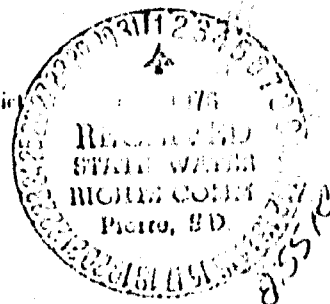


Water Right Number 3111-3

1. Considered 11-17, 19 1966
2. Name of Applicant DONALD OR MARLYN STETS
3. Post Office Address TOLSTOY
4. Amount of water claimed 2.00
5. Source of water supply 67' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 1600
7. Water to be diverted and used in POTTER County
about 1/2 Miles 1 of TOLSTOY
8. Proof of Publication
Received 1966
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 3111-3Map No. 2435-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. B. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Donald G. Stotz or Marilyn G. Stotz
 Postoffice address RR #1, Tolstoy, State South Dakota 57475
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Donald G. Stotz or Marilyn G. Stotz - Unit #1
 4. Amount of water claimed (cubic feet per second) 2.0
 5. Source of water supply Ground Water
 6. Location of point of diversion A POINT IN THE NE¹NE² SECTION 10, T12N, R72W

County Potter

7. Annual period or periods during which water is to be used March - November
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ of 10-120-73	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriately Water publication Hoven Review, Hoven, South Dakota
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump Bowl

B. Works proposed to transport water to place of use.

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Potter

I, Donald G. Stotz the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

X Signed Donald G. StotzSubscribed and sworn to before me this 28 day of Sept. 1976

Notary Public (or other qualified officer)

Donna J. Stotz 11-6-76

WATER RIGHT APPLICATION APPROVAL

OR MARLYNG

The Water Rights Commission hereby approves Water Right Application No. 3111-3DONALD G. STOTZ

(Applicant)

R.R. #1 TOLSTOY

(Post Office Address)

SOUTH DAKOTA 57475

(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 adequate domestic wells or in irrigation wells having prior water rights.

See 4415-3
add landsDate of first receipt of application OCTOBER 1, 19 76

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application OCTOBER 21, 19 76Approved NOVEMBER 17, 19 76 Recorded in Book 16 Page 316WATER RIGHT PERMIT NO. 3111-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3111-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 1, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 19 79
3. The whole of said work is to be completed on or before NOVEMBER 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

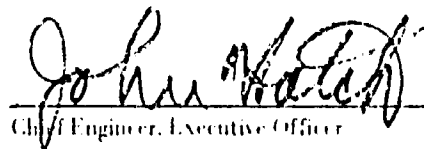
7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 NOVEMBER 1, 19 83; said water, to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 21ST day of MARCH, 19 77

WATER RIGHTS COMMISSION

By:



Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen,

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log will be furnished by driller

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 320 rds. On property owned by others 20 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Donald G. Bat
Signature of Applicant

HURON DRILLING INC. DRILLERS LOG

PAGE NO. 1

Stotz Farms (Donald G. or
Marlyn G. Stotz)

Sec. 10-120-73-Potter
LOCATION

9/10/76
DATE

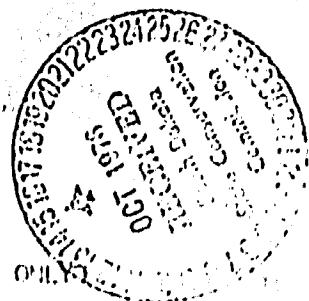
15
R1C

Everett Lodge 1
FOREMAN

[illegible]

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Donald G. Stotz or Marilyn G. Stotz

ADDRESS RR #1, Tolstoy, South Dakota 57475

COUNTY Potter

LEGAL DESCRIPTION

1. WELL LOCATION: NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of 10-120-73
2. LOCATION OF AREA TO BE IRRIGATED NE $\frac{1}{4}$ of 10-120-73

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 76 - 1494
6. SALINITY (EC X 10⁶) 1192 (high)
7. SODIUM (SAR) 0.66 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:
the soils information has been acquired from Potter Conservation District,
County Extension office or Soil Conservation Service.
and:
that the legal description for the location of the well and land to be irrigated is true
and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
27 DAY OF September 19 76.

James O. O'Leary
(OR SEAL)

11-6-76

(SOILS INFORMATION ON REVERSE SIDE)

X. Donald G. Stotz
APPLICANT'S SIGNATURE

Approval does not imply that this project can be carried
out successfully in all circumstances. Individual man-
agement will to a large degree determine the relative
success of this venture.

APPROVED BY: [Signature]

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Donald G. Stotz Date Rec'd September 29, 1976
 Address Rt. 1 Sample No. 76-1494
Tolstoy, SD 57475 Identification #1 Well
 cc: Huron Drilling, Inc. NE4, Sec. 10, T 120N, R 73W
Huron, SD 57350

WATER ANALYSIS

Calcium (Ca)	126	ppm*	6.30	me/l**
Magnesium (Mg)	47	ppm	3.85	me/l
Sodium (Na)	34	ppm	1.43	me/l
Potassium (K)	7	ppm	0.18	me/l
Sulfate (SO ₄)	307	ppm	6.39	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	7	ppm	0.20	me/l
Bicarbonate (HCO ₃)	483	ppm	7.92	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	396	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1192	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.66			
Sodium	12.53	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.45			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 11.81 me/l
 Total anions 14.51 me/l

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1494

Amount Enclosed \$

Signed

October 13, 1976

Mr. Donald G. Stotz
R.R. #1
Tolstoy, SD 57475

Dear Mr. Stotz:

Your water sample (Lab. No. 76-1494) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures

cc: State Conservation Commission
P.S. Soil area 30 (Tetenka) must be provided with tile drainage to be irrigated. Water ponding will result otherwise.

Form 6 - Notice of Intent to Appropriate Water

No. 3111-3

Publish first publication, on or before November 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 25, 1976

Notice is hereby given that Donald G. or Marlyn G. Stolz
whose post office address is Tolstoy, 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
2.0 cubic feet of water per second of time from the ground water through the
Stolz, the point of diversion of which is to be located in the

in the NE 1/4 NE 1/4

of Section 10, Twp. 120N, Range 73W. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, Section 10, T120N, R73W

This application No. 3111-3 will be considered by the Water Rights Commission at their office in
Hotel, Huron, S.D. on the 17th day of November, 1976, at 10:00A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Donald G. or Marlyn G. Stolz, R. R. #1, Tolstoy, S. D. 57475

40 NC
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
October 25, 1976

Notice is hereby given that Donald G. or Marlyn G. Stotz whose post office address is Tolstoy, South Dakota, has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet per second of time from ground water through the Stotz #1, the point of diversion of which is to be located in the NE 1/4 NE 1/4 of Section 10, Twp. 120N, Range 73W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 10, T120N, R73W.

This application No. 3111-3 will be considered by the Water Rights Commission at the Marvin Hagbitt Hotel, Huron, S. D. the 17th day of November, 1976, at 10:00 A. M. All interested persons may appear and be heard.

Water Rights
Commission
By: Burton F. Jones
Water Rights Specialist
Nov. 4 & 11



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER — ss.

Dan Holsworth, of said county being first duly sworn, on oath says that he is publisher of the Hoven Review, a weekly newspaper printed and published in Hoven in said County of Potter and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or part in an office maintained at said place of publication; that the

*Notice
Intent to Appropriate
Water*

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made part of this Affidavit, was published in said newspaper at least once in each

week for 2 successive weeks, on the day of each week on which newspaper was regularly published, to-wit:

Nov. 4, 1976

Nov. 11, 1976

That the full amount of the fees for the publication of the notice herein stated is \$25.00.

Subscribed and sworn to before me this 30th day of November, 1976.

Dan Holsworth

Notary Public

Potter County, South Dakota

My commission expires

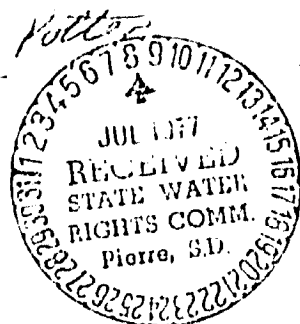
L. J. BRICKNER

Notary Public, POTTER COUNTY, S. DAK.

My Commission Expires SEPT. 23, 1983

Form 10.

No. 3111-3



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

Post Office Tolerton, SD

Date 6-28-77

TO: Water Rights Commission
Joe Foss Building
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. 3111-3.

Water Right Permit No. 3111-3 states that the diversion system is to be constructed by Nov 17, 19 76 and that the water is to be put to beneficial use by Nov, 19 83.

The diversion system was completed on April 1, 19 77.
Applying the water to beneficial use was completed on June 1, 19 77.

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.

Steve Foss
(Signature)
Steve Foss

#3111-3
#4475-3

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

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

February 17, 1989

Donald G. Stotz - Stotz Farms
RR 1, Box 249
Tolstoy, SD 57475

Dear Mr. Stotz:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bwar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch

for JOHN HATCH, Chief Engineer
Water Rights Division



3111-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

4415-3

Stotz Farms
Donald G. & Marlyn G. Stotz
HC 80, Box 249
Toistoy, SD 57475

Dear Mr. and Ms. Stotz:

Enclosed is Water License No. 4415-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413614 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. 4415-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. (3111-3) have been incorporated into this Water License No. 4415-3.

HURON DRILLING INC.
WELL LOCATION MAP

NAME Donald G. or Marlyn G. Stotz

DATE September 28 19 76

WELL NO. #1

NE

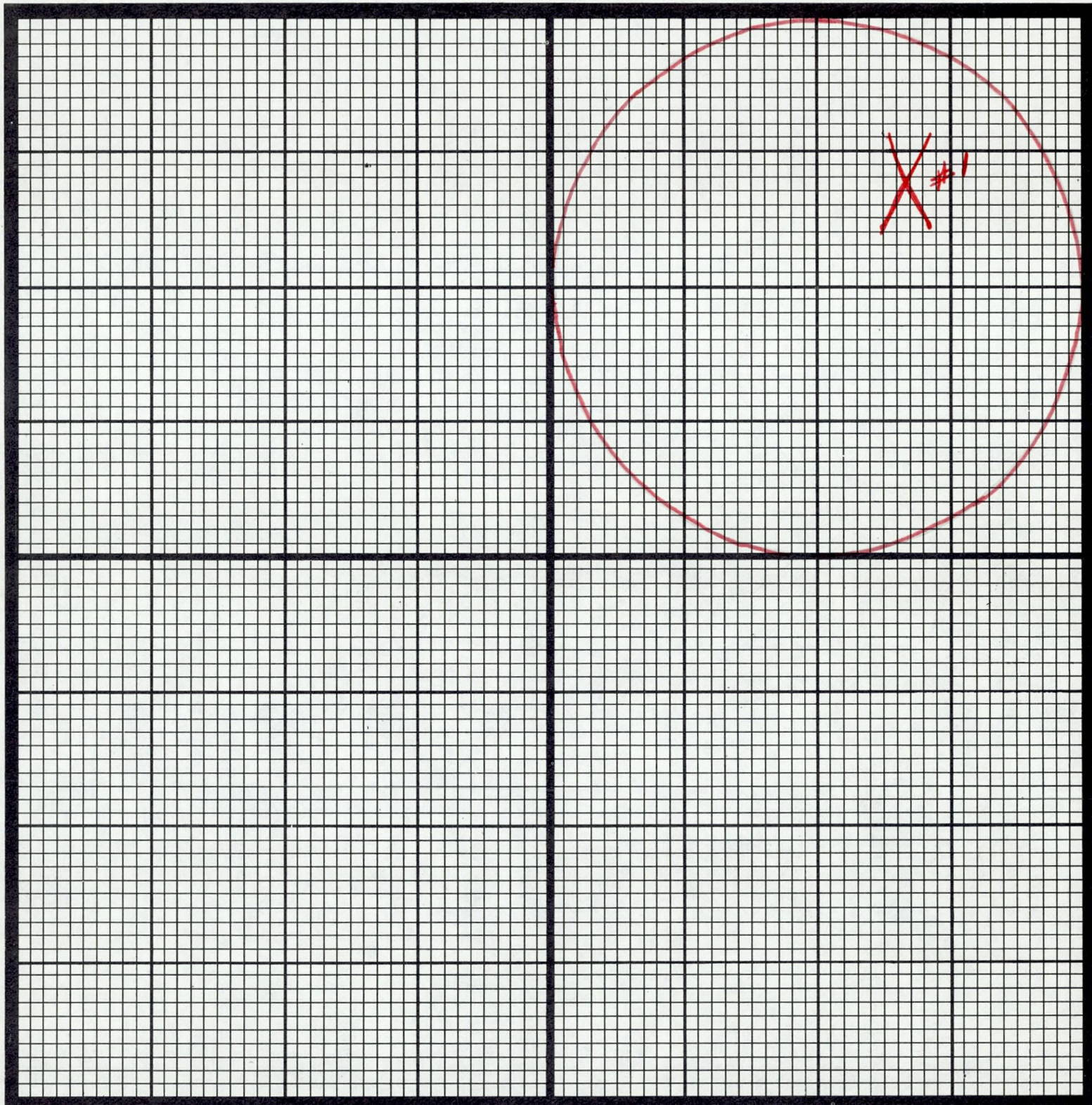
QUARTER, SECTION 10

TWP. 120

RANGE 73

IN Potter

COUNTY



X — PROPOSED LOCATION

Prepared By Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

MAP NO 2435-3
APP NO 311-3