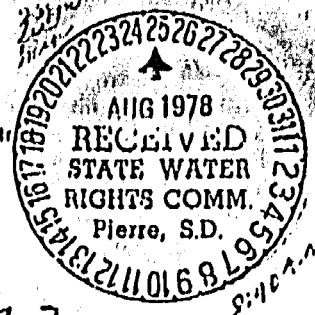


4342-3

1. Considered JANUARY 31, 1979
2. Name of Applicant LAURENCE GRATZ
3. Post Office Address ESTELLINE SD 19-113-50
4. Amount of Water claimed NO ADD'L
5. Source of Water supply 27' WELL - ADD DIVERSION ON 3397-3
6. Water to be used for IRRIGATION
Acres to be irrigated 90
7. Water to be diverted and used in DEUEL County
about 1 E miles of ESTELLINE
8. Proof of Publication
Received 12-15-78
Not Received _____
9. Application
Approved 3-28-79
Subject to W.H.
Not Approved _____
Action Deferred 2-1-79

10. Remarks:

No. 4342-3Map No. 2681-3 Water Division No. 3 BIG SIOUX RIVER (Blank: to be filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT TO ADDITIONAL DIVERSION PERMIT No. 3397-3

To Appropriate Water within the State of South Dakota

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

Laurence Gratz (owner) Harold Iantgen operator

1. Name of Applicant _____
Postoffice address Estelline, State South Dakota 57234
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Gratz irrigation project #1 (Laurence Gratz owner)
4. Amount of water claimed (cubic feet per second) No ADD'L 2.1 1.28 MAX ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion 100 feet south of center of SW $\frac{1}{4}$ of Section 19, Twp. 113, Range 50

- County Deuel
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 90 120
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.
NW of SW Sec. 19-113-50	30
NE " " 19-113-50	30
SW " " 19-113-50	30
SE " " 19-113-50	30

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown Public Opinion

12. Principal Features of the Proposed Water Supply System.

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

siphon well 4 inch plastic

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

plastic pipe

C. Works proposed to apply water to beneficial use.

center pivotEstimated Total Cost \$ 1500.00

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

STATE OF SOUTH DAKOTA)

County of Hamlin) ss.I, Laurence Gratz 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.Subscribed and sworn to before me this 23 day of August 1978

Notary Public (or other qualified officer)

MERLAINE EISNACH
Notary Public, Hamlin County, S. D.
My Commission Expires June 18, 1983

MERLAINE EISNACH
Notary Public, Hamlin County, S. D.
My Commission Expires June 18, 1983

Signed Laurence Gratz
Merlaine Eisnach

WATER RIGHT APPLICATION APPROVAL.

The Water Rights Commission hereby approves Water Right Application No. 4342-3
LAURENCE GRATZ ESTELLINE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57234 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Priority for this Permit No. 4342-3 is established by Permit No. 3397-3.

Date of first receipt of application AUGUST 25, 19 78
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MARCH 28, 19 79, Recorded in Book 20 Page 231

WATER RIGHT PERMIT NO. 4342-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4342-3 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 DECEMBER 16, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 28, 19 81
3. The whole of said work is to be completed on or before MARCH 28, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 87
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 NO ADD'L 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 2 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 28, 19 87; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 5th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John K. Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued August 3, 19 81

Water License Issued August 3, 19 81

IRRIGATION SUPPLIES

- Berkeley Pumps
- E-Z Rain Machines
- Aluminum or Plastic Pipe
- Nelson Volume Guns
- Traveling Gun Hose
- Hygromatic Center Pivot
- Deep Well Turbine Pumps
- Hot Vulcanized Hose Repair
- Gravel Packed Irrigation Wells
- Test Boring

ED H. LACEY & SONS

Box 796

TRENT, SOUTH DAKOTA 57065

Phone (605) 428-5686 Ed (605) 428-5979 Jim

John,

Aug. 13, 1978

There have been questions brought up about the wells that Jim and I dug for Lawrence Gratz of Astelline. Jim dug two wells in '78 in the S $\frac{1}{2}$ of Section 26, Township 113, Range 57, Hamlin County. He had to dig two to get the gallons per minute that he needed to run a pivot because of the material that he encounter would not produce the water. So two wells were dug there under one permit.

I dug a well in '77 in the S $\frac{1}{2}$ - 116 $\frac{1}{4}$ - S $\frac{1}{2}$ 1/4, Section 19, Township 113, Range 50, Dault County. He needed more gallons per minute, so I called and asked you about a siphon well, and you told me it would be all right to dig. So that is why he has two wells there and never went through the expense of advertising and paying for a permit.

I would appreciate it if you could help the man out.

Thank-you

Mike Lacey



NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: S142 1/4 N141 1/4 S61 Section 11 Township 11S Range 50W

Well owner Lawrence, G. Jr. Est. 11/15/10
(Name) (Address)

Date well drilling completed 5-28-71 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Depth to top of water producing aquifer 10' ft.

Depth to static water level 10 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 27' ft.

Depth to bottom of casing 27 1/2" ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

23' x 14" x 1/4" steel casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

5' x 14" x .100 Johnson Screen

If a flowing well, flow of completed well _____ G.P.M.

F. H. Loefer & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

PUMP INSTALLATION
Company name and size of pump Berkley HP. 1

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____,
tube material _____.

Ed H. Holey & Sons
Name of Pump Installation Contractor



(1) Drill Hole, Diameter 20", Depth 40'

(2) Casing; Type Steel Diameter 12" Thickness 0.80"
(wood, concrete, steel, etc)

Type Johnson, Diameter 1 1/2", Length 15'

(4) Gravel Pack. Thickness 4", Length of gravel pack 20'

(1) Surface dimensions _____, Depth _____

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

Character of Water bearing materials: _____

Coarse Gravel

Depth to top of water bearing material 12'

Depth to bottom of water bearing material 40'

Thickness of water bearing material 28'

Depth to water (ground surface to water level) 12'

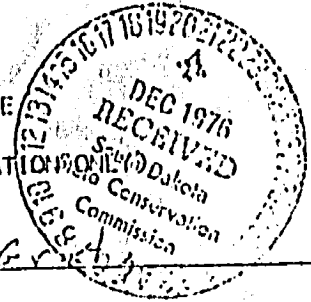
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property well no domestic rds. On property owned by others 120 rds.

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


Signature of Applicant

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



NAME Harold Lantgen owner - Lawrence G. Lantgen
ADDRESS Estelline, S Dak
COUNTY Hamlin

LEGAL DESCRIPTION

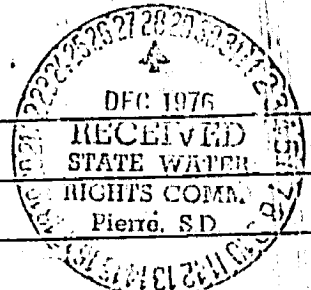
1. WELL LOCATION Center of SW 1/4 of Section 19-113-50
2. LOCATION OF AREA TO BE IRRIGATED 100 acres

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn and wheat

WATER QUALITY

5. SAMPLE NUMBER 76-1590
6. SALINITY (EC X 10⁶) 601 (medium)
7. SODIUM (SAR) 0.11 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ 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.

*Original WI-1, new Division
in the SCC R/R'n*

Harold Lantgen
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
14 DAY OF Nov 19 76

Thomas A. Groat
(TITLE OR SEAL)

Comm. 11-17-76

(SOILS INFORMATION ON REVERSE SIDE)

Alvin J. Jell
APPROVED/DISAPPROVED

December 17, 1976



Mr. Lawrence Gratz
Estelline, SD 57234

Dear Mr. Gratz:

Your water sample (Lab. No. 76-1890) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

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

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

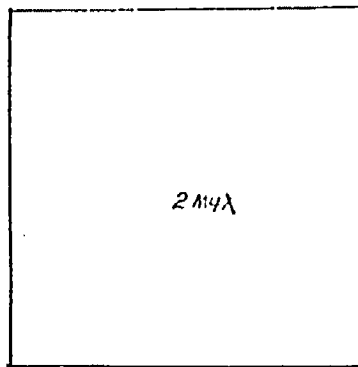
The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ekb
Enclosures
cc: State Conservation Commission



SW $\frac{1}{4}$ 19 - 113 - 50

2M4X - II - Deep, loamy, well and moderately well drained soils on bottom lands that sometimes receive beneficial overflow. They have few or no limitations in use.

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

Submitted by: Lawrence Gratz
 Address: Netelline, SD 57234

Date Rec'd November 18, 1976
 Sample No. 76-1890
 Identification Well
SW 1/4, Sec. 19, T 113N, R 50W

WATER ANALYSIS

Calcium (Ca)	133	ppm*	6.65	me/l**
Magnesium (Mg)	25	ppm	2.05	me/l
Sodium (Na)	5	ppm	0.22	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	66	ppm	1.37	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	30	ppm	0.84	me/l
Bicarbonate (HCO ₃)	322	ppm	5.28	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	264	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	601	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.11			
Sodium	2.45	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.41			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 8.95 me/l
 Total anions 7.49 me/l

By: Shirley Mitten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1890

Amount Enclosed \$

Signed

Permit No. 4342-3

Water Diversion No. 3 Big Sioux River Water District
10170202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Laurence Gratz

_____ the holder _____ of
Permit No. 4342-3, issued upon Application No. 4342-3, bearing date of priority of December 16, 1976
_____ authorizing the diversion of 2.1 cu. ft. per second of the waters of ground
water (two wells) _____ County of Deuel, State of South Dakota XX Well #1,
100 ft. south of Center of SW $\frac{1}{4}$; Well #2, 400 ft. of Well #1, all in Section 19 -
T113N - R50W
_____ for irrigation

_____ purposes, has 5 complied with the provisions of the laws of the State of South Dakota relating to proof 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 1.88 cu. ft. per second of water.

Date August 3, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4342-3

(1) WHEREAS, On the 25th day of August A. D. 19 78
Laurence Gratz

made Water Right Application No. 4342-3 for a permit to use 2.1 cubic feet per second of the waters
of groundwater (two wells)
County of Deuel, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 28th day of March A. D. 19 79
Permit No. 4342-3, with a date of priority of December 16, 1976

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 28th day of March A. D. 19 84 and for the
application to beneficial use of said water on or before the 28th day of March A. D. 19 87

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 1.71 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,

to irrigate a 120 acre circle in the SW $\frac{1}{4}$, Section 19-T113N-R50W

* The applicable portions of Permit No. 3397-3 have been
incorporated into this Water License No. 4342-3.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Laurence Gratz

_____ of Estelline, SD
the holder _____ and owner _____ of said permit No. 4342-3 a water right, dating from December 16, 1976
_____ to use of 1.71 cubic feet per second of the waters
of groundwater (two wells)
in the County of Deuel and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____

Well #1, 100 ft. south of Center of SW $\frac{1}{4}$;

Well #2, 400 ft of Well #1, all in Section 19-T113N-R50W

and conducted to and upon _____
120 acres on the SW $\frac{1}{4}$, Section 19 - T113N - R50W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4342-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of August A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Patch
Chief Engineer, Executive Officer JOHN PATCH

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

N^o 4 6576

PIERRE, November 20, 1978, XXX

RECEIVED OF Laurence Gratz, Estelline, SD 57234

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

Fee for Application for Permit to Appropriate Water No. 4342-3 (examination, processing, recording and filing) -----	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH p14

No. 4342-3

Publish first publication, on or before December 29, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 29, 1978

Notice is hereby given that Lawrence Gratz whose post office

address is Estelline, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no additional 1 cubic feet of water per second of time from groundwater to add an additional on an existing permit

(one well) through the Gratz Irrigation Project #1 A, at point (X) of diversion of

which is (XXX) to be located in the SW 1/4 SW 1/4

of Section 19, Twp. 113N, Range 50W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 19-T113N-R50W.

This Application No. 4342-3 will be considered by the Water Rights Commission at the SDEA Auditorium, 411 E. Capitol, Pierre, ^{SD} upon the 31st day of January, 1979

at 10 A.M. 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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,
Water Rights Specialist

cc: Lawrence Gratz, Estelline, SD 57234

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

No. 4342-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Deuel) ss.

I, Gary DeJong hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clear Lake Courier

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 Clear Lake

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

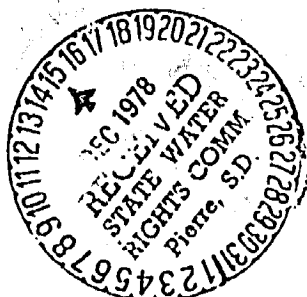
December 7, 1978

December 14, 1978

Gary DeJong
(Signature)

E.P. For
(Title)

Dec 14, 1978
(Date Signed)

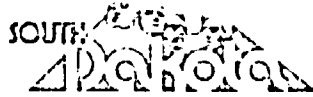


NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
November 29, 1978
Notice is hereby given that
Lawrence Gratz whose post office
address is Estelline, South Dakota,
has made an application in accor-
dance with the provisions of SDCL
45-1-1 thru 46-1-9, 46-1-14, 46-2-9
thru 46-2-11, 46-2-13, 46-5-1 (thru
46-5-8, 46-5-10 thru 46-5-22, 46-6-1,
46-6-3, 46-6-3.1, 46-6-5, 46-6-8.1,
46-6-10, 46-6-14, and Commission
Rules ARSD 52.01:01:01 thru 52:
01:01:13 for a permit to appropri-
ate for beneficial use no addi-
tional cubic feet of water per
second of time from groundwater
(one well) through the Gratz Irriga-
tion Project #1 to add an addi-
tional point of diversion on an
existing permit of which is to be
located in the SW 1/4 of Section
19, Twp. 113N, Range 50W.
Said water to be used for the pur-
pose of providing irrigation on por-
tions of the following described
land: SW 1/4 Section 19, T113N,
R50W, S48E, 113th Meridian, S.D.
This Application No. 4342-3 will
be considered by the Water Rights
Commission at the SDEA Addi-
tional, 411 E. Capitol, Pierre, S.
D. upon the 31st day of January,
1979 at 10 a.m. The Commission is
authorized to make a determina-
tion 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-examine
witnesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.
This hearing is an adversary
proceeding. Any person has the
right to be present or to be repre-
sented by a lawyer. These and
other due process rights will be
forfeited if they are not exercised
at the hearing. Decisions of the
Commission may be appealed to
the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,
Water Rights Specialist
cc: Lawrence Gratz, Estelline, S.
D. 57234
Dec. 7 & 14



No. 4342-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

January 19, 1979

Laurence Gratz
Estelline
South Dakota 57234

Dear Mr. Gratz:

Although your water right Application No. 4342-3 was advertised for the January 31, 1979 hearing, the Staff is going to recommend that it be deferred so it can be considered with the deferred applications in Deuel County.

It is anticipated that Deuel County deferred applications will be considered at the March, 1979 meeting. You will be notified of the time and place when the re-hearings will be held.

Sincerely,

BURTON F. JONES
Water Rights Specialist III

SOUTH DAKOTA

4342-3
4345-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

February 5, 1979

Mr. Lawrence Gratz
Estelline, SD 57234

Dear Mr. Gratz:

This is to inform you that your application Nos. 4342-3 and 4345-3 were deferred by the Water Rights Commission at their February 1, 1979 meeting.

If you have any questions feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holders of Deferred Applications in Brookings, Hamlin and Deuel Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Brookings, Hamlin and Deuel Counties at 1:45 p.m. on March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, Pierre, South Dakota.

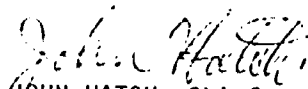
This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were deferred by the Water Rights Commission in 1977 and 1978, pending Staff investigation. Data from the computer model are not complete at this time, the Commission Staff may recommend deferral on some of the applications until this data is obtained.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8374

July 9, 1961

PIERRE, _____

RECEIVED OF Laurence Gratz, Estelline, SD 57234

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. 4342-3	50.	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4342-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map: _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	50.	00

WATER RIGHTS COMMISSION

By (John Hatch)
 Chief Engineer, Executive Officer
 JOHN HATCH 7/61

Permit No. 4342-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by LAWRENCE
GRATZ of ESTELLINE holder
of Permit No. 4342-3, bearing date of priority of DECEMBER 16, 1976*
authorizing the diversion of 2.1 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in DEUEL County.

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

The Water Use System consists of, WELL #1 - 28' DEEP WITH 12" STEEL CASING
WITH 10' OF SS SCREEN, BERKELEY MODEL
A. Works used to divert the water: B4EPBL - 4" PUMP WITH 6" OUTLET, POWERED
BY 60 HP MARATHON ELECTRIC MOTOR

WELL #2 - 27' DEEP WITH 14" STEEL CASING WITH 10' OF JOHNSON
SS SCREEN, BERKELEY MODEL B4EPBL - 4" PUMP WITH 6"
OUTLET - POWERED BY 25HP MARATHON ELECTRIC MOTOR.

B. Works used to transport water to place of use,
100' OF 8" ALUMINUM LINE FROM WELL #1 TO CENTER OF PIVOT
400' OF 6" BURIED PVC FROM WELL #2 TO 8" LINE

C. Works used to apply water to beneficial use.

ELECTROGATOR MODEL 2-SEE CENTER PIVOT WITH
NELSON #150 END GUN - 1036' LONG

The system is in the following condition: GOOD

The point of diversion is located WELL #1, 100' S OF CENTER OF SW⁴; WELL #2 -
400' OF WELL #1, ALL IN SECTION 19, T113N, R50W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: _____
FOR IRRIGATING A 120 ACRE IN THE SW⁴ SECTION 19,
T113N, R50W.

comprising a total of 120 acres of land. = 1.71

* THE APPLICABLE PORTIONS OF PERMIT NO 3297-3 HAVE
BEEN INCORPORATED INTO THIS WATER LICENSE
NO 4342-3

Date

JUNE 23, 1987

(Signature)

No. 4342-3

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

August 3, 1981

Laurence Gratz
Estelline, SD 57234

Dear Mr. Gratz:

Enclosed herewith are, Water License No. 4342-3 and Certificate of Construction.

Water License No. 4342-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: bt

enclosures

Note:

The applicable portions of Permit No. 3397-3 have been incorporated into this Water License No. 4342-3.

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

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

October 26, 1990

4342-3

Harold & Elizabeth Lantgen
RR #1 Box 149
Estelline, SD 57234

Dear Mr. & Mrs. Lantgen:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4342-3. The water right is currently listed in the name of Laurence Gratz.

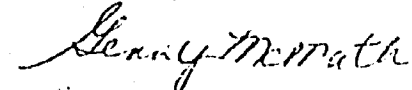
The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50 (payable to the Dept of Water & Natural Resources).

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.

Also enclosed is the 1990 irrigation questionnaire pertaining to Water Right No. 4342-3. The questionnaire must be completed and returned to our office by December 14, 1990.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

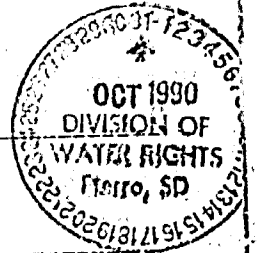
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 4342-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: _____



I/We request that Water Permit/Right No. 4342-3

formerly owned by: Laurence Gratz, Estelline, SD 57234

be transferred to: (name & address) Harold and Elizabeth Lantgen
P.O. Box 149, Estelline, S.D. 57234 (telephone No.) 873-2556

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

SW 1/4 Section 19, T113N, R50W

I/We understand that the validity of Water Permit/Right No. 4342-3 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.

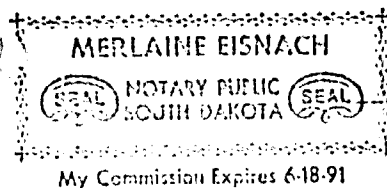
STATE OF SOUTH DAKOTA)

County of Hamlin)

I/We Harold Lantgen & Elizabeth Lantgen 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.

Harold Lantgen Elizabeth Lantgen
(Signed)

Subscribed and sworn to before me this 29 day of October, 19 90.



Merlaine Eismach
(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 water 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.

412410

South Dakota Department of Water and Natural Resources

Pierre, November 2, 1990

RECEIVED OF Lauren-- Harold Lantaen, RE #1 Box 148, Estrellita 59 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 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. _____		
Fee for Filing Transfer Form _____ Water Right No. 4342-3	2	00
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	2 50

By
Chief Engineer

 **Department of
Water & Natural Resources**

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

November 16, 1990

No. 4342-3

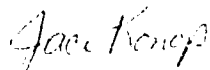
Harold and Elizabeth Lantgen
Rte 1 Box 149
Estelline, SD 57234

Dear Mr. & Mrs. Lantgen:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4342-3.

Our records now show you as the owner of this Water Right.

Sincerely,



JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



GREAT FACES. GREAT PLACES.

August 27, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3121

2479-3

4342-3

5374-3

Rod Kemink
PO Box 1593
Watertown, SD 57201-1593

Dear Mr. Kemink:

Enclosed, as we discussed, are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2479-3 and 4342-3 and Water Permit No. 5374-3.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

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 me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4342-3

Date: September 1, 1992

I\We request that Water Right No. 4342-3

formerly owned by: Harold and Elizabeth Lantgen

be transferred to: (name & address) Pine Knoll, Inc. 4504 W. 12th Street

Sicux Falls, SD 57107 (Telephone No.) 605-338-1249

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

SW 1/4 Section 19, T113N, R50W

I\We understand that the validity of Water Right No. 4342-3 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 CODINGTON)

I\We Pine Knoll, Inc. 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.

Pine Knoll Inc B. H. Don 9/1/92
(Signed) V. P. H.

Subscribed and sworn to before me this 1st day of September, 19 92.

JoAnn Comes
JoAnn Comes (Notary Public)
My Commission Expires: 12-16-95

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

4134 J7

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 3, 19 92

RECEIVED OF Pine Knoll Mobile Park, 4504 W 12th St, Sioux Falls, SD 57107

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. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 4342-3</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

September 10, 1992

No. 2479-3

~~4342-3~~
5374-3

Don Weeg
Pine Knoll, Inc.
4504 W. 12th Street
Sioux Falls, SD 57107

Dear Mr. Weeg:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2479-3 and 4342-3, and Water Permit No. 5374-3.

Our records now show you as the owner of Water Right Nos. 2479-3 and 4342-3, and Water Permit No. 5374-3.

Sincerely,

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

enclosure



4342.3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: PINE KNOLL INC, DON BOYD, 4504 W 12TH ST, SIOUX FALLS, SD 57107

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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) 5574-3 & 6853-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 5574-3 & 6853-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

February 2, 2011

Don Boyd
Pine Knoll Inc
4504 W 12th St
Sioux Falls SD 57107

RE: Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3

Dear Mr. Boyd:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3. 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
email: genny.mcmath@state.sd.us



4342.3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: PINE KNOLL INC, DON BOYD, 4504 W 12TH ST, SIOUX FALLS, SD 57107

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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) 5574-3 & 6853-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 5574-3 & 6853-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2230-3, 2412-3, 2479-3, 3541-3 & 4342-3 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 questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

February 2, 2011

Don Boyd
Pine Knoll Inc
4504 W 12th St
Sioux Falls SD 57107

RE: Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3

Dear Mr. Boyd:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2230-3, 2412-3, 2479-3, 3541-3, 4342-3, 5574-3 & 6853-3. 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
email: genny.mcmath@state.sd.us