

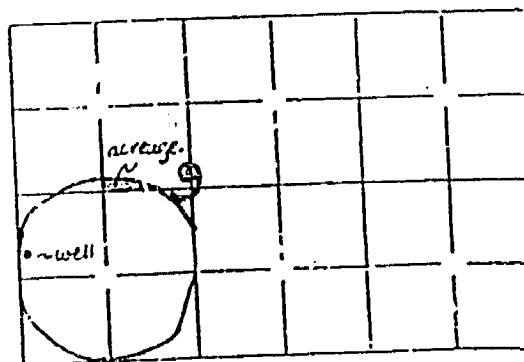
Considered: _____

WATER PERMIT NO. 4098A-3MAP No. same 925-1611Name of Applicant Duane C. PankretzPost Office Address Route 1, Freeman, SD 57029Amount of Water Claimed no add'l (1.92 cfs total) Total Acres 3 relocated (135 total)Source of Water Supply ground waterWater to be used for irrigation County BrookingsAbout 6 miles NE of Bruce, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/2/89 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Oct. 4, 1988 Fee \$50.00 Remarks This appl.6/26/77 changes diversion pt & relocates 3 acres to Water Permit No. 4098-3Corrected Application Received _____ Period of Annual Use Apr 1 - Sept 30WATER QUALITY APPROVAL RECEIVED Nov. 18, 1988 APPROVED (CONDITIONAL) (Circle one)WI-1 Description same as Application YES ☒ NO _____ REMARKS _____Diversion Point NW 1/4 SW 1/4 Section 9-T112N-R50WLand to be Irrigated SW 1/4 Sect. 9-T112N-R50WSW 1/4 NW 1/4 Sect. 93 relocated - SE 1/4 NW 1/4 Sect. 9

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well 57' REMARKS No well log availableType of Map aerial photo PREPARED BY Tom Brundner Reviewed and the Numberassigned on October 17, 1988 By Susan J. Bonser

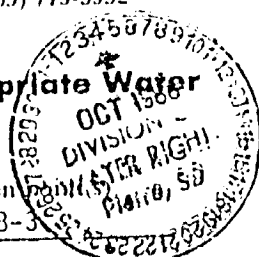
(See instructions)

No. 4088A-3 Hydrologic Unit 10170202
Basin Big Sioux
Newspaper Brookings Register Daily Dwr117 51006

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: -- ☒ New ☐ Vested Right ☒ Amend Permit No. 4088-3
☒ Change Acreage ☒ Change diversion point(s) ☐ Add diversion
-- ☒ Add Acreage ☒ Increase diversion rate ☒ Other SEE 4088-3



- Name of Applicant Duane C. Pankratz Phone No. 925-7611
- Post Office Address Route 1, Freeman, South Dakota State 57029
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) no add'l 0.61- Total acres irrigated 135 (132 authorized by 4088-3)
- Source of Water supply Groundwater (1 well)
- Location of point of diversion 1650 feet North and 50 feet east of the Southwest Corner of Section 9, T112N, R50W. (NW1/4 Section 9, T112N, R50W)
County Brookings
- County where water will be used Brookings
- Annual period during which water is to be used April 1 - September 30
- 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.
NW1/4 Section 9 T112 R50	36
NE1/4 Section 9 T112 R50	38
SE1/4 Section 9 T112 R50	28
SW1/4 Section 9 T112 R50	28

Land Description	No. Acres Irr.
SW1/4 Section 9 T112 R50	2
SE1/4 Section 9 T112 R50	.3

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be irrigated: _____
- Give a description of proposed project. (Attach sheet if more space is needed)
This application proposes to change the location of the diversion point specified on Water Permit No. 4088-3 from the NW1/4 of Section 16, T112N, R50W to the NW1/4 of Section 9, T112N, R50W.
The application also proposes to irrigate 3 additional acres in the SE1/4 of Section 9, T112N, R50W, and increase the diversion rate by 0.04 cfs, not specified on Permit No. 4088-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA
County of Brookings

I, Duane C. Pankratz, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Duane C. Pankratz

Subscribed and sworn to before me this 3 day of October 1988

Frederic D. Jones
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- Drill Hole Diameter _____ Depth _____
- Casing Type _____ Diameter _____ Thickness _____
- Screen Type _____ Diameter _____ Thickness _____
- Gravel Pack Thickness _____ Length of Gravel Pack _____
- Depth to Top of Water Bearing Material _____
- Depth to Water (ground surface to water level) _____
- Distance to nearest existing domestic well:
On applicants property 1500' On property owned by others 3000'

2. Dugout Information Estimates

- Surface Dimensions _____ Depth _____
- Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

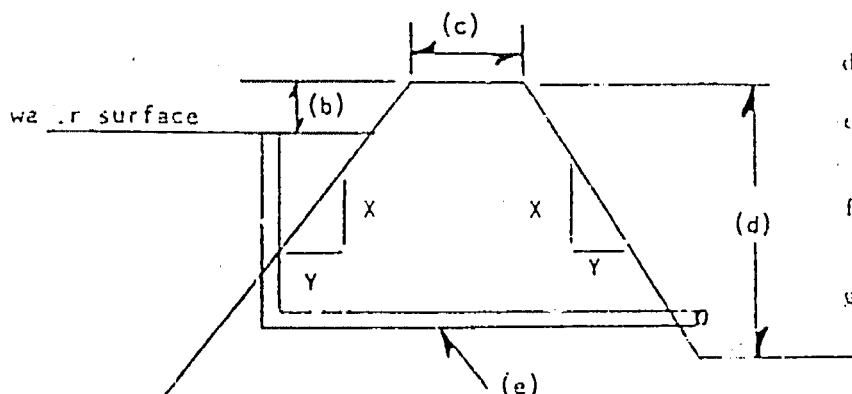
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Deane Parkhurst

Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 4088A-3 FOR IRRIGATION

Date of first receipt of application October 4, 1988.

Date Soil/Water Compatibility Permit received November 18, 1988.

The Water Management Board approved Water Permit Application No. 4088A-3 on March 2, 1989 for Duane C. Pankratz, Route 1, Freeman, SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4088A-3 amends Water Permit No. 4088-3 to specify the correct location of the existing irrigation well and the correct location of 3 irrigated acres. Water Permit No. 4088-3 authorized irrigation of 280 acres from 1 well to be located in the NW1/4 NW1/4 Section 16-T112N-R50W. An inspection of Permit No. 4088-3 found 1 well (Big Sioux-Brookings Aquifer) 57 feet deep, capable of diverting 2.01 cubic feet of water per second for irrigating 135 acres in the SW1/4, S1/2 NW1/4 Section 9-T112N-R50W. The correct location of the existing well is the NW1/4 SW1/4 and the 3 acres not specified on Permit No. 4088-3 are located in the SE1/4 NW1/4; all in Section 9-T112N-R50W. This permit does not authorize any increase in water appropriation or number of irrigated acres
2. The amount of the appropriation may not exceed 3 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is June 28, 1977.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John H. Helt
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUL 5 1989

(date)

 **Department of
Water & Natural Resources**

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

June 13, 1989

Duane Pankratz
Rt 1
Freeman SD 57029

Dear Mr. Pankratz:

Enclosed are Water Permit Nos. 2701A-3, 4088A-3, 2559A-3 and 2702A-3 as approved by the Water Management Board authorizing your water diversion systems and the application of water to beneficial use, not exceeding the limits as specified in the Water Permits.

The final inspection has been completed on these Permits, and we are ready to issue the Water Licenses. Statutes requires we charge \$50 for the inspection and issuance of the final papers for each permit (total of \$200.00). Upon receipt of this amount the Water Licenses will be sent to you.

Very truly yours,


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

enclosures



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4088A-3, Duane Pankratz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4088A-3, Duane Pankratz, RR 1, Freeman SD.

The Chief Engineer is recommending APPROVAL of Application No. 4088A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 10, 1989

Report on Application 4088A-3

Duane C. Pankratz

January 9, 1989

Water Permit Application No. 4088A-3 was submitted for Duane C. Pankratz of Freeman, South Dakota to amend Water Permit No. 4088-3 by correcting the location of the existing irrigation well and 3 irrigated acres. The production well and 3 of the acres presently being irrigated are not located within the area specified on Permit No. 4088-3. This application does not authorize any increase in acres irrigated or water appropriated.

Background

Water Permit No. 4088-3 authorized an appropriation of 3.8 cubic feet of water per second (cfs) from 1 well to be located in the NW1/4 NW1/4 of Section 16, T112N, R50W. The well was to be used to irrigate 280 acres in the SW1/4, SW1/4 NW1/4 of Section 9, and the N1/2 NW1/4 of Section 16, T112N, R50W.

An inspection of Permit No. 4088-3 revealed there was one well 57 feet deep constructed, capable of diverting 2.01 cfs to irrigate 135 acres in the SW1/4 and S1/2 NW1/4 of Section 9, T112N, R50W. The well is located in the NW1/4 SW1/4 of Section 9, and the 3 acres not covered under Permit No. 4088-3 are located in the SE1/4 NW1/4 of Section 9, all in T112N, R50W.

Aquifer Characteristics

The permit is located in the Coteau des Prairie portion of the Central Lowland physiographic province. The region is covered by Pleistocene glacial material including moraines, stagnant ice features, till and outwash. The well has been drilled into the Big Sioux Aquifer-Brookings Management Unit. It is a surficial aquifer found predominately under water table conditions (Hedges, 1982).

This surficial aquifer consists of sand and gravel outwash that is very near the land surface with no confining layer above it. Recharge to the Big Sioux Aquifer, which has been estimated by most analyses to range from approximately 3 to 7 inches/year (Hedges, 1983), results from direct precipitation infiltration, inflow from upgradient portions of the aquifer and through the aquifer's connection with the Big Sioux River (USGS, 1980).

Water Availability

Water Permit Application No. 4088A-3 does not authorize any additional water appropriations or acreage, only a change in well location is requested. Water is available for this application.

The Brookings Management Unit has an estimated volume of recoverable water in excess of 637,000 acre-feet with 245,850 acre-feet of this amount in Brookings County (Hedges, 1982).

Four Water Rights Division observation wells (BG-75D, BG-75G, BG-75K and BG-77A) which were drilled into the aquifer are located less than 2 miles from the applicant's existing well sites. The observation wells show seasonal fluctuations related to the yearly variations in precipitation. No long term trends in water levels were detected (WRD Observation Well Files, 1989).

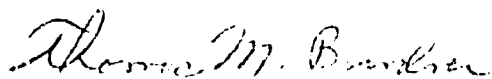
Existing Water Rights

This permit application does not authorize any additional water, but does correct the location of the well. A number of other permitted wells are located in the area, with 6 of them being approximately one mile or less from the applicant's well. One well under Permit No. 4940-3 (Jerald Peterson) is about 1/4 mile away. Because of the aquifer capacity and recharge capability no significant interference is expected between these wells (WRD Permit Files, 1989).

The wells for Permit Application No. 4088A-3 and Water Permit No. 4940-3 have been in operation for a number of years and the Water Rights Division has received no complaints concerning well interference (WRD Complaint Files, 1989).

Conclusions

1. Water for this application is available from the Big Sioux Aquifer-Brookings Management Unit as no additional water is authorized.
2. The wells have been in operation for a number of years at the requested diversion points with no apparent problems.
3. Because of the large aquifer capacity and adequate well spacing, the Water Rights Division does not expect the application to adversely affect other existing water permit holders.
4. This permit can be approved with the well interference qualification. Upon licensing of the permit, applicable portions of 4088A-3 should be incorporated into 4088-3. The permit will retain the original priority date for Water Permit No. 4088-3.



Thomas M. Brandner
Natural Resources Engineer

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa, Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Koch, Neil C., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota, USGS Water-Resources Investigations 80-103, Prepared in Cooperation with East Dakota Conservancy Sub-District, South Dakota Dept. of Water and Natural Resources, and Brookings and Hamlin Counties, Huron, SD.
- Water Rights Division, 1989, Complaint Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1989, Observation Well Files, DWNR, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1989, Permit Files, DWNR, Joe Foss Bldg., Pierre, SD.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 1, 1988, 1988

RECEIVED OF Duane C. Pankratz, Route 1, Freeman, SD 57629
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer JOHN HATCHER MS

SOUTH DAKOTA
WATER PERMIT No. 4088A-3 FOR IRRIGATION

Date of first receipt of application October 4, 1988.
Date Soil/Water Compatibility Permit received November 18, 1988.

The Water Management Board approved Water Permit Application No. 4088A-3 on March 2, 1989 for Duane C. Pankratz, Route 1, Freeman, SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4088A-3 amends Water Permit No. 4088-3 to specify the correct location of the existing irrigation well and the correct location of 3 irrigated acres. Water Permit No. 4088-3 authorized irrigation of 280 acres from 1 well to be located in the NW1/4 NW1/4 Section 16-T112N-R50W. An inspection of Permit No. 4088-3 found 1 well (Big Sioux-Brookings Aquifer) 57 feet deep, capable of diverting 2.01 cubic feet of water per second for irrigating 135 acres in the SW1/4, S1/2 NW1/4 Section 9-T112N-R50W. The correct location of the existing well is the NW1/4 SW1/4 and the 3 acres not specified on Permit No. 4088-3 are located in the SE1/4 NW1/4; all in Section 9-T112N-R50W. This permit does not authorize any increase in water appropriation or number of irrigated acres.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is June 28, 1977.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights claimed in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989

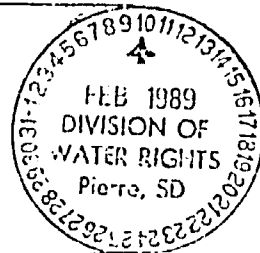
(date)

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

No. 2701A-3, 4088A-3, 2702A-3
and 2559A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brookings) ss.



I, Rob James hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Brookings Daily Register

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 Brookings

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

February 2, 1989

February 9, 1989

[Signature]
(Signature)

Publisher
(Title)

2/9/89
(Date Signed)

Cost of Printing: \$76.92

Legal 55, 2x, Feb. 2, 9
NOTICE OF HEARINGS on
Application Nos. 2701A-3, 4088A-3,
2702A-3 and 2559A-3 to Amend
Water Permit Nos. 2701-3, 2702-3
and 2559-3.

Notice is given that Duane
Pankratz, RR1, Freeman SD 57029
has filed an application for a water
permit to amend Permit No. 2701-3
to specify the correct location of 2
existing irrigation wells. Water
Permit No. 2701-3 authorized
irrigation of 463 acres from 3 wells.
The 2 wells (Big Sioux-Brookings
Aquifer) approximately 33 feet deep
that have been developed are
located in the SW 1/4 SE 1/4
Section 11-T111N-R51W and are
capable of diverting 3.34 cubic feet
of water per second. The irrigated
acreage (357 acres developed) is
located in the S 1/2, NE 1/4 Section
11-T111N-R51W. No additional
water appropriation, or increase in
acreage irrigated is authorized by
this application.

Application No. 4088A-3 is to
amend Water Permit No. 4083-3 to
specify the correct location of the
existing irrigation well and the
correct location of 3 irrigated acres.
Water Permit No. 4088-3 authorized
irrigation of 280 acres from 1 well
to be located in the NW 1/4 NW
1/4 Section 16-T112N-R50W. An
inspection of Permit No. 4083-3
found 1 well (Big Sioux-Brookings
Aquifer) 57 feet deep, capable of
diverting 2.01 cubic feet of water
per second for irrigating 133 acres in
the SW 1/4, S 1/2 NW 1/4 Section
9-T112N-R50W. The correct location
of the existing well is the NW 1/4
SW 1/4 and the 3 acres not specified
on Permit No. 4083-3 are located in
the SE 1/4 NW 1/4; all in Section 9-
T112N-R50W. This application, if

approved, does not authorize any increase in water appropriation or number of irrigated acres.

Application No. 2702A-3 is to amend Water Permit No. 2702-3 to specify the correct location of two existing irrigation wells and the correct location of 3 irrigated acres. Water Permit No. 2702-3 authorized irrigation of 216 acres from 2 wells to be located in the center of the NE 1/4 and center of the W 1/2 SE 1/4 both in Section 14-T111N-R51W. An inspection of Permit No. 2702-3 found 2 wells (Big Sioux-Brookings Aquifer) each 28 feet deep, capable of diverting 1.78 cubic feet of water per second for irrigating 184 acres in the NE 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 14-T111N-R51W. The correct location of the 2 wells is the SW 1/4 NE 1/4 and the 3 acres not specified on Permit No. 2702-3 are located in the NE 1/4 SE 1/4; all in Section 14-T111N-R51W. This application, if approved, does not authorize any increase in water appropriation or number of irrigated acres.

Application No. 2559A-3 is to amend Water Permit No. 2559-3 to specify the correct location of two existing irrigation wells. Water Permit No. 2559-3 authorized irrigation of 277 acres from 3 wells to be located in the SW 1/4 Section 1; NW 1/4 Section 12; all in T111N-R51W. An inspection of Permit No. 2559-3 found 2 wells (Big Sioux-Brookings Aquifer) 25 and 31 feet deep capable of diverting 1.67 cubic feet of water per second (cfs) for irrigating 53 acres located in the W 1/2 NW 1/4 Section 12-T111N-R51W. The 2 wells are also used for irrigating the NE 1/4 Section 11-T111N-R51W as authorized by Water Permit Nos. 2701-3 and 4239-3. The correct location of the 2 wells is in the NW 1/4 NE 1/4 Section 11-T111N-R51W. This application does not authorize any increase in acres irrigated or water appropriated and the combined diversion rate of Permit No. 2701-3 and this application, if approved, shall not exceed 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2701A-3, 4088A-3, 2702A-3 and 2559A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. These applications will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Right Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on an application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and / or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days

upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.1, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Instruction to Newspaper - Publish first Notice on or before January 27, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 2701A-3, 4088A-3, 2702A-3 and 2559A-3
to Amend Water Permit Nos. 2701-3, 4088-3, 2702-3 and 2559-3

Notice is given that Duane Pankratz, RR 1, Freeman SD 57029 has filed an application for a water permit to amend Permit No. 2701-3 to specify the correct location of 2 existing irrigation wells. Water Permit No. 2701-3 authorized irrigation of 463 acres from 3 wells. The 2 wells (Big Sioux-Brookings Aquifer) approximately 33 feet deep that have been developed are located in the SW 1/4 SE 1/4 Section 11-T111N-R51W and are capable of diverting 3.34 cubic feet of water per second. The irrigated acreage (357 acres developed) is located in the S 1/2, NE 1/4 Section 11-T111N-R51W. No additional water appropriation or increase in acreage irrigated is authorized by this application.

Application No. 4088A-3 is to amend Water Permit No. 4088-3 to specify the correct location of the existing irrigation well and the correct location of 3 irrigated acres. Water Permit No. 4088-3 authorized irrigation of 280 acres from 1 well to be located in the NW 1/4 NW 1/4 Section 16-T112N-R50W. An inspection of Permit No. 4088-3 found 1 well (Big Sioux-Brookings Aquifer) 57 feet deep, capable of diverting 2.01 cubic feet of water per second for irrigating 135 acres in the SW 1/4, S 1/2 NW 1/4 Section 9-T112N-R50W. The correct location of the existing well is the NW 1/4 SW 1/4 and the 3 acres not specified on Permit No. 4088-3 are located in the SE 1/4 NW 1/4; all in Section 9-T112N-R50W. This application, if approved, does not authorize any increase in water appropriation or number of irrigated acres.

Application No. 2702A-3 is to amend Water Permit No. 2702-3 to specify the correct location of two existing irrigation wells and the correct location of 3 irrigated acres. Water Permit No. 2702-3 authorized irrigation of 216 acres from 2 wells to be located in the center of the NE 1/4 and center of the W 1/2 SE 1/4 both in Section 14-T111N-R51W. An inspection of Permit No. 2702-3 found 2 wells (Big Sioux-Brookings Aquifer) each 28 feet deep, capable of diverting 1.78 cubic feet of water per second for irrigating 184 acres in the NE 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4 Section 14-T111N-R51W. The correct location of the 2 wells is the SW 1/4 NE 1/4 and the 3 acres not specified on Permit No. 2702-3 are located in the NE 1/4 SE 1/4; all in Section 14-T111N-R51W. This application, if approved, does not authorize any increase in water appropriation or number of irrigated acres.

Application No. 2559A-3 is to amend Water Permit No. 2559-3 to specify the correct location of two existing irrigation wells. Water Permit No. 2559-3 authorized irrigation of 277 acres from 3 wells to be located in the SW 1/4 Section 1; NW 1/4 Section 12; all in T111N-R51W. An inspection of Permit No. 2559-3 found 2 wells (Big Sioux-Brookings Aquifer) 25 and 31 feet deep capable of diverting 1.67 cubic feet of water per second (cfs) for irrigating 63 acres located in the W 1/2 NW 1/4 Section 12-T111N-R51W. The 2 wells are also used for irrigating the NE 1/4 Section 11-T111N-R51W as authorized by Water Permit Nos. 2701-3 and 4239-3. The correct location of the 2 wells is in the NW 1/4 NE 1/4 Section 11-T111N-R51W. This application does not authorize any increase in acres irrigated or water appropriated and the combined diversion rate of Permit No. 2701-3 and this application, if approved, shall not exceed 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 2701A-3, 4088A-3, 2702A-3 and 2559A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. These applications will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 1989 at 10:00 am. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

(continued)

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on an application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 17, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

 **Department of
Water & Natural Resources**

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

January 20, 1989

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Duane Pankratz
RR 1
Freeman SD 57029

Dear Mr. Pankratz:

Your Application Nos. 2701A-3, 4088A-3, 2702A-3 and 2559A-3 for permits to appropriate water for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Brookings Daily Register printed at Brookings SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

January 20, 1989

Brookings Daily Register
Box 177
Brookings SD 57006

Dear Sir:

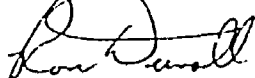
Enclosed is the Notice of Hearing on Application Nos. 2701A-3, 40P8A-3, 2702A-3 and 2559A-3 to be published twice. Please publish the first notice on or before January 27, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Duane Pankratz, RR 1, Freeman SD 57029.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

Nos. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application Nos. _____ which was first published in
our issue of _____ ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



DRILLING LOG

Name Dunne, Patrick Date 10-19-78

Address _____

County Black Hills Sec. _____ Twp. _____ Range _____

NO. FT.	DIA.	RATE	CASING	TOTAL
60'	4 3/4"	2.50	—	\$150.00

BALANCE DUE:

[illegible]

STATIC WATER LEVEL _____ ft.

James M. Wolf
DRILLER

REMARKS:



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name Ernest Pankratz Date 10-16-78

Address _____

County Brookings Sec. 16 Twp. 112 Range 50
N. 20 of NW 1/4

NO. FT.	DIA.	RATE	CASING	TOTAL
100'	4 1/4"	\$2.50		\$250.00

BALANCE DUE:

West edge N. of creek
0 ft. to 5' ft. Topsoil (silty) ft. to _____ ft.
5' ft. to 37' ft. Brown + grey clay ft. to _____ ft.
37' ft. to 48' ft. Stratified coarse sand + blue clay ft. to _____ ft.
48' ft. to 65' ft. Stratified blue clay + sand ft. to _____ ft.
65' ft. to 90' ft. Stratified coarse sand + blue clay w/ shale-stones ft. to _____ ft.
90' ft. to 100' ft. Blue clay ft. to _____ ft.

____ ft. to _____ ft. _____ ft. to _____ ft.
 _____ ft. to _____ ft. _____ ft. to _____ ft.
 _____ ft. to _____ ft. _____ ft. to _____ ft.
 _____ ft. to _____ ft. _____ ft. to _____ ft.
 _____ ft. to _____ ft. _____ ft. to _____ ft.

STATIC WATER LEVEL 15' ft. Darryl M. Wolf

 DRILLER

REMARKS:



GRIMSHAW DRILLING CO.

DRILLING LOG

924 South Melrose
Sioux Falls, S.D. 57106
Phone 605-332-6974

Name Dunne Pincents Date 10-6-78

Address _____

County Brookings Sec. 9 Twp. 112 Range 50
S.W. 1/4

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>110'</u>	<u>4 3/4"</u>	<u>\$2.50</u>	<u>—</u>	<u>\$275.00</u>

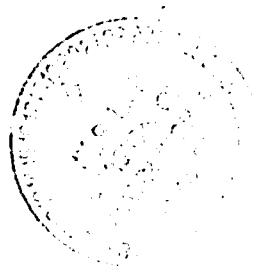
BAIANCE DUE:

[S.W. corner] #1
0 ft. to 2 ft. Topsoil _____ ft. to _____ ft.
2 ft. to 5 ft. Grey Clay _____ ft. to _____ ft.
5 ft. to 38 ft. Red Sand & GRAVEL _____ ft. to _____ ft.
38 ft. to 50 ft. Blue Clay _____ ft. to _____ ft.

[Middle of Quatre] #2
0 ft. to 2 ft. Topsoil _____ ft. to _____ ft.
2 ft. to 4 ft. Grey Clay _____ ft. to _____ ft.
4 ft. to 20 ft. Red Sand & GRAVEL _____ ft. to _____ ft.
20 ft. to 52 ft. FINE Grey Sand w/ some clay _____ ft. to _____ ft.
52 ft. to 60 ft. Blue Clay _____ ft. to _____ ft.

STATIC WATER LEVEL #1 = 12'
#2 = 20' Larry M. Wolf
DRILLER

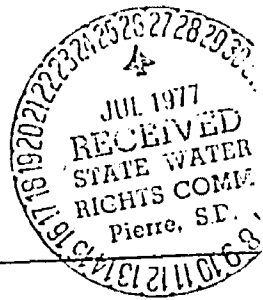
REMARKS: #1 Hole - 26' water bearing red sand
~~can~~ could use 100" slot screen
#2 Hole - 32' water bearing sand - A bit
FINE bit should produce well - 1060" slot
SCREEN.



155104
4-11-71

Sample 2

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 Duane Pankrat
ADDRESS Freeman S.D.
COUNTY Brookings S.D.

LEGAL DESCRIPTION

1. WELL LOCATION SW $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 16 50-112
2. LOCATION OF AREA TO BE IRRIGATED SW $\frac{1}{4}$ Sec 9 50-112
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 9 "
N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec 16 50-112

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ✓ GUN _____
4. CROPS TO BE IRRIGATED Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-1025
6. SALINITY (EC X 10⁶) 752 (mod)
7. SODIUM (SAR) 0.30 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 10

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 Brookings 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.

Duane Pankrat
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
21st DAY OF July 19 77.

Harold W. DeB...
(TITLE OR SEAL)

Alfred J. ...
Condition APPROVED

(SOILS INFORMATION ON REVERSE SIDE)

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4224

WR#

OWNERS NAME: Dennis G. Bankrats OWNERS ADDRESS: Route 1
Madison, WI 53709
COUNTY LAND LOCATED IN: Brookline PHONE 925-7611

LEGAL DESCRIPTION: ☐ Well ☐ Surface
1. LOCATION: 1650 ft. from NW 1/4 Sec 9-112-50
Depth: _____

Legal Description	Acres	Legal Description	Acres
NW 1/4 SW 1/4 Sec 9-112-50	30	SW 1/4 NW 1/4 Sec 9-112-50	2
NE 1/4 SW 1/4 Sec 9-112-50	38	SE 1/4 NW 1/4 Sec 9-112-50	3
SE 1/4 SW 1/4 Sec 9-112-50	23		
SW 1/4 SW 1/4 Sec 9-112-50	22	TOTAL = 135 acres.	

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER: _____
(Specify) _____
3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 77-1025 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10³): 752 8. PERCENT SODIUM: 6.96
6. SODIUM (SAR): 0.30

Requirements:

As specified on previous permit.



[Signature]
Director, Division of Conservation

Date

☒ APPROVED ☐ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

This information was copied from the folder for Water Permit No. 4088-3

Ron Swall, Natural Resources Engineer 12/27/82

Application No. 4088A-3 is an amendment to Permit No. 4088-3 due to an on-site inspection being completed prior to the end of the Jan 25, 1981 construction period. The information recorded below was completed on Sept 30, 1980.

C
=
Recorded
6-9-78

723-80

324
31-B-7

40' deep well w/ 16" PVC casing 15' DA Johnson Pump

Johnson Sand Packer 2" Pump Model S. 12C H
Serial # 78124

Powered by US 75HP Electric Motor TYPE RU

1200' of 8" inner plastic to Point Bar

8" inner Electric Motor w/ 1500' of 1/2" pipe
Pump # 670 Serial 379CE776

1284' long, 900 GPM



Department of Water & Natural Resources

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

JUL 5 1989

2559A-3
2701A-3
2702A-3
4088A-3

Duane C Pankratz
RR #3 Box 36
Freeman, SD 57029

Dear Mr. Pankratz:

Your Water Permit Nos. 2559A-3, 2701A-3, 2702A-3 and 4088A-3 issued on June 13, 1989 contained an error in the amount of appropriation specified. Number 2 on each of the permits states:

"The amount of the appropriation may not exceed 2 ~~acre~~ ^{feet} per acre per year..."

Number 2 should state:

"The amount of the appropriation may not exceed 3 acre feet per acre per year..."

Enclosed are corrected copies of Water Permit Nos. 2559A-3, 2701A-3, 2702A-3 and 4088A-3. If you have any questions, please contact us.

Very truly yours,

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

enclosures



Permit No. 4088-3 & 4088A-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by DUANE
PANKRATZ of FREE MAN, SD holder of
 Permit No. 4088A-3, bearing the priority of JUNE 28, 1977 authorizing
 the diversion of 3.8 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

A 57' DEEP WELL WITH 16" STEEL CASING + 15' OF JOHNSON GALVENIZED
 WESTERN LAND ROLLER PUMP; HEAD NO. - 8M, 4 1/2" H; 1200 GPM CAPACITY; SERIAL # SCREEN
 POWERED BY A 75 HP U.S. ELECTRIC (HIGH THRUST) MOTOR; TYPE - RU; 1760 RPM; ID# R-6326-03-440
R21217585

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

1250' OF 10" UNDERGROUND PVC PIPE FROM WELL TO CENTER PIVOT

C. Works used to apply water to beneficial use:

AN 8 TOWER REINKE ELECTROGATOR CP WITH NELSON 150 END GUN
 1284' LONG; HIGH PRESSURE (80 PSI); 900 GPM CAPACITY
 MODEL - 680; SERIAL # 379C5776

The system is in the following condition GOOD

The point of diversion is located 1650' N AND 50' E OF THE SW
CORNER OF SECTION 9, T112N, R50W.

The works are capable of diverting and conveying to the place of use 2.01 (900 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: ALL IN SECTION 9, T112N, R50WNW 1/4 SW 1/4 - 36 ACRES SW 1/4 NW 1/4 - 2 ACRESNE 1/4 SW 1/4 - 38 ACRES SE 1/4 NW 1/4 - 3 ACRESSE 1/4 SW 1/4 - 2.8 ACRESSW 1/4 SW 1/4 - 2.8 ACREScomprising a total of 135 acres of land and the license should be issued for 1.93 cfsApplicable permit qualifications have been complied with Yes ☒ NoExceptions to compliance are: 1. NEED CHANGE IN DIVERSION POINT LOCATION Date 8-10-882. LANDS BEING IRRIGATED (3 ACRES) ARE NOT ON PERMIT - (Approved under 4088A-3)3. NEW SOIL/WATER COMPATIBILITY IS NEEDED Thomas M. Branden4. NO IRRIGATION WELL LOG (GRIMS HAW) * - Corrected copy approved 11-10-88

** - Did send in
 test hole logs
 on 9-19-88.

LICENSE FOR PERMIT NUMBER 4088-3 (Duane PanKratz)

1. Legal location of well: NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T112N, R50W

dams & structures: Center Pivot - Near center of SW $\frac{1}{4}$, Sec. 9, T112N, R50W

2. Well Information: Well Drilling Firm Grimshaw

No. of wells 1 Depth 57'

Casing a) diameter _____
b) length _____
c) type _____

Screen a) type _____
b) length _____
Static Water Level $\approx 15'$

Pump a) make _____
b) model _____
c) size _____
d) capacity _____ GPM
e) turbine pump
no. of stages _____

Motor a) make _____
b) model no. _____
c) horsepower rating _____
d) motor efficiency rating _____

3. Distribution lines:

a) size of lines _____
b) type _____
c) length _____

(Other information on)
(Examination Report)

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4088A-3

(1) Duane C Pankratz of RR #3, Box 36, Freeman SD 57029 made Application No. 4088A-3, October 4, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Brookings County, South Dakota for irrigation purposes. Permit No. 4088A-3 with a priority date of June 28, 1977 was approved March 2, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 4088A-3 amends Water Permit No. 4088-3 by specifying the correct location of an existing irrigation well and by correcting the location of 3 irrigated acres.

The applicable portions of Water Permit No. 4088-3 have been incorporated into this Water License No. 4088A-3. A priority date of June 28, 1977, is retained.

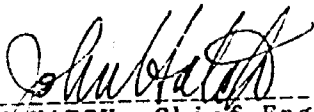
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.93 cubic feet of water per second for beneficial use. The location of the diversion point is: 1650'N and 50'E of the SW corner of Section 9, T112N, R50W.

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

Section 9, T112N R50W	NW 1/4 SW 1/4	36 acres
	NE 1/4 SW 1/4	38 "
	SE 1/4 SW 1/4	28 "
	SW 1/4 SW 1/4	28 "
	SW 1/4 NW 1/4	2 "
	SE 1/4 NW 1/4	3 "

TOTAL 135 acres

(4) Pursuant to Section 46-5-30.1 Duane Pankratz of RR #3, Box 36, Freeman SD 57029 the holder(s) and/or owner(s) of Incorporated No. 4088A-3 is issued a license to appropriate water, the right to use 1.93 cubic feet of water per second from groundwater (one well) with a priority date of June 28, 1977 from the location specified in (2) of this license. The water is 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 Incorporated No. 4088A-3 and subject to South Dakota State Law.



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

SEP 14 1989

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 21, 1989

RECEIVED OF Duane Pankratz, RR 3, Freeman, SD 57029

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Right No. 4088A-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By [Signature]
Chief Engineer



Department of
Water & Natural Resources

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

SEP 14 1989

Duane Pankratz
RR 3, Box 36
Freeman SD 57029

Dear Mr. Pankratz:

Enclosed are Water License Nos. 4088A-3 and 2702A-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed are the receipts in the amount of \$50.00 each which you paid for the inspection and issuance of the Water Licenses.

The applicable portions of Water Permit No. 4088-3 have been incorporated into this Water License No. 4088A-3. The applicable portions of Water Permit No. 2702-3 have been incorporated into this Water License No. 2702A-3.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 4088A-3 and 2702A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures





4088A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: DUANE C PANKRATZ, PO BOX 1050, FREEMAN, SD 57029

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2701A-3, 2702A-3 & 4088A-3, 4087-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4087-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2701A-3, 2702A-3 & 4088A-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in 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) 2701A-3, 2702A-3 & 4088A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4087-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 28, 2000, 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 (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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2000

Duane C Pankratz
PO Box 1050
Freeman, SD 57029-1050

RE: Water Permit/Right Nos. 2701A-3, 2702A-3, 4087-3 and 4088A-3

Dear Mr. Pankratz:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit/Right Nos. 2701A-3, 2702A-3, 4087-3 and 4088A-3.

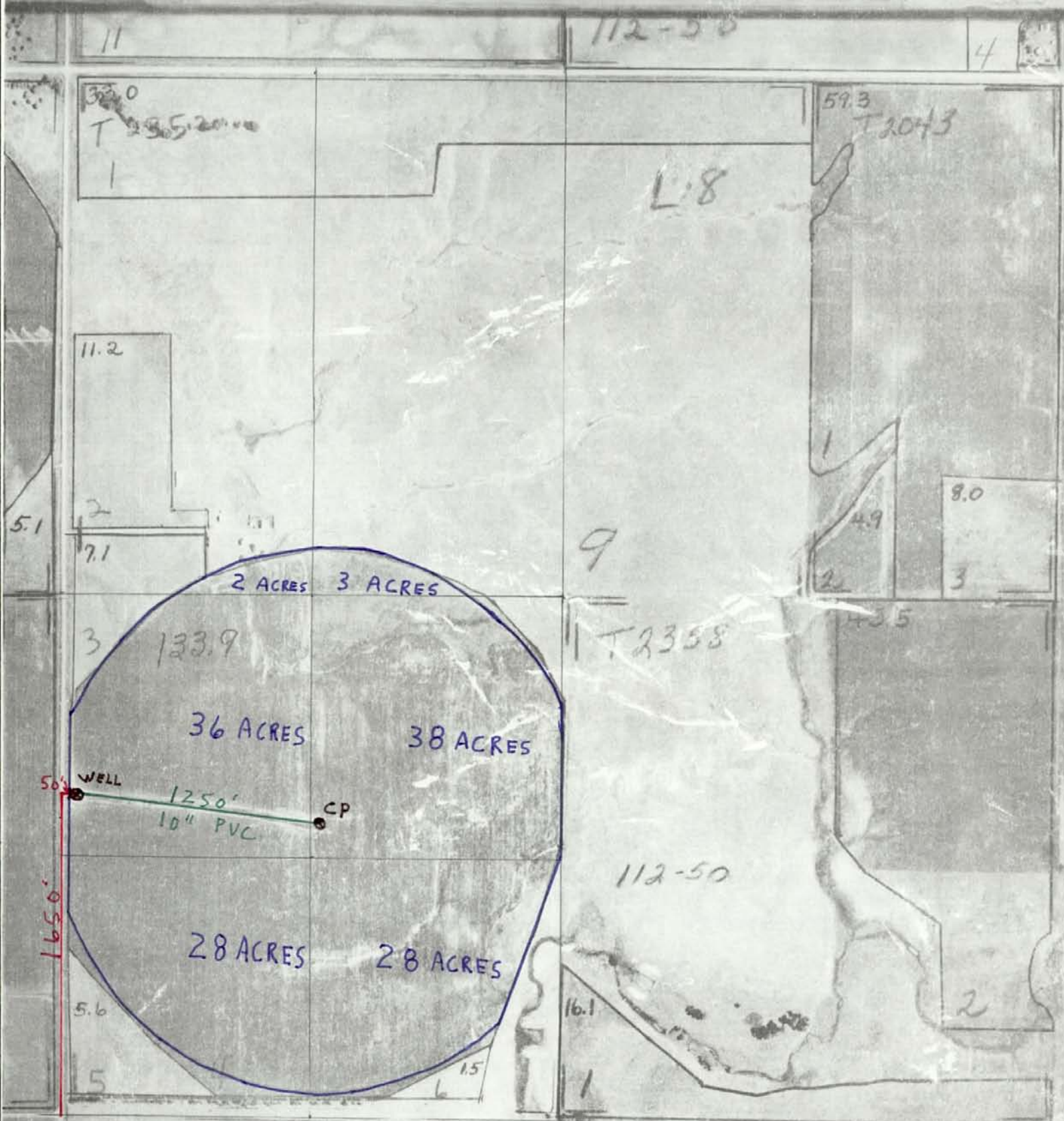
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



Thomas M. Brandon
8-10-88

Appl. No. 4088A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2009

4088A-3

Roger Schwartz
PO Box 153
Estelline SD 57234

Dear Mr. Schwartz:

Thank you for taking the time to visit with me regarding the ownership change needed for Water Right No. 4088A-3 listed in the name of Duane Pankratz (copy enclosed).

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also included is the 2009 irrigation questionnaire pertaining to this water right. Please complete and return the form to us by December 21st.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 11 2009

WATER RIGHTS
PROGRAM

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

No. 4088A-3

Date: 12-3-09

I/We request that Water Right No. 4088A-3

formerly owned by: Duane Pankratz

be transferred to: (name & address) ROGER SCHWARTZ, TRUSTEE

ROGER SCHWARTZ TRUST AGREEMENT

PO Box 153 ESTELLINE SD 57234 Telephone No. 605-873-2392

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

135 acres - SW ¼ and S ½ NW ¼ Section 9, T112N, R50W

I/We understand that the validity of Water Right No. 4088A-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 ROGER SCHWARTZ, the new owner, certify that the above information is true and correct.

Roger Schwartz Trustee
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/11, 20 09

RECEIVED OF Roger Schwartz PO Box 153 Estelline SD 57234

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>4088A-3</u>	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04206

By

Forland Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 17, 2009

4088A-3

Roger Schwartz
PO Box 153
Estelline SD 57234-0153

Dear Mr. Schwartz:

Thank you for following up on the ownership change for Water Right No. 4088A-3. The transfer has been completed. The water right formerly held by Duane Pankratz is now listed in the name of "Roger Schwartz Trust Agreement, Roger Schwartz, Trustee".

Enclosed for your records is Receipt No. 04266 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: ROGER & PAMELA SCHWARTZ, PO BOX 153, ESTELLINE SD 57234
FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4088A-3 & 6328-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 4088A-3 & 6328-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** 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) 4088A-3 & 6328-3 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ERVDSZ**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2025

4088A-3 & 6328-3

Roger Schwartz
PO Box 153
Estelline SD 57234

Dear Mr. Schwartz:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 4088A-3 & 6328-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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