

Water Right Number 4110-3

1. Considered C 10-6, 1977
2. Name of Applicant RALPH R. RITTER
3. Post Office Address MOUND CITY
4. Amount of water claimed .26
5. Source of water supply MISSOURI RIVER
6. Water to be used for SUBURBAN HOUSING
Acres to be irrigated _____
7. Water to be diverted and used in CAMPBELL County
about 4S, 4W Miles _____ of POLLOCK
8. Proof of Publication
Received 9-23-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4110-3
RALPH R. RITTER MOUND CITY
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57646 With the following modifications:
 (State)

Date of first receipt of application JUNE 14, 19 77
 Date of return to applicant for correction, amendments or changes required JUNE 14, 19 77
 Date of receipt of corrected application SEPTEMBER 6, 19 77
 Approved OCTOBER 7, 19 77, Recorded in Book 19 Page 126
 WATER RIGHT PERMIT NO. 4110.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4110.3 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 SEPTEMBER 6, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 7, 19 79
3. The whole of said work is to be completed on or before OCTOBER 7, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 19 83
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING
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 .26 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 use~~ USED FOR SUBURBAN HOUSING PURPOSES and if for the irrigation purpose said appropriation must be limited to not more than ~~one cubic foot per acre per year and be limited to not more than one-seventh (1/7) of one cubic foot of water per acre but time for each acre of land to which water is~~ OCTOBER 7, 19 83; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 2ND day of NOVEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John K. Ketch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. 4110-3

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 8, 1977

Notice is hereby given that Ralph R. Ritter whose post office address is Mound City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 0.27 cubic feet of water per second of time from the Missouri River through the

R. Ritter #1, the point of diversion of which is to be located in the

NE 1/4

of Section 14, Twp. 127N Range 79W. Said water to be used for the purpose of providing ~~irrigation on portions of the following described lands:~~

water supplies for rural domestic needs.

This Application No. 4100-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6 day of October, 1977 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Ralph R. Ritter, Mound City, SD 57646

NOTE: Final Proof of Publication must be received by hearing date for the Commission to take action.

4110-3
No. 4110-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Campbell) ss.

I, William R. Brummersbach hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pierre Pioneer

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 Herrald

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

September 15, 1977

September 22, 1977

William R. Brummersbach
(Signature)

Publisher

(Title)

Sept. 22, 1977

(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
Notice is hereby given that
Ralph R. Ritter whose postoffice
address is Mound City, So. Da-
kota, has made an application in
accordance with the provisions
of SDCL 46-1-1 thru 46-1-8; 46-
2-9 thru 46-2-11, 46-2-13; 46-5-1
thru 46-5-8, 46-5-10 thru 46-5-22,
46-5-41, and Commission Rules
ARSD 52:01:01:01 thru 52:01:01:
13, for a permit to appropriate
for beneficial use 0.27 cubic feet
of water per second of time
from the Missouri River through
the R. Ritter No. 1, the point of
diversion of which is to be lo-
cated in the NE 1/4 of Section 14,
Twp. 127N. Range 79W. Said
water to be used for the purpose
of providing water supplies for
rural domestic needs.

This Application No. 4100-3
will be considered by the Water
Rights Commission at the Holi-
day Inn, Spearfish, S. D. upon
the 6 day of October, 1977 at
10 a.m. The Commission is auth-
orized to make a determination
on this application at the hear-
ing. All interested persons may
appear and be heard. Any person
who may be affected by a Com-
mission decision who desires to
present evidence or cross-exam-
ine witnesses according to SDCL
1-26 may notify the Commission
in writing prior to the hearing
or orally at the hearing.

WATER RIGHTS
COMMISSION

JAMES WINTERTON

Water Rights Specialist

(Publ. Sept. 15, 22, 1977)



4110-3



DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

6 September 1977

MROOP-N
SD 2SB OXT 1 001400
Ralph R. Ritter
Domestic Intake Structure
Missouri River Mile 1220.55L (1960 mileage)

NOTICE OF PERMIT PENDING

The application of Ralph R. Ritter, Mound City, South Dakota 57646 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to install a permanent intake structure in the Missouri River at mile 1220.55L, in Section 14, Township 127 North, Range 79 West, Campbell County, South Dakota.

The work will consist of excavating above and below the ordinary high water line for the purpose of installing the gravel base for the storage tank and the irrigation intake line. A 120-gallon per minute, submersible pump will be installed in a 6-inch casing; the 4-inch punched metal intake screening device will have a fixed elevation approximately 37 feet below the ordinary high water line and the intake velocity would be insignificant.

All excavated material will be used as backfill and approximately 1 cubic yard of rock will be placed around the intake screen as shown on the drawing. All disturbed areas will be shaped to be compatible with the surrounding area. The purpose of the proposed facility is to supply water for domestic use.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Federal Water Pollution Control Act Amendments of 1972. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado 80203.

The preliminary assessment indicates that the proposed action would be a minor action in that no significant impacts on the human environment would occur. Accordingly, a preliminary determination has been made that this project will not require the preparation of any environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the



National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, and in general the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association) is invited to submit to this office written facts, arguments, or objections on or before 6 October 1977. Comments both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

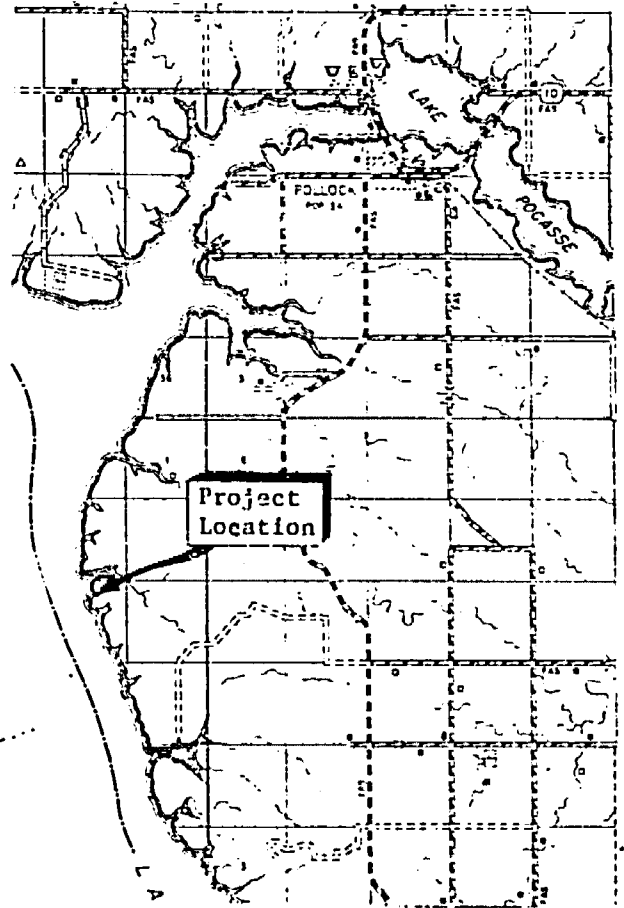
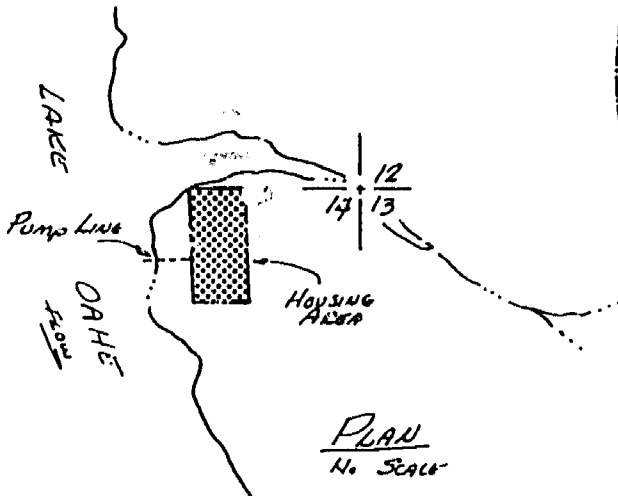
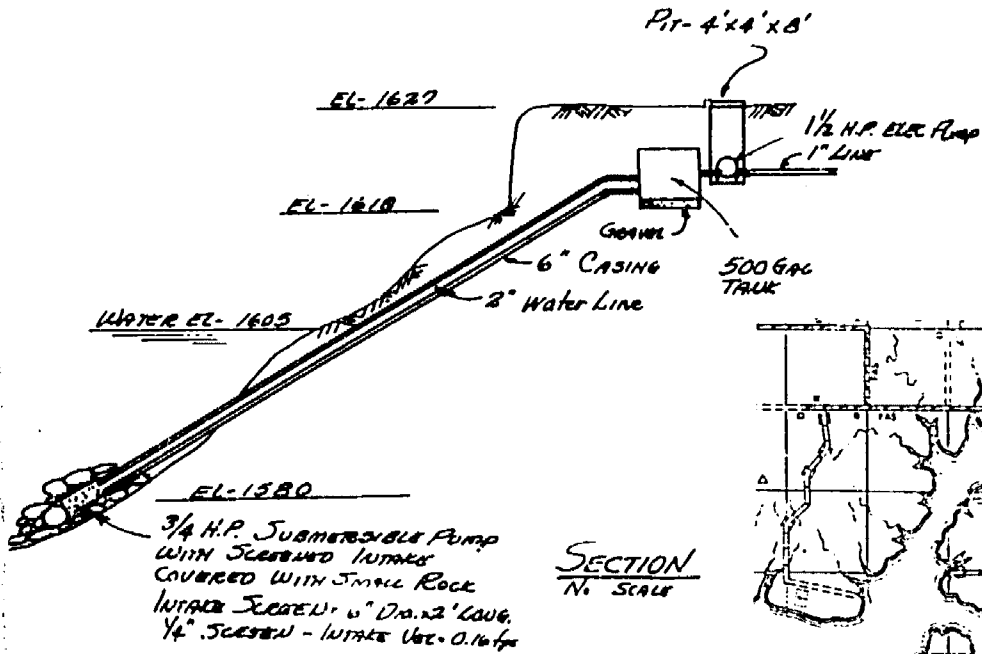
A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, PL 92-500).

A drawing showing the location and extent of the work is attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachment
As stated


RALPH J. MILLER
Chief, Office Operations Branch
Operations Branch

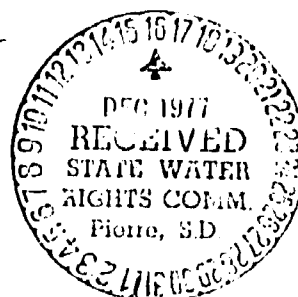


PURPOSE: WATER INTAKE, DOMESTIC
 DATUM: N.T.S.
 ADJACENT PROPERTY OWNERS:

T127N, R79W, Sec 14
 IN MISSOURI RIVER
 AT MILE 1220.55L
 COUNTY OF CAMPBELL STATE MO
 APPLICATION BY RALPH R. RITZER
 SHEET 1 OF 1 DATE 13 JUN 1977

Form 10.

No. 4110-3



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

Post Office Mound City, S.D.

Date Dec 8, 1977

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. 4110-3.

Water Right Permit No. 4110-3 states that the diversion system is to be constructed by May 1, 1978 and that the water is to be put to beneficial use by May 10, 1978.

The diversion system was completed on Dec 8, 1977.
Applying the water to beneficial use was completed on Dec 8, 1977.
1977.

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.

Inspection would have to be sometime in the spring of '78. lots of snow.

Ralph D. Butler
(Signature)



4110-3

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

April 29, 1993

Dale Kastner
Corps of Engineers
Pierre Real Estate Project Office
Federal Building
PO Box 670
Pierre, SD 57501-0670

Dear Mr. Kastner:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership".

The form will need to be completed with the new owner's name and mailing address. The new owner(s) should then sign the form in the presence of a notary public.

Upon completion, return the form to our office with a required filing fee of \$2.50. Water Permit No. 4110-3 will be transferred to the new owner(s) upon receipt of the form and 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

REDUCTION RATIO
ROLL NUMBER
DATE MICROFILMED
CAMERA OPERATOR SIGNATURE

4110-3

NOTICE OF TRANSFER OF OWNERSHIP

Chief Engineer.
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 4110-3

Date: May, 6, 1993

We request that Water Permit No. 4110-3

formerly owned by: Ralph R Rittler

be transferred to: (name & address) Dennis Bates 606 N. Elm Herreid, S.D. 57632

(Telephone No) (605) 437-2427

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

diversion point location - NE 1/4 Section 14, T127N, R79W

We understand that the validity of Water Permit No. 4110-3 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 Campbell)

I/We Dennis Bates 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.

Dennis Bates
(Signed)

Subscribed and sworn to before me this 3 day of May, 19 93.

Mark K. Koontz
(Notary Public)

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.

4110-3
413764

413764

Pierre, May 10, 1993

Following amount in fees for services rendered as provided for by law:

By C. J. H.
Chief Engineer

REDUCTION RATE

ROLL NUMBER

DATE RECEIVED



4110-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1993

No. 4110-3

Dennis Bates
606 N. Elm
Herreid, SD 57632

Dear Mr. Bates:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4110-3.

Our records now show you as the owner of Water Permit No. 4110-3.

Sincerely,

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

enclosure