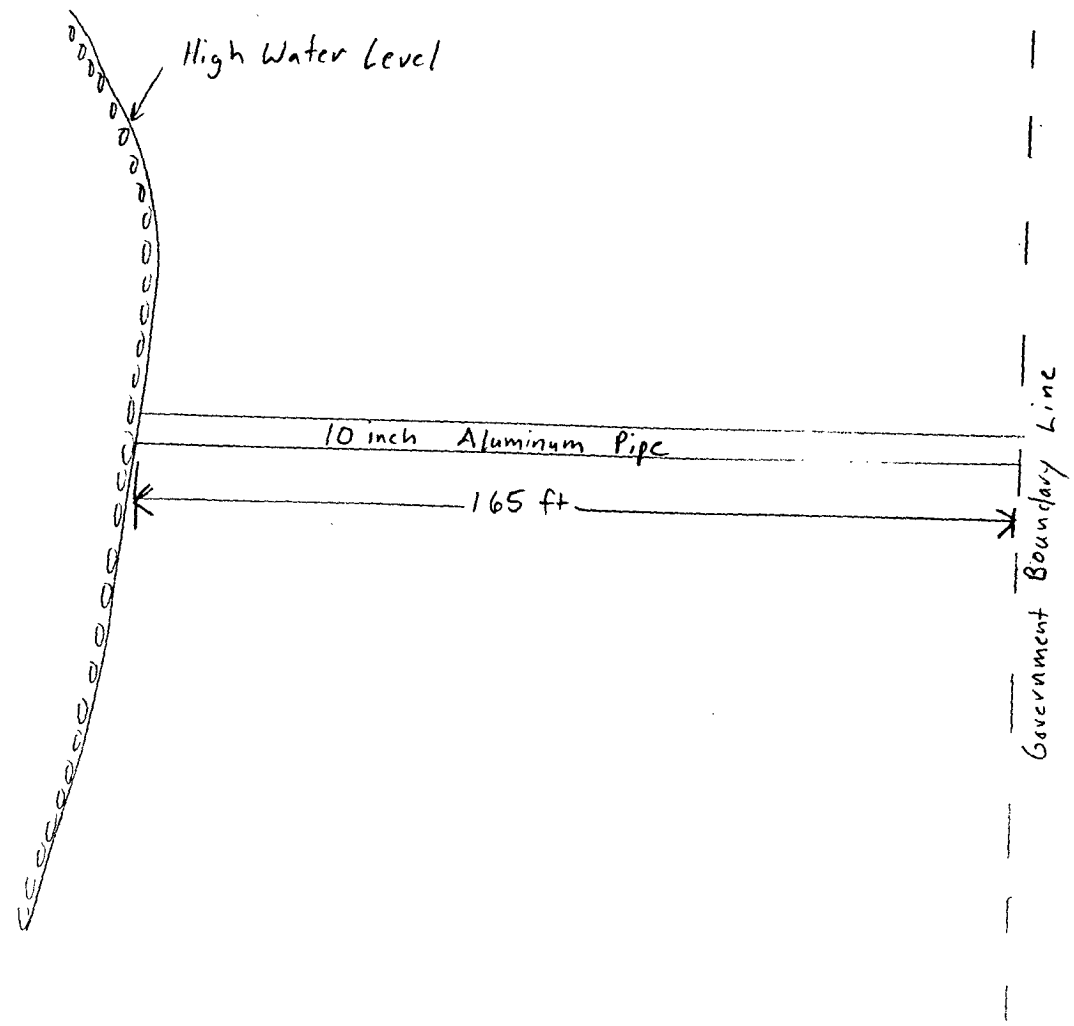
↑ North



Attachment #3

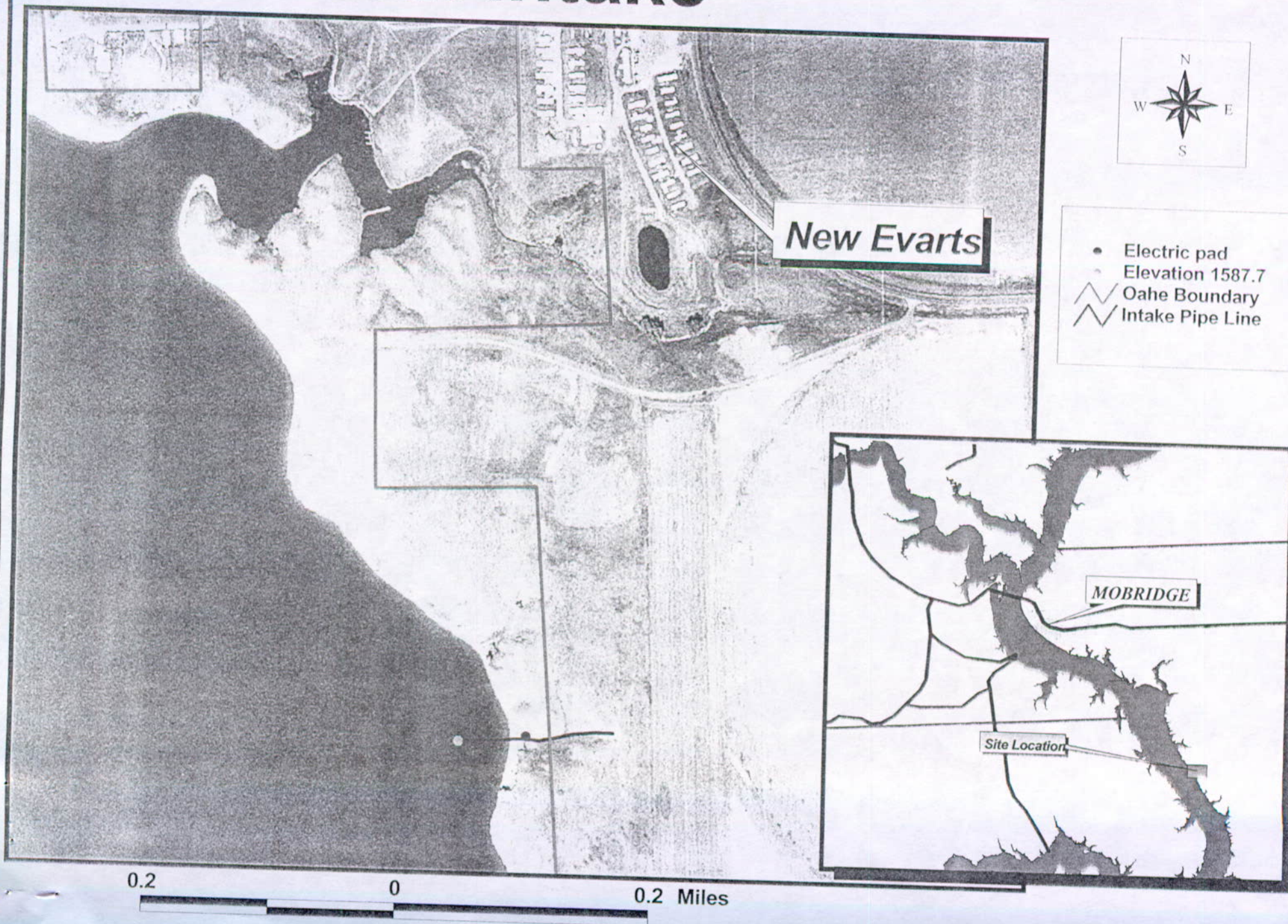
↑ North

Shoreline



1986-3

Walth Intake



1986-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 29 2015

1986-3
6790-3

Allen & Rebecca Walth
13640 Walth Bay Rd
Glenham SD 57631

Dear Mr. & Mrs. Walth:

Enclosed is Water License No. 6790-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 1986-3 were incorporated into Water License No. 6790-3.