

Considered: _____

WATER PERMIT NO. 5204-3

MAP No. same 448-2644

Name of Applicant Charles Pitkin

Post Office Address RR #1, Box 168 Britton, SD 57430

Amount of Water Claimed 0.08 cfs Total Acres 6

Source of Water Supply groundwater (one well)

Water to be used for irrigation County Marshall

About 4 miles N of Britton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 28, 1988 Fee 50⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use April - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ (APPROVED) CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point center of the SW^{1/4}, Section 25,

T128N, R58W

Land to be Irrigated _____

NE^{1/4} SE^{1/4}, Section 25, T128N, R58W 3 acres

SE^{1/4} SE^{1/4}, Section 25 " " 3 acres

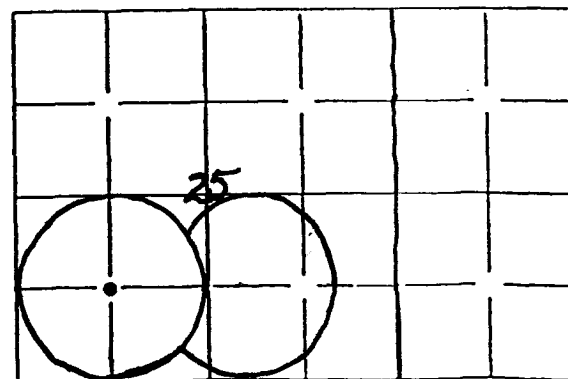
Remaining acres are covered by permit # 2461-3

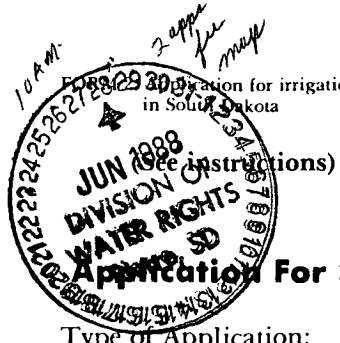
Well Log: Driller Empire Irrigation Drilling Licensed YES _____ NO X

Depth of Well 160' REMARKS _____

Type of Map aerial photo PREPARED BY Jim Wendte Reviewed and the Number

assigned on August 5, 1988 By Susan A. Bowser





No. 5204-3 Hydrologic Unit 09020105
Basin Red Rainy
Newspaper Britton Journal Box 69 (Wed.)

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

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

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other see Permit No. 2461-3

1. Name of Applicant Charles Pitkin Phone No. 448-2644
Post Office Address RR #1 Box 168 Britton State SD 57430
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 0.08 Total acres irrigated 6
3. Source of Water supply groundwater (one well)
4. Location of point of diversion center SW 1/4 Section 25, T128N, R58W
County Marshall
5. Counties where water will be used Marshall
6. Annual period during which water is to be used April 1 - October 31
7. 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.
NE 1/4 SE 1/4 Sec. 25, T128N, R58W	3
SE 1/4 SE 1/4 Sec. 25, T128N, R58W	3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

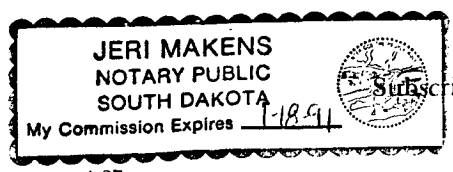
8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: xx Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn
10. Give a description of proposed project. (Attach sheet if more-space is needed)

This application proposes to add 6 acres and change the diversion point location as already described in Water Permit No. 2461-3

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

STATE OF SOUTH DAKOTA)
County of _____)ss

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



Signed Charles Pitkin
Subscribed and sworn to before me this 27 day of June 19 88
Jeri Makens
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application June 28, 1988

Date Soil/Water Compatibility Permit received July 11, 1988

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5204-3

on October 6, 1988 for Charles Pitkin

(Applicant)

<u>RR 1, Box 168</u> (Street, RR or Box)	<u>Britton</u> (City)	<u>South Dakota</u> (State)	<u>57430</u> (Zip Code)
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authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5204-3 specifies the correct location of an existing irrigation well and adds 6 irrigated acres to that authorized by Water Permit No. 2461-3. The location of the well, 160 feet deep, is in the center of the SW $\frac{1}{4}$ and the 6 additional acres are located in the E $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 25, T128N, R58W. This permit also appropriates 0.08 cubic feet of water per second to irrigate the 6 additional acres.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31
3. The date from which applicant may claim the right is June 28, 1988 for 6 additional acres
4. One-fifth of the construction is ~~to be~~ completed ~~on or before~~ _____
5. All construction is ~~to be~~ completed ~~on or before~~ _____
6. Water is ~~to be~~ put to beneficial use ~~on or before~~ _____
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

FEB 14 1989

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 159'
- b) Casing Type plastic Diameter 16" Thickness 3/8"
- c) Screen Type slotted plastic Diameter 16" Thickness 3/8"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 130'
- f) Depth to Water (ground surface to water level) 49'
- g) Distance to nearest existing domestic well:
 On applicants property 80 rods On property owned by others 80 Rods

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

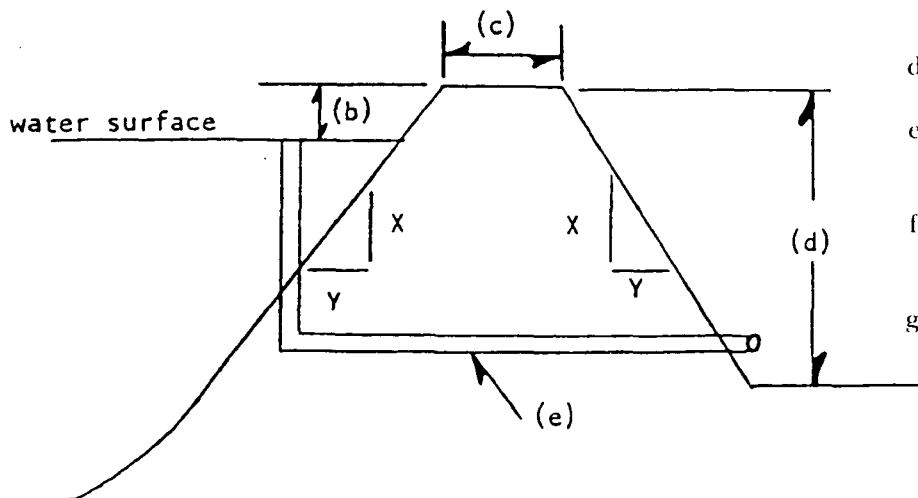
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411301

Pierre, July 1, 19 88

RECEIVED OF Charles E. Pitkin, RR 1, Box 168, Britton, SD 57430

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

Fee for Application for Permit No. <u>5204-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH

MS

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4274

WR#

OWNERS NAME: Charles Pitkin OWNERS ADDRESS: RR #1, Box 168
Britton, SD 57430

COUNTY LAND LOCATED IN: Marshall PHONE: 448-2644

LEGAL DESCRIPTION: center SW1/4 Section 25, T128N, R58W ☒ Well ☐ Surface
1. LOCATION
Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 Sec. 25, T128N, R58W</u>	<u>3</u>		
<u>SE 1/4 Sec. 25, T128N, R58W</u>	<u>3</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: corn

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>75-1002</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): <u>815</u>	8. PERCENT SODIUM: <u>6.51</u>
6. SODIUM (SAR): <u>0.28</u>	

Requirements:



Keith L Harner
Director, Division of Conservation

Date

7/8/1988

X APPROVED _____ REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

MANAGEMENT FORM

**4274
APPROVED**

NAME OF APPLICANT: Charles Pitkin

LEGAL DESCRIPTION: NE1/4 SE1/4 & SE1/4 SE1/4 Sec 25, T128N, R58W

REQUIREMENTS:

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to conserve soil moisture and to control soil erosion.
We also recommend that a crop rotation be used rather than growing continuous corn - perhaps a small grain.

7/8/88
DATE

James Louis Pitkin
SIGNATURE



REPORT ON APPLICATION NO. 5204-3
Charles Pitkin
August 24, 1988

Application No. 5204-3, Charles Pitkin, proposes to add six acres and change the location of the diversion point for Water Permit No. 2461-3. Water Permit No. 2461-3 authorizes irrigation of the SW1/4 and W1/2 SE1/4 of Section 25, T128N, R58W from one well that was to be located in the SW1/4 SE1/4 of the same section. The well is located in the center of the SW1/4 and the six additional acres are located in the E1/2 SE1/4; all in Section 25, T128N, R58W. This application also appropriates an additional 0.08 cubic feet of water per second from the existing well (160 feet deep) to irrigate the six additional acres.

Aquifer - Middle James Aquifer

The Middle James is composed of buried outwash deposits and alluvium. The sand and gravel aquifer occurs under artesian conditions (Koch, 1975). The aquifer underlies 95,400 acres in Marshall County and contains 715,500 acre-feet of recoverable water (Hedges, et al, 1982). Observation Wells ML-70I and ML-70K (Water Rights, 1988) are each located about 1.5 miles from the diversion point for this permit. Water level records for the two observation wells reflect normal drawdown and recharge patterns.

Review of Existing Water Rights

There are six existing irrigation permits from the Middle James Aquifer in Marshall County. These permits have a combined appropriation of 4,667 acre-feet (Water Rights, 1986). This permit application, as well as the existing permits, are all located within an area of approximately ten square miles. This application is a result of differences between the original permit (No. 2461-3) and the actual development. This permit is developed and has been used.

Conclusions

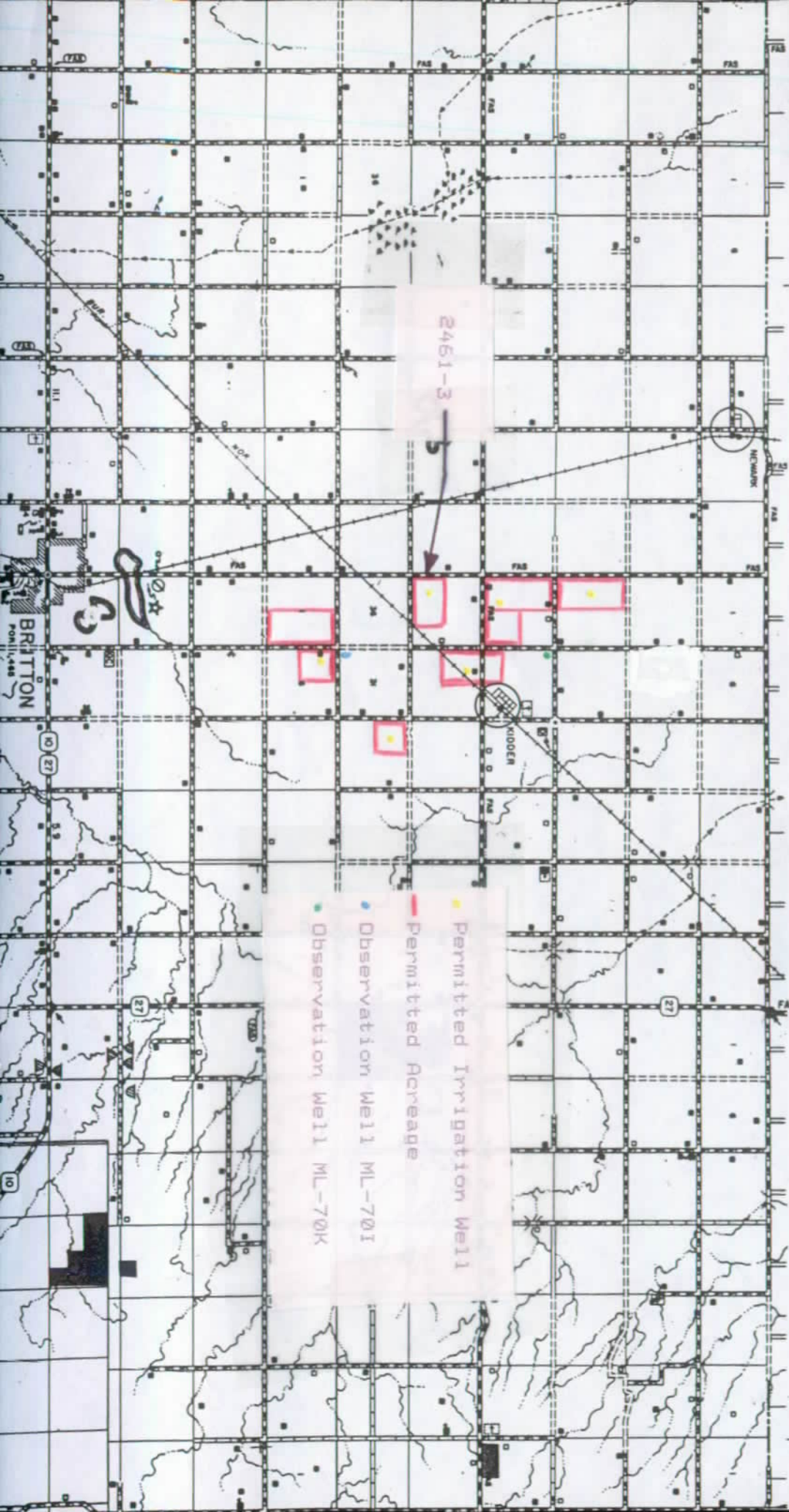
1. Water is available from the Middle James Aquifer.
2. This application is a result of the normal inspection procedure. During the inspection, it was determined that the diversion point was developed in the wrong place and six acres not described on the original permit are being irrigated. The combined appropriation from this application and the existing permit (No. 2461-3) equals 3.38 cfs ($0.08 + 3.3 = 3.38$). The pumping capacity of the existing well is 1.66 cfs.
3. Water levels in the aquifer reflect normal drawdown and recharge patterns.

James L. Wendte
James L. Wendte
Natural Resources Engineer

Bibliography

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for U.S. Army Corps of Engineers, DWNR, SDGS, Vermillion, SD, 57069.
- Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, for U.S. Dept. of the Interior - Geological Survey, Oahe Conservancy Sub-District, DWNR, SDGS, Vermillion, SD, 57069.
- Water Rights Division, 1986, Irrigation Report by County, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.
- Water Rights Division, 1988, Observation Well Files ML-70I and ML-70K, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

MARSHALL COUNTY

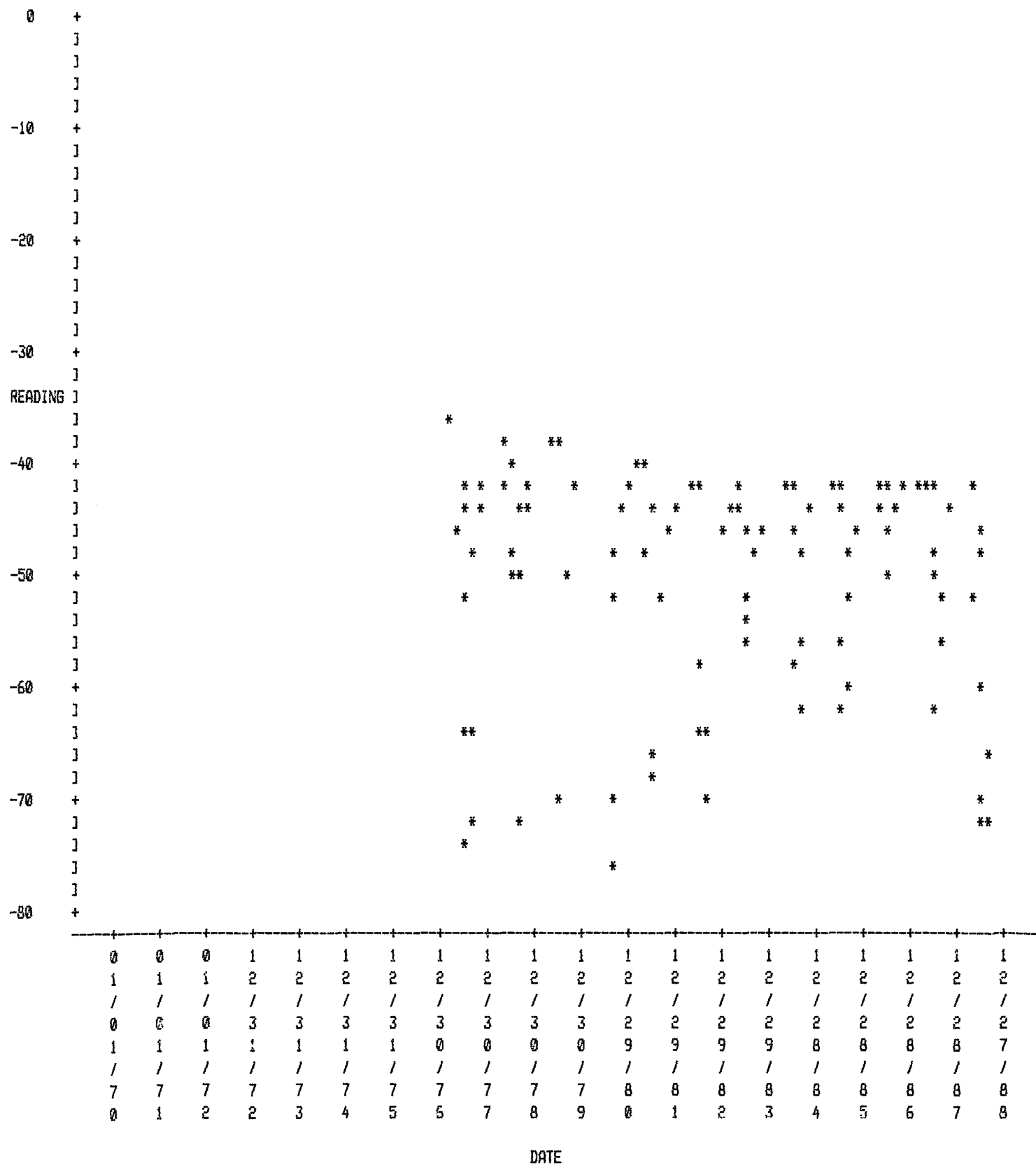


OBSERVATION WELL WATER LEVELS

10:29 WEDNESDAY, AUGUST 24, 1988 4

OBS_WELL=ML-701

PLOT OF READING*DATE SYMBOL USED IS *



NOTE:

1 OBS HAD MISSING VALUES OR WERE OUT OF RANGE

21 OBS HIDDEN

OBSERVATION WELL WATER LEVELS			
OBS_WELL	LOCATION	DATE	READING
ML-70I	128N-57W-31CCCC	09/30/87	-44.8
ML-70I	128N-57W-31CCCC	11/06/87	-44.0
ML-70I	128N-57W-31CCCC	04/18/88	-42.4
ML-70I	128N-57W-31CCCC	05/04/88	-43.0
ML-70I	128N-57W-31CCCC	05/18/88	-53.0
ML-70I	128N-57W-31CCCC	06/01/88	-45.2
ML-70I	128N-57W-31CCCC	06/15/88	-48.8
ML-70I	128N-57W-31CCCC	06/29/88	-69.2
ML-70I	128N-57W-31CCCC	07/12/88	-71.8
ML-70I	128N-57W-31CCCC	07/14/88	-59.6
ML-70I	128N-57W-31CCCC	07/28/88	-65.3
ML-70I	128N-57W-31CCCC	08/11/88	-71.6

10:29 WEDNESDAY, AUGUST 24, 1988 3

N= 122

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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10:29 WEDNESDAY, AUGUST 24, 1988 2

ML-70I	128N-57W-31CCCC	11/30/82	-46.2
ML-70I	128N-57W-31CCCC	03/23/83	-43.5
ML-70I	128N-57W-31CCCC	04/21/83	-43.2
ML-70I	128N-57W-31CCCC	05/19/83	-42.6
ML-70I	128N-57W-31CCCC	06/02/83	-45.2
ML-70I	128N-57W-31CCCC	06/15/83	-45.2
ML-70I	128N-57W-31CCCC	06/30/83	-51.8
ML-70I	128N-57W-31CCCC	07/14/83	-56.8
ML-70I	128N-57W-31CCCC	07/27/83	-54.2
ML-70I	128N-57W-31CCCC	09/08/83	-49.0
ML-70I	128N-57W-31CCCC	10/20/83	-46.1
ML-70I	128N-57W-31CCCC	04/17/84	-42.8
ML-70I	128N-57W-31CCCC	05/09/84	-42.4
ML-70I	128N-57W-31CCCC	05/23/84	-42.1
ML-70I	128N-57W-31CCCC	06/05/84	-45.5
ML-70I	128N-57W-31CCCC	06/19/84	-42.0
ML-70I	128N-57W-31CCCC	07/05/84	-41.4
ML-70I	128N-57W-31CCCC	07/19/84	-57.7
ML-70I	128N-57W-31CCCC	07/31/84	-62.7
ML-70I	128N-57W-31CCCC	08/14/84	-56.2
ML-70I	128N-57W-31CCCC	09/19/84	-47.9
ML-70I	128N-57W-31CCCC	10/30/84	-44.7
ML-70I	128N-57W-31CCCC	04/10/85	-42.9
ML-70I	128N-57W-31CCCC	04/16/85	-43.0
ML-70I	128N-57W-31CCCC	05/13/85	-42.8
ML-70I	128N-57W-31CCCC	05/27/85	-42.6
ML-70I	128N-57W-31CCCC	06/10/85	-43.5
ML-70I	128N-57W-31CCCC	06/24/85	-42.3
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ML-70I	128N-57W-31CCCC	08/06/85	-60.2
ML-70I	128N-57W-31CCCC	08/18/85	-52.3
ML-70I	128N-57W-31CCCC	09/10/85	-47.6
ML-70I	128N-57W-31CCCC	10/10/85	-46.2
ML-70I	128N-57W-31CCCC	11/06/85	-45.9
ML-70I	128N-57W-31CCCC	04/02/86	-43.7
ML-70I	128N-57W-31CCCC	05/12/86	-42.9
ML-70I	128N-57W-31CCCC	05/20/86	-42.8
ML-70I	128N-57W-31CCCC	05/02/86	-42.7
ML-70I	128N-57W-31CCCC	06/18/86	-42.4
ML-70I	128N-57W-31CCCC	07/01/86	-49.4
ML-70I	128N-57W-31CCCC	07/15/86	-46.4
ML-70I	128N-57W-31CCCC	07/30/86	-44.2
ML-70I	128N-57W-31CCCC	08/12/86	-44.5
ML-70I	128N-57W-31CCCC	09/17/86	-43.1
ML-70I	128N-57W-31CCCC	11/05/86	-42.3
ML-70I	128N-57W-31CCCC	03/16/87	-41.3
ML-70I	128N-57W-31CCCC	05/12/87	-43.0
ML-70I	128N-57W-31CCCC	05/26/87	-42.0
ML-70I	128N-57W-31CCCC	06/09/87	-42.2
ML-70I	128N-57W-31CCCC	06/23/87	-48.7
ML-70I	128N-57W-31CCCC	07/08/87	-62.4
ML-70I	128N-57W-31CCCC	07/22/87	-50.7
ML-70I	128N-57W-31CCCC	08/05/87	-56.5
ML-70I	128N-57W-31CCCC	08/19/87	-52.6

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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10:29 WEDNESDAY, AUGUST 24, 1988 1

ML-70I	128N-57W-31CCCC		0.0
ML-70I	128N-57W-31CCCC	03/20/77	-36.1
ML-70I	128N-57W-31CCCC	05/06/77	-47.0
ML-70I	128N-57W-31CCCC	06/03/77	-41.8
ML-70I	128N-57W-31CCCC	06/07/77	-52.9
ML-70I	128N-57W-31CCCC	06/21/77	-43.1
ML-70I	128N-57W-31CCCC	07/05/77	-64.0
ML-70I	128N-57W-31CCCC	07/19/77	-73.5
ML-70I	128N-57W-31CCCC	08/02/77	-72.3
ML-70I	128N-57W-31CCCC	08/16/77	-65.0
ML-70I	128N-57W-31CCCC	09/07/77	-49.0
ML-70I	128N-57W-31CCCC	09/20/77	-47.8
ML-70I	128N-57W-31CCCC	10/18/77	-43.6
ML-70I	128N-57W-31CCCC	11/29/77	-41.2
ML-70I	128N-57W-31CCCC	05/03/78	-38.4
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ML-70I	128N-57W-31CCCC	06/06/78	-39.7
ML-70I	128N-57W-31CCCC	06/20/78	-48.2
ML-70I	128N-57W-31CCCC	07/08/78	-40.3
ML-70I	128N-57W-31CCCC	07/20/78	-50.9
ML-70I	128N-57W-31CCCC	08/16/78	-71.7
ML-70I	128N-57W-31CCCC	09/05/78	-49.1
ML-70I	128N-57W-31CCCC	09/26/78	-44.1
ML-70I	128N-57W-31CCCC	10/18/78	-42.7
ML-70I	128N-57W-31CCCC	11/28/78	-43.1
ML-70I	128N-57W-31CCCC	05/30/79	-38.1
ML-70I	128N-57W-31CCCC	06/13/79	-37.9
ML-70I	128N-57W-31CCCC	07/18/79	-70.5
ML-70I	128N-57W-31CCCC	08/15/79	-49.4
ML-70I	128N-57W-31CCCC	10/24/79	-42.5
ML-70I	128N-57W-31CCCC	07/31/80	-75.6
ML-70I	128N-57W-31CCCC	08/04/80	-69.6
ML-70I	128N-57W-31CCCC	08/21/80	-52.3
ML-70I	128N-57W-31CCCC	09/09/80	-47.5
ML-70I	128N-57W-31CCCC	10/29/80	-43.9
ML-70I	128N-57W-31CCCC	12/11/80	-42.5
ML-70I	128N-57W-31CCCC	03/11/81	-40.9
ML-70I	128N-57W-31CCCC	04/14/81	-40.5
ML-70I	128N-57W-31CCCC	05/28/81	-48.1
ML-70I	128N-57W-31CCCC	06/09/81	-44.6
ML-70I	128N-57W-31CCCC	06/25/81	-43.7
ML-70I	128N-57W-31CCCC	07/10/81	-65.6
ML-70I	128N-57W-31CCCC	07/24/81	-68.7
ML-70I	128N-57W-31CCCC	08/07/81	-51.3
ML-70I	128N-57W-31CCCC	09/02/81	-51.5
ML-70I	128N-57W-31CCCC	10/21/81	-45.7
ML-70I	128N-57W-31CCCC	12/29/81	-43.4
ML-70I	128N-57W-31CCCC	04/01/82	-41.9
ML-70I	128N-57W-31CCCC	04/21/82	-41.7
ML-70I	128N-57W-31CCCC	05/20/82	-42.4
ML-70I	128N-57W-31CCCC	06/09/82	-42.7
ML-70I	128N-57W-31CCCC	06/30/82	-59.0
ML-70I	128N-57W-31CCCC	07/13/82	-63.1
ML-70I	128N-57W-31CCCC	08/20/82	-69.8
ML-70I	128N-57W-31CCCC	09/01/82	-64.2

OBSERVATION WELL WATER LEVELS
OBS_WELL LOCATION DATE READING

10:32 WEDNESDAY, AUGUST 24, 1988 1

ML-70K	128N-57W-198888	03/20/77	-27.0
ML-70K	128N-57W-198888	05/06/77	-27.5
ML-70K	128N-57W-198888	06/03/77	-30.8
ML-70K	128N-57W-198888	06/07/77	-32.8
ML-70K	128N-57W-198888	06/21/77	-36.2
ML-70K	128N-57W-198888	07/05/77	-42.4
ML-70K	128N-57W-198888	07/19/77	-48.7
ML-70K	128N-57W-198888	08/02/77	-52.0
ML-70K	128N-57W-198888	08/16/77	-49.7
ML-70K	128N-57W-198888	09/07/77	-40.2
ML-70K	128N-57W-198888	09/20/77	-38.6
ML-70K	128N-57W-198888	10/18/77	-34.7
ML-70K	128N-57W-198888	11/29/77	-32.2
ML-70K	128N-57W-198888	05/03/78	-28.9
ML-70K	128N-57W-198888	05/23/78	-30.0
ML-70K	128N-57W-198888	06/06/78	-30.5
ML-70K	128N-57W-198888	06/20/78	-34.2
ML-70K	128N-57W-198888	07/08/78	-30.7
ML-70K	128N-57W-198888	07/21/78	-30.9
ML-70K	128N-57W-198888	08/16/78	-44.9
ML-70K	128N-57W-198888	09/06/78	-38.2
ML-70K	128N-57W-198888	09/26/78	-35.0
ML-70K	128N-57W-198888	11/28/78	-31.3
ML-70K	128N-57W-198888	03/23/79	-29.2
ML-70K	128N-57W-198888	05/01/79	-28.7
ML-70K	128N-57W-198888	05/30/79	-28.4
ML-70K	128N-57W-198888	06/13/79	-28.8
ML-70K	128N-57W-198888	07/18/79	-43.4
ML-70K	128N-57W-198888	08/15/79	-39.7
ML-70K	128N-57W-198888	10/24/79	-33.1
ML-70K	128N-57W-198888	04/15/80	-29.3
ML-70K	128N-57W-198888	05/28/80	-39.1
ML-70K	128N-57W-198888	06/25/80	-32.5
ML-70K	128N-57W-198888	07/09/80	-42.5
ML-70K	128N-57W-198888	07/23/80	-45.3
ML-70K	128N-57W-198888	08/04/80	-45.9
ML-70K	128N-57W-198888	08/21/80	-42.3
ML-70K	128N-57W-198888	09/09/80	-38.4
ML-70K	128N-57W-198888	10/28/80	-35.4
ML-70K	128N-57W-198888	12/11/80	-33.1
ML-70K	128N-57W-198888	03/11/81	-31.3
ML-70K	128N-57W-198888	04/14/81	-30.9
ML-70K	128N-57W-198888	05/28/81	-37.2
ML-70K	128N-57W-198888	06/09/81	-35.2
ML-70K	128N-57W-198888	06/25/81	-33.9
ML-70K	128N-57W-198888	07/10/81	-39.3
ML-70K	128N-57W-198888	07/24/81	-40.4
ML-70K	128N-57W-198888	08/07/81	-40.5
ML-70K	128N-57W-198888	09/02/81	-41.6
ML-70K	128N-57W-198888	10/21/81	-36.5
ML-70K	128N-57W-198888	12/29/81	-33.9
ML-70K	128N-57W-198888	04/01/82	-32.3
ML-70K	128N-57W-198888	04/21/82	-32.1
ML-70K	128N-57W-198888	05/20/82	-32.4
ML-70K	128N-57W-198888	05/09/82	-32.2

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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10:32 WEDNESDAY, AUGUST 24, 1988 2

ML-70K	128N-57W-198888	06/30/82	-38.7
ML-70K	128N-57W-198888	07/13/82	-45.0
ML-70K	128N-57W-198888	08/20/82	-51.4
ML-70K	128N-57W-198888	09/01/82	-48.8
ML-70K	128N-57W-198888	11/30/82	-36.9
ML-70K	128N-57W-198888	03/23/83	-33.9
ML-70K	128N-57W-198888	04/21/83	-33.7
ML-70K	128N-57W-198888	05/19/83	-33.0
ML-70K	128N-57W-198888	06/02/83	-33.7
ML-70K	128N-57W-198888	06/15/83	-36.1
ML-70K	128N-57W-198888	06/30/83	-42.1
ML-70K	128N-57W-198888	07/14/83	-44.3
ML-70K	128N-57W-198888	07/27/83	-43.4
ML-70K	128N-57W-198888	09/08/83	-40.0
ML-70K	128N-57W-198888	10/20/83	-36.9
ML-70K	128N-57W-198888	04/17/84	-32.9
ML-70K	128N-57W-198888	05/09/84	-32.6
ML-70K	128N-57W-198888	05/23/84	-32.4
ML-70K	128N-57W-198888	06/05/84	-33.8
ML-70K	128N-57W-198888	06/19/84	-32.4
ML-70K	128N-57W-198888	07/05/84	-32.0
ML-70K	128N-57W-198888	07/19/84	-38.7
ML-70K	128N-57W-198888	07/31/84	-41.7
ML-70K	128N-57W-198888	08/14/84	-45.6
ML-70K	128N-57W-198888	09/19/84	-39.2
ML-70K	128N-57W-198888	10/30/84	-35.3
ML-70K	128N-57W-198888	04/10/85	-33.0
ML-70K	128N-57W-198888	04/16/85	-33.1
ML-70K	128N-57W-198888	05/13/85	-32.8
ML-70K	128N-57W-198888	05/27/85	-32.7
ML-70K	128N-57W-198888	06/10/85	-32.7
ML-70K	128N-57W-198888	06/24/85	-32.4
ML-70K	128N-57W-198888	07/08/85	-39.8
ML-70K	128N-57W-198888	07/22/85	-45.3
ML-70K	128N-57W-198888	08/06/85	-44.8
ML-70K	128N-57W-198888	08/18/85	-42.2
ML-70K	128N-57W-198888	09/10/85	-38.6
ML-70K	128N-57W-198888	10/10/85	-36.6
ML-70K	128N-57W-198888	11/06/85	-36.0
ML-70K	128N-57W-198888	04/02/86	-33.5
ML-70K	128N-57W-198888	05/12/86	-32.7
ML-70K	128N-57W-198888	05/20/86	-32.7
ML-70K	128N-57W-198888	06/02/86	-32.7
ML-70K	128N-57W-198888	06/18/86	-32.4
ML-70K	128N-57W-198888	07/01/86	-37.1
ML-70K	128N-57W-198888	07/15/86	-36.9
ML-70K	128N-57W-198888	07/30/86	-34.5
ML-70K	128N-57W-198888	08/12/86	-37.3
ML-70K	128N-57W-198888	09/17/86	-33.7
ML-70K	128N-57W-198888	11/05/86	-32.4
ML-70K	128N-57W-198888	03/16/87	-31.2
ML-70K	128N-57W-198888	05/12/87	-31.4
ML-70K	128N-57W-198888	05/26/87	-31.6
ML-70K	128N-57W-198888	06/09/87	-32.8
ML-70K	128N-57W-198888	06/23/87	-34.4

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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10:32 WEDNESDAY, AUGUST 24, 1988 3

ML-70K	128N-57W-198888	07/08/87	-40.9
ML-70K	128N-57W-198888	07/22/87	-40.5
ML-70K	128N-57W-198888	08/05/87	-42.4
ML-70K	128N-57W-198888	08/19/87	-39.3
ML-70K	128N-57W-198888	09/30/87	-35.2
ML-70K	128N-57W-198888	11/05/87	-34.1
ML-70K	128N-57W-198888	04/18/88	-32.4
ML-70K	128N-57W-198888	05/04/88	-34.3
ML-70K	128N-57W-198888	05/18/88	-35.8
ML-70K	128N-57W-198888	05/01/88	-34.5
ML-70K	128N-57W-198888	05/15/88	-37.4
ML-70K	128N-57W-198888	06/29/88	-46.8
ML-70K	128N-57W-198888	07/12/88	-50.7
ML-70K	128N-57W-198888	07/14/88	-47.8
ML-70K	128N-57W-198888	07/28/88	-45.5
ML-73K	128N-57W-198888	08/11/88	-46.9

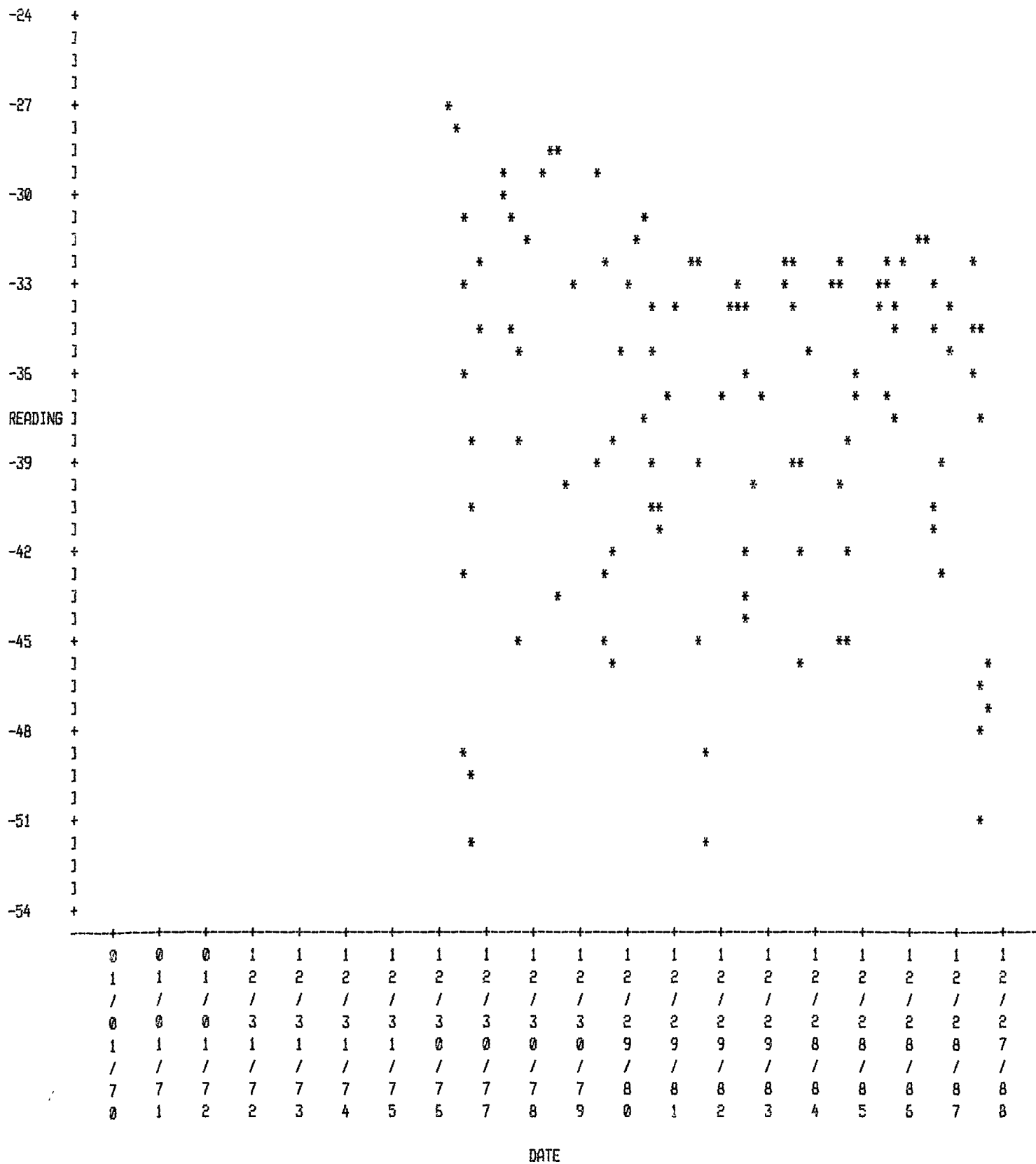
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OBSERVATION WELL WATER LEVELS

10:32 WEDNESDAY, AUGUST 24, 1988 4

OBS_WELL=ML-70K

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 13 OBS HIDDEN

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5204-3, Charles Pitkin

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5204-3, Charles Pitkin, RR 1, Box 168, Britton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5204-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 25, 1988

Instruction to Newspaper - Publish first Notice on or before September 7, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5204-3 to Change the Diversion Point Location
And Add 6 Acres to Permit No. 2461-3

Notice is given that Charles Pitkin, RR 1, Box 168, Britton SD 57430 has filed an application for a water permit to specify the correct location of an existing irrigation well and to add 6 irrigated acres. Water Permit No. 2461-3 authorizes irrigation of portions of the SW 1/4, W 1/2 SE 1/4 from one well that was to be located in the SW 1/4 SE 1/4; all in Section 25, T128N, R58W. The correct location of the existing well is the center of the SW 1/4 and the 6 additional irrigated acres are located in the E 1/2 SE 1/4; all in Section 25, T128N, R58W. This application also appropriates an additional 0.08 cubic feet of water per second from the existing well 160 feet deep to irrigate the 6 additional acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5204-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 23, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 23, 1988.

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

No. 5204-3

PROOF OF PUBLICATION

27 (Sept. 7-14)

STATE OF SOUTH DAKOTA)
County Marshall) ss.

NOTICE OF HEARING
on Application No. 5204-3
to Change the Diversion Point
Location And Add 6 acres
to Permit No. 2461.3

I, Charles L Card hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Button Journal

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 Button

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

Sept. 7, 1988
Sept. 14, 1988

Charles L Card
(Signature)

publisher
(Title)

Sept 14, 1988
(Date Signed)

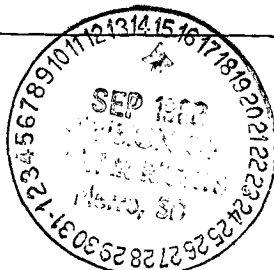
Cost of Printing: \$38.73

97 lines @ .399258

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reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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



Department of Water & Natural Resources

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

FEB 14 1989

Charles Pitkin
RR 1, Box 168
Britton, South Dakota 57430

Dear Mr. Pitkin:

Enclosed is your Water Permit No. 5204-3 as approved by the Water Management Board authorizing construction of the water system and the application of water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

JH: ms

enclosure

 **Department of
Water & Natural Resources**

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

April 4, 1989

5204-3

Charles Pitkin
RR #1 Box 168
Britton, SD 57430

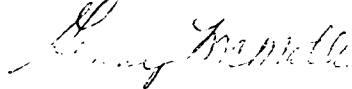
Dear Mr. Pitkin:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under Water Permit Nos. 5204-3 and 2461-3 has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2461-3 will be incorporated into No. 5204-3.

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, your Water License will be sent to you.

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

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(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 Water and Natural Resources

Pierre, April 13, 19 89

RECEIVED OF Charles Pitkin, RR 1, Box 168, Britton SD 57430

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5204-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

169

2461-3
Permit No. 5204-3Red Rainy Water District
09020105**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Charles Pitkin
RR 1 Box 168 of Britton, SD 57430 holder of
 Permit No. 2461-3, bearing the priority of Oct. 21 75
5204-3, bearing the priority of June 28 19 88 authorizing
 the diversion of 3.38 cu. ft. per second of the waters of groundwater (1 well)
 for irrigation purposes, in Marshall County.

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

- A. Works used to divert the water:
160' deep well: 120' of 16" Plastic Casing, 40' of Plastic Screen
Western Land Roller Pump: Ser. # KB76340
U.S. Electrical Motor: I.D. # R-9985-01-171, 100 H.P.

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

1600' of 8" Aluminum Pipe

- C. Works used to apply water to beneficial use:

Zimatic Center Pivot: 10 towers, Model 410, Ser. # L05486,
operated at 72 psi

The system is in the following condition Good

The point of diversion is located Center of the SW 1/4 of Sec. 25, T128N,
R58W; 1320' N & 1350' E of the SW corner of Sec. 25.

The works are capable of diverting and conveying to the place of use 1.66

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: Sec. 25, T128N, R58W

<u>NW 1/4 SW 1/4 - 32 acres</u>	<u>NW 1/4 SE 1/4 - 36 acres</u>
<u>NE 1/4 SW 1/4 - 36 "</u>	<u>NE 1/4 SE 1/4 - 3 "</u>
<u>SW 1/4 SW 1/4 - 32 "</u>	<u>SW 1/4 SE 1/4 - 36 "</u>
<u>SE 1/4 SW 1/4 - 36 "</u>	<u>SE 1/4 SE 1/4 - 3 "</u>

comprising a total of 214 acres of land and the license should be issued for 1.66 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date 4-20-88

James L. Wendt
 (signature)

Pitkin
4-20-88

LICENSE FOR PERMIT NUMBER 2461-3

1. Legal location of wells: Center SW¹/₄ 25-128-58

dams & structures: _____

2. Well Information: Well Drilling Firm Empire

No. of wells 1 Depth 160'

Casing a) diameter 16" Screen a) type Plastic
b) length 120' b) length 40'
c) type Plastic Static Water Level _____

Pump a) make Western Land Roller Motor a) make U.S. Electrical
b) ~~model~~ # KB76340 b) ~~model~~ no. R-9985-01-171
c) size _____ c) horsepower rating 100
d) capacity 750 GPM d) motor efficiency rating _____
e) turbine pump _____
no. of stages _____

3. Distribution lines:

a) size of lines 8"
b) type Aluminum
c) length 1600'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

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

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

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

b) towline:

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

5. System Type: c) center pivot

- 1) make Zimmatic
2) number of towers 10
3) distance between towers _____
4) overall length _____
5) End gun (Y/N) _____
6) high or low pressure _____
7) make & size of nozzles _____
8) PSI reading while system is running 72
9) GPM 750

g) Gun

- 1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

d) Gate Pipe

- 1) length _____
2) diameter _____
3) spacing of gates _____

e) Siphons

- 1) number _____
2) size _____

f) Portable boom

- 1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

h) Hydromatic

- 1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capacity (GPM) _____

YES

NO

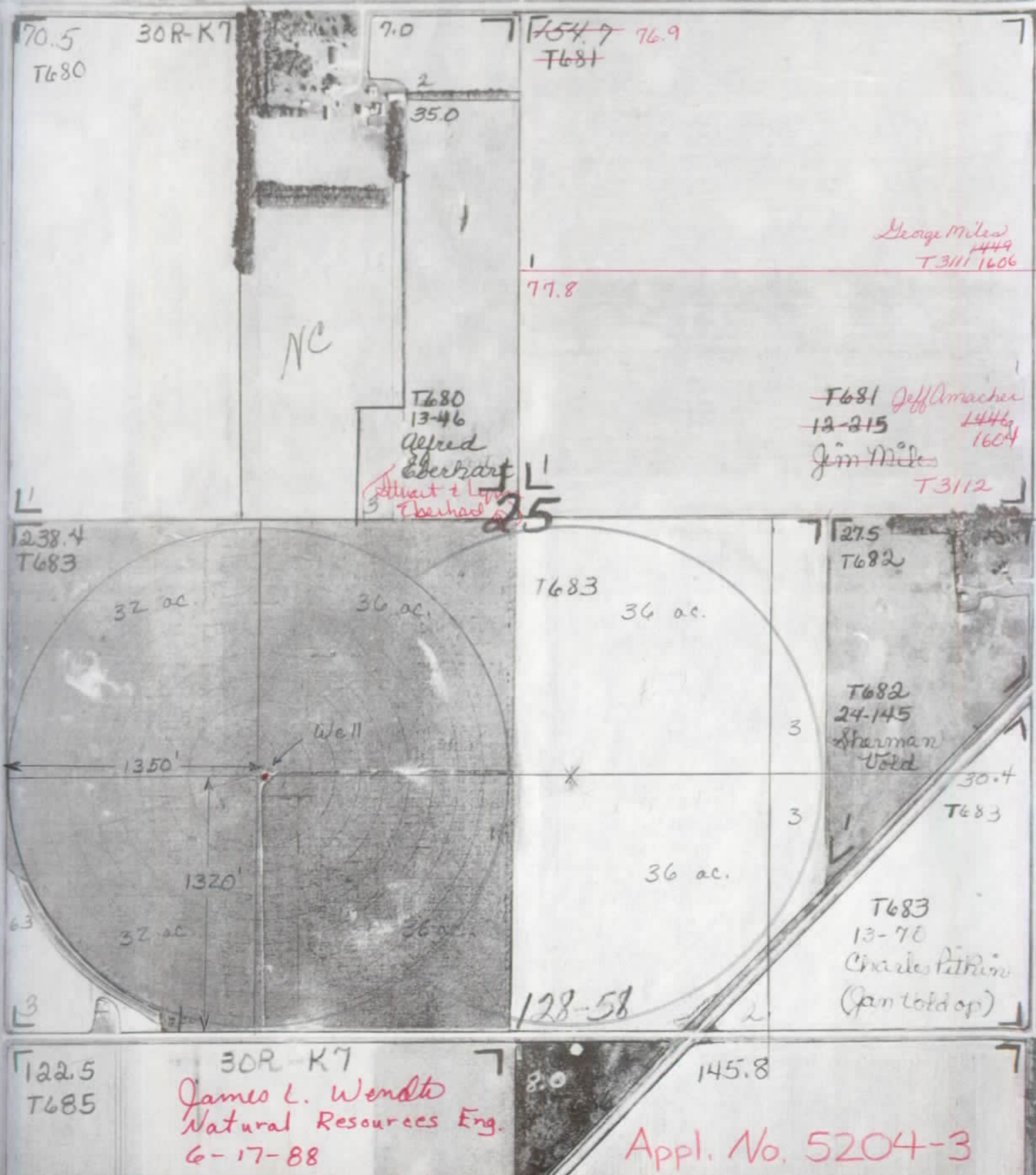
Check Items

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ✓ | _____ | 2. Special Qualifications to permit being abided by. |
| ✓ | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

Needs Addl. Permit For addition of acreage and change of location of diversion.

NOT TO SCALE



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5204-3

(1) Charles Pitkin of RR #1 Box 168, Britton, South Dakota 57430 made Application No. 5204-3, June 28, 1988 for a water permit to appropriate 0.08 cubic feet of water per second from groundwater (one well), Marshall County, South Dakota for irrigation purposes. Permit No. 5204-3 with a priority date of June 28, 1988 was approved October 6, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

An April 20, 1988 inspection of the water use system constructed under Water Permit No. 2461-3 found an additional six acres being irrigated which were not covered under the permit. Water Permit No. 5204-3 was obtained to correct the location of the existing well and to add the additional six acres to that authorized by Permit No. 2461-3.

The applicable portions of Water Permit No. 2461-3 have been incorporated into this Water License No. 5204-3. Priority dates as they pertain to the diversion rate and acres irrigated are described in (2) and (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 1.66* cubic feet of water per second for beneficial use. The location of the diversion point is: 1320 feet north and 1350 feet east of the SW corner of Section 25, T128N, R58W (approximate center of the SW1/4).

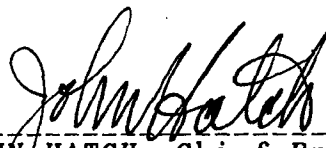
* 1.58 cfs - October 21, 1975 Priority date (Permit No. 2461-3)
0.08 cfs - June 28, 1988 Priority date (Permit No. 5204-3)

(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:

T128N, R58W Section 25 NW1/4 SW1/4	32 acres
NE1/4 SW1/4	36 acres
SW1/4 SW1/4	32 acres
SE1/4 SW1/4	36 acres
NW1/4 SE1/4	36 acres
* NE1/4 SE1/4	3 acres
SW1/4 SE1/4	36 acres
* SE1/4 SE1/4	3 acres
Total	214 acres

* E1/2 SE1/4 - June 28, 1988 Priority date (6 acres)
SW1/4, W1/2 SE1/4 - October 21, 1975 (208 acres)

(4) Pursuant to Section 46-5-30.1 Charles Pitkin of RR #1 Box 168, Britton, South Dakota 57430 the holder(s) and/or owner(s) of Incorporated No. 5204-3 is issued a license to appropriate water, the right to use 1.66 cubic feet of water per second from groundwater (one well) with priority dates of June 28, 1988 and October 21, 1975 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 5204-3 and subject to South Dakota State Law.



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

SEP 14 1989

 **Department of
Water & Natural Resources**

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

5204-3

SEP 14 1989

Charles Pitkin
RR #1 Box 168
Britton, SD 57430

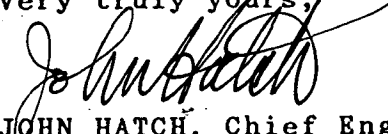
Dear Mr. Pitkin:

Enclosed is Water License No. 5204-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411743 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. 5204-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

enclosures

Note: The applicable portions of Water Permit No. 2461-3 have been incorporated into this Water License No. 5204-3.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CHARLES PITKIN
RR 1 BOX 168
BRITTON SD 57430

NOTICE

RE: Violation of Water Permit No(s) 5204-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 5204-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 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) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.

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 mail piece, or on the back if space does not permit.

Write "Return Receipt Requested" on the mail piece below the article number.

The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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

Address: SNOW GUEFA Addressee's Address

SINCE 1947 Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CHARLES PITKIN
RR 1 BOX 168
BRITTON, SD 57430

4a. Article Number

P 906557 135

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

Samona Pitkin

6. Signature (Agent)

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1992

5204-3

Charles Pitkin
RR #1 Box 168
Britton, SD 57430

Dear Mr. Pitkin:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 5204-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

NOTICE

TO: CHARLES PITKIN
NORTH DAKOTA POTATO GROWERS
RT1, BOX 70
COGSWELL, ND 58017

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 5204-3

The first notice to file chemigation report(s) for Permit No(s) 5204-3 was dated December 15, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 5204-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN Addressee completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

Charles Pitkin
North Dakota Potato Growers
Rt 1, Box 70
Cogswell, ND 58017

4a. Article Number

P757566434

4b. Service Type

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

7. Date of Delivery

2-13-95

5. Signature (Addressee)

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

6. Signature (Agent)

Raymond Pitkin

PS Form 3811, December 1991

☆U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1995

Permit No. 5204-3

Charles Pitkin
RR1 Box 168
Britton, SD 57430

Dear Mr. Pitkin:

I am writing to acknowledge receipt of a phone call by Tom Heimbuck of the North Dakota Potato Growers concerning the 1994 chemigation questionnaire. You may disregard the February 7, 1995 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire for permit No. 5204-3 with the information he provided over the phone and your name has been deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,


Barry A. McLaury
Environmental Scientist
Water Rights Division

LAW OFFICE OF DANNY R. SMEINS, P.C.

765 VANDER HORCK-P.O. BOX A

BRITTON, SOUTH DAKOTA

57430-0318

WEBSTER OFFICE
506 MAIN ST., BOX 380
WEBSTER, SD 57274-0380
PHONE (605) 345-4875
FAX (605) 345-4250

PHONE (605) 448-5964
FAX (605) 448-5251

November 15, 1995

Thomas Heimbuch
d/b/a Heimbuch Farms
Cogswell, ND 58017



Re: Farm Lease/Ramona Pitkin

Dear Mr. Heimbuch:

Jim Eye has furnished me some information or calculations regarding the August and September Lake Region Electric billing. I am enclosing a copy of his handwritten notes for your reference. Based upon these recalculations, Jim concludes that he and Ramona would need to pay the sum of \$189.60 of the last bill in the amount of \$647.94. Based upon these adjustments, the total electric bill which you need to reimburse Ramona for is the sum of \$458.34. This should be remitted or paid to Ramona as soon as possible.

I am also enclosing the 1995 Irrigation Questionnaire and Chemigation Reporting Form. These need to be completed and returned to the state by December 15, 1995. We would appreciate it, however, if these would be completed by you as soon as possible with a copy furnished to my office so that we have a record of what's been reported. If you have any questions or need anything from Ramona in order to complete this report, please let me know.

If you have any questions about anything else, please let me know.

Most sincerely,

COPY

Danny R. Smeins

DRS/jmn

Enclosures

pc: Ramona Pitkin

P.S. I am assuming I don't need to remind you of your obligations under the lease and your limited opportunity to cure the defaults expires after November 15, 1995.



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: CHARLES PITKIN, RR 1 BOX 168, BRITTON, SD 57430

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

SUBJECT: Violation of Water Permit No(s) 5204-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 5204-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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. 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) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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 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:

CHARLES PITKIN
RR 1 BOX 168
BRITTON SD 57430

4a. Article Number

2 161 984 077

4b. Service Type

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

7. Date of Delivery

2-5-96

5. Received By: (Print Name)

Samona Pitkin

6. Signature: (Addressee or Agent)

X

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: CHARLES PITKIN
RR 1 BOX 168
BRITTON SD 57430

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 5204-3

The first notice to file chemigation report(s) for Permit No(s) 5204-3 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 5204-3. The Water Management Board has directed that owners of water permits who have not submitted the 1995 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 A.M. on March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before March 1, 1996 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.

LAW OFFICE OF DANNY R. SMEINS, P.C.

765 VANDER HORCK-P.O. BOX A

BRITTON, SOUTH DAKOTA

57430-0318

WEBSTER OFFICE
506 MAIN ST., BOX 380
WEBSTER, SD 57274-0380
PHONE (605) 345-4875
FAX (605) 345-4250

PHONE (605) 448-5964
FAX (605) 448-5251

February 19, 1996

John Hatch
Chief Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3131



Re: Water Permit No. 5204-3/Charles Pitkin

Dear Mr. Hatch:

This letter comes to you regarding the Notice dated January 30, 1996, concerning the above-referenced permit. This Notice related to a violation of the water permit in relationship to the 1995 Irrigation Questionnaire.

This is to acknowledge that the widow of Charles Pitkin received the Notice to submit the Irrigation Questionnaire on or about October 20, 1995.

This is to advise you that the real estate which was covered by the water permit was leased to Thomas Heimbuch d/b/a Heimbuch Farms, Cogswell, North Dakota 58017. The 1995 Irrigation Questionnaire and Chemigation Reporting Form was sent to Mr. Heimbuch for completion on or about November 15, 1995. Mr. Heimbuch was asked to complete the form so that it could be submitted in a timely fashion. A copy of my letter to Mr. Heimbuch in connection with this matter is enclosed for your reference.

The farm lease that Mr. Heimbuch had on this property was terminated by a notice sent November 3, 1995.

It's my opinion that based upon the lease termination and the problems with the lease that Ramona Pitkin is having that we will have some difficulty in getting the necessary information in order to complete the questionnaire from the tenant. I have just recently written to the attorney for Mr. Heimbuch requesting advising him of the hearing to be held on the water permit and advising him that he should complete the Irrigation Questionnaire

John Hatch
Chief Engineer
Department of Environment
and Natural Resources

Page 2

February 19, 1996

and furnish it back in time so that the hearing can be avoided. I have no assurances, however, that this information will be furnished, but I wanted to alert you of that fact so that you are aware of the circumstances. This is not a situation where Mrs. Pitkin has intentionally refused to submit this information.

I will advise your if that information is forthcoming.

Most sincerely,



Danny R. Smeins

DRS/jmn

Enclosure

LAW OFFICE OF DANNY R. SMEINS, P.C.

765 VANDER HORCK-P.O. BOX A

BRITTON, SOUTH DAKOTA

57430-0318

WEBSTER OFFICE
506 MAIN ST., BOX 380
WEBSTER, SD 57274-0380
PHONE (605) 345-4875
FAX (605) 345-4250

PHONE (605) 448-5964
FAX (605) 448-5251

March 1, 1996



Genny McMath
Environmental Scientist
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right No. 5204-3, Charles Pitkin

Dear Ms. McMath:

Thank you for your letter dated February 22, 1996, concerning the cancellation of the hearing. We will still, however, pursue obtaining the necessary information from Mr. Heimbuch and furnish it to the Department once it's been received.

I have completed the "Notice of Transfer of Ownership" form of the water right to the present owners of the property. The ownership is in the form of a life estate in favor of Ramona Pitkin and the remainder interest in Charles' two children; namely Donald Pitkin and Judith Blohm. If you have any questions or comments concerning this matter, please let me know.

Also enclosed is the required filing fee of \$2.50.

Most sincerely,

Danny R. Smeins

DRS/jmn

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5204-3

Date: March 1, 1996



I/We request that Water Right No. **5204-3**

formerly owned by: Charles Pitkin

be transferred to: (name & address) Ramona Pitkin, Donald Pitkin and Judith Blohm, 1002 10th St., P.O. Box 153, Britton, SD 57430 Telephone No. 605-448-2644

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

214 acres - S½ Section 25, T128N, R58W

I/We understand that the validity of Water Right No. **5204-3** 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 Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Marshall)

I/We Ramona Pitkin 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.

Ramona L. Pitkin
(Signed)

Subscribed and sworn to before me this 1st day of March, 1996.

Jean M. Nelson
(Notary Public)

My Commission expires: Dec. 7, 2003

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

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

RECEIPT

414830

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 4, 19 96

RECEIVED OF Ramona G. Pitkin, P.O. Box 153, Britton, SD 57430

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Wter Right No. 5204-3	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

5204-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1996

No. 5204-3

Ramona Pitkin
P.O. Box 153
Britton, SD 57430

Dear Ms. Pitkin:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5204-3.

Our records now show you, Donald Pitkin and Judith Blohm as the owners of Water Right No. 5204-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 1996

5204-3

Danny R Smeins, PC
PO Box A
Britton, SD 57430-0318

RE: Water Right No. 5204-3, Charles Pitkin

Dear Mr. Smeins:

I am contacting you in regard to your letter of February 19th and our February 21st telephone conversation concerning the violation of Water Right No. 5204-3. The violation of No. 5204-3 resulted from failure to return the 1995 irrigation questionnaire and chemical reporting form.

Submission of the yearly questionnaire is mandatory and the responsibility of the owner of the water right. However, in light of the circumstances you outlined in your letter and the fact that our initial request was directed to Charles Pitkin instead of Ramona Pitkin, the hearing before the Water Management Board will no longer be held. If possible, we would still like to have the questionnaire and chemical reporting form submitted if you are able to obtain them from Mr. Heimbuch.

Enclosed, as we discussed, is a "Notice of Transfer of Ownership" form for use in filing an ownership change for Water Right No. 5204-3. The form will need to be completed and then signed in the presence of a notary by the **new owner(s) or their representative**. Upon completion, please return the form to our office with a required filing fee of \$2.50.

Thank you for contacting us regarding this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 1996

5204-3

Danny R Smeins, PC
PO Box A
Britton, SD 57430-0318

RE: Water Right No. 5204-3, Charles Pitkin

Dear Mr. Smeins:

The purpose of this letter is to let you know that the 1995 irrigation questionnaire and chemigation form for No. 5204-3 have been received. When we last spoke, you indicated you were attempting to obtain this information from Mr. Heimbuch through his attorney.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: RAMONA PITKIN, PO BOX 153, BRITTON, SD 57430 0153

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(s) has not been submitted for Permit No(s) 5204-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

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. 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) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath 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 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:

RAMONA PITKIN
PO BOX 153
BRITTON SD 57430 0153

4a. Article Number

Z 119 141 263

4b. Service Type

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

7. Date of Delivery

1008

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Ramona Pitkin*

Thank you for using Return Receipt Service



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: RAMONA PITKIN , PO BOX 153, BRITTON SD 57430

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **5204-3** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). **5204-3** in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 1998

5204-3

Ramona Pitkin
PO Box 153
Britton, SD 57430-0153

Dear Ms. Pitkin:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and information for the chemical reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 5204-3.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2009

5204-3

Arlo Tank
40746 423rd Ave
Britton SD 57430

Dear Mr. Tank:

Thank you for contacting us concerning the ownership change needed for Water Right No. 5204-3. I have included a copy of the water right for your records.

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.

As I discussed with you on the phone, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit or right. I have enclosed excerpts of our water laws and Water Management Board Rules dealing with these issues.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED
NOV - 2 2009
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5204-3

Date: 10-30-09

I/We request that Water Right No. 5204-3

formerly owned by: Ramona Pitkin

be transferred to: (name & address) Arlo Tank

10746 423rd Ave Britton SD 57430

Telephone No. 605 448 2127

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

214 acres - S 1/2 Section 25, T128N, R58W

I/We understand that the validity of Water Right No. 5204-3 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 Arlo Tank, the new owner, certify that the above information is true and correct.



(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 11/2, 20 09

RECEIVED OF Arlo Tank 18746 423rd Ave Britton SD 57430

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>5204-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **04241**

By *Carl E. Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 3, 2009

5204-3

Arlo Tank
10746 423rd Ave
Britton SD 57430

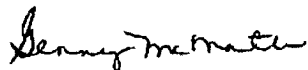
Dear Mr. Tank:

Thank you for the prompt return of the 2009 irrigation questionnaire and also the completed "Notice of Transfer of Ownership" form and filing fee.

The ownership change has been completed and the water right is now listed in your name. Enclosed is your Receipt No. 04241 in the amount of \$50.00. You may keep this for your records.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2010

5204-3

Arlo Tank
443371 N Shore Dr
Lake City SD 57247-6216

Dear Mr. Tank:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 10746 423rd Ave, Britton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



5204-3
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 15, 2016

NOTICE

TO: ARLO TANK, 443371 N SHORE DR, LAKE CITY, SD 57247 6216

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5204-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2016

5204-3

Arlo Tank
443371 N Shore Dr
Lake City SD 57247 6216

Dear Mr. Tank:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 5204-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5204-3
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 25, 2019

NOTICE

TO: ARLO TANK, 443371 N SHORE DR, LAKE CITY, SD 57247 6216
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program.

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5204-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

5204-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2019

5204-3

Arlo Tank
443371 N Shore Dr
Lake City SD 57247

Dear Mr. Tank:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 5204-3. 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,

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

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



5204-3

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

January 20, 2022

NOTICE

TO: ARLO TANK, 443371 N SHORE DR, LAKE CITY, SD 57247 6216

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5204-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5204-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5204-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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: <https://danr.sd.gov/iq> using this password: ZRHOPS**

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.

5204-3



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

January 26, 2022

5204-3

Arlo Tank
443371 N Shore Dr
Lake City SD 57247 6216

Dear Mr. Tank:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 5204-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us