

RECEIPT

WATER RIGHTS COMMISSION

No 4 8618

State of South Dakota

PIERRE, December 28, 1981

Gerald D. Coetsch, Big Stone City SD 57216

RECEIVED OF

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

4844-3	300	00
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
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

1. Considered: 2/3, 19 81 Water Right No. 4844-3
2. Name of Applicant GERALD D. GOETSCH
3. Post Office Address R #1, Box 206, Big Stone City, SD 57216
4. Amount of Water Claimed 2.00 maximum acre feet
5. Source of Water Supply 138' well
6. Water to be used for IRR acres to be irrigated 280
7. County Roberts about 3 miles SE of Hartford Beach
8. PROOF OF PUBLICATION: Received (1st) 1-18-82 Not Received
- APPLICATION: Approved 3/4/82 Subject to DW FR
- Not Approved Action Deferred

PRIORITY 12/28/81 Dated Received 12/28/81 Application complete-yes x no FEE 300.00

12/28/81 Remarks

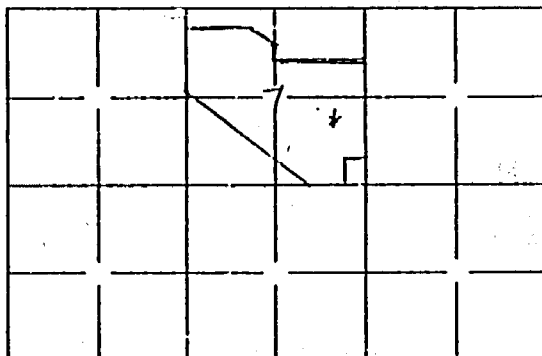
Corrected Application received Period of Annual Use April thru October

WATER
QUALITY

11/6/81
Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes xx no Remarks

Disapproved Returned



Diversion Point

N 1/4 SE 1/4 Section 7-122-47

Land to be irrigated
Portions of lands in Section 7-122-47

WELL LOG

Driller Lee Well Drilling Licensed - yes xx no

Depth 138 feet deep

Remarks

MAP Map No. 4050-3 Map located In Water Right: X Map title _____
 Type of Map Aerial Prepared by SCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
12/28/81

Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions In File - yes _____ no _____ Remarks _____

REMARKS
 F.F. & C.
 OF LAW,
 FINAL
 DECISIONS
 ETC.

Date _____
 Final Decision, Including F.F. & C. of Law were adopted _____
 Date _____
 Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
 Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 4844-3

Map No. 4050-3 Water Division No. 3 MINNESOTA RIVER District
Above for Office Use 07020001



APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Gerald D. Goetsch Phone No. 605 432-4358

Post Office Address R. # 1 Box 206 Big Stone City State S.D. 57216
(Street, RR, or Box) (Town) (Zip Code)

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 Goetsch Irrigation Works

4. Amount of water claimed (cubic feet per second) 2

5. Source of water supply 1 well

6. Location of point of diversion In the NE 1/4 located 2000 feet N and 1300 feet west from SE corner of Section 7-122-47

County Roberts

7. Annual period or periods during which water is to be used Spring - Summer - Fall

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 220

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.
Lot 3 Sec. 7-122-47	32
Lot 4 Sec. 7-122-47 (NW 1/4)	37
Lot 5 Sec. 7-122-47	37
E. 3/4 of 1/4 SW 1/4 Sec. 7-122-47	37

Land Description	No. Acres Irr.
6A NE of Hwy 109 in SE 1/4 7	6
SE 1/4 Sec. 7-122-47	133
E 1/2 NE 1/4 Sec. 7-122-47	40

Attach sheet if more space is needed

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

11. Choice of county newspaper for publication of Notice of Intent to appropriate Water Sisseton Courier

12. Principal Features of the Proposed Water Supply System.

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

1 Well

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

Aluminum Pipeline from well to pivot

C. Works proposed to apply water to beneficial use.

Center pivot

Estimated Total Cost \$ 50,000.00

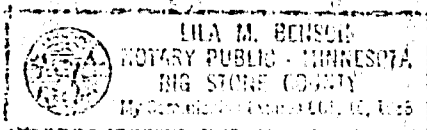
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF MINNESOTA
COUNTY OF Big Stone

I, Gerald D. Goetsch 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 Gerald D. Goetsch

Subscribed and sworn to before me this 24th day of December, 1981



Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4844-3

GERALD D. COITSCHE

Rt/ #1, Box 206, Big Stone City

South Dakota 57218

(Post Office Address)

(State)

With the following qualifications.

The irrigation well approved under this Permit is located near domestic 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application DECEMBER 28, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved FEBRUARY 4, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4844-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4844-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified 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 28, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 4, 1983
3. The whole of said work is to be completed on or before FEBRUARY 4, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 4, 1987
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 2.0 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 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 FEBRUARY 4, 1987; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of MARCH, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction issued _____, 19____

Water License Issued _____, 19____

Geothermal Heat
Rural Route 2 Box 150 A
MILBANK, S. DAK. 57054

(1) WELL CONSTRUCTION

Location of well _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____
Well owner Gerald Gnietsch RR1 Big Stone City S.D. 57216
(Name) (Address)
Date well drilling completed 10/8/81 Purpose of well Irrigation test 1/6
(domestic, irrigation, municipal, industrial, other)

[illegible]

Attach sheet if more space is needed

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

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

Lee Well Drilling Inc. David Lee
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____
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 _____.

Name of Pump Installation Contractor

D. Well Information

(1) Drill Hole, Diameter 4 1/2", Depth 135'
 (2) Casing, Type Stainless Steel (wood, concrete, steel, etc), Diameter 10", Thickness 3/8"
 (3) Screen, Type Stainless Steel, Diameter 16", Length 30'
 (4) Gravel Pack, Thickness 0", Length of gravel pack 40'

E. Dugout Information or Estimates

(1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Attach a copy of test well log)

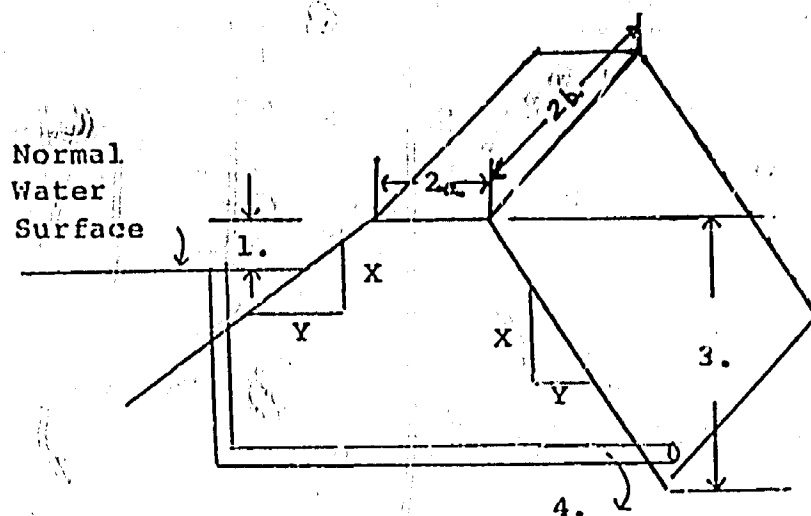
Depth to top of water bearing material 92'
 Depth to bottom of water bearing material 135'
 Depth to water (ground surface to water level) 43'

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

On same owner's property 2.24 rds.
 On property owned by others 100 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
 2a Crest width _____ b. length _____
 3. Height of Dam _____
 4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

CONSERVATION COMMISSION
WI#1
9/81

no appl
SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only
2962

OWNERS NAME: GERALD D. GORTSON OWNERS ADDRESS: RR # 1 Box 206
Big Stone City, SD 57216
COUNTY LAND LOCATED IN: Roberts PHONE: 432-4358
TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

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

1. WELL LOCATION NE 1/4 Sec. 7-122-47

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Legal Description	Acres	Legal Description	Acres
SE 1/4 Section 7-122-47	160	SE 1/4 SW 1/4 Sec. 7-122-47	6
Lots 3, 4, 5 NW 1/4 7-122-47	82		
SW 1/4 NE 1/4 Sec. 7-122-47	40		
N 1/4 SW 1/4 Sec. 7-122-47	37	Total	288

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: N/A

IN WHAT NAME: N/A

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: _____

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

7. WATER SAMPLE NUMBER: 81-1239

8. SALINITY (EC X 10⁶): 1300

9. SODIUM (SAR): 1.77

10. ADJUSTED (SAR): 4.65 (0.7) = 3.25

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at 8:05 a.m./p.m. on 12/13/81, at the following location: NE 1/4 SW 1/4 Sec 7-122-47 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 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

12 DAY OF October 19 81

[Signature]
NOTARY PUBLIC

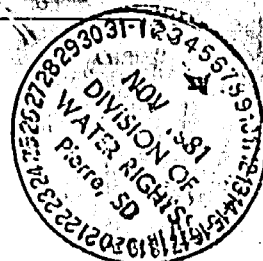
[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

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 Board of Water Management, Foss Building, Pierre.

____ APPROVED
____ DISAPPROVED
X CONDITIONALLY APPROVED



no appl

**SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION**

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT

11



October 26, 1981

Gerald Goetsch
Big Stone City, SD 57216

Dear Mr. Goetsch:

Enclosed is your copy of the laboratory report of analysis for water sample No. 81-1239.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 81-1239 is classified as a high saline, low to medium sodic water. It is suitable as a source for irrigation.

All of the soil series that you intend to irrigate are compatible with the quality of your water. However, the Haubay silty clay loam (located in the NW 1/4 of the NW 1/4, the NE 1/4 of the SW 1/4, and the SW 1/4 of the NE 1/4 of Section 7-122-47) has a moderately slow water intake rate. This is also true of the adjoining Syva loam soil. Persistent wet spots in these areas should be maintained in grass or a grass/alfalfa mixture.

If a rising water table or a salt problem should develop on your finer textured soils, please contact your county extension agent or this office for assistance.

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

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb

Enclosures

cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: SIOUX COUNTY Date Rec'd: Oct 14 1981
Address: BIG STONE CITY SD Sample No. PI-1239
57216 Identification: WRL- 142.00ft.
122° 47W 07 °

WATER ANALYSIS

Calcium (Ca)	112	ppm*	5.59	mg/l**
Magnesium (Mg)	62	ppm	5.10	mg/l
Sodium (Na)	94	ppm	4.09	mg/l
Potassium (K)	6	ppm	0.19	mg/l
Sulfate (SO ₄)	325	ppm	6.97	mg/l
Nitrate (as N)		ppm		mg/l
Chloride (Cl)	32	ppm	0.90	mg/l
Bicarbonate (HCO ₃)	408	ppm	6.68	mg/l
Carbonate (CO ₃)	0	ppm	0.00	mg/l
Iron (Fe)		ppm		mg/l
Fluoride (F)		ppm		mg/l
Manganese (Mn)		ppm		
Boron (B)	0.44	ppm		
Hardness (HSA as CaCO ₃)		ppm		g.p.d.***
Total Solids		ppm		
Total Cations			14.93	mg/l
Total Anions			14.50	mg/l
Alkalinity (Methyl Orange)	234	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1300	microhm/cm at 25 °C		
Sodium Adsorption Ratio	1.77	Adjusted SAR	4.05	
Sodium	27.28	Eq/l Cations		
Residual sodium carbonate	0.00	mg/l		
Cl	7.85			
Others:				
*ppm=parts per million				***g.p.d.=grains per gallon
**mg/l=milliequivalents per liter				

COMPLIES

By: Shirley Gitten

Service Performed:

Amount Due:

Irrigation Analysis

\$ 6.00

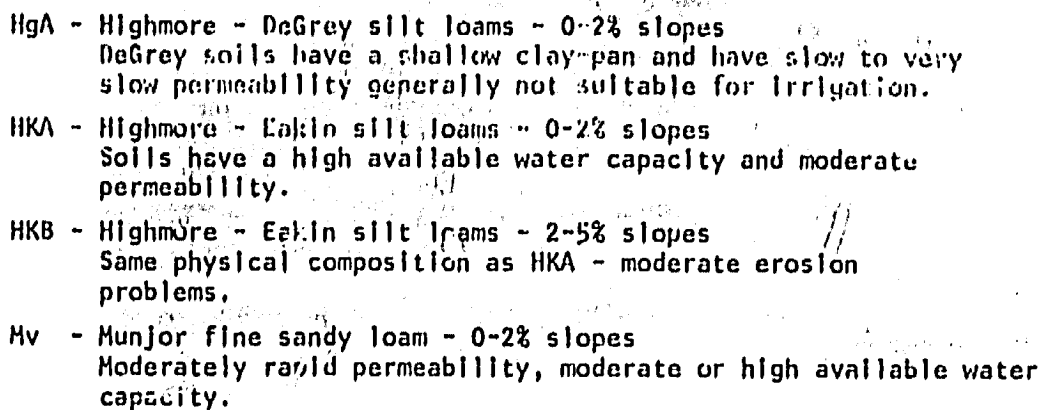
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 81-1239

Amount Enclosed \$
Signed

EXAMPLE



Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

MAP

[illegible]

PLEASE USE BACK OF THIS SHEET FOR NARRATIVE
OR ATTACH SEPARATE SHEET

No. 4844-3

Publish first publication on or before January 8, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota, 57501
December 29, 1981

Notice is hereby given that Gerald D. Goetsch whose post office address is RR #1, Box 208, Big Stone City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.00 cubic

feet of water per second of time from groundwater (one well) through the Goetsch

Irrigation Works, the point (s) of diversion of which is (are) to be located in the _____

RR #1, SD

of Section 7, Twp. 122N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 7, T122N, R47W

This Application No. 4844-3 will be considered by the Water Management Board at Church & 111. St. upon the 3rd day of February, 1982 at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

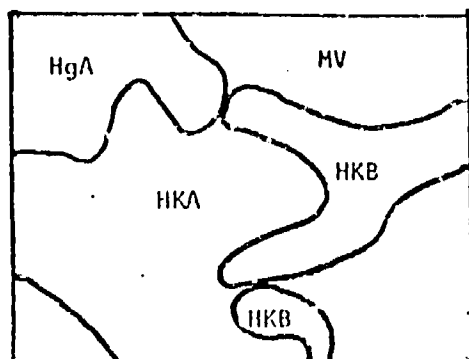
BETTY WESTLUND, Water Rights Specialist

cc: applicant

WNR-806A-10/81 Notice of Intent to Appropriate Water
GROUNDWATER

SOILS INFORMATION

EXAMPLE



- HgA - Highmore - DeGrey silt loams - 0-2% slopes
DeGrey soils have a shallow clay pan and have slow to very slow permeability generally not suitable for irrigation.
- HKA - Highmore - Eakin silt loams - 0-2% slopes
Soils have a high available water capacity and moderate permeability.
- HKB - Highmore - Eakin silt loams - 2-5% slopes
Same physical composition as HKA - moderate erosion problems.
- Mv - Munjor fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.

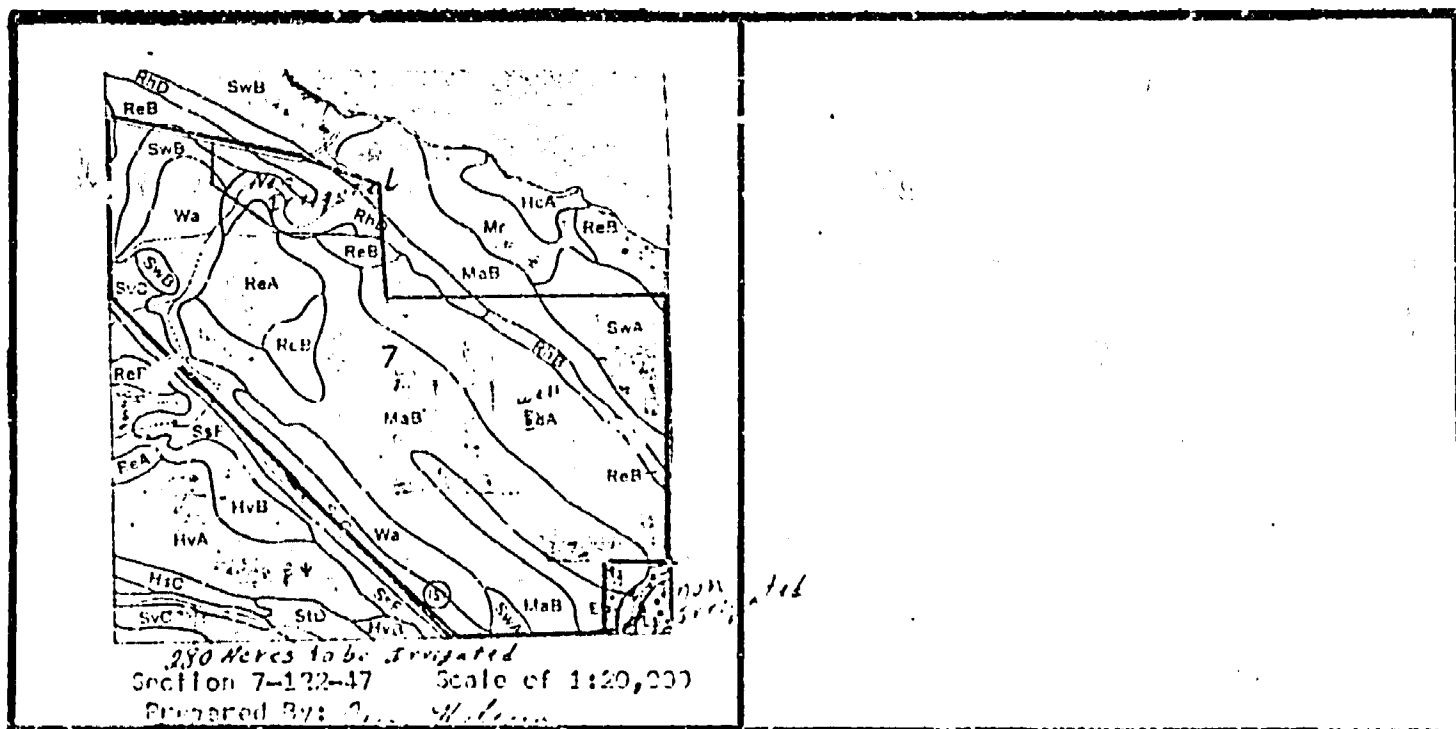
Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain this information from a private consultant or professional soil classifier.

NOTE: If at all possible, provide information concerning subsoil physical conditions.

MAP

PLEASE READ LEGAL DESCRIPTION #1 THROUGH #4 ON FRONT SHEET BEFORE COMPLETING THIS SECTION.



June Helgeson, Secretary
Roberts Conservation District
Sisseton, SD 57222

PLEASE USE BACK OF THIS SHEET FOR NARRATIVE
OR ATTACH SEPARATE SHEET

4844-3
No. _____

Publish first publication on or before January 8, 1982

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feet of water per second of time from groundwater (one well) through the Goetsch

Irrigation Works, the point (xx) of diversion of which is (xxx) to be located in the _____

NE 1/4 Sec 12

of Section 7, Twp. 122N, Range 47W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 7, T122N, R47W

This Application No. 4844-3 will be considered by the Water Management Board at

Church & Ill. St.

Knap Bldg, Meeting Room #1, Pierre SD upon the 3rd day of February, 1982

at 10 A. .M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

cc: applicant

WNR-806A-10/81 Notice of Intent to Appropriate Water
GROUNDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County ROBERTS) ss.

I, JACK ADAMS hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the SISSETON 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 SISSETON

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

JAN. 7, 1982

JAN. 11, 1982

(Signature)
PUBLISHER

(Title)

JAN. 15, 1982

(Date Signed)

Cost of Printing: 74 LINES @ 17.34
80% SECOND INSERTION 23.04



NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, SD 57501
December 29, 1981

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office address is RR 1, Box 206,
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of SECL 46-1-1 thru 46-1-9, 46-1-
12 thru 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, 46-5-25, 46-5-41;
46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1,
46-6-10, 46-6-13, 46-6-14 & Board
Rules ARSD 52:01:01:01 thru
52:01:01:13, for a permit to
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Section 7, Twp. 122N, Range
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the purpose of providing
irrigation on portions of the
following described land:
Section 7, T122N, R47W.

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will be considered by the Water
Management Board at Kneip
Bldg, Meeting Room No. 1,
Church & Ill. St., Pierre, SD
upon the 3rd day of February,
1982 at 10 a.m. The Board is
authorized to make a deter-
mination on this application at
the hearing. All interested
persons may appear and be
heard. Any person who may be
affected by a Board decision
who desires to present evidence
or cross-examine witnesses
according to SDCL 1-26 may
notify the Board 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 Board may be
appealed to the Circuit Court
and the State Supreme Court as

provided by law.

Any hand/capped person
wishing to attend this hearing
can contact the Water Rights
Division, DWR, Joe Foss
Building, Pierre, SD, prior to
the hearing date for assistance
to assure access to the hearing.

For the Water
Management Board
Betty Westlund
Water Rights
Specialist
(Jan. 7-14-2w)



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4844-3
Gerald D Goetsch
Rt 1, Box 206
Big Stone City SD 57216

Dear Sir:

Water Permit No. 4844-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

4844-3

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

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

March 14, 1984

4844-3

Gerald D. Goetsch
RR #1, Box 206
Big Stone City, SD 57216

Dear Mr. Goetsch:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4844-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
(605)773-3352

Equal Opportunity Employer



Department of Water & Natural Resources

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

April 15, 1985

Gerald D Goetsch
RR 1 Box 206
Big Stone City SD 57216

NOTICE

Re: Violation of Water Permit No(s) 4844-3

Our records indicate that the 1984 Irrigation Questionnaire has not been received for Permit No(s). 4844-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4844-3 qualification:

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

The hearing(s) will be at 10:30 a.m., May 15, 1985, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No.(s). 4844-3 until either the 1984 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

Gerald D Goetsch
April 15, 1985
Page 2

The hearing(s) 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.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division, Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40407KS.wr



Department of Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Gerald D. Goetsch
RR 1, Box 206
Big Stone City, SD 57216

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: One Year Suspension Of Water Permit No(S). 4844-3, If The 1984
Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board ordered:

That Water Permit No(s). 4844-3 be suspended until December 31, 1985, unless the required 1984 Irrigation Water Use Questionnaire is received by June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 Irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete Items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
- ☒ Show to whom and date delivered —¢
 - ☐ Show to whom, date, and address of delivery.. —¢
2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to
the return receipt fee.)
- TOTAL \$** _____

3. **ARTICLE ADDRESSED TO:**
Gerald Goetsch
RR#1 Box 206
Big Stone City, SD 57216

- | | |
|--|---|
| <p>4. TYPE OF SERVICE:</p> <p>☐ REGISTERED ☐ INSURED</p> <p>☒ CERTIFIED ☐ COD</p> <p>☐ EXPRESS MAIL</p> | <p>ARTICLE NUMBER</p> <p>P 535 724 503</p> |
|--|---|

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. DATE OF DELIVERY Gerald Goetsch by Jaur	POST OFFICE MAY 20 1985 AM
--	---

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS SR
---	---



Department of Water & Natural Resources

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

March 23, 1987

GERALD D GOETSCH
RR #1 BOX 206
BIG STONE CITY, SD 57216

NOTICE

Re: Violation of Water Permit No(s). 4844-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 4844-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4844-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4844-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 5, 1987

4844-3

Gerald Goetsch
Sedge & Herberg
Big Stone City, SD 57216

Dear Mr. Goetsch:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4844-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Gerald D. Goetsch
RR 1, Box 206
Big Stone City, SD 57216

Re: Violation of Water Permit No(s). 4844-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 4844-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4844-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4844-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

4844-3

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

GERALD D GOETSCH
RR #1 BOX 206
BIG STONE CITY, SD 57216

4. Article Number P501-738-963	
Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail	
Always obtain signature of addressee or agent and DATE DELIVERED	
B. Addressee's Address (ONLY if requested and fee paid) 406 S. 4th St. Milbank, S.D. 57252	

X 61210
6. Signature - Agent <i>Gerald D Goetsch</i>
7. Date of Delivery 3-16-88

PS Form 3811, Mar. 1987

* U.S.G.P.O., 1987-178-268

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

March 31, 1988

4844-3

Gerald Goetsch
406 S 4th St.
Milbank SD 57262

Dear Mr. Goetsch:

I am writing to acknowledge receipt of your 1987 irrigation questionnaire. The Water Management Board took action to suspend your water permit at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

The questionnaire has been received, however, it does not change the Board's action to suspend your permit. If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board Meeting to be held May 11, 1988 in Pierre. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact us.

Very truly yours,

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

4844-3

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
↑(Extra charge)↑

GERALD D GOETSCH
RR #1 BOX 206
BIG STONE CITY, SD 57216

Article Number
P501738963

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

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

**406 S. 4th St.
Milbank, S.D.
57252**

X 612/c
6. Signature - Agent
X *Gerald D Goetsch*
7. Date of Delivery
3-16-88

PS Form 3811, Mar. 1987

★ U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

March 31, 1988

4844-3

Gerald Goetsch
406 S 4th St.
Milbank SD 57252

Dear Mr. Goetsch:

I am writing to acknowledge receipt of your 1987 irrigation questionnaire. The Water Management Board took action to suspend your water permit at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

The questionnaire has been received, however, it does not change the Board's action to suspend your permit. If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board Meeting to be held May 11, 1988 in Pierre. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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



Dear Sis:

We received a notice of suspension of our water rights and we need to get it reinstated. Please put us on the schedule to discuss reinstatement on May 11th or as soon as possible.

Sincerely,
Gerald L. Loetsch
R.1 Box 198
Big Stone City,
S.D. 57214

No. 4844-3



Department of Water & Natural Resources

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

April 25, 1988

NOTICE

TO: Gerald Goetsch
406 S 4th St
Milbank SD 57252

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

SUBJECT: Notice of Hearing to Consider request for
Reconsideration of Suspended Water Permit No. 4844-3

The hearing on your request to the Water Management Board to reconsider suspension of Water Permit No. 4844-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 25, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 4844-3 addressed as follows:

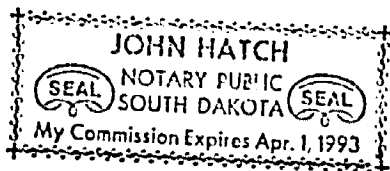
Gerald Goetsch
496 S 4th St
Milbank SD 57252

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of April, 1988.

John Bates
Notary Public



Gerald Goetsch
Water Permit No. 4844-3

GENERAL

Application submitted by: Gerald D Goetsch
RR #1 Box 206
Big Stone City, SD 57216

Permit Approved: February 4, 1982

Permit was approved with the "irrigation questionnaire" qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1983	November, 1983	March 14, 1984	none
1984	October, 1984	May 27, 1985	May 15, 1985
1985	November, 1985	no incoming date recorded	none
1986	November, 1986	May 4, 1987, by phone	none
1987	October, 1987	March 29, 1988	March 2, 1988

PAST VIOLATIONS

1. 1983 Irrigation Questionnaire Violation:

March 7, 1984, Mr. Goetsch was notified that we still had not received his questionnaire and that submission of the questionnaire was a qualification of his permit and failure to return the form was a violation of the conditions under which the permit was approved. (initial request for questionnaire sent November, 1983 with a second follow-up request sent December, 1983).

March 14, 1984, Mr. Goetsch returned the 1983 irrigation questionnaire.

2. 1984 Irrigation Questionnaire Violation

April 15, 1985, Mr. Goetsch was given notice of permit violation for non-return of his 1984 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 15, 1985.

May 15, 1985, the Water Management Board suspended Water Permit No. 4844-3 until December 31, 1985, unless the required 1984 irrigation questionnaire was received by June 1, 1985.

May 27, 1985, Mr. Goetsch returned the 1984 irrigation questionnaire.

3. 1985 Irrigation Questionnaire Violation

March 26, 1986, Mr. Goetsch was given notice of permit violation for non-return of his 1985 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 14, 1986.

The 1985 irrigation questionnaire was returned, no incoming date was recorded. The permit was no longer in violation.

4. 1986 Irrigation Questionnaire Violation

March 23, 1987, Mr. Goetsch was given notice of permit violation for non-return of his 1986 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 6, 1987.

May 4, 1987, Mr. Goetsch returned the 1986 irrigation questionnaire.

5. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Goetsch was given notice of permit violation for non-return of his 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Right No. 4844-3 until December 31, 1988.

March 14, 1988, Mr. Goetsch was notified of the Board action to suspend his water right. The Notice was sent by Certified Mail, Return-receipt requested. Jennifer Goetsch signed the Return-receipt card. An address correction of 406 S 4th St, Milbank, SD was written on the card.

March 29, 1988, the 1987 irrigation questionnaire was received.

March 31, 1988, Mr. Goetsch was notified that we had received his irrigation questionnaire, however, it did not change the Board's action to suspend the permit. He was informed that he could petition the Water Management Board to rescind the suspension by submitting a letter to our office requesting time on the May 11, 1988 agenda. This letter was sent to him at 406 S 4th St., Milbank, SD.

April 22, 1988, A letter was received from Mr. Goetsch requesting time on the May 11, 1988 agenda to request the Water Management Board to reinstate his permit. An address of RR #1 Box 198, Big Stone City, SD was written on the letter, however, the envelope was addressed 406 S 4th St., Milbank, SD.

April 25, 1988, Mr. Goetsch was sent a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Right No. 4844-3. The Notice was sent to the Milbank address.

 **Department of
Water & Natural Resources**

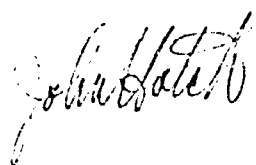
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1988

NOTICE

TO: Gerald Goetsch
406 S 4th St
Milbank SD 57252

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352



SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Hurvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



CERTIFICATION

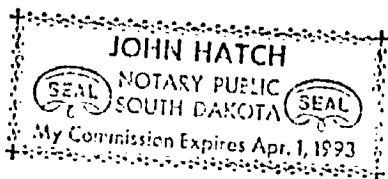
I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

Gerald Goetsch
406 S 4th St
Milbank SD 57252

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



John Hatch
Notary Public



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

August 21, 1991

4844-3

Gerald D Goetsch
RR #1 Box 198
Big Stone City, SD 57216

Dear Mr. Goetsch:

Enclosed, as you requested, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 4044-3.

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.

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 McMahon
Genny McMahon
Natural Resources Analyst
(605) 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412818

Pierre, September 3, 1991

RECEIVED OF Bernard Pillatzki, RR 1 Box 95, Pellingham, MN 56212

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 <u>Water Permit No. 4844-3</u>	2	50
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 John Hatch / [Signature]
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

No. 4844-3

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

Date: _____

I, We request that Water Permit/Right No. 4844-3

formerly owned by: Gerald Goetsch

be transferred to: (name & address) Bernard Pillatzki R1 Box 96 Bellingham, MN 56212

(telephone No.) 612/568-2434

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

Lots 3, 4 & 5 in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, T122N, R47W

I/We understand that the validity of Water Permit/Right No. 4844-3 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 fee required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

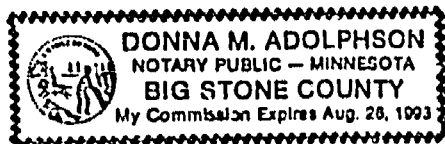
County of Roberts)



I/We Bernard Pillatzki 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.

Bernard Pillatzki
(Signed)

Subscribed and sworn to before me this 29th day of August, 19 91.



Donna M. Adolphson
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 9, 1991

No. 4844-3

Bernard Pillatzki
RR 1, Box 96
Bellingham, MN 56212

Dear Mr. Pillatzki:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4844-3.

Our records now show you as the owner of Water Permit No. 4844-3.

Sincerely,

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

enclosure

4844-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 4, 1991

Bernard Pillatzki
RR1 Box 96
Bellingham, MN 56212

Dear Mr. Pillatzki:

On August 27, 1991 I spoke with Mark Pillatzki concerning the inspection of Water Permit No. 4844-3, previously held by Gerald Goetsch. Upon returning to my office I found that this water permit has been transferred to you. I told Mark Pillatzki that I would send you a copy of the map which was submitted with the original application. This map indicates the land which is covered by the water permit. I am also enclosing copies of the Chemigation Regulations and Summary of South Dakota Water Law for your information.

Since I was unable to complete my inspection, I will be in contact with you next year to schedule a new inspection. If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Division of Water Rights
(605) 773-3352

enclosures

Permit No. 4844-3
Minnesota 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 Bernard Pillatzki of RR 1 Box 96, Bellingham, MN 56212 holder of Permit No. 4844-3, bearing the priority of December 28, 1981 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater for irrigation purposes, in Roberts County.

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

- A. Works used to divert the water:
A 12 inch Berkley pump with a 1200 gpm capacity.
- B. Works used to transport water to place of use:
600 feet of 8 inch steel pipe.
- C. Works used to apply water to beneficial use:
A 1500 foot Reinke high pressure center pivot with end gun.

The system is in the following condition good. The point of diversion is located From the SE corner of Section 7 T122N-R47W: 2000 feet N, 1170 feet W. The works are capable of diverting and conveying to the place of use 2.22 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:

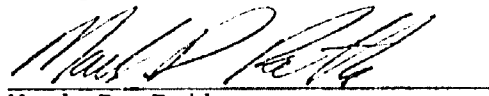
All land located in Section 7 T122N-R47W:

<u>SE1/4 NW1/4 - 1 ac</u>	<u>SW1/4 NE1/4 - 15 ac</u>	<u>SE1/4 NE1/4 - 8 ac</u>
<u>NW1/4 SE1/4 - 40 ac</u>	<u>NE1/4 SE1/4 - 35 ac</u>	<u>SE1/4 SE1/4 - 20 ac</u>
<u>SW1/4 SE1/4 - 29 ac</u>	<u>NE1/4 SW1/4 - 14 ac</u>	<u>SE1/4 SW1/4 - 5 ac</u>

comprising a total of 167 acres of land and the license should be issued for 2.00 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 10/6/1992



Mark D. Rath
 Natural Resources Engineer
 DENR, Water Rights Division

4844-3

REPORT ON INSPECTION OF PERMIT NO. 4844-3

DATE: 10/6/1992

DIVERSION POINT LEGAL LOCATION: From the SE corner of Section 7 T122N-R47W, 2000 feet North and 1170 feet West.

WELL INFORMATION:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 142 feet
- 4) Well log is available N (a test hole log is available.)
- 5) Comment: The permit holder does not have any information about who drilled the well or about the well construction.

Casing:

- 1) Diameter 16 inches
- 2) Length feet
- 3) Type

Screen:

- 1) Type
- 2) Length feet
- 3) Static water level feet

Pump:

- 1) Make Berkley
- 2) Model
- 3) Size 12
- 4) Capacity 1200 GPM

Motor:

- 1) Make John Deere, Diesel
- 2) Model No. T06039T34902
- 3) Horsepower rating 120 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Steel
- 2) Size 8 inches
- 3) Length 600 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Reinke
- 2) Overall length 1500 feet
- 3) Number of towers 8
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1000 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type Electric
- 7) Injection pump type Piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 11) Comments :

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

4844-3



October 27, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Mr. Bernard Pillatzki
RR 1 Box 96
Bellingham, MN 56212

Dear Mr. Pillatzki:

This letter is in regard to the water permit inspection I made of your irrigation system on October 6, 1992. I checked our files and was unable to find a driller's log for the well located in the NE1/4 of the SE1/4 of Section 7 T122N-R47W in Roberts County. I would appreciate it if you check your files to see if you have the driller's log or would be able to contact the former owner, Mr Goetsch, to see if he has it. If you can find it, please send a copy of the well log to me. If you do not find it, please let me know who the driller was so I can contact him.

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Rath'.

Mark D. Rath
Natural Resources Engineer
Division of Water Rights
(605) 773-3352



4844-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 26, 1993

4844-3

Bernard Pillatzki
RR 1, Box 96
Bellingham, MN 56212

Dear Mr. Pillatzki:

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 No. 4844-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4844-3
413756

Pierre, _____ May 4, 19 95

RECEIVED OF Ellen Pillatzki, RR 1 Box 96, Bellingham, MN 56212

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>4844-3</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 *John W. Hatch*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4844-3

(1) Gerald D. Goetsch, of RR 1 Box 206, Big Stone City, SD 57216 made Application No. 4844-3, December 28, 1981 for a water permit to appropriate 2.00 cubic feet of water per second from groundwater (one well), Roberts County, South Dakota for irrigation purposes. Permit No. 4844-3, with a priority date of December 28, 1981 was approved February 4, 1982 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before February 4, 1985 and for the application to beneficial use of said water on or before February 4, 1987.

** On September 3, 1991, Water Permit No. 4844-3 was transferred to Bernard Pillatzki.

(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 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is 2000 feet N, 1170 feet W from the SE corner of Section 7 T122N-R47W (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

(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:

<u>T122N-R47W</u>	<u>Section 7</u>	<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>1 acre</u>
		<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>15 acres</u>
		<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>8 acres</u>
		<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>14 acres</u>
		<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>5 acres</u>
		<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>40 acres</u>
		<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>29 acres</u>
		<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>35 acres</u>
		<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>20 acres</u>
		<u>Total</u>	<u>167 acres</u>

(4) Pursuant to South Dakota Water Law 46-5-30.1 Bernard Pillatzki of RR 1 Box 96, Bellingham, MN 56212 the holder and/or owner of Water Permit No. 4844-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (one well) with a priority date of December 28, 1981 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 Water Permit No. 4844-3 and subject to South Dakota State Law.



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

SEP 20 1993



4844-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 20 1993

4844-3

Bernard Pillatzki
RR 1, Box 96
Bellingham, MN 56212

Dear Mr. Pillatzki:

Enclosed is Water License No. 4844-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413756 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. 4844-3, 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

rd
enclosures

101,912

Filed for record this 23rd day of Aug 2004
 at 9:50 o'clock A. M. and recorded in Book m 71
 of Misc page 242-243
Carol Martenson
 Register of Deeds Fee: 12.00 Deputy

Prepared by Diane Best
 Assistant Attorney General
 500 East Capitol Avenue
 Pierre, SD 57501
 (605) 773-3215

STATE OF SOUTH DAKOTA)
 : ss. AFFIDAVIT
 COUNTY OF HUGHES) OF DIANE BEST
) (SDCL 43-28-4)

The Affiant, being under oath, states as follows:

1. I am an Assistant Attorney General for the State of South Dakota. In that capacity I represent the South Dakota Department of Agriculture and the South Dakota Conservation Commission. The Conservation Commission formerly issued Soil Water Compatibility Permits under SDCL 46-5-6 (now repealed). Under SDCL 46-5-6.5 (now repealed) such permits were filed with Registers of Deeds by the Department of Agriculture.
2. That this Affidavit is filed to explain an error in the South Dakota Soil Water Compatibility Permit 4027 filed with the Roberts County Register of Deeds. Permit 4027 appears to show the South Dakota Conservation Commission or the South Dakota Department of Agriculture as holding a real property interest in Sections 8 and 17, T122N, R47W, Roberts County, when, in fact it does not hold such interest.
3. More specifically, Soil Water Compatibility Permit 4027 was filed on September 19, 1985, in Book M-51 of Miscellaneous, page 385. Through mistake or inadvertence, the filed

document lists portions of Sections 8 and 17, T122N, R47W, Roberts County and was therefore recorded as applying to such property.

4. Soil Water Compatibility 4027 applies only to Section 7 and the South Dakota Conservation Commission holds no interest in the following property, all located in T122N, R47W, Roberts County:

West ½ of SW¼ of Section 8
SE¼ of SW¼ of Section 8
Lot 2 of Section 8

NW ¼ NW 1/4 of section 17
NE ¼ NW 1/4 of section 17

Filed this 18th day of August, 2004.

Diane Best

Diane Best
Assistant Attorney General
Counsel for South Dakota
Conservation Commission and
Department of Agriculture

Subscribed to and sworn to before me, a Notary Public, on this 18th day of August, 2004.

Janet Waldron
Notary Public--South Dakota

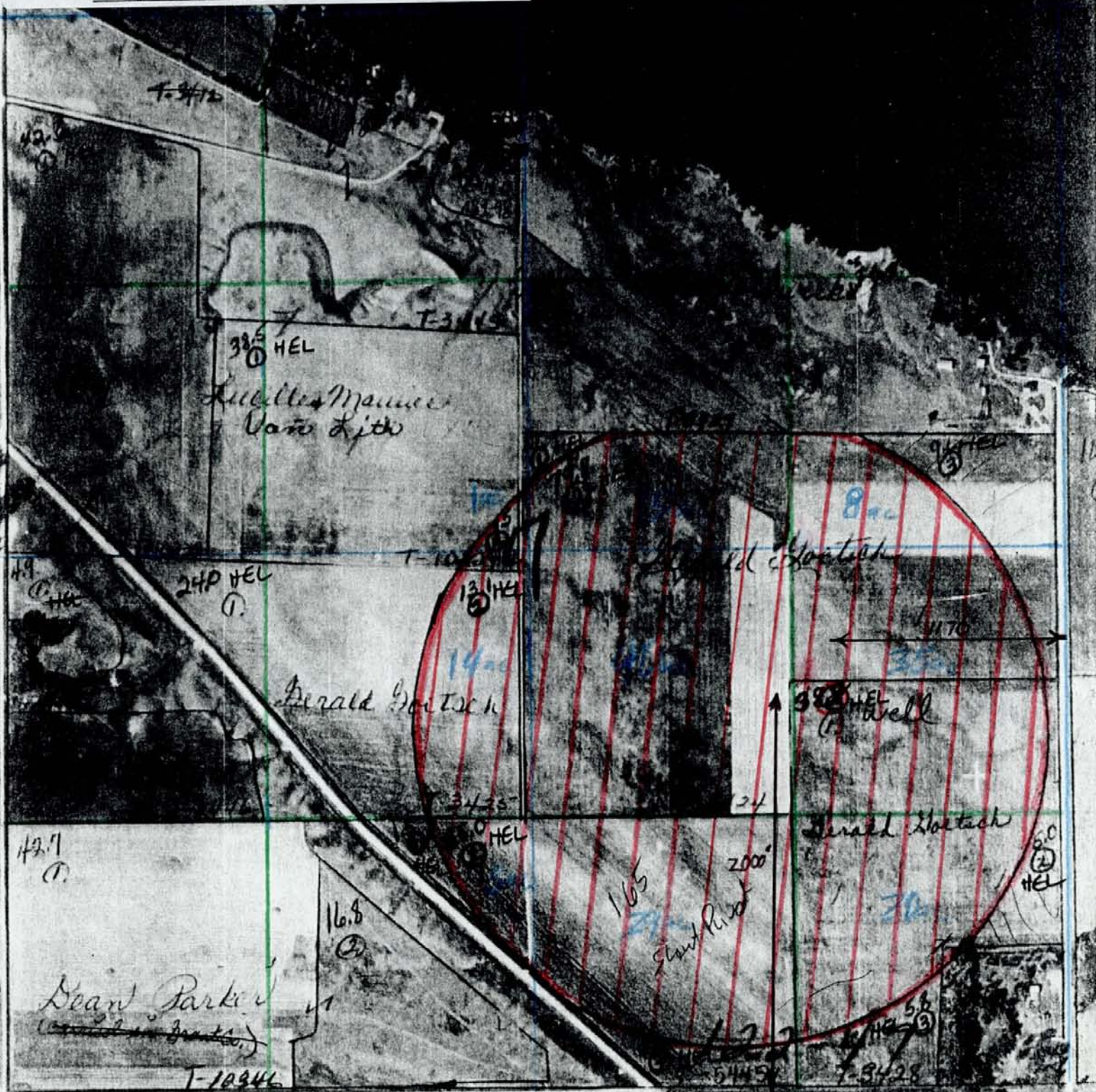
My commission expires:

June 18 2009
(SEAL)

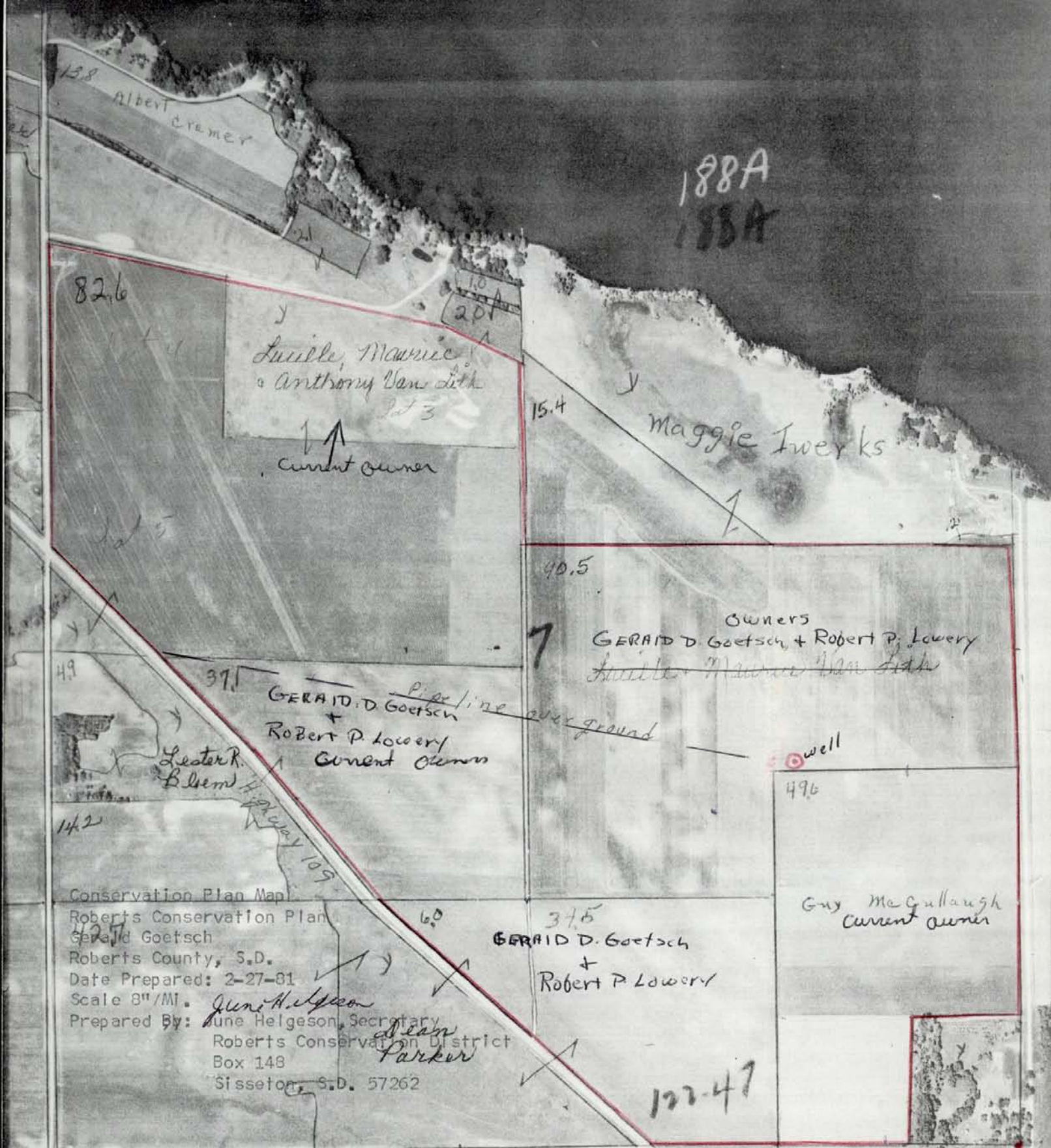
214 DB 08.17-04 Diane Best Affidavit(kak)

NOT TO SCALE

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 10/13/92



NOT TO SCALE

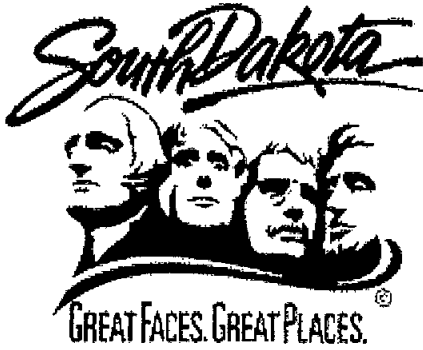


~~Map # 4050-3~~

Appl # 4844-3

SE 1/4 17-122-47
corner

4844-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2014

4844-3

Richard Pillatzki
14624 480th Ave
Milbank SD 57252

Dear Mr. Pillatzki:

Thank you for calling concerning the change needed for Water Right No. 4844-3.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIVED

FEB 25 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4844-3

Date: 2-25-14

I We request that Water Right No. 4844-3

formerly owned by: Bernard Pillatzki

be transferred to: (name & address) Richard Pillatzki

14624 480TH AVE

Milbank, S.D. 57252

Telephone No. 605-432-6024

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

167 acres - SE 1/4 NW 1/4, S 1/2 NE 1/4, E 1/2 SW 1/4 and SE 1/4 Section 7, T122N, R47W

I We understand that the validity of Water Right No. 4844-3 has not been determined by this transfer action. If I We have any questions on validity, I We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I We Richard Pillatzki, the new owner, certify that the above information is true and correct.

Richard Pillatzki

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 20 18

RECEIVED OF Richard Pillatzki 14624 480th Ave Milbank SD 57252

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4844-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06763**

By James Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2014

4844-3

Richard Pillatzki
14624 480th Ave
Milbank SD 57252

Dear Mr. Pillatzki:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for Water Right No. 4844-3.

The ownership change has been completed. Water Right No. 4844-3 formerly held by Bernard Pillatzki is now listed in your name.

Enclosed for your records is Receipt No. 06763 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure