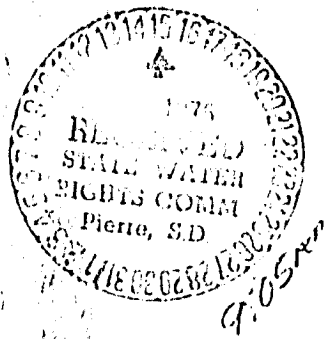


Water Right Number 3151-3

1. Considered 11-17, 19 76
2. Name of Applicant HAROLD GERDES
3. Post Office Address HECLA
4. Amount of water claimed ~~3.50~~ 3.50
5. Source of water supply 125' & 135' DEEP WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated ~~240~~ 240
7. Water to be diverted and used in BROWN County
about 6 1/2 Miles of HECLA
8. Proof of Publication Received 11-12-76
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application

10. Remarks:

No. 3151-3
 Map No. 2492-3 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. 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 Harold Gerdes
 Postoffice address Wells, State So Dak
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (~~contract~~, employment of others, or by direct labor) _____
 3. Name of diversion work _____
 4. Amount of water claimed (cubic feet per second) 3.5
 5. Source of water supply Wells
 6. Location of point of diversion #1 17Rds E & 65Rds S of NW corner of Sec 14-128-60
#2 97Rds E & 75Rds W of NE corner of Sec 14-128-60
 County Brown
 7. Annual period or periods during which water is to be used April - October
 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 240

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.
<u>NW 1/4 Sec 14-128-60</u>			
<u>NE 1/4 Sec 14-128-60</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 0 yr years Additional time required to complete application of water to the proposed beneficial use 1216 years.
 11. Choice of newspaper for Notice of Intent to appropriate Water publication Aberdeen American News
 12. Principal Features of the Proposed Water Supply System.

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

Water drawn from well

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

under ground piping

C. Works proposed to apply water to beneficial use.

center pivot systemEstimated Total Cost \$ 45000.00

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 Brown

I, HAROLD GERDES 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.

Signed Harold GerdesSubscribed and sworn to before me this 13 day of OCTOBER 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3151-3
HAROLD GIERDES HECLA
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57446 With the following modifications:
 (State)

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.

Date of first receipt of application OCTOBER 15, 19 76
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application OCTOBER 27, 19 76
 Approved JANUARY 27, 19 77, Recorded in Book 17 Page 32

WATER RIGHT PERMIT NO. 3151-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3151-3 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 15, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27, 19 77
3. The whole of said work is to be completed on or before JANUARY 27, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27, 19 79
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 3.5 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 JANUARY 27, 19 79; said water to be used during the following described annual period APRIL ~~THRU~~ THRU OCTOBER

Witness my hand this 6th day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 4 1/2" well 21", Depth 41' 125'
- (2) Casing, Type Pipe Diameter 4" Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness 5'-4", Length of gravel pack 100'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (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 41' 85'
42' 98'

Depth to bottom of water bearing material 41' 125'
42' 135'

Thickness of water bearing material 41' 85'
42' 98'

Depth to water (ground surface to water level) 20'

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

On same owner's property _____ rds. On property owned by others _____ rds.

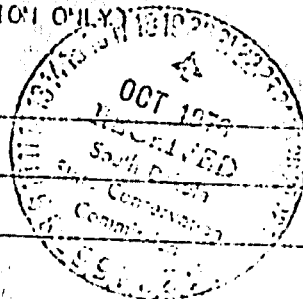
G. Water Storage Dams.

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.

X Harold Sanders
Signature of Applicant

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 Harold Gaudes
ADDRESS Hecla E. Dak. 57441
COUNTY Brown



LEGAL DESCRIPTION

1. WELL LOCATION #1 174ds E 15R6 S 1 NW corner of Sec 14-127-60
2. LOCATION OF AREA TO BE IRRIGATED #2 274ds E 15R6 S 1 NE corner of Sec 14-127-60
NW 1/4 15R6 S 1 NE 14-127-60

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn & Alfalfa

WATER QUALITY

5. SAMPLE NUMBER sent in Allotted 76-1316
6. SALINITY (EC X 10⁶) 793 (mod - hi)
7. SODIUM (SAR) 331 (mod)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 3.12 (DANGER)

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 _____ 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.

X Harold Gaudes
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
13 DAY OF OCTOBER 19 76.

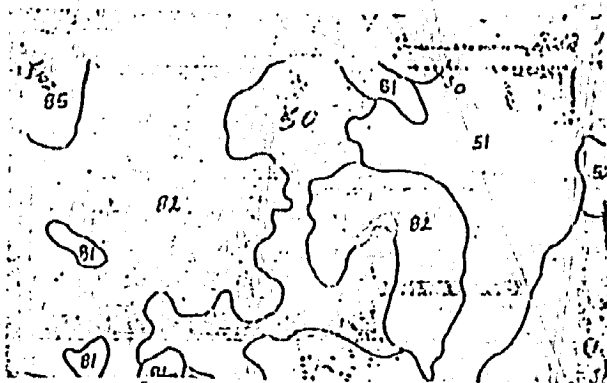
Kenneth J. Long
(TITLE OR SEAL)

_____ this project can be carried
out without undue hardship to the individual man-
agement of the project, and the relative
success of the project.
Harold Gaudes
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP

HARD GORDIES



N/2 14 - 128-60

NARRATIVE

IIIc7	50 - HELLA/HARD	L/F/S	0-6	HELLA IIIc7
IIIc7	51 - REDDOCK/HELLA	"	3-9	HELLA IIIc7
IIIc3	81 - FOSSUM	F/S/L	0-3	HELLA IIIc3
IIIc14	82 - ULEN	F/S/L	0-3	ULEN IIIc14
IIIc11	85 - ULEN/STIRUM	F/S/L	0-3	ULEN IIIc11

IIIc14, Deep, moderately sandy, somewhat poorly drained soils with very sandy, limy subsoils and a seasonal water table. They occur on nearly level (0 to 2%) uplands. They have a severe wind erosion hazard.

IVc9, Deep, sandy soils on nearly level and gently undulating (0 to 6%) uplands. They have very severe wind erosion hazards.

IVc2, Deep, sandy, poorly drained, soils in nearly level swales and depressions in sandy uplands. The seasonal water table, within 10 to 30 inches of the surface, limits use. These soils have a severe wind erosion hazard.

IVc3, Very poorly and poorly drained sandy soils in depressions and in bottoms with water tables at or near the surface during much of the growing season. These soils are too wet for crops but may be suited to tame grasses.

VIc7, Deep, sandy and very sandy soils on gently undulating to rolling (2 to 15%) uplands. These soils have very severe wind erosion hazards. They are not suited for cultivation.

October 19, 1976

Mr. Harold Gerdes
Hecla, SD 57446

Dear Mr. Gerdes:

We have received your WI-1 form in connection with your intent to irrigate in section 14-128-60.

I am returning the original copy of the water analysis for you to keep. You should hang on to this. Although the water is not a real bad water, it is very high in total carbonate and bicarbonate and thus presents a problem with possible sodium dispersion. This is not a significant problem on very sandy land such as you have. However, the soils which you propose to irrigate are not well suited to irrigation, particularly there is the area mapped as Maddock/Hecla on 3-9% slope, and is not considered suited for cultivation under dryland agriculture. This is perhaps the least desirable area of the whole proposal and it is soil area #51, mostly within the east portion of the tract. I would say that you should be very careful to keep this in forage crop a good deal of the time. Grass alfalfa mixture will do a great deal to improve the structure and minimize the erosion those years that you do put it in row crops. All of the soils have possible high water table problems; when this condition occurs, you will have salt brought to the surface. Those salts which are naturally in the soil and those which have been added by irrigation in previous years. This salt movement is something which we cannot do anything about as long as the high water table exists. Tile drainage or some kind of drainage to lower the water table on a permanent basis is the only real improvement for such a situation, and you should enter into this venture with full knowledge of the fact that such drainage may have to be provided. There is no other way that I can see long time moderately good success in irrigating these lands.

A copy of this letter is accompanying your application materials and copies of the water analysis to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

3157

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

Submitted by: Harold Gerdes
 Address: Hecla, SD 57446

Date Rec'd September 10, 1976
 Sample No. 76-1316
 Identification NW Corner 14-128-60

WATER ANALYSIS

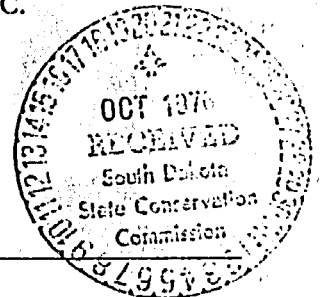
Calcium (Ca)	60	ppm*	3.00	me/l**
Magnesium (Mg)	18	ppm	1.48	me/l
Sodium (Na)	114	ppm	4.96	me/l
Potassium (K)	15	ppm	0.39	me/l
Sulfate (SO ₄)	32	ppm	0.67	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	22	ppm	0.63	me/l
Bicarbonate (HCO ₃)	464	ppm	7.60	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	380	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	793	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.31			
Sodium	50.45	% of cations		
Residual sodium carbonate	3.12	me/l		
pH	7.19			

Others:

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon



COMMENTS: Total cations 9.83 me/l
 Total anions 8.90 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1316

Amount Enclosed \$

Signed

No. 3151-3

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 29, 1976

Notice is hereby given that Harold Gerdes

whose post office address is Hecla, 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 3.5 cubic feet of water per

second of time from the ground water through the

Gerdes # 1, the point of diversion of which is to

be located in the NW 1/4, NW 1/4 and SW 1/4 NE 1/4

of Section 14, Twp. 128N Range 60W. Said water to be used for the purpose of providing irrigation on the following described land:

N 1/2, Section 14, T128N, R60W

This application no. 3151-3 will be considered by the Water Rights

Commission at the Marvick Hutchitt Hotel in Huron, South Dakota

upon 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

BFJ/bw

cc: Harold Gerdes, Hecla, SD 57446

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

No. 3151-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dianne Brenden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

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

November 3, 1976

November 10, 1976

Dianne Brenden
(Signature)

Principal Clerk
(Title)

November 10, 1976
(Date Signed)

(No. 256—Nov. 3, 1976—2T)
NOTICE OF INTENT TO
APPROPRIATE WATER
Notice is hereby given that Harold
Gerdes whose post office address is
Hecla, South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 3.5 cubic feet of water per
second of time from ground water
through the Gerdes No. 1, the point of
diversion of which is to be located in the
NW 1/4, NW 1/4 and SW 1/4 NE 1/4 of Section
14, Twp. 128N, Range 60W. Said water to
be used for the purpose of providing
irrigation on portions of the following
described land: NW 1/4, Section 14, T128N,
R60W.
This application No. 3151-3 will be
considered by the Water Rights Com-
mission at the Marvin Hughton Hotel in
Huron, South Dakota upon 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



3151-3

December 2, 1976

Hatold Gerdes
Hecla
South Dakota 57446

Dear Mr. Gerdes:

The Water Rights Commission deferred action on your Application No. 3151-3 at the November 17-18, 1976 meeting of the Commission, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this Office.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

REPORT ON
WATER RIGHT APPLICATIONS
NO. 3147-3, No. 3148-3, No. 3149-3, No. 3150-3 & No. 3151-3

January 17, 1977

The Water Rights Commission deferred action at the November 16-18, 1976 meeting on the Roy Bushby Applications No. 3147-3, No. 3148-3, No. 3149-3 and No. 3150-3 and the Harold Gerdes Application No. 3151-3 pending an investigation by the Commission Staff. An investigation was conducted in the Brown County area December 15, 1976.

APPLICATIONS AND PERMITS

The following table lists the area Water Right Applications and Permits with wells into the Middle James Aquifer. The project locations are shown on the attachment.

Number	Name	Priority Date	C.F.S.	Acres	Well Depth	Status
1168-3	Edward Mitchell	2/19/65	6.54	458	1 well 185'	Approved 5/12/65
1658-3	Eugene Mitchell	2/6/69	2.78	629	1 well 140'	Approved 3/26/69
1659-3	Lorenz Thelen, Jr.	2/12/69	2.78	243	1 well 140'	approved 3/26/69
1903-3	City of Hecla	1931 & 1954 Vested	0.30		3 wells	Approved 11/10/71
2173-3	Roy Bushby	2/24/75	4.50	316	2 wells 78' & 77'	Approved 3/19/75
2504-3	Shirley Treeby	12/24/75	2.00	140	1 well 80'	Approved 1/23/76
2928-3	Floyd Mertz	8/19/76	2.00	133	1 well 105'	Approved 9/30/76
2984-3	Roy Bushby	8/16/76	4.20	300	1 well 120'	Approved 9/30/76
2990-3	Shirley Treeby	9/1/76	4.00	280	2 wells 98'	Approved 9/29/76
3006-3	Shirley Treeby	9/3/76	4.00	280	2 wells 120'	Approved 9/29/76
3043-3	Shirley Treeby	9/8/76	2.00	160	1 well 120'	Approved 10/21/76
3121-3	Shirley Treeby	10/13/76	3.50 (not new water)	250	Use wells in 2990-3 & 3006-3	Approved 11/17/76
3147-3	Roy Bushby	9/29/76	4.00	280	1 well 94'	Deferred 11/17/76
3148-3	Roy Bushby	9/29/76	3.50	245	1 well 101'	Deferred 11/17/76
3149-3	Roy Bushby	9/29/76	3.85	270	1 well 130'	Deferred 11/17/76
3150-3	Roy Bushby	9/29/76	3.50	245	1 well 106'	Deferred 11/17/76
3151-3	Harold Gerdes	10/15/76	3.50	240	2 wells 125' & 135'	Deferred 11/17/76
3108-3	Harold Treeby	12/2/76	4.50	320	1 well 135'	Not Advertised

GEOLOGY OF THE AREA

Bulletin 25, "Geology and Water Resources of Brown County, South Dakota Part II, Water Resources", dated 1976 describes three major aquifers in Brown County - the Elm, the Middle James and Deep James Aquifers.

The Middle James Aquifer underlies about 530 square miles in Brown County, is under artesian head conditions and contains about 1,400,000 acre feet of water.

PERSONS CONTACTED

Harold Gerdes, Roy Bushby and Stanley Scott were contacted the day of the investigation.

DISCUSSION

Unappropriated water is available, the primary questions relate to inadequate artesian domestic wells which are affected by irrigation pumping and spacing between irrigation wells. The only complaint received from an inadequate domestic well owner has been from Stanley Scott. His domestic well is affected by existing pumping. The deferred Bushby Application No. 3147-3 should not result in additional interference to the Scott well since a geologic barrier apparently exists (based upon test drilling by Bushby) between the Scott domestic well and the proposed Bushby irrigation well. Any interference would be from existing irrigation.

The Scott well (constructed 1950) is 95 feet deep (90' below basement floor) and the artesian water level in the two inch casing the day of the investigation was about 8 feet (3.5 feet below pump) below ground level. He relies upon a suction pump for pressure. The Staff does not believe the Commission should attempt to protect Mr. Scott's well based upon the 1972 legislation which does not require the artesian head to be protected and Commission action at the July and November 1976 meetings not to protect inadequate wells beyond July 1, 1977.

The City of Hecla has expressed concern with nearby irrigation; however, the City has a Vested Water Right and would be protected if interference from irrigation pumping was experienced. The City should make application for future rights to provide for future water supply expansion.

The Staff believes the Gerdes Application No. 3151-3 can be approved if the well location is moved to the east of the proposed location to the east side of the NW1/4 of Section 14 to minimize interference with the proposed Bushby well (No. 3149-3) in the NE corner of Section 15. Mr. Bushby cannot obtain a satisfactory well

at another location in the E $\frac{1}{2}$ of Section 15. The Harold Treeby Application No. 3408-3 in Section 11 was not advertised for the January meeting. The Staff does not believe this application should be approved before 1978 to allow time to determine the affects of any pumping from Bushby and Gerdes wells.

The Staff believes that additional permits can be issued in this area with proper spacing. If any existing permit holders drill more wells than originally authorized additional applications will be necessary for the unauthorized wells. If the additional wells were authorized, a later priority date would be established. If well interference problems do occur, then the junior priority wells would be the first to be reduced or shutoff.

An adequate well into the Middle James Aquifer is a well in which the pump intake can be placed at least 20 feet into the aquifer, providing the aquifer is thick enough.

RECOMMENDATIONS

Based upon the Brown County ground water study and the investigation, there is unappropriated water available and the Commission Staff recommends that the five applications be approved as follows:

- No. 3147-3 with Well Interference Qualification.
- No. 3148-3 with Well Interference Qualification.
- No. 3149-3 with Domestic Well Interference Qualification.
- No. 3150-3 with Well Interference Qualification.
- No. 3151-3 with the well location in NW $\frac{1}{4}$, Section 14 moved at least to east side of NW $\frac{1}{4}$, Section 14 and the second well moved further east to the east side of NE $\frac{1}{4}$ to provide spacings of one-half mile and the Well Interference Qualification.

The Well Interference Qualification is as follows:

"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 existing domestic wells or in irrigation wells having prior water rights."

The Domestic Well Interference Qualification is as follows:

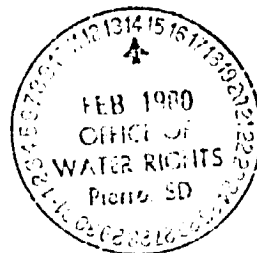
"The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells."

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

84	81	82	8	84	85	86	81	82	83	84	85	86	81
R62	R61					R61	R60					R60	R59
1	6	6	4	3	2	Key Bunchy 100-3-3 Refused	6	6	4	3	2	1	6
10	7	6	9	10	11	Key Bunchy 100-3-3 Refused	7	6	9	10	11	12	7
19	18	17	16	15	14	Key Bunchy 100-3-3 Refused	19	17	16	15	14	13	18
24	19	20	21	22	23	Key Bunchy 100-3-3 Refused	19	20	21	22	23	24	19
26	25	29	28	27	26	Key Bunchy 100-3-3 Refused	26	28	29	27	26	25	20
36	21	32	33	34	35	36	32	33	34	35	36	31	31
1	6	6	4	5	2	1	6	6	4	3	2	1	6
12	7	8	9	10	11	12	7	8	9	10	11	12	7
19	18	17	16	15	14	13	18	17	16	15	14	13	18
29	19	Edward W. Hall 100-3-3	21	22	23	24	19	20	21	22	23	24	19
34	33	Key Bunchy 100-3-3 Refused	32	31	30	29	34	33	32	31	30	29	30
39	38	37	36	35	34	33	39	38	37	36	35	34	31
1	6	6	4	5	2	1	6	6	4	3	2	1	6

Form 10.

No. 3157-3



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

Post Office Hecia S.D. 57446

Date 11-23/79

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. 3157-3.

Water Right Permit No. 3157-3 states that the diversion system is to be constructed by 8-1, 1977 and that the water is to be put to beneficial use by 6-1, 1978.

The diversion system was completed on 6-12, 1978. Applying the water to beneficial use was completed on 6-12, 1978.

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.

Harold S. Anderson
(Signature)

February 14, 1980

Harold Gerdes
Hecla,
South Dakota 57446

Dear Mr. Gerdes:

Your Notice of Completion of Works and/or Application of Water to Beneficial Use under Water Right Permit No. 3151-3 dated November 23, 1979 was received February 14, 1980.

We will endeavor to schedule an inspection of your project as soon as possible. However, because of prior work commitments there may be a considerable interval of time.

You have thus far complied with all the requirements and the intervening time between your notifying this office and the performance of the inspection will not affect the completing of your Water Right.

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

Enclosed please find the Application For Permit and the other forms which you submitted with the Notice of Completion of Works. These pages are for your information.

Sincerely,

KAREN WERNSHANN
Administrative Secretary

kw

enclosure



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

April 15, 1985

Harold Gerdes
Hecla SD 57445

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 3151-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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.

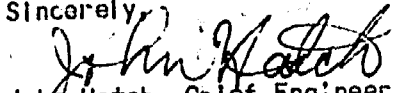
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 3151-3 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Harold Gerdes
Hecia, SD 57445

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

SUBJECT: Amendment to Water Permit No(s). 3151-3.

A handwritten signature in cursive script, appearing to read "John Hatch", written over the typed name in the "FROM" field.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3151-3 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.

SOUTH DAKOTA Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 3151-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 3151-3 to add the following qualification:

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



3151-3

January 30, 1996

NOTICE

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

TO: HAROLD GERDES, RR #1 BOX 132A, HECLA, SD 57446

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 3151-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 3151-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 3151-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3151-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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:

HAROLD GERDES
RR #1 BOX 132A
HECLA SD 57446

4a. Article Number

2161 984 037

4b. Service Type

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

7. Date of Delivery

2/25/6 SC

5. Received By: (Print Name)

Harold Gerdes

6. Signature: (Addressee or Agent)

(X) Harold Gerdes

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



3151-3

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

February 7, 1996

3151-3

Harold Gerdes
41095 102nd St
Hecla, SD 57446

Dear Mr. Gerdes:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 3151-3.

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

If you have any questions, please contact me.

Sincerely,

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3151-3

(1) Harold Gerdes, 41095 102nd St., Hecla, SD 57446 made Application No. 3151-3, October 15, 1976 for a water permit to divert 3.50 cubic feet of water per second from ground water (two wells), Brown County, South Dakota for irrigation purposes. Permit No. 3151-3, with a priority date of October 15, 1976 was approved January 27, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 27, 1978 and for the application to beneficial use of said water on or before January 27, 1979.

Water Permit No. 3151-3 authorized use of water from two wells located in the NW¼ NW¼ and SW¼ NE¼ Section 14, T128N, R60W. A field investigation found one well located in the NE¼ NW¼ Section 14. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of the diversion point does not increase the potential for interference with existing diversions.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 1,290'S and 1,650'E of the NW corner of Section 14, T128N, R60W (NE¼ NW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate 240 acres (described below) all in Section 14, T128N, R60W

NE¼ NW¼	33 acres	NW¼ NE¼	33 acres
NE¼ NW¼	33 acres	NE¼ NE¼	9 acres
SW¼ NW¼	33 acres	SW¼ NE¼	33 acres
SE¼ NW¼	33 acres	SE¼ NE¼	33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harold Gerdes, 41095 102nd St., Hecla, SD 57446 the holder and/or owner of Water Permit No. 3151-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water (one well) with a priority date of October 15, 1976 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. 3151-3 and subject to South Dakota State Law.

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

OCT 17 1996
date



Permit No. 3151-3
James River - Water District

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

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

I have this day, November 7, 1995, made a thorough examination of the water use system constructed by Harold Gerdes of RR #1 Box 132A, Hecla SD 57446 holder of Permit No. 3151-3, bearing the priority of October 15, 1976 authorizing the diversion of 3.50 cu. ft. per second of the waters of ground water for Irrigation purposes, in Brown County.

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

A. Works used to divert the water:

Turbine pump, Model 77HH7622 with Amarillo Rt. Angle gear drive, Capacity 850 gpm and an Allis Chalmers 6 cyl., 110 HP Diesel motor, Model 649T

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

Approximately 2500 feet of 12 inch PVC pipe

C. Works used to apply water to beneficial use:

Tumac 7 tower Center Pivot, Capacity 850 gpm

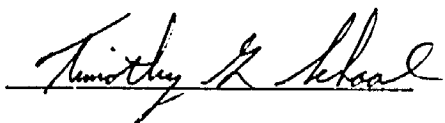
The system is in the following condition **GOOD**. The point of diversion is located 1290 feet south & 1650 feet east of the NW corner of Section 14-T128N-R60W (NE 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 1.89 (850 gpm) cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NW 1/4 Sec. 14-T128N-R60W	—33 Acres	NW 1/4 NE 1/4 Sec. 14-T128N-R60W	—33 Acres
NE 1/4 NW 1/4	— 33 Acres	NE 1/4 NE 1/4	— 9 Acres
SW 1/4 NW 1/4	— 33 Acres	SW 1/4 NE 1/4	— 33 Acres
SE 1/4 NW 1/4	— 33 Acres	SE 1/4 NE 1/4	— 33 Acres

comprising a total of 240 acres of land and the license should be issued for 1.89 (850 gpm) cfs.

Applicable permit qualifications have been complied with: No **X**

Exceptions to compliance are: well in wrong location Date Report Completed: March 29, 1996



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

REPORT ON INSPECTION OF PERMIT NO. 3151-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 7, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Harold Gerdes

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Harold Gerdes, RR #1 Box 132A Hecla SD 57446

DIVERSION POINT LEGAL LOCATION: 1290 feet south & 1650 feet east of the NW corner of Sec. 14-T128N-R60W (NE 1/4 NW 1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 127 feet
- 4) Well log is available yes
- 5) Comment: XXXX

Casing:

- 1) Diameter 15 inches
- 2) Length 87 feet
- 3) Type PVC

Screen:

- 1) Type 20 feet 16 inch stainless steel & 20 feet 16 inch slotted PVC
- 2) Length XXXX feet
- 3) Static water level XXXX feet

Pump:

- 1) Make unknown (maybe Layne & Bowler)
- 2) Model 77HH7622
- 3) Size XXXXX
- 4) Capacity 850 GPM

Motor:

- 1) Make Allis Chalmers 6 cyl. diesel
- 2) Model No. 649T
- 3) Horsepower rating 110 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 12 inches 3) Length Approx. 2600 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Tumac
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure low
- 7) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

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

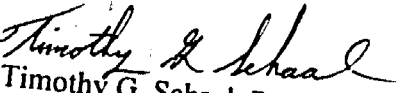
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

April 1, 1996

RE: Change in Location of Diversion Point for Water Permit No. 3151-3, Harold Gerdes

An inspection of Water Permit No. 3151-3 found the diversion point in a location not authorized by Water Permit No. 3151-3. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 3151-3 was issued for 3.50 cfs from two wells located in the NW 1/4 NW 1/4 and the SW 1/4 NE 1/4 of Section 14-T128N-R60W. The inspection found only one well located in the NE 1/4 NW 1/4 of Section 14-T128N-R60W. This well is from the same source as the advertised wells and no additional appropriation of water is needed for this change of diversion.


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

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making this finding "does not increase potential for interference" is interpreted to mean potential for adverse interference..


John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 1996

3151-3

Harold Gerdes
41095 102nd Street
Hecla, SD 57446

Dear Mr. Gerdes:

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. 3151-3, 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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:

3151-3

4a. Article Number

P 378 081 285

4b. Service Type

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

7. Date of Delivery

8/27/96 SG

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Susan Gerdes



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1996

SECOND NOTICE
Permit No. 3151-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Harold Gerdes
41095 102nd Street
Hecla, SD 57446

Dear Mr. Gerdes:

On April 24, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 3151-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

3151-3

Harold Gerdes
41095 102nd St.
Hecla, SD 57446

Dear Mr. Gerdes:

Enclosed is Water License No. 3151-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415081 in the amount of \$50.00 which you paid for the investigation 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. 3151-3, 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 Program
(605) 773-3352

gm
enclosures

RECEIPT

415081

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 9, 1996

RECEIVED OF Harold Gerdes, 41095 - 102nd Strt, Hecla, SD 57446

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. 3151-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

50 00

(Any Other Work Provided by Law)

Total

50 00

By

John Hatch



3151-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: HAROLD GERDES, 41095 102ND ST, HECLA, SD 57446
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3151-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3151-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3151-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

3151-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

HAROLD GERDES
41095 102ND ST
HECLA SD 57446

4a. Article Number

2 119 141 521

4b. Service Type

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

7. Date of Delivery

Jan 23, 1999

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Harold Gerdes*

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1999

3151-3

Harold Gerdes
41095 102nd St
Hecla, SD 57446

Dear Mr. Gerdes:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 3151-3.

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

If you have any questions, please contact me.

Sincerely,

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



3151-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: HAROLD GERDES, 41095 102ND ST, HECLA, SD 57446

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3151-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3151-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 3151-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

3151-3

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

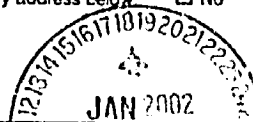
HAROLD GERDES
41095 102ND ST
HECLA SD 57446

COMPLETE THIS SECTION ON DELIVERY

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

Harold Gerdes 1/17/99

C. Signature


☐ Agent
☐ Addressee
D. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0004 4797 4296

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2002

3151-3

Harold Gerdes
41095 102nd St
Hecla, SD 57446

Dear Mr. Gerdes:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 3151-3:

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

If you have any questions, please contact me.

Sincerely,

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



3151-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: HAROLD GERDES, 41095 102ND ST, HECLA, SD 57446
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3151-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3151-3 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 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3151-3 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.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



3151-3

Track & Confirm**Delivery Status**

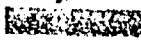
You entered 2301 0370 0000 7540 5294

Your item was delivered at 2:31 pm on January 18, 2003 in HECLA, SD 57446. The item was signed for by H GERDES.

[Request Delivery Record >](#)**Track & Confirm**

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U.S. Postal Service Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7540 5294	HAROLD GERDES 41095 102ND ST HECLA SD 57446
	mailing: 
	
	
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PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2003

3151-3

Harold Gerdes
41095 102nd St
Hecla SD 57446

Dear Mr. Gerdes:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 3151-3.

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

If you have any questions, please contact me.

Sincerely,

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



3151-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: HAROLD GERDES, 41095 102ND ST, HECLA, SD 57446

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3151-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3151-3 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 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3151-3 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.

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



3151-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9111

Your item was delivered at 2:23 pm on January 15, 2004 in HECLA, SD 57446. The item was signed for by H GERDES.

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9111

HAROLD GERDES
41095 102ND ST
HECLA SD 57446

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2004

3151-3

Harold Gerdes
41095 102nd St
Hecla SD 57446

Dear Mr. Gerdes:

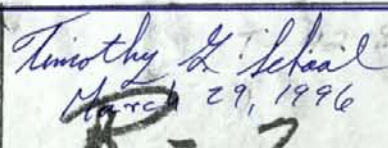
I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 3151-3.

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

If you have any questions, please contact me.

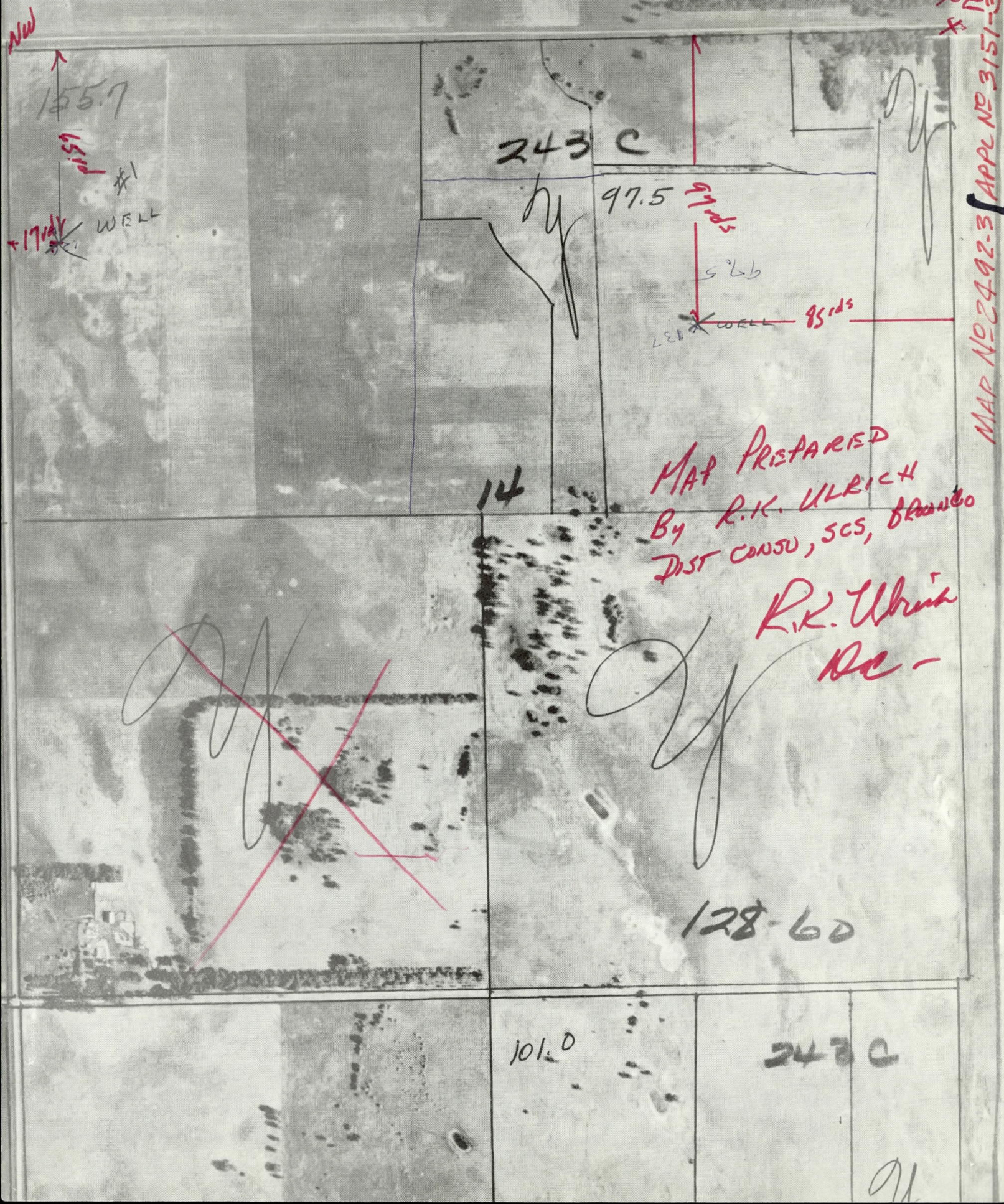
Sincerely,

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

$$3/5/5$$


31-76

1976



MAP NO-2492-3 (APPL NO 3151-3)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 8, 2022

3151-3

Jay Knutson
124 N 13th St
Oakes ND 58474

Dear Mr. Knutson:

Thank you for calling concerning the irrigation questionnaire for Water Right No. 3151-3. Enclosed is a copy of the form that needs to be completed and returned to us. The questionnaire is a time sensitive document so please get it back to us as soon as possible.

As we discussed we will add your name to the record as that of operator so that you can receive the annual questionnaire. This does not change ownership of the water right.

I will send Susan Gerdes a transfer form to get the water right moved over to her name. You indicated she is wintering in Arizona so hopefully I will remember to get the form to her in late spring!

Let me know if you have any questions.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



3151-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Susan Gerdes
41095 102nd St
Hecla SD 57446

3151-3

Dear Ms. Gerdes:

I am writing you today to confirm the receipt of your "Transfer of Ownership" form and your payment of \$50.00.

The transfer has been completed. Water Right No. 3151-3, previously listed in the name of Harold Gerdes is now listed to you.

Please see the enclosed receipt of payment.

If you have any further questions, please reach out.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

JUN 02 2023
Ck# 7774
Rec't# 612123

No. 3151-3
Date: 5.28.23

I/We request that Water Right No. 3151-3

formerly owned by: Harold Gerdes

be transferred to: (name & address)

Susan Gerdes
41095 102nd Strt
Hedra, SD Telephone No. 605 994 2327
57446

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

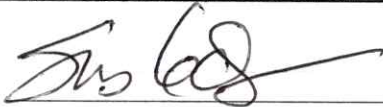
240 acres - N 1/2 Section 14, T128N, R60W

I/We understand that the validity of Water Right No. 3151-3 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We



, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

JUN 06 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 2, 2023

RECEIVED OF Harold/Susna Gerdes 41095 102nd St., Hecla SD 57446

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>3151-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer

vm

3151-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 24, 2023

3151-3

Susan Gerdes
41095 102nd St
Hecla SD 57446

Dear Ms. Gerdes:

I am writing in regard to Water Right No. 3151-3 listed under Harold Gerdes. Jay Knutson indicated I should contact you as far as an ownership change.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure