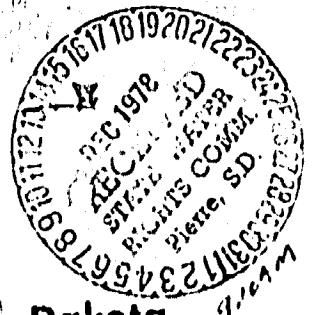


Water Right Number 4415-3

1. Considered MAY 24, 19 79
2. Name of Applicant STOTZ FARMS
3. Post Office Address TOLSTOY, S.D. 2/3-120-73
4. Amount of water claimed NO ADD'L
5. Source of water supply 67' EXISTING WELL #3111-3
6. Water to be used for IRRIGATION
Acres to be irrigated 244
7. Water to be diverted and used in POTTER County
about 1 1/2 Miles NORTH of TOLSTOY
8. Proof of Publication
Received 5-28-79
Not received _____
9. Application
Approved 5-24-79
Subject to WI
Not approved _____
Action deferred _____

10. Remarks:

12-15-78
7-10-79 4-10-79

No. 9415-3
 Map No. 3605-3 Water Division No. 3 MISSOURI RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Stotz Farms, Donald & Marilyn Stotz
 Postoffice address Box 205, R.R. # 1, Tolstoy, State South Dakota 57350
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Donald G. Stotz or Marilyn G. Stotz Unit # 1
4. Amount of water claimed (cubic feet per second) No ADD'L
5. Source of water supply Ground Water
6. Location of point of diversion Additional land under Permit # 3111-3
POINT IN NE¹ NE¹, Section 10 - T120N - R73W
 _____, County Potter
7. Annual period or periods during which water is to be used March - November
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 Total number of acres to be irrigated 244
9. For irrigation use, _____
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of 2-120-73	80		
NE $\frac{1}{4}$ of 3-120-73	164		

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

 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 PotterI, Donald & Marilyn Stotz

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this 14 day of December 19 78

Notary Public (or other qualified officer)

 PAY COMMISSION
 EXPIRES NOV. 1, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4415-3
STOTZ FARMS Box 205, RR#1-Tel. 9704
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57475 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.

see 3111-3

Date of first receipt of application DECEMBER 15, 19 78
 Date of return to applicant for correction, amendments or changes required DECEMBER 19, 19 78
 Date of receipt of corrected application WR MAY 4, 19 79
 Approved MAY 24, 19 79, Recorded in Book 3.0 Page 342

WATER RIGHT PERMIT NO. 4415-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4415-3 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 MAY 4, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 24, 19 81
3. The whole of said work is to be completed on or before MAY 24, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 24, 19 88
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 ADDITIONAL cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MAY 24, 19 88; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 7th day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

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

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 67 ft
(2) Casing, Type PVC Plastic Diameter 16" Thickness _____
(word, concrete, steel, etc)
(3) Perforated Screen.
Type Stainless Steel Diameter 16" Length 25 ft
(4) Gravel Pack, Thickness Pea size, Length of gravel pack 67 ft

E Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F Fill out for Either a Well or a Dugout. *Log will be furnished by driller

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering well:

On same owner's property 320 rds. On property owned by others 20 rds.

G. Water Storage Dams.

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

X [Signature]
Signature of Applicant

Stolz Farms

3111-3

DEPTH	TIME	REMARKS
0-10	8: 20	Top soil, yellow clay and small rocks
10-20	9:05	Gray clay 10-16, clay gravel and rocks, 16-20
20-30	11:00	Yellow gravel and rocks
30-40	12:10	Yellow gravel and rocks 30-37, White gravel 37-40
40-50	12:20	Sand and gravel
50-60	12:40	Sand and gravel 50-57, coal and fine medium sand 57-60
60-68		Coal and fine medium sand 60-67, 67-68 Blue clay
	TD 67	25 Ft.-100 Slot Johnson Stainless Steel Screen
		42 Ft. 15" PVC Plastic
		Customer furnished gravel

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. Same as for Permit # 31173

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

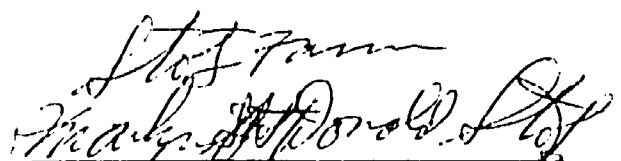
Depth to water (ground surface to water level) _____

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

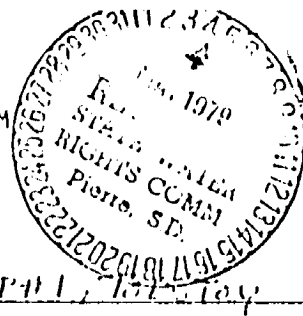
On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

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


Signature of Applicant

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: DONALD C. STOLTZ OR MARLYN OWNERS ADDRESS: RR#1, Potter

COUNTY LAND LOCATED IN: POTTER PHONE: 492-2477

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NE¹ NE¹, Section 10 - T120N - R73W

2. SURFACE WATER SOURCE _____

3. LOCATION OF AREA TO BE IRRIGATED: E² SW¹ Sec 2 - T120N - R73W & NE¹ Sec 3 - T120N - R73W

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

5. TYPE OF IRRIGATION: (Show approximate acres under each type of system)

6. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN ☒ OTHER (Specify) _____

7. CROPS TO BE IRRIGATED ALFALFA

8. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976

LAND: NE¹ 1/4 Sec 10 - T120N - R73W

IN WHAT NAME: SAME AS OWNER

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

9. SAMPLE NUMBER: 76-1494

10. SALINITY (EC X 10⁶) 1192

11. SODIUM (SAR) 0.46 ADJUSTED (SAR) _____

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on _____, 19____, at the following location: _____

by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation 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 further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
2 DAY OF MARCH, 1977.

Donna J. Anderson
(NOTARY PUBLIC)
Donna J. Anderson

Donald Stoltz
APPLICANT'S SIGNATURE
Keith L. Hanner
Director, Division of Conservation

APPROVED

DISAPPROVED
☒ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Right Commission.

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Donald Stotz, Tolstoy, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Java-Betts 6-9% slope (12C) - Approximately 25 acres in NE $\frac{1}{4}$ -Section 3

Tetonka (76) - Approximately 5 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ -Section 2

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than ----- times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least ----- inches of water.
3. (X) Yes () No Surface drainage suggested on any area that tends to pond water.
4. () Yes () No Subsurface drainage suggested on -----
5. (X) Deep tillage (for the purpose of aiding movement of water through dense subsoil) occasional use, in the fall and after crop removal will be beneficial
COMMENTS: on most of your soils.
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application gun.

GENERAL COMMENTS:

With your gun system and used on alfalfa, you have a definite advantage in water application management.

If you can establish a legume or grass-legume on your knoll top areas with the shallow soil, I can see no reason why you cannot use the gun-system to your advantage, even if it is only to keep a good cover.

Unless you can drain the Tetonka area, expect crop drowning from irrigation runoff and natural precipitation accumulations.

Copy to applicant
Copy to Water Rights
Copy on File

No. 4415-3

Publish first publication, on or before May 10, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that Stotz Farms whose post office

address is Tolstoy, 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 add' cubic feet of water per second of time from groundwater (one existing well) through the Stotze' Unit #1, the point(x) of diversion of which is (~~xxx~~) to be located in the NE1/4 NE1/4

of Section 10, Twp. 120N, Range 73W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E1/4 SW1/4, Section 2 and NE1/4, Section 3, all in T120N-R73W.

This Application No. 4415-3 will be considered by the Water Rights Commission at Howard Johnson's Motel,
2211 Lacrosse, Rapid City, SD 57701 upon the 24th day of May, 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

BW:plh

cc: Stotz Farms, R. R. #1, Tolstoy, SD 57475

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Gene Wager hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Review

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

May 10, 1979

May 12, 1979

Gene Wager - Huron Review
(Signature)

Editor
(Title)

4-17-79
(Date Signed)

May 19, 1979
Gene Wager
JIM VIAGER
PRINTING PUBLIC, POTTER COUNTY, S. DAKOTA
MY COMMISSION EXPIRES Nov 1980

Notice
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota
57501

May 4, 1979

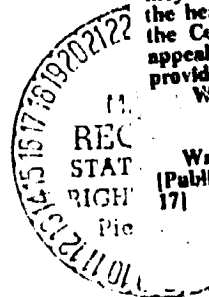
Notice is hereby given
that Stotz Farms whose
post office address is Tol-
stoy, South Dakota, has
made an application in
accordance with the pro-
visions of SDCL 46-1-1
thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-11;
46-2-13; 46-5-1 thru
46-5-8; 46-5-10 thru
46-5-22, 46-5-41, 46-6-3,
46-6-3.1, 46-6-5, 46-6-6.1,
46-6-10, 46-6-14 and Com-
mission Rules (ARSD)
52:01:01:01 thru
52:01:01:13, for a permit
to appropriate for benefi-
cial use no add'l cubic feet
of water per second of
time from groundwater
none existing well
through the Stotzs' Unit
#1, the point of diversion
of which is to be located in
the NE 1/4 NE 1/4 of
Section 10, Twp. 120N,
Range 73W. Said water to
be used for the purpose of
providing irrigation on
portions of the following
described lands: E 1/2 SW
1/4, Section 2 and NE
1/4, Section 3, all in
T120N-R73W.

This Application No.
4415-3 will be considered
by the Water Rights Com-
mission at Howard John-
son's Motel, 2211 La-
crosse, Rapid City, SD
57701 upon the 24th day
of May, 1979 at 10:00 a.m.
This Commission is auth-
orized to make a deter-
mination on this applica-
tion at the hearing. All
interested persons may
appear and be heard. Any
person who may be af-
fected by a Commission
decision who desires to
present evidence or cross-
examine witnesses ac-
cording to SDCL 1-26 may
notify the Commission in
writing prior to the hear-
ing or orally at the hear-
ing.

This hearing is an ad-
versary 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
(Published May 10 and
17)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6791

PIERRE, February 15, 1972

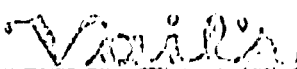
RECEIVED OF STOTZ FARM, Marilyn Stotz, Tolstoy, SD 57475

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

Fund 290	
Fee for Application for Permit to Appropriate Water No. 4415-3 (examination, processing, recording and filing)	300 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	300 00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH plh



Vet's
ANIMAL HEALTH & PRESCRIPTION HEADQUARTERS
Ph. 735-4091 Gettysburg, SD



Placed X the following point

This will be the addition land applied for

76-W

T-120-N EDWARDS CO. LOGAN R-73-W

FRANK
GRIFFIN
Tol. 1

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19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

This already has permit on

3111-3
4415-3

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Donald G. Stotz - Stotz Farms
RR 1, Box 249
Tolstoy, SD 57475

Dear Mr. Stotz:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

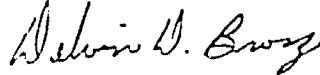


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 3111-3 and 4415-3Missouri River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Stotz Farms, Donald G. and Marlyn G. Stotz of HC 80 Box 249, Tolstoy, SD 57475 holder of Permit No. 3111-3 and 4415-3, bearing the priority of October 1, 1976 and May 4, 1979 authorizing the diversion of 2.0 cu. ft. per second of the waters of Bowdle Aquifer for irrigation purposes, in Potter County.

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

A. Works used to divert the water:

One well 70' deep, 40' of 15.5" pvc casing and 30' of 16" Johnson stainless steel screen. Amarillo Diesel motor model no. SH100104866, 100 hp; Verti Line pump model no. 12RX11B, 7", 900 gpm capacity.

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

2450' of 8" pvc, 1210' of 10" pvc and 2565' of 10" aluminum.

C. Works used to apply water to beneficial use:

Olson center pivot 1180' long, 10 towers, with end gun, high pressure nozzles, 900 gpm capacity. Valley center pivot 1290' long, 9 towers, with end gun, high pressure nozzles, 900 gpm capacity.

The system is in the following condition good. The point of diversion is located 1056' S and 792' W of the NE corner of Section 10, T120N, R73W. The works are capable of diverting and conveying to the place of use 2.0 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 T120N, R73W

Section 3:	NW 1/4 NE 1/4	34 acres	Section 10:	NW 1/4 NE 1/4	30 acres
	NE 1/4	34 "		NE 1/4	30 "
	SW 1/4	33 "		SW 1/4	30 "

SE 1/4

33

SE 1/4

30

comprising a total of 254 acres of land and the license should be issued for 2.0 cfs.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 9-3-92

Lynn Beck

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 3111-3 and 4415-3

DATE 9-3-92

Other permit(s) associated with the project 4415-3

DIVERSION POINT LEGAL LOCATION: 1055' S and 792' W of the NE corner of Section 10, T120N, R73W

WELL INFORMATION: Well Drilling Firm Dakota Boring Co.

No. of Wells 1 Depth(s) 70

a) Casing: 1) diameter 15.5 inches

2) length 40 feet

3) type pvc

d) Static Water Level 8 feet

e) Motor:

1) make Amarillo Diesel

2) model No. SH100104866

3) horsepower rating 100 hp

b) Screen: 1) type Johnson stainless steel

2) length 30 feet

c) Pump: 1) make Verti Line

2) model 12RXL1B

3) size 7 inches

4) capacity 900 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type pvc

b) size 8 inches

c) length 2450 feet

a) type pvc

b) size 10 inches

c) length 1210 feet

a) type aluminum

b) size 10 inches

c) length 2565 feet

SYSTEM TYPE:

e) Center pivot: NE 1/4 Section 10-120-73

1) make Olson

2) overall length 1180 feet

3) number of towers 10

4) distance between towers 120 feet

5) end gun Y (Y/N)

6) high or low pressure high

7) capacity 900 GPM

e) Center pivot: NE 1/4 Section 3-120-73

1) make Valley

2) overall length 1290 feet

3) number of towers 9

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure high

7) capacity 900 GPM

CHEMIGATION EQUIPMENT:

b) main line check valve Y (Y/N)

d) low pressure drain N (Y/N)

f) interlock type electric

h) injection check valve Y (Y/N)

a) does chemigate Y (Y/N)

c) inspection port/air relief Y (Y/N)

e) discharge is 20' from source N (Y/N)

g) injection pump type piston

i) injection line check valve or positive displacement pump Y (Y/N)

j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules N (Y/N)

k) comments : There is no low pressure drain and discharge 20' from the source, however Mr. Stotz has quit chemigating due to new rules.

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)



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

December 23, 1992

Permit No. 4415-3

Stotz Farms
Donald G. and Marlyn G. Stotz
HC 80, Box 249
Tolstoy, SD 57350

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 3113-3 and 4415-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 3113-3 will be incorporated into 4415-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

RECEIPT

413614

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 2, 1995

RECEIVED OF Dianna Stotz, HC 80 Box 249, Tolstov, SD 57475

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. <u>4415-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *Chita M. [Signature]*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 1993

Vergil Worm
Dakota Well & Pump Co.
PO Box 57
Lebanon, SD 57455-0057

Dear Mr. Worm:

Our office is currently in the process of writing up a Water License for Stotz Farms (Donald and Marlyn Stotz) of Tolstoy. A review of their water permit file indicates you may have drilled their well for them.

The well is approximately 70 feet deep and is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T120N, R73W. I am enclosing a copy of a map for Section 10 showing the well location. I do have a test hole log for a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 (copy enclosed), but have been unable to find a well log for the NE $\frac{1}{4}$ NE $\frac{1}{4}$.

In order to issue a water license for their irrigation project, we need to obtain a copy of the well log. If you still have records for this well, please forward a copy of the log to our office. I am enclosing a postage paid envelope for your reply.

Thank you for your assistance in this matter.

Sincerely,

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

enclosures

Mr. Worm called - he did not drill production well. (speak with Ken Buhler)

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4415-3 FOR IRRIGATION

(1) Stotz Farms, Donald G & Marlyn Stotz, of HC 80 Box 249, Tolstoy, SD 57475 made Application No. 4415-3, December 15, 1978 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Potter County, South Dakota for irrigation purposes. Permit No. 4415-3, with a priority date of May 4, 1979 was approved May 24, 1979 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 24, 1984 and for the application to beneficial use of said water on or before May 24, 1988.

Water Permit No. 4415-3 authorizes irrigation of additional acreage developed, but not permitted under Water Permit No. 3111-3. No. 4415-3 did not allow for an increase in the developed diversion rate. The applicable portions of Water Permit No. 3111-3 have been incorporated into this Water License No. 4415-3. Priority dates, as they pertain to the acreage irrigated, are described in (3) of this license.

(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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,056 feet S and 792 feet W of the NE corner of Section 10, T120N, R73W (NE 1/4 NE 1/4).

(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: all in T120N, R73W

Section 3	NW 1/4 NE 1/4	34 acres	May 4, 1979
	NE 1/4 NE 1/4	34 acres	"
	SW 1/4 NE 1/4	33 acres	"
	SE 1/4 NE 1/4	33 acres	"
Section 10	NW 1/4 NE 1/4	30 acres	October 1, 1976
	NE 1/4 NE 1/4	30 acres	"
	SW 1/4 NE 1/4	30 acres	"
	SE 1/4 NE 1/4	30 acres	"
		254 acres	

Priority date of May 4, 1979 established under No. 4415-3 and Priority date of October 1, 1976 established under No. 3111-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Stotz Farms, Donald G & Marlyn G Stotz of HC 80 Box 249, Tolstoy, SD 57475 the holders and/or owners of Incorporated Water Permit No. 4415-3 are issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (one well) with priority dates of October 1, 1976 and May 4, 1979 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4415-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

NOV 14 1994

4415-3

Stotz Farms
Donald G. & Marlyn G. Stotz
HC 80, Box 249
Tolstoy, SD 57475

Dear Mr. and Ms. Stotz:

Enclosed is Water License No. 4415-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413614 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4415-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 3111-3 have been incorporated into this Water License No. 4415-3.

6/60

Well Location:

Mark location with an "X"

North

W

E

1 mile

A hand-drawn map showing a 2x2 grid of wells. The top-right well is marked with an 'X'. The map is labeled 'Well Location:' and 'Mark location with an "X"'. The top edge is labeled 'North', the left edge 'W', and the right edge 'E'. The bottom edge is labeled '1 mile'.

Well Test Data:

☐ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After	_____ Hrs. pumped	_____ GPM
_____ " "	_____ " "	_____ " "
_____ " "	_____ " "	_____ " "

[illegible]

Date Completed: Oct 14 1951

Driller: Dakota Drilling Co. 834
Driller's or Firm's Name License No.

Johnson S.D.
Address

Remarks:

Signed By

Date: _____

HUACHO DRILLING INC. DRILLERS LOG

PAGE NO. 1

State Farm (Donald) JOB NAME sec. 10-120-73-Potter LOCATION 9-10-76 DATE 15 RUG NO. Everett Lodner FOREMAN

LOG	DEPTH	TIME	Hole #1 - DB 80 Used	REMARKS
1	0-20		0-2 Topsoil, 2-17 Yellow Clay, 17-20 Yellow Tinted Gravel	LWL
2	20-35		Coarse Yellow Gravel	LWL
3	35-50		35-37 Coarse Yellow Gravel, 37-40 Blue Clay, 40-44 Coarse Yellow Gravel	
			44-50 Blue Clay	
4	50-65		Blue Clay	
5	65-80	TD	65-75 Blue Clay, 75-78 Sand, 78-80 Blue Clay	
			Hole #2 (Witched)	
1	0-20		0-2 Topsoil, 2-13 Yellow Clay, 13-17 Blue Clay, 17-20 Yellow Sand & Gravel	
2	20-35		Coarse Yellowish, Sand & Gravel	
3	35-50		Coarse Yellowish Sand & Gravel, Coal, Large Gravel	
4	50-65		Coarse Yellowish Sand & Gravel Coal, Large Gravel	
5	65-80	TD	65-87 Yellowish Sand & Gravel, Coal, Large Gravel, 67-80 Blue Clay	
			Materials:	
			1-Used 5" Retip, 1-Used 7 7/8" Retip, 3 Bags Bentonite, 2 Jords of Water	
			Cased to 71', 4" Plastic	
			40' Slotted-Rotton	
			31' Blank	
			2,000 # Pea Rock	
			Pumped 100 GPM	
			Waterhead 8'	
			Raised to 80'	
			Hole #3	
1	0-20		0-2 Topsoil, 2-7 Yellow Clay, 7-20 Coarse Yellow Sand & Gravel	LWL
2	20-35		20-22 Coarse Yellow Sand & Gravel, 22-37 Blue Clay,	
3	35-50			
4	50-65		Gravel & Blue Clay Streaks	
5	65-80	TD	Blue Clay	
			Hole #4 - Bit #102 (New)	
1	0-20		0-2 Topsoil, 2-20 Yellow, Blue Clay (Gravel 17-18)	
2	20-35		Blue Clay & Yellow Sand & Gravel	
3	35-50		Coarse Gravel, LWL	
4	50-65		50-54 Gravel, 54-62 Blue Clay, 62-65 Gravel	
5	65-80		65-67 Gravel, 67-80 Blue Clay	
6	80-90	TD	Blue Clay	

85:1

11-27

8/13/76

John R Kemp



4415-3

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

January 9, 1998

NOTICE**TO:** STOTZ FARMS, DONALD G STOTZ, HC 80 BOX 249, TOLSTOY, SD 57475**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 4415-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below 1 as article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4415-3
STOTZ FARMS
DONALD G STOTZ
HC 80 BOX 249
TOLSTOY SD 57475

4a. Article Number

2119141163

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

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

6. Signature (Addressee or Agent)

X *Donald Stotz*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

4415-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 1998

4415-3

Donald G Stotz
Stotz Farms
HC 80 Box 249
Tolstoy, SD 57475

Dear Mr. Stotz:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 4415-3.

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



4415-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: STOTZ FARMS, DONALD G STOTZ, HC 80 BOX 249, TOLSTOY, SD 57475

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 4415-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4415-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

STOTZ FARMS
DONALD G STOTZ
HC 80 BOX 249
TOLSTOY SD 57475

4a. Article Number

P378080698

4b. Service Type

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

7. Date of Delivery

1-23-99

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Donald Stotz*

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1999

4415-3

Stotz Farms
Donald G Stotz
HC 80 Box 249
Tolstoy, SD 57475

Dear Mr. Stotz:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 4415-3.

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



4415-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: STOTZ FARMS, DONALD G STOTZ, 14850 328TH AVE, TOLSTOY, SD 57475

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 4415-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4415-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6383

Your item was delivered at 9:12 am on January 18, 2003 in TOLSTOY, SD 57475. The item was signed for by D SSMY.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 6383

STOTZ FARMS
DONALD G STOTZ
14850 328TH AVE
TOLSTOY SD 57475

Postmark
here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

PS Form 153, February 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

4415-3

Donald G Stotz
Stotz Farms
14850 328th Ave
Tolstoy SD 57475

Dear Mr. Stotz:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 4415-3.

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

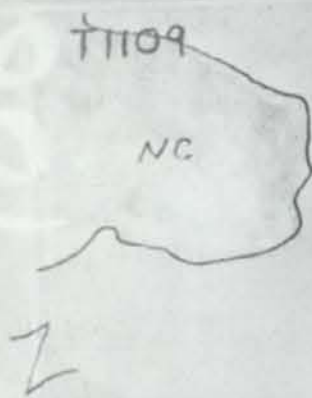
If you have any questions, please contact me.

Sincerely,

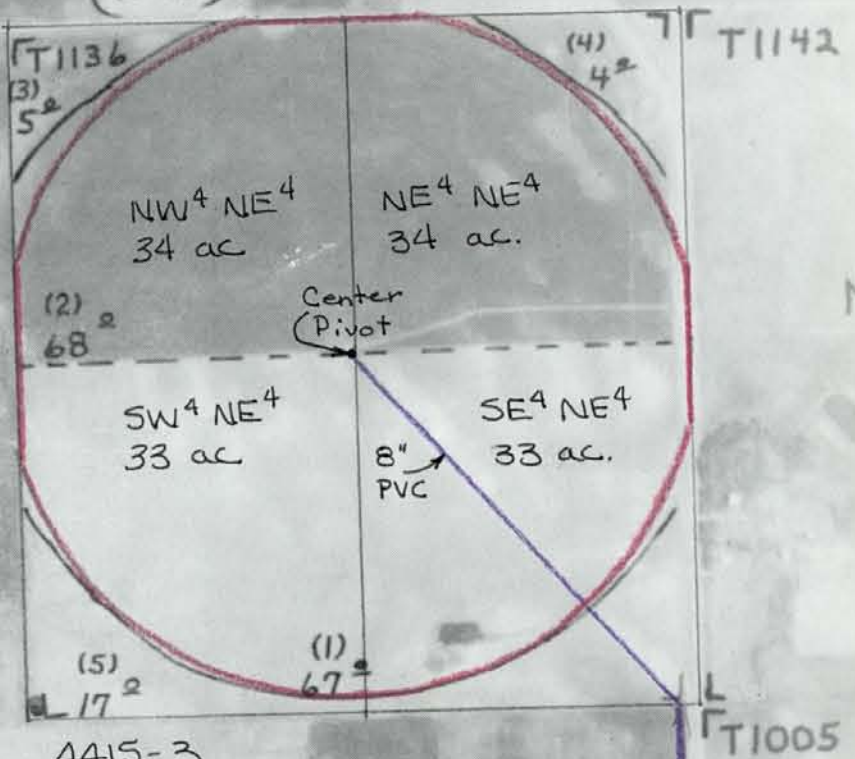
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOT TO SCALE

3-120-73 (L-18)



Transferred to
Edmunds Co.

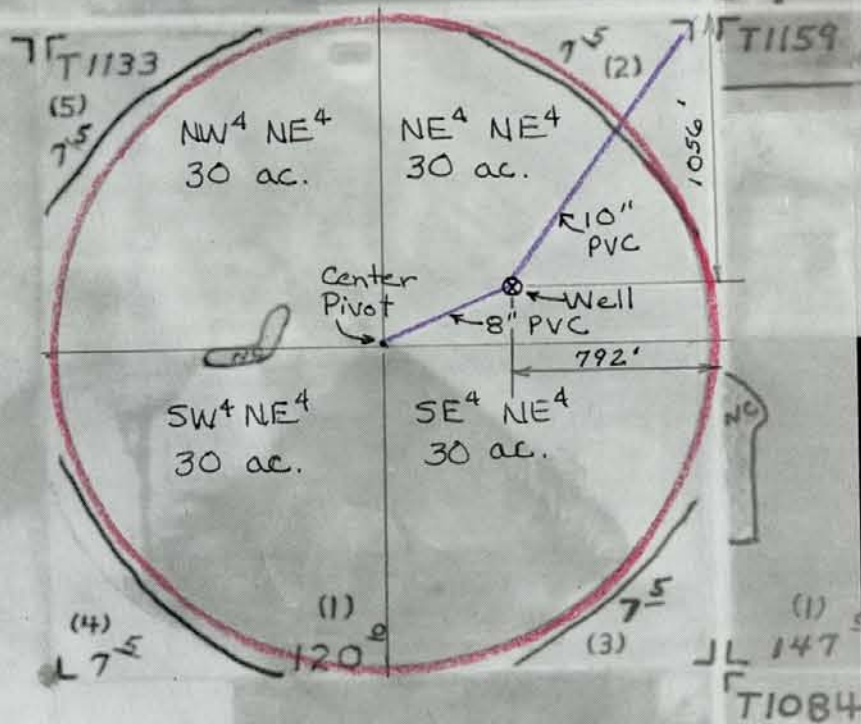


4415-3
Total Acres = 134

Transferred to
Walworth Co.

10"
Aluminum

T1108



3111-3
Total Acres = 120

Transferred to
Edmunds Co.

Prepared by:

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division
9-9-92

(1) 2
291

10-120-73 (L-18)

NOT TO SCALE

Ed Buchler

37.0

(18-R)

Donald & Marilyn Stotz

24.0

Prepared by
Daniel Vig, DC
SCS
Pettysburg, SD.

Mathilde Hittmann
74.0

Marilyn Stotz
75.0

Mildred Jackson
78.0

23.0

Effect pipeline
location may
change

application

20

Volume Gun
to apply water

120-73

Marilyn Stotz

27.0

Edward Stotz

70.0

(18-R)

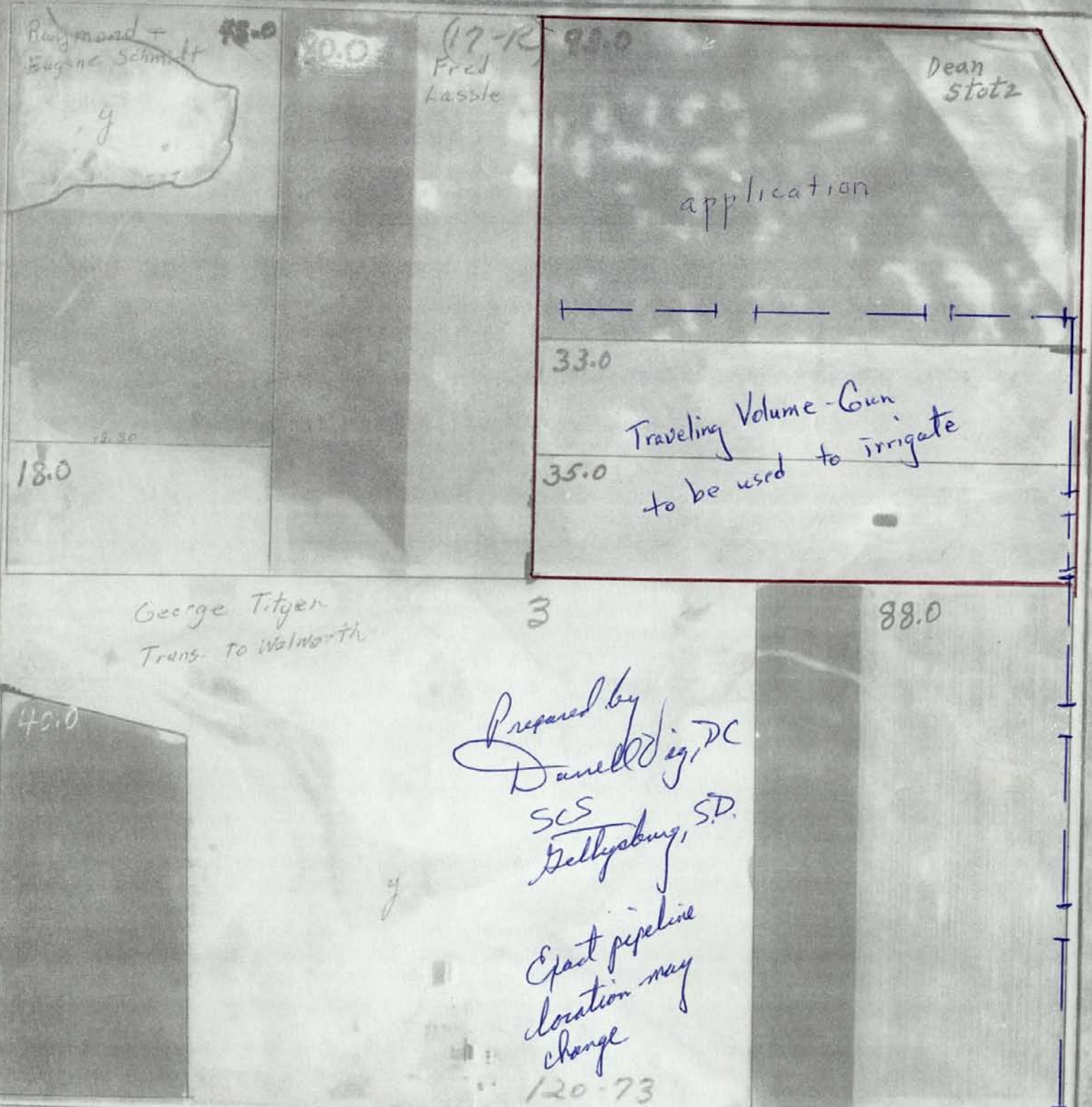
Donald & Marilyn
Stotz

37.0

34.0

NOT TO SCALE

Betty Weston



147.0 Raymond + Eugene Schmidt

(17-R) Pauline Stotz 7.5

TWO OF THREE

MAP ~~NO~~ 3605-3 APPL. 4415-3

NOT TO SCALE

Danell Vig
SCS
120-73

Hettig

See Sec. 3-120-73
~~and 3-120-73~~

147.0 Raymond +
Eugene Schmidt

(17-R)

Pauline Stutz

59.0

See Sec. 9-120-73

90.0

irrigation
well
(EXISTING)

3.8

10

127.0

Ed Bieber

Raymond +
Eugene Schmidt

144.0

5.0

1.8

3.0 3.9

4

6.7

120-73



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 30 2008

Donald & Dianna Stotz
14850 328th Ave
Tolstoy SD 57475

Dear Mr. & Mrs. Stotz:

Enclosed is Water Permit No. 7043-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Also, enclosed is reissued Water License No. 4415-3.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4415-3

(1) Stotz Farms, Donald G & Marlyn Stotz, 14850 328th Ave, Tolstoy SD 57475 was issued Water License No. 4415-3, November 14, 1994 for a water right to divert 2.00 cubic feet of water per second (cfs) from ground water (one well – Bowdle: Edmunds Aquifer), in Potter County, South Dakota for irrigation purposes. Water License No. 4415-3, with priority dates of October 1, 1976 and May 4, 1979 was issued to the permit holders for diversion of water with construction of the water supply system and application of water to beneficial use completed.

Water License No. 4415-3 was originally issued for irrigation of 254 acres in the NE ¼ Section 3 and the NE ¼ Section 10, T120N, R73W. The acreage in the S ½ NE ¼ Section 10 and all of the NE ¼ Section 3 have been forfeited due to non-use. A new permit, No. 7043-3 has been obtained to cover the S ½ NE ¼ Section 10.

The land in the N ½ NE ¼ Section 10 met the legal excuse requirement due to enrollment in the Conservation Reserve Program. The original water license is being reissued to remove the acreage lost due to forfeiture and clarify what is currently authorized for irrigation under No. 4415-3.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and the application of water to beneficial use and are entitled to divert 2.00 cubic feet of water per second for beneficial use.

The well is located 1,056 feet S and 792 feet W of the NE corner of Section 10, T120N, R73W (NE ¼ NE ¼).

The acreage authorized for irrigation is as follows:

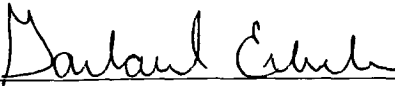
Section 10, T120N, R73W	NW ¼ NE ¼	30 acres
	NE ¼ NE ¼	30 acres
	Total	60 acres

The above acreage carries a priority date of October 1, 1976 as established by Water Permit No. 3111-3. No. 3111-3 had been incorporated into the original Water License No. 4415-3.

(3) Pursuant to South Dakota Water Law 46-5-30.1 Stotz Farms, Donald G & Marlyn Stotz the holders and owners of Water Right No. 4415-3 are issued a license to appropriate water, the right to use 2.00* cubic feet of water per second from ground water (one well – Bowdle: Edmunds Aquifer) with a priority date of October 1, 1976 from the location described above for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4415-3.

* Water Permit No. 7043-3 did not authorize additional water. Water License No. 4415-3 and Water Permit No. 7043-3 combined, authorize a total diversion rate of 2.00 cfs for irrigation of 128.48 acres.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 30 2008

date





4415-3
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 23, 2009

NOTICE

TO: STOTZ FARMS, DONALD G STOTZ, 14850 328TH AVE, TOLSTOY, SD 57475

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 4415-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pd>

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.

4415-3

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 5947**
Status: **Delivered**

Your item was delivered at 11:22 AM on February 3, 2009 in TOLSTOY, SD 57475. The item was signed for by D STOTZ.

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Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5947

STOTZ FARMS
DONALD G STOTZ
14850 328TH AVE
TOLSTOY SD 57475

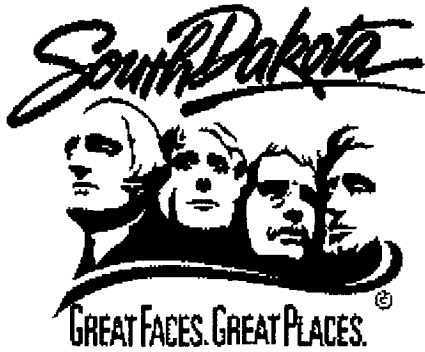
ling.

Waiver of Signature ☐ YES ☐ NO

Postmark
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POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail[®] Service
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

February 9, 2009

4415-3
7043-3

Donald Stotz
Stotz Farms
14850 328th Ave
Tolstoy SD 57475

Dear Mr. Stotz:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4415-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

We also received the "Completion of Works" form for Water Permit No. 7043-3. The system is now ready for inspection. Inspections are done on a county-by-county basis and the intervening time between submission of the form and the actual inspection has no bearing on your water permit.

As requested, future irrigation questionnaires will be mailed directly to Corey Johannsen as the tenant on the property.

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

c: Corey Johannsen



4415-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: COREY JOHANNSEN, RENTER, 502 MAIN ST, TOLSTOY, SD 57475
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) 4415-3 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) 7043-3 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) 7043-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4415-3 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>

c: DONALD & DIANNA STOTZ, 14850 328TH AVE, TOLSTOY SD 57475

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**

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

February 23, 2011

4415-3
7043-3

Corey Johannsen
502 Main St
Tolstoy SD 57475

Dear Mr. Johannsen:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 4415-3 and Water Permit No. 7043-3. 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

c: Donald & Dianna Stotz

4415-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUN 18 2014

4415-3
7043-3

Donald & Dianna Stotz
14850 328th Ave
Tolstoy SD 57475

Dear Mr. & Mrs. Stotz:

Enclosed is Water License No. 7043-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7043-3, 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.

Upon licensing, the applicable portions of Water Right No. 4415-3 were incorporated into Water License No. 7043-3. 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures