

Considered: _____

WATER PERMIT NO. 5402-3

HAP No. _____

Name of Applicant Mike Gratz

Post Office Address RR 1, Box 161 Estelline SD 57234

Amount of Water Claimed 2.2 cfs Total Acres 160

Source of Water Supply groundwater

Water to be used for irrigation County Hamlin

About 1 1/2 miles N of Dempster

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/14/90 Fee \$250.00 Remarks _____

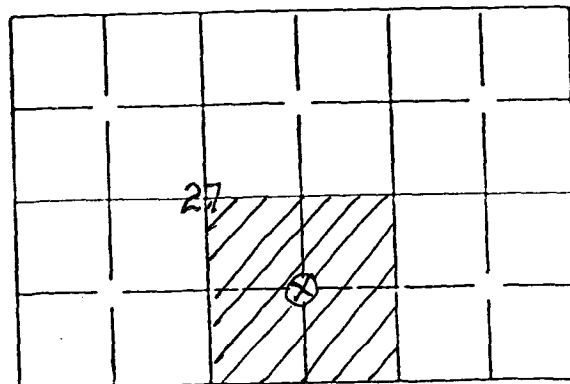
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point Cent of SE 1/4 Sect 27 T114N R51W

Land to be Irrigated SE 1/4 T114N R51W



Well Log: Driller Bullis Brothers Licensed YES ☒ NO _____

Depth of Well 80' REMARKS _____

Type of Map Aerial PREPARED BY Helen Squires Reviewed and the Number

Assigned on 3/15/90 By Eric Brundage

(See instructions)

No. 5402-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Estelline Journal Box 159 57234



Application For Soil/Water Compatibility Permit and Permit To Appropriative 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 _____

1. Name of Applicant Mike Gratz Phone No. 605-873-2597
 Post Office Address RR1 Box 161 Estelline State S.D 57234
(Street, RR or Box) (City) Zip Code
 2. Amount of water claimed (c.f.s) 2.2 Total acres irrigated 160 Acres
 3. Source of Water supply Well
 4. Location of point of diversion Center of Sec 27 SE 1/4 T114N R51W

County Hamlin
 5. Counties where water will be used Hamlin
 6. Annual period during which water is to be used Apr - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
Sec 27 Twp 114N Rg 51W

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW 1/4 of SE 1/4	40		
SE 1/4 of SE 1/4	40		
WW 1/4 of SE 1/4	40		
NE 1/4 of SE 1/4	40		

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
 9. Crops to be Irrigated: Corn Hay Beans Wheat
 10. Give a description of proposed project. (Attach sheet if more space is needed)
1300' Center Pivot Fed By Well Located RT
The Pivot

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 Hamlin) ss

I, Mike Gratz, 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 Mike Gratz
 Subscribed and sworn to before me this 6th day of January 1990
Beth Kessler
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5402-3 FOR IRRIGATION**

Date of first receipt of application January 22, 1990.
Date Soil/Water Compatibility Permit received April 3, 1990.
Date of return to applicant for corrections, amendments or changes March 12, 1990.
Date of receipt of corrected application March 14, 1990.

The Water Management Board approved Water Permit Application No. 5402-3 on May 23, 1990 for Mike Gratz, RR 1, Box 161, Estelline, SD 57234 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. 5402-3 appropriates 2.2 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 80 feet deep located in the center of SE1/4 of Section 27 T114N-R51W to irrigate 160 acres. The land to be irrigated is located in the SE1/4 Section 27 T114N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 right is January 22, 1990.
4. One-fifth of the construction is to be completed on or before November 23, 1992.
5. All construction is to be completed on or before May 23, 1995.
6. Water is to be put to beneficial use on or before May 23, 1999.
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 authorized by Permit No. 5402-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.

(continued)

Permit No. 5402-3
Page 2

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

WATER MANAGEMENT BOARD

By: _____

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 26' Depth 78'
- b) Casing Type PVC Diameter 16 Thickness 1/2
- c) Screen Type Stainless Diameter 16 Thickness 3/8
- d) Gravel Pack Thickness 5" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 22'
- f) Depth to Water (ground surface to water level) 22'
- g) Distance to nearest existing domestic well:
On applicants property 1600' On property owned by others _____

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 _____

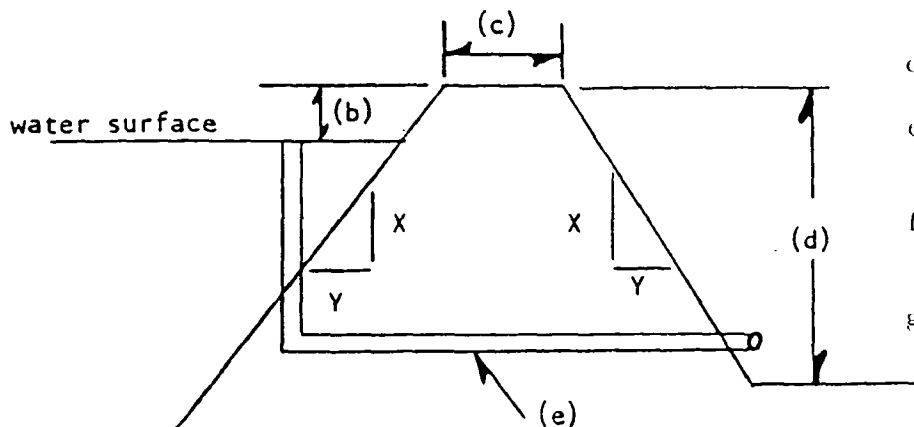
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Mike Gray

Signature of Applicant

SOUTH Dakota Department of
Water & Natural Resources

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

March 12, 1990

Mike Gratz
RR. 1, Box 161
Estelline, SD 57234

Dear Mr. Gratz:

This letter is in response to your water permit application received on January 22, 1990. The following information is needed to complete your application:

- 1) The map submitted with your water permit application must be signed by one of the following: 1) South Dakota licensed land surveyor; 2) South Dakota registered professional engineer; 3) or by a government employee who regularly prepares such maps as part of his assigned duties. Your local ASCS or SCS office may be able to assist you in fulfilling this requirement.

The water permit application can not be considered by the Water Management Board until the application is complete and the soil/water compatibility permit is approved by the Department of Agriculture. Please remit the properly completed map to complete the application.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412042

Pierre, January 22, 19 90

RECEIVED OF Mike Gatz, RR 1, Box 161, Estelline SD 57234

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

Fee for Application for Permit No. <u>5402-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

Chief Engineer

John Hatch

JOHN HATCH

KS

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4464

WR#

OWNERS NAME: GRATZ, MIKE OWNERS ADDRESS: RR 1, Box 161
Estelline, SD 57234

COUNTY LAND LOCATED IN: Hamlin PHONE: 873-2597

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: Center of SE $\frac{1}{4}$ 27-T114N-51W

Depth: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27-T114N-R51W	40		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 27-T114N-R51W	40		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27-T114N-R51W	40		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 27-T114N-R51W	40		

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

3. CROPS TO BE IRRIGATED: Corn, Hay, Beans, Wheat

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0584 7. ADJUSTED (SAR): 2.22
5. SALINITY (EC X 10⁶): 1500 8. PERCENT SODIUM: 11.90
6. SODIUM (SAR): 0.78

Requirements:

That the drainage way be maintained in permanent vegetation to address potential erosion hazards.



Peter Dennis
Director, Division of Conservation

March 29, 1990

Date

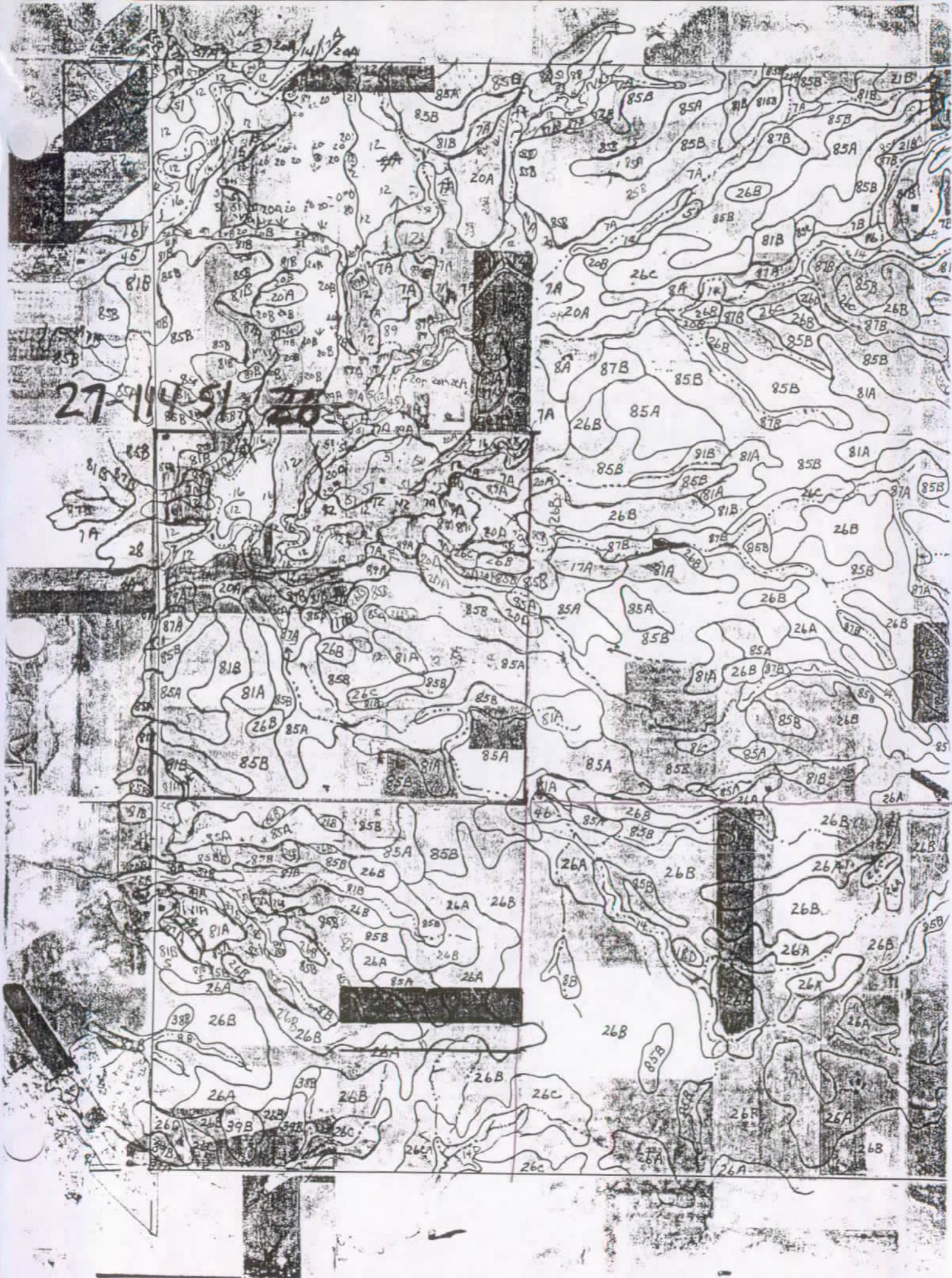
XXX APPROVED

 DISAPPROVED

 WAIVER

XXX REQUIREMENTS

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



Bullis Brothers

LeRoy Bullis
1201 Karen Street
886-4044

Well Boring
Trenching
Water and Sewer System
1201 Karen Street
Watertown, South Dakota 57201

Duane Bullis
1120 North Broadway
886-6746

Drilling Log

Date Dec 19 1989

Name Donald Linneman

Address RR 2 Box 78

City & State Castlewood S.D. 57223

County Hamlin

Center SE 1/4 Sec 27 Twp 114N Rg 51W

	X

Formation	From	To
Black Soil	0	2
Gravel	2	3
yellow Clay (Firm)	3	22
yellow Course Gravel	22	33
yellow Clay (Firm)	33	36
Blue Clay (Firm)	36	45
Blue Clay w/ Course		
yellow Sand lenses	45	54
Course yellow Sand		
+ Gravel	54	59
Course yellow + Gravel		
Sand + Gravel	59	65
Course Gravel Sand w/		
some Gravel	65	73
Course Gravel Gravel	73	78
Blue Clay	78	80
Well Drilling License #14		
Le Roy Bullis		

Casing		
Length	Diam.	Type
Screen		
Length	Diam.	Slot & Type
Completed depth _____		
Comments <u>Screen</u>		
<u>Set + Developed</u>		
<u>To obtain sample</u>		
<u>Good</u>		
<u>ST2Tic 22 ft</u>		



Department of Water & Natural Resources

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

March 12, 1990

Mike Gratz
RR. 1, Box 161
Estelline, SD 57234

Dear Mr. Gratz:

This letter is in response to your water permit application received on January 22, 1990. The following information is needed to complete your application:

- 1) The map submitted with your water permit application must be signed by one of the following: 1) South Dakota licensed land surveyor; 2) South Dakota registered professional engineer; 3) or by a government employee who regularly prepares such maps as part of his assigned duties. Your local ASCS or SCS office may be able to assist you in fulfilling this requirement.

The water permit application can not be considered by the Water Management Board until the application is complete and the soil/water compatibility permit is approved by the Department of Agriculture. Please remit the properly completed map to complete the application.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

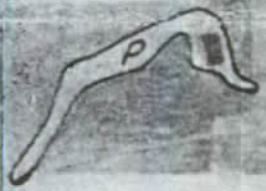


NOT

From:
Hamlin Co.

ALE 1990

T609
142.1



155.6
T590

379-200-R

D15

151.0 T837

27

148.4
T504

Hamlin Co. ASOS Office
Helen Squires, Compliance
3-14-90

+Use 11



Appl. No. 5402-3

114-51

61.8

4.4

145.7
T510

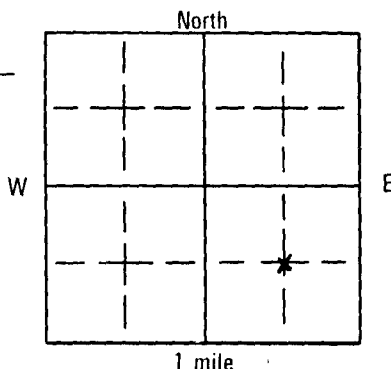
No. 5402-3
379-200-R

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location Center $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27 Twp 114N Rg 51WCounty
HamlinPlease mark well
location with
an "X"

5402

Well Completion Date 5-21-90

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling: Boring Rig

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>16</u> IN	<u>0</u> FT	<u>80 1/2</u> FT	<u>24</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 44 FEETWhat is grouting material? CementIf cement, number of sacks? 2 Delivered by Ready Mix TruckDescribe grouting procedure
Pressure Grouted by pumping
Through Tremie pipe

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 10 FEETMaterial STainless SteelSlot Size 100 Set From 70 1/2 Feet To 80 1/2 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain Chlorinated w/ granules during
Gravel packingBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Mike Gritz
RR1 Box 161Address Estelline, S.D. 57234

Well Log:

Depth

Formation

From

To

<u>Black Soil</u>	<u>0</u>	<u>2</u>
<u>Gravel + Clay</u>	<u>2</u>	<u>3</u>
<u>yellow clay (firm)</u>	<u>3</u>	<u>23</u>
<u>yellow coarse Gravel</u>	<u>23</u>	<u>30</u>
<u>yellow clay</u>	<u>30</u>	<u>36</u>
<u>Blue clay</u>	<u>36</u>	<u>45</u>
<u>Course yellow Gravel</u>		
<u>Tight + Rocky</u>	<u>45</u>	<u>60</u>
<u>Yellow + Gray Gravel</u>		
<u>Tight + Rocky</u>	<u>60</u>	<u>65</u>
<u>Gray Course Sand</u>		
<u>+ Gravel</u>	<u>65</u>	<u>79</u>
<u>Blue clay</u>	<u>79</u>	<u>80 1/2</u>
<u>(Fine sand lense @ 69')</u>		

STATIC WATER LEVEL 25 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

56 ft. After 10 1/2 Hrs. pumped 790 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 7

And this report is true and accurate.

Drilling firm Bullis Bros

Signature of License Representative:

LeRoy Bullis

Signature of Well Owner:

Date 5-21-90

REPORT ON APPLICATION NO. 5402-3
FOR MIKE GRATZ
March 22, 1990

This application proposes to appropriate 2.2 cfs from one well approximately 78 feet deep to irrigate 160 acres. The land to be irrigated is located in the SE 1/4 of section 27 and the well is to be located near the center of the SE 1/4 of section 27, all in T114N R51W in Hamlin County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings (BS-B) is a Pliocene outwash (sand and gravel) and alluvium under predominantly water table conditions. According to the drillers log submitted with the application, the aquifer is under artesian conditions at this site. The BS-B aquifer underlies 88,500 acres and contains an estimated 331,880 acre feet of recoverable water in Hamlin County (Hedges, 1982). The aquifer averages 30 feet in saturated thickness and is hydraulically connected to the Big Sioux River which serves as a discharge zone for ground water (Kume, 1985).

The Division of Water Rights monitors 19 observation wells completed into the BS-B aquifer in Hamlin County. One of these wells HN-77F is located about 3/4 mile west of this application. Typically water levels fluctuate 1 to 4 feet per year with a maximum change of about 10 feet between the highest and lowest water levels ever recorded. The aquifer responds quickly to recharge and water levels do mirror climatic conditions, that is, gradually declining during dry years and rising during wet years (Water Rights, 1990).

Water use data for the BS-B aquifer in Hamlin County indicates 8181 acre feet of water was pumped in 1988 (Irrigation Report, 1988). The observation well record indicates pumping has not adversely affected water availability from the BS-B aquifer. Annual recharge to the BS-B aquifer is estimated to range from 3.6 to 4.0 inches per year which would yield at least 26,500 acre feet per year (Hedges, 1983).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing Water Permits/Rights within 1 mile of this application. These are Nos. 2841-3, 5038-3 and 4130-3 and these also obtain water from the BS-B aquifer. The nearest diversion is for Permit No. 5038-3 and is approximately 1/2 mile north of this proposed diversion. Interference should not be a problem. Drawdowns caused by pumping in the BS-B aquifer do not extend very far from an individual production well. Even though this site is under artesian conditions drawdowns are not expected to be significant.

CONCLUSIONS

1. Water is available from the BS-B aquifer.
2. Interference should not be a problem. The aquifer is under artesian conditions at this site and drawdowns can be expected due to pumping in the area. However, because of the aquifer thickness and the close proximity to areas under water table conditions drawdowns should not be adverse.
3. This proposed well must be completed in accordance with SD Well Construction Standards.
4. Land use practices over shallow water table aquifer such as the BS-B will affect the water quality of the aquifer.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., 1983, GROUND WATER RECHARGE, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.
- Irrigation Reports, 1988, 1988 IRRIGATION REPORTS BY COUNTY, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.
- Kume, J., 1985, WATER RESOURCES OF DEUEL AND HAMLIN COUNTIES, SOUTH DAKOTA, USGS WRI 84-4069, USGS, Huron, SD, 57350.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR BS-B AQUIFER IN HAMLIN COUNTY, SD DWR, Div. of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.

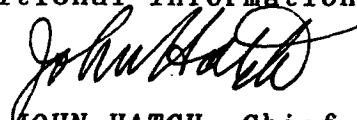
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5402-3, Mike Gratz

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. 5402-3, Mike Gratz, RR 1, Box 161, Estelline SD.

The Chief Engineer is recommending APPROVAL of Application No. 5402-3 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 authorized by Permit No. 5402-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. 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.
3. 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
April 5, 1990

SOUTH Dakota Department of
Water & Natural Resources

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

April 9, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

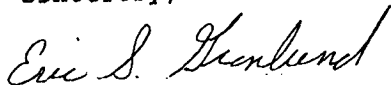
Mike Gratz
RR #1 Box 161
Estelline, SD 57234

Dear Mr. Gratz:

Water Permit Application No. 5402-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Estelline Journal printed at Estelline SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Eric S. Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

April 9, 1990

Estelline Journal
Box 159
Estelline, SD 57234

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5402-3 to be published twice. Please publish the first notice on or before April 19, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Mike Gratz, RR #1 Box 161, Estelline, SD 57234.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric S. Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric S. Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5402-3 to Appropriate Water

Notice is given that Mike Gratz, RR #1 Box 161, Estelline, SD 57234 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 80 feet deep located in the center of SE1/4 Section 27-T114N-R51W to irrigate 160 acres. The land to be irrigated is located in the SE1/4 Section 27-T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5402-3 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 the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 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 May 11, 1990. 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 May 11, 1990.

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.

NOTICE OF HEARING
on Application No. 5402-3
to Appropriate Water

Notice is given that Mike Gratz, RR 1, Box 161, Estelline, SD has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 80 feet deep located in the center of SE 1/4 Section 27-T114N-R51W to irrigate 160 acres. The land to be irrigated is located in the SE 1/4 Section 27-T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5402-3 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 the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 at 10:00 a.m. 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 May 11, 1990. 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 May 11, 1990.

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.

83 @ .244
20.25

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Mark Hausman
certify that the attached printed Notice was taken
from the Estelline 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 Estelline Journal
_____ of Estelline, SD

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

April 19 & 26

[Signature]

(Signature)

[Signature]

(Title)

4/20/90

(Date Signed)

Cost of Printing: 83 lines @ .244 = \$20.25
Ink 8000 = 16.20
36.45



83



Department of Water & Natural Resources

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

SEP 12 1990

Mike Gratz
RR #1 Box 161
Estelline, SD 57234

Dear Mr. Gratz:

Enclosed is Water Permit No. 5402-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9 - 25 - 90TO: Water Rights Division, DWRN
Joe Foss Building
Pierre SD 57501-3181FROM: Mike Gratz RR 1 Box 161 Estelline S. D. 57234
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5402-3.

Water Permit No. 5402-3 states that the diversion system is to be constructed by May 23-1995, and that the water it put to beneficial use by May 23-1999.

The diversion system was completed on June 8-1990.

Applying the water to beneficial use was completed on June 8-1990

You may schedule an inspection so that the Water License may be issued.



Michael Gratz
signature

Big Sioux River Water District

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 Nike Gatz

RR#1 Box 161 of Estelline SD 57234 holder of

Permit No. 5402-3, bearing the priority of January 22 19 90 authorizing

the diversion of 2.2 cu. ft. per second of the waters of groundwater

for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

1-40 HP - 8" Wel-line Mid America Pump Supply Model #
MA-8014-90 capable of 800 gpm powered by High-thrust U.S.
Electric Motor Model # 324TP WPI

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

8" aluminum piping 16' long

C. Works used to apply water to beneficial use:

A Valley 6000 center Pivot with 7 towers with a length of 1284' and an end gun. Run at low pressure and capable of 800 gpm.

The system is in the following condition good

The point of diversion is located 1320' west and 1380' North of the SE
corner Section 27-T114N-R51W

The works are capable of diverting and conveying to the place of use 1.77

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: Section 27-T114N-R51W

NW 1/4 SE 1/4 - 33 Acres

NE 1/4 SE 1/4 - 33 Acres

SW 1/4 SE 1/4 - 33 Acres

SE 1/4 SE 1/4 - 33 Acres

comprising a total of 132 acres of land and the license should be issued for 1.77 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 6/19/1991

Norma C. Bb
(signature)

LICENSE FOR PERMIT NUMBER 5402-3

6/19/1991

1. Legal location of wells: NW 1/4 SE 1/4 Section 27 - T114N-R51W

dams & structures: _____

2. Well Information: Well Drilling Firm Bellis Brothers

Completion Report Yes X No _____ No. of Wells 1 Depth 79'

Casing a) diameter 16" Screen a) type Stainless Steel

b) length 70' b) length 10'

c) type PVC Static Water Level 25'

Pump a) make Wel-line Mid America Pump Motor High Thrust U.S. Electric

b) model MA-8014-90 b) model No. 324TP WPI

c) size 8" c) horsepower rating 40

d) capacity 800 gpm

e) turbine pump - no. of stages _____

f) operating PSI 38

3. Distribution lines or canals

a) size 8"

b) type Aluminum

c) length 16'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make Valley 6000
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1284'
- 5) end gun (Y/N) Y
- 6) high or low pressure low
- 7) make & size of nozzles _____
- 8) capacity (GPM) 800

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

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?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

131.7

25

NW 1/4 SE 1/4
33 Acres

NE 1/4 SE 1/4
33 Acres

SW 1/4 SE 1/4
33 Acres

SELL4 SELL4
33 Acres

License
No:

5402-3



July 18, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5402-3

Mike Gratz
RR #1 Box 161
Estelline, SD 57234

Dear Mr. Gratz:

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. 5402-3, 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,

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.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5402-3

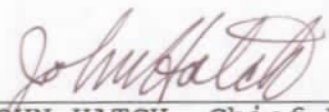
(1) Mike Gratz of RR 1, Box 161, Estelline, SD 57234 made Application No. 5402-3, January 22, 1990 for a water permit to appropriate 2.2 cubic feet of water per second from groundwater (one well), Hamlin County, South Dakota for irrigation purposes. Permit No. 5402-3 with a priority date of January 22, 1990 was approved May 23, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 23, 1995 and for the application to beneficial use of said water on or before May 23, 1999.

(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 1.77 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320'W and 1380'N of the SE corner Section 27, T114N, R51W.

(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:

T114N, R51W Section 27	NW 1/4 SE 1/4	33 Acres
	NE 1/4 SE 1/4	33 Acres
	SW 1/4 SE 1/4	33 Acres
	SE 1/4 SE 1/4	33 Acres
	Total-----	132 Acres

(4) Pursuant to Section 46-5-30.1 Mike Gratz of RR 1, Box 161, Estelline, SD 57234 the holder(s) and/or owner(s) of Water Permit No. 5402-3 is issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (one well) with a priority date of January 22, 1990 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 Water Permit No. 5402-3 and subject to South Dakota State Law.

 SEP 17 1991

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412752

Pierre, July 23, 19 91

RECEIVED OF Mike Gratz, RR 1, Box 161, Estelline, SD 57234

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5402-3</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 Matok (Signature)

Chief Engineer



GREAT FACES. GREAT PLACES.

SEP 17 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5402-3

Mike Gratz
RR 1, Box 161
Estelline, SD 57234

Dear Mr. Gratz:

Enclosed is Water License No. 5402-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412752 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. 5402-3, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 1997

5402-3

Don Linneman
RR 2 Box 78
Castlewood, SD 57234

Dear Mr. Linneman:

Thank you for contacting me about the ownership of Water Right No. 5402-3.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. You indicated your son now owns the land. He will need to review the form for accuracy and complete the portion titled "*be transferred to: (name and address)*"..... Upon completion, he should sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Water Right No. 5402-3 will be transferred to his name as soon as we receive the completed form and filing fee in our office. If you have any questions, please contact me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5402-3

Date: 11-24-97



I/We request that Water Right No. 5402-3

formerly owned by: Mike Gratz

be transferred to: (name & address)

Doug Linneman

RR 2 Box 79 Castlewood 57223

Telephone No. 873-2740

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

132 acres - SE 1/4 Section 27, T114N, R51W

I/We understand that the validity of Water Right No. 5402-3 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.

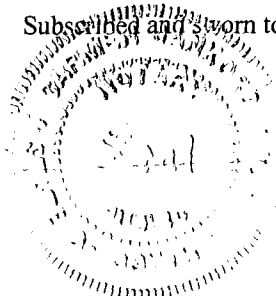
STATE OF SOUTH DAKOTA)

County of Hamlin)

I/We Doug Linneman 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.

Douglas Linneman
(Signed)

Subscribed and sworn to before me this 24th day of Nov., 1997.



Carmen Jankow
(Notary Public)

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

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

RECEIPT

415537

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 25, 19 97

RECEIVED OF Douglas Mineman, Bl 2, Box 79, Castlewood, SI 57223

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 <u>water right No. 5402-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1997

No. 5402-3

Doug Linneman
RR 2, Box 79
Castlewood, SD 57223

Dear Mr. Linneman:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5402-3.

Our records now show you as the owner of Water Right No. 5402-3.

Sincerely,

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

enclosure



5402-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: DOUG LINNEMAN, RR 2 BOX 79, CASTLEWOOD, SD 57223

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5402-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 5402-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 5402-3 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 27, 2004, 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.



5402-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9340

Your item was delivered at 11:12 am on January 21, 2004 in CASTLEWOOD, SD 57223. The item was signed for by D DLINNAMENN.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

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[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9340

DOUG LINNEMAN
RR 2 BOX 79
CASTLEWOOD SD 57223

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

☐ Priority Mail®
☐ Package Services



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2004

5402-3

Doug Linneman
RR 2 Box 79
Castlewood SD 57223

Dear Mr. Linneman:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 5402-3.

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**

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

December 6, 2004

5402-3

Levi Tschetter
Poinsett Hutterian Brethren
46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

I am contacting you in regard to ownership of land described in Water Right No. 5402-3, held by Doug Linneman. When returning his 2004 irrigation questionnaire, Mr. Linneman made a notation on the form indicating the colony now owns the land.

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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC - 9 2004

WATER RIGHTS
PROGRAM

No. 5402-3

Date: 12-7-04

I/We request that Water Right No. 5402-3

formerly owned by: Doug Linneman

be transferred to: (name & address) Levi Tschetter

Poinsett Lutheran Brethren, 46527, 189th St,

Estelline, S.D. 57234

Telephone No. 605-873-2630

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

132 acres in the SE ¼ Section 27, T114N, R51W

I/We understand that the validity of Water Right No. 5402-3 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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Levi Tschetter, the new owner, certify that the above information is true and correct.

Levi Tschetter

(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 December 9, 20 04

RECEIVED OF Poinsett Hutterian Brethren Inc., 46527 189th Street, Estelline SD 57234

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>5402-3</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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001505

By

Darlene Ebel
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2004

5402-3

Levi Tschetter
Poinsett Hutterian Brethren
46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

Thank you for following up on the ownership change for Water Right No. 5402-3. The transfer has been completed. The water right formerly held by Doug Linneman is now listed in the name of "Poinsett Hutterian Brethren".

Enclosed is your Receipt No. 001505 in the amount of \$2.50. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure