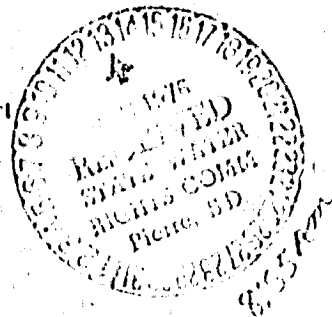


Water Right Number 3188-3

1. Considered 11-17, 1970
2. Name of Applicant ^{PA 334-0645} JAMES RIETTER, DAVE GULBAY & GENE RIETTER
3. Post Office Address JUDOK FALLS
4. Amount of water claimed .50
5. Source of water supply SPLIT ROCK CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigated 25
7. Water to be diverted and used in MINNEHAHA County
about 10ST E of Miles 1.51 of BRANDON
8. Proof of Publication Received 1.51
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 3188-3Map No. 2451-3 Water Division No. 3 BIG SIOUX 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 James Reiter, Dave Gulba, James Reiter
Postoffice address 1210 N. Spring, Sioux Falls, S.D. 57104
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 _____
4. Amount of water claimed (cubic feet per second) 220 gal per min. 25
5. Source of water supply Split Rock Creek
6. Location of point of diversion NE 1/4 NW 1/4 of Sec. 35, Township 102 North, Range 48 West of the 5th P.M. or SW 1/4 of NE 1/4 of Sec. 35 Township 102 North, Range 48 West County Minnesota
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 25

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>NE 1/4 of NW 1/4 of sec. 35</u>	<u>11</u>		
<u>SW 1/4 of NE 1/4 of sec. 35</u>	<u>14</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 months years. Additional time required to complete application of water to the proposed beneficial use 1 month years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Brandon
ARGON LEADER, SIOUX FALLS
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
portable water supply pump
- B. Works proposed to transport water to place of use.
plastic pipe
- C. Works proposed to apply water to beneficial use.
irrigation sprinklers

Estimated Total Cost \$ 5000.00Attachments: 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 MinnesotaI, James Reiter 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

James Reiter

Subscribed and sworn to before me this

19

day of

October19 26

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3188-3
JAMES REITER, DAVE GULBAVY & GENE REITER 1210 N SPRING, SIOUX FALLS
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57104 With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING
LIVESTOCK WATERING AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

Date of first receipt of application OCTOBER 13, 1976
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application OCTOBER 29, 1976
 Approved NOVEMBER 18, 1976, Recorded in Book 16 Page 256

WATER RIGHT PERMIT NO. 3188-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3188-3 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 13, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 1, 1977
3. The whole of said work is to be completed on or before FEBRUARY 18, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18, 1977
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 35 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 MARCH 18, 1977; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 23RD day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John H. Hallett
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 4, 1977

Water License Issued APRIL 4, 1977

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3188-3

(1) WHEREAS, On the 13th day of October A. D. 19 76
James Reiter, Dave Gulbavy and Gene Reiter

made Water Right Application No. 3188-3 for a permit to use .35 cubic feet per second of the waters
of Split Rock Creek

County of Minnehaha State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS, On the 23rd day of December A. D. 19 76
Permit No. 3188-3, with a date of priority of October 13, 1976

was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 18th day of February A. D. 19 77 and for the
application to beneficial use of said water on or before the 18th day of March A. D. 19 77

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .35 cubic feet
per second of water for beneficial use and,

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

for irrigating the following land in Section 35, T102N, R48W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14 "

TOTAL 25 "

confirm to James Relter, Dave Gulhavy, and Gene Relter

of **Slow Falls**

The holder S and owner S of said permit No. 3188-3 a water right, dating from October 13, 1976

_____ to use of _____ .35 _____ cubic feet per second of the waters

Split Rock Creek

in the County of Minnehaha and State of South Dakota, or to much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at on either side of Split Rock Creek in the

NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T102N, R48W

and conduct to and upon portions of Section 35, T102N, R40W described

on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3138-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of April A. D.
Nineteen Hundred and seventy-nine

WATER RIGHTS COMMISSION

b7c:

John Hatch
 Chief Engineer, Executive Officer JOHN HATCH

JOHN HATCH

Permit No. 3188-3

Water Diversion No. 3 Big Sioux River Water District

This is to Certify That James Reiter, Dave Gulbavy, and Gene Reiter

Permit No. 3188-3, issued upon Application No. 3188-3, bearing date of priority of October 13, 1976 authorizing the diversion of .35 cu. ft. per second of the waters of ground water County of Minnehaha, State of South Dakota at on either side of Split Rock Creek in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T102N, R48W for irrigation

therefore, have compared with the provisions of the laws of the State of South Dakota relating to protection of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .45 cu. ft. per second of water.

Date April 4, 1979

JOHN HATCH, Chief Engineer
Water Rights Commission

No. 3188-3

Publish first publication, on or before

November 9, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 3, 1976

Notice is hereby given that James Reiter, Dave Gulhavy & Gene Reiter
whose post office address is Sioux Falls, 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 .5 cubic feet of water per
second of time from ~~the~~ Split Rock Creek through the
Reiter-Gulhavy #2, the point of diversion of which is to
be located in the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 35, Twp. 102N, Range 48W. Said water to be used
for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T102N, R48W

This application No. 3188-3 will be considered by the Water Rights
Commission at the Marvin Hughitt Hotel in Huron, S.D.

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:

James Reiter, 1210 N. Spring, Sioux Falls, S.D. 57104

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

No. 3188-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, JOHN K. KOLL hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the SIoux FALLS ARGUS LEADER

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 SIoux FALLS

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

Tuesday November 9, 1976

Tuesday November 16, 1976

X J. K. Koll
(Signature)

JOHN K. KOLL, CONTROLLER
(Title)

NOVEMBER 16, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
November 3, 1976

Notice is hereby given that James Reiter, Dave Gulbavy & Gene Reiter whose post office address is Sioux Falls, 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 .5 cubic feet of water per second of time from Split Rock Creek through the Reiter-Gulbavy 12, the point of diversion of which is to be located in the NE 1/4 NW 1/4 and SW 1/4 NE 1/4 of Section 35, Twp. 102N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land: E 1/2 NW 1/4, SW 1/4 NE 1/4, Section 22, T 102N, R 48W.

This application No. 388-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, S.D. 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
Nov. 9, 1976



Form 10.

No. 3188-3



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

Post Office 1210 N. Spring
Sioux Falls, SD
Date Feb 20, 1977 57104

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

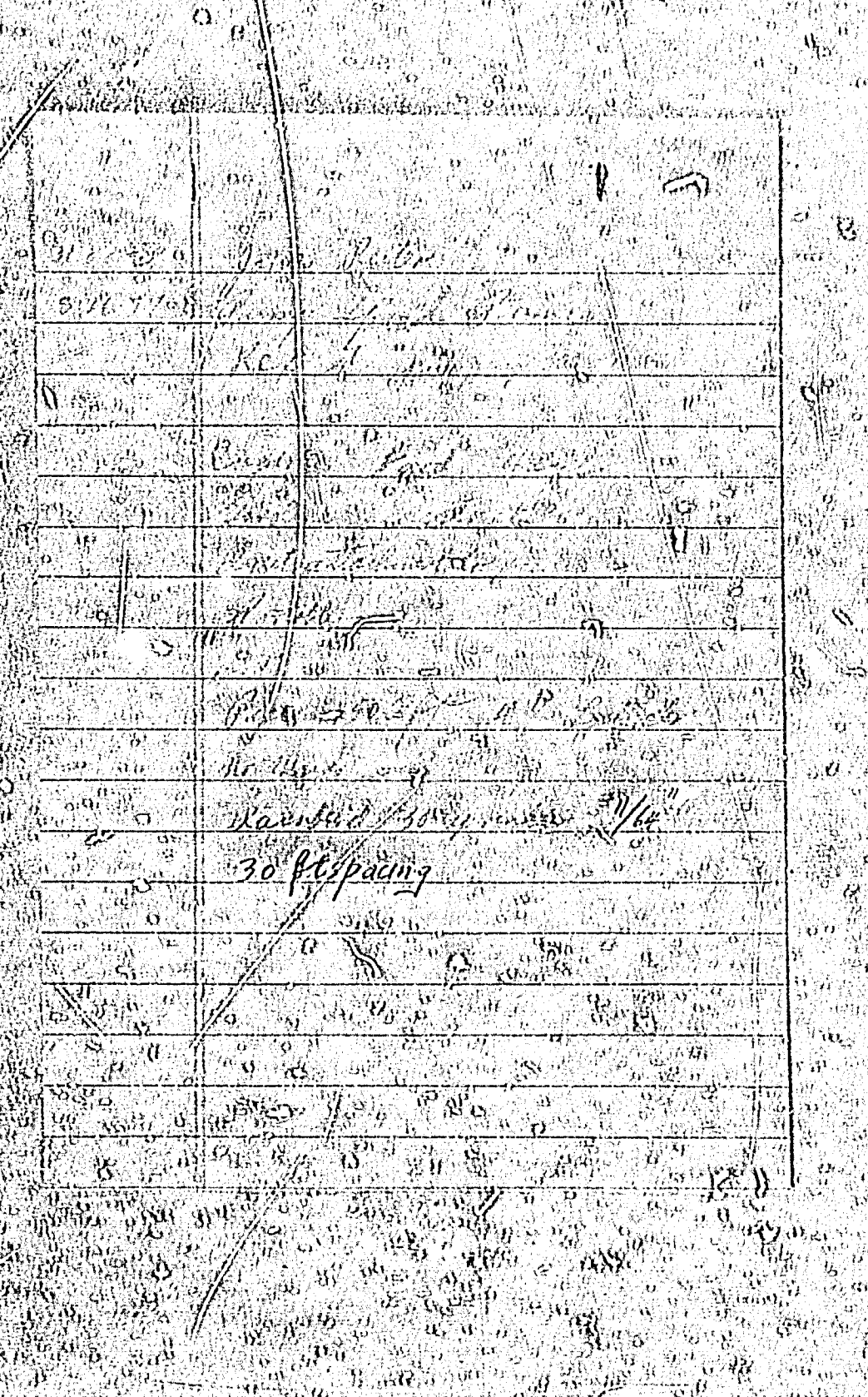
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3188-3.

Water Right Permit No. 3188-3 states that the diversion system is to be constructed by Feb. 8, 1977 and that the water is to be put to beneficial use by Mar. 18, 1977.

The diversion system was completed on Oct 1, 1976.
Applying the water to beneficial use was completed on Oct 30, 1976.

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.

James Reilly
(Signature)



30 ft spacing

Permit No. 3188-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USETO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501 James Reiter,I have this day made a thorough examination of the water use system constructed by Gene Reiter,
1210 N. SpringDave Gultavy of Sioux Falls South Dakota, 57104 holderof Permit No. 3188-3, bearing date of priority of October 13, 1976authorizing the diversion of .35 cu. ft. per second of the waters of Split Rock Creekfor Irrigation purposes, in Minnichaska County.

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

The Water Use System consists of,

A. Works used to divert the water:

Engine - Ford 4 cyl. Gasoline Industrial Engine
Pump - Rex Speed Prime - pumping 200 gpm.

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

1500 ft. 4" Laterals

C. Works used to apply water to beneficial use

Rainbird 30 sprinkler, 1 1/4" dia nozzles spaced
30 ft apart.The system is in the following condition: GoodThe point of diversion is located on either side of Split Rock Creek in
the NE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of Sec. 35, T102N R48WThe works are capable of diverting and conveying to the place of use .45cu. ft. per second of water which is to be used for Irrigation

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

All in section 35, T102N R48W. NE 1/4 NW 1/4 - 11 Ac.
SW 1/4 NE 1/4 - 14 Ac.comprising a total of 25 acres of landDate March 22, 1979Leroy J. Hennigh
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6881

PIERRE, April 4, 1972

RECEIVED OF DAVID J. Galtavy, Split Rock Nursery, Inc., P.O. Box 367, Brandon SD 57005
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 3182-3-1	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3182-3-1		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH k.j.

3188-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

April 6, 1993

Jim Reiter
PO Box 214
Brandon, SD 57005

Dear Mr. Reiter:

I am contacting you in regard to ownership of Water Right No. 3188-3. You indicated on your 1992 irrigation questionnaire that David Gulbavy was no longer an owner of the property. In order to change the name on the water right, you will need to file a "Notice of Transfer of Ownership". The water right is currently listed in the names of James & Gene Reiter and Dave Gulbavy.

Enclosed is a partially completed "Notice of Transfer". Please complete the form and then sign it in the presence of a notary. Upon completion, return the form to our office with a \$2.50 filing fee.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosure



3188-3

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

June 10, 1993

SECOND NOTICE
Permit No. 3188-3

Jin Reiter
P.O. Box 214
Branden, SD 57005

Dear Mr. Reiter:

On April 6, 1993, notice was sent to you concerning the transfer of Water Right No. 3188-3 in the name of James & Gene Reiter and David Gulbavy. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

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

enclosure

SENDER:

- Mark the return address on the front of this mailpiece, or on the back if space is not available.
- Mark the return address on the reverse of this form so that we can return it to you.
- Attach this form to the front of the mailpiece, or on the back if space is not available.
- Mark the return address on the front of the mailpiece below the article number.
- Mark the return address on the back of the mailpiece below the article number.

Article Addressed to:

Jim Reiter
P.O. Box 214
Brandon, SD 57005

Jim Reiter
Signature (Addressee)

Signature (Agent)

3188-3

4a. Article Number

P 318 052 532

4b. Service Type

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

7. Date of Delivery

12-14-93

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

3188-3

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DWR
523 E. Capitol
Pierre, SD 57501 3181



No. 3188-3

Date: 6-11-93

I/We request that Water Right No. 3188-3

formerly owned by: James & Gene Ratter and David Gulbavy

be transferred for (name & address) James & Gene Ratter

(Telephone No) 582-6510

File to the following described land(s)/property has been transferred as described above.

25 acres - NE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 35, T102N, R46W

I/We understand that the validity of Water Right No. 3188-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note)

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership

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

STATE OF SOUTH DAKOTA)

County of Minnehaha)

I/We James Ratter being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

(Signed)

Subscribed and sworn to before me this 14th day of June, 19 93

David E. Olsen
(Notary Public)

My Commission expires 1-26-96

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

3/88-3
413807

Pierre, June 16, 1993

RECEIVED OF [Name] [Address] [City] [State] [Zip]

for the amount of fees for services rendered as provided for by law:

Fee for Application for Permit No. [] to Appropriate Water, to construct [] and to put same to beneficial use []

Fee for Application for Permit No. [] to Appropriate Water, for Future []

Fee to obtain Future Use Permit No. [] after period of seven years []

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water []

Fee for Filing Transfer Form [] 2 50

Fee for Filing Extension Request []

Due for []

(Any Other Work Provided by Law)

Total 2 50

By [Signature]
Chief Engineer



3188-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
525 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

June 21, 1993

No. 3188-3

James and Gene Reiter
116 Robin Place
Brandon, SD 57005

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3188-3.

Our records now show you as the owner of Water Right No. 3188-3.

Sincerely,

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

enclosure

REDUCED RATE

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE



point of diversion

Ronald Williams

MAP NO 2451-3 (APP NO 3188-3)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program