

Considered: _____

WATER PERMIT NO. 5415-3

PL# 886-9161

HAP No. 886-8897

Name of Applicant Nick & Matt Kranz

Post Office Address RR #4 Box 182 Watertown SD 57201

Amount of Water Claimed 2.0 cfs Total Acres 150 acres

Source of Water Supply groundwater

Water to be used for irrigation County Codington

About 2 miles SE of Watertown

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/15/90 Fee \$250 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

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

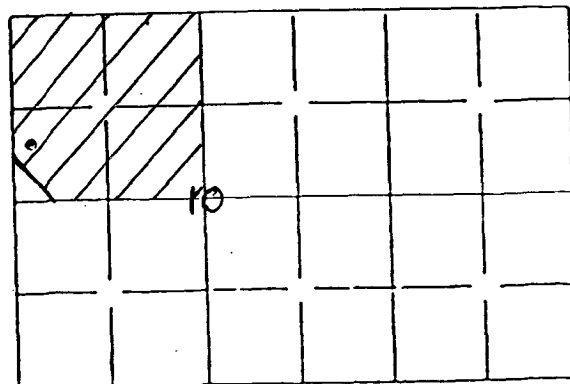
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point SW 1/4 NW 1/4 Section 10

T146N - R52W

Land to be Irrigated NW 1/4 Section 10

T116N - R52W



Well Log: Driller Bullis Licensed YES X NO _____

Depth of Well 40' REMARKS _____

Type of Map Soils PREPARED BY Dave Branson Reviewed and the Number

assigned on March 23, 1990 By Eric Lundberg

(See instructions)

No. 5415-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Watertown Public Opinion, Box 10 57201

58

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 _____



Nick & Matt Kranz, Inc. Phone No. 605-886-9161
R.R. 4 Box 182 Watertown State S.D. Zip Code 57201
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 2.0 Total acres irrigated 150 acres
3. Source of Water supply Underground Water
4. Location of point of diversion 116
SW 1/4 NW 1/4 Sec 10 Twp. 16 N. Rg 52 W test well #2
County Codington
5. Counties where water will be used Codington
6. Annual period during which water is to be used May 1 - September 30
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.
<u>SW 1/4 of NW 1/4 of</u>	
<u>Section 10 Twp. 16 N. Rg. 52</u>	<u>30</u>
<u>test #2</u>	
<u>NE 1/4 NW 1/4 of Sect. 10 Twp.</u>	<u>40</u>
<u>16 N. Rg. 52</u>	

Land Description	No. Acres Irr.
<u>NW 1/4 Sect. 10 Twp. 16 N</u>	
<u>Rg. 52 test #2</u>	<u>40</u>
<u>S.E. 1/4 of NW 1/4 of Sect. 10</u>	<u>40</u>
<u>Twp. 16 N. Rg. 52</u>	

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

To drill a well, to utilize either center pivot or gravity irrigation. Center pivot system would be a more reliable system if its economically feasible to develop such a system. If not, a gravity system will be developed.

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 Codington) ss

Matthew S. Kranz 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 Matthew S. Kranz

Subscribed and sworn to before me this 9 day of March 19 90

Janice Larson July 1993
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5415-3 FOR IRRIGATION**

Date of first receipt of application March 12, 1990.

Date Soil/Water Compatibility Permit received April 13, 1990.

Date of return to applicant for corrections, amendments or changes March 12, 1990.

Date of receipt of corrected application April 12, 1990.

The Water Management Board approved Water Permit Application No. 5415-3 on May 24, 1990 for Nick & Matt Kranz, Inc., RR. 4, Box 182, Watertown, SD 57201 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. 5415-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 40 feet deep to irrigate 150 acres. The point of diversion is located in the SW1/4 NW1/4 of Section 10 T116N-R52W. The land to be irrigated is located in the NW1/4 of Section 10 T116N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year 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: May 1 - September 30.
3. The date from which applicant may claim right is March 12, 1990.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 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 pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 39'
- b) Casing Type PLASTIC Diameter 16" Thickness 1/2"
- c) Screen Type STAINLESS Diameter 16" Thickness ~~1/2"~~
- d) Gravel Pack Thickness 4" Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 12"
- f) Depth to Water (ground surface to water level) 12"
- g) Distance to nearest existing domestic well:
- On applicants property 1425 " On property owned by others 3695 ft

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 _____

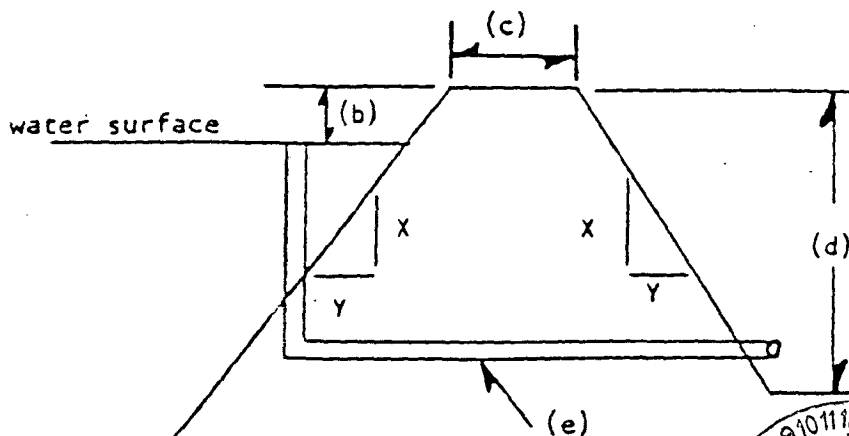
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Matthew Krong Inc
by Matthew L Krong
 Signature of Applicant





Department of Water & Natural Resources

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

March 12, 1990

Matthew Kranz
RR. 4, Box 182
Watertown, SD 57201

Dear Mr. Kranz:

This letter is in response to your water permit application received on March 12, 1990. The following information is needed to complete your application:

- 1) The correct fee for your water permit application must accompany your application prior to processing. The fee for 150 acres is \$250.
- 2) The location of point of diversion on your application states township 161 north. I believe you transposed the numbers and meant township 116 north. I have made the appropriate change to your application.

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 proper fee and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

April 6, 1990

Nick & Matt Kranz, Inc.
RR #4 Box 182
Watertown, SD 57201

Dear Mr. Kranz:

This letter is in response to your water permit application received on March 12, 1990 and our subsequent correspondence. The following information needs to be submitted in order to process your application.

- 1) The signed soils map did not specify the location of the well to be utilized. The original aerial map that you submitted marked an "X" in a location I assume to be the well but did not specifically denote this as the well location. Also, this did not match with your legal description of the point of diversion on your original application. Please denote the proposed location of the well on the attached map. This map will need to be signed by one of the following: 1) SD Registered Land Surveyor; 2) SD Registered Professional Engineer; 3) a government employee who normally prepares maps as part of his assigned duties (SCS, ASCS, etc.)

The water permit application can not be considered by the Water Management Board until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Please submit a signed map with the location of the well noted and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: Matt KranzADDRESS: Watertown COUNTY CodingtonDATE: 4/11/90 TELEPHONE 886-9161

RE: _____

COMMENTS:

Mr. Kranz called to specify the location of the well on the ASCS map. The "X" ~~on the~~ that he marked ~~on~~ in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sect. 10 T116N-R52W. He stated that he would get a copy of the map denoting the well and properly signed will be sent immediately. (soil map is presently signed).

I said that I would take his application and the report to the chief engineer for recommendations so that we could meet the May board mtg.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric S. Granlund

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4476

WR#

OWNERS NAME: NICK & MATT KRANZ, INC. OWNERS ADDRESS: RR 4, Box 182
Watertown, SD 57201

COUNTY LAND LOCATED IN: Codington PHONE: 886-9161 OR 886-8897

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-T116N-R52W (Test Hole #2)
Depth: _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-T116N-R52W	30		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10-T116N-R52W	40		
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10-T116N-R52W	40		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10-T116N-R52W	40		

2. TYPE OF IRRIGATION: GRAVITY: none TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: Corn, Alfalfa

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>90-0061</u>	7. ADJUSTED (SAR): <u>0.81</u>
5. SALINITY (EC X 10 ⁶): <u>650</u>	8. PERCENT SODIUM: <u>9.10</u>
6. SODIUM (SAR): <u>0.35</u>	

Requirements:

The areas mapped as Lamoure silty clay loam (La) and La Prairie silt loam (Lp) contain drainageways and are subject to wetness, flooding and water tables. For these reasons, these areas shall remain in permanent vegetation.



Director, Division of Conservation

April 4, 1990

Date

XXX APPROVED XXX REQUIREMENTS
DISAPPROVED
WAIVER

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412140

Pierre, March 15, 19 90

RECEIVED OF Nick & Matt Kranz, RR #4 Box 189, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5415-3</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

John Hatch (mra)
Chief Engineer

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

02-12-1990

Cod-09506

Name: Krentz, Nick and Matt
Address: RFD #4, Box 10
Watertown, SD 57201

Date Rec'd
Sample No.
Source
Legal ID

FLD #7, 1990
97-0060
(12/15/2010)

WATER ANALYSIS

Calcium (Ca)	79	ppm	2.00	me/l
Magnesium (Mg)	15	ppm	0.87	me/l
Sodium (Na)	20	ppm	0.08	me/l
Potassium (K)	3	ppm	2.21	me/l
Sulfate (SO ₄)	106	ppm		me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	1	ppm	0.03	me/l
Bicarbonate (HCO ₃)	142	ppm	0.00	me/l
Carbonate (CO ₃)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		me/l
Boron (B)	0.05	ppm		
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			4.77	me/l
Total Anions			7.84	me/l
Alkalinity (Methyl Orange)	280	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	750	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.47	Adjusted SAR	1.12	
Sodium	11.20	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.85			
Others:				
*ppm=parts per million				***g.p.g.=grains per gallon
**me/l=millequivalents per liter				

COMMENTS:

Test #1

Analysis By: Shirley Hittan

Service Performed:
Irrigation Analysis

Total Cost: \$ 35.00
Amount Received: 0.00
Balance Due: 35.00

Make checks payable to: SDSU Water Quality Lab

Please write lab number on your check!

Lab No. 02-0060



Le Roy Bullock
License # 4

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 SW Section 10 Township 116 Range 52
 Well owner Nick Krang Watertown, SD 57201
(Name) (Address)
 Date well drilling completed 6/22/15 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-2	Top Soil	Depth to static water level _____ ft.
2-5	Sandy clay	Name of producing aquifer (if known) <u>gravel</u>
5-37	Sand & gravel	Total depth of drill hole _____ ft.
37-	clay	Depth to bottom of casing _____ ft.

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

0-29 16" ID Fiberglass

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

29-37 16" ID Fiberglass

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

Attach sheet if more space is needed

Empire Irrigation Drilling
Name of Drilling Contractor C. D. Inc.

(2) PUMP INSTALLATION

Company name and size of pump Not done by Empire HP _____
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

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

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

Name of Pump Installation Contractor



Proposed irrigation

NUMBER 31 outlined in white

David B. Brown

49 sold to
Watertown 5. (6)

(Joins sheet 30)



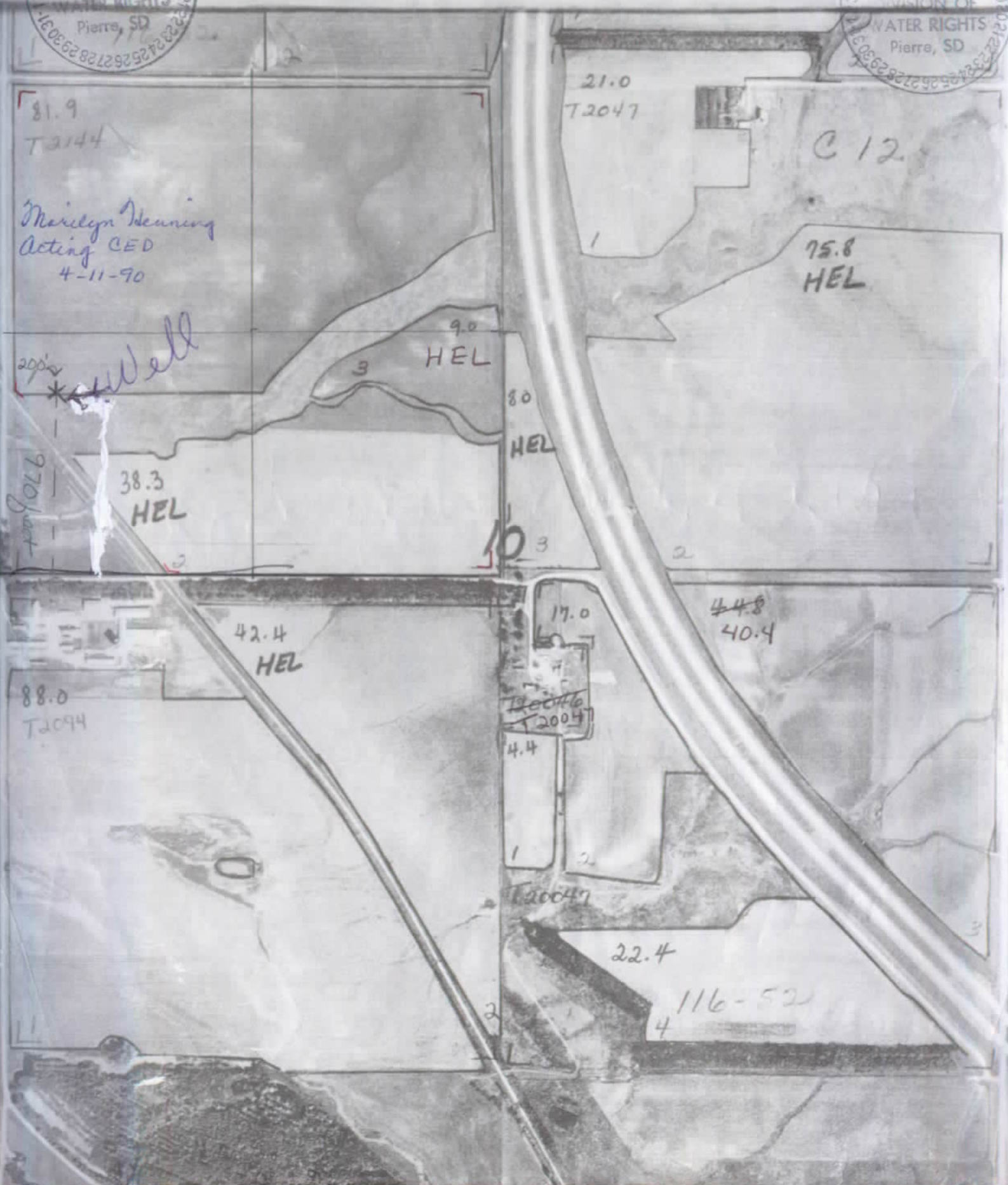
5415-3

(Joins sheet 32)

1 Mile Scale 1:20 000 0 5000 Feet



NOT TO SCALE



REPORT FOR APPLICATION No. 5415-3
NICK AND MATT KRANZ
APRIL 5, 1990

Application No. 5415-3 proposes to appropriate 2.0 cubic feet of water per second from one well approximately 40 feet deep, located in the SW 1/4 NW 1/4 of Sec.10, T116N-R52W. Water is to be used to irrigate 150 acres located in the NW 1/4 of Sec. 10, T116N-R52W.

AQUIFER: Big Sioux North (BS-N)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Big Sioux-North is a glacial outwash aquifer which is generally under water table conditions in this area. The driller's log submitted with this application indicates sand and gravel from 5 feet to 39 feet below land surface with a static water level of approximately 12 feet below grade. The BS-N underlies approximately 67,300 acres of Codington County and contains an estimated 151,430 acre-feet of recoverable water in storage in the county (Hedges, 1982). Recharge to the Big Sioux Aquifer occurs primarily through infiltration of precipitation falling directly on the surface of the aquifer. Annual recharge rates calculated for the Big Sioux - North Aquifer range from 2 to 6.9 inches, (Hedges, 1983).

The Division of Water Rights monitors 20 observation wells completed into the BS-N Aquifer in Codington County. Water level measurements show the aquifer readily responds to precipitation. Water levels rise during wet years and decline during drought years (Division of Water Rights, 1990). Hydrographs of observation wells do not show an overall decline in water levels and indicate that pumping does not affect water levels in the aquifer any significant distance from a production well. Observation Well CD-60D is located approximately 1/4 mile south of this proposed diversion point.

REVIEW OF EXISTING WATER RIGHTS:

There are 29 irrigation permits appropriating ground water from the Big Sioux Aquifer from Codington County. The 1988 appropriation from the aquifer was 16,351.80 acre-feet and the pumpage reported for 1988 was 2,149.10 acre-feet. There are 5 existing ground water permits within approximately one mile of this proposed diversion point. Interference should not be a problem because of the high production capacity of the aquifer and the well spacing that exists.

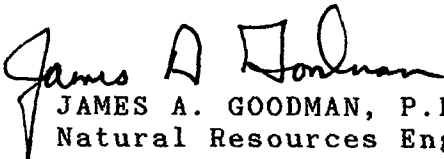
CONCLUSIONS:

1. The North management unit of the Big Sioux Aquifer is a viable aquifer and unappropriated water is available.
2. The aquifer is under predominantly water table conditions and drawdowns will not be significant any distance from the production well. Interference will not be a problem.
3. Soil/Water compatibility has not been approved for this application.



KEN BUHLER
Natural Resources Engineer

approved by



JAMES A. GOODMAN, P.E.
Natural Resources Engineer IV

REFERENCES:

Hedges, L.S., S.Burch, D. Iles, R.Barari, R.Schoon, 1982,
Evaluation of Ground-water Resource Eastern SD and Upper Big
Sioux River, South Dakota and Iowa, for US Army Corps of
Engineers, SD DWNR- Division of Geologic Survey, Vermillion
SD 57069

Hedges, L.S., J.Allen, D.Holly, 1983, Evaluation of Ground-Water
Resources Eastern SD and Upper Big Sioux River, SD and Iowa,
Task 7, Ground Water Recharge, for US Army Corps of
Engineers, SD DWNR- Division of Geologic Survey, Vermillion
SD 57069

~~Water Rights, 1989, Observation Well, Domestic Well, and Water
Permit Files, SD DWNR-Division of Water Rights, Joe Foss
Bldg. Pierre, SD 57501~~

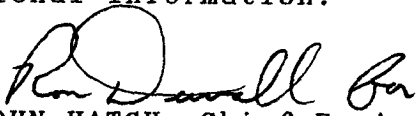
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5415-3, Nick and Matthew Kranz, Inc.

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. 5415-3, Nick and Matthew Kranz, Inc., RR 4, Box 182, Watertown SD.

The Chief Engineer is recommending APPROVAL of Application No. 5415-3 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 pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
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 12, 1990



Department of Water & Natural Resources

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

April 17, 1990

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

Nick & Matt Kranz, Inc.
RR #4 Box 182
Watertown, SD 57201

Dear Sirs:

Water Permit Application No. 5415-3 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 Public Opinion printed at Watertown 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric 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 17, 1990

Watertown Public Opinion
Box 10
Watertown, SD 57201-0010

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5415-3 to be published twice. Please publish the first notice on or before April 26, 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 Nick & Matt Kranz, Inc., RR #4 Box 182, Watertown, SD 57201.

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 Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric 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 26, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5415-3 to Appropriate Water

Notice is given that Nick & Matt Kranz, Inc., RR #4 Box 182, Watertown, SD 57201 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 40 feet deep to irrigate 150 acres. The point of diversion is located in the SW1/4 NW1/4 of Section 10-T116N-R52W. The land to be irrigated is located in the NW1/4 of Section 10-T116N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5415-3 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was taken
 from the Watertown Public Opinion

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 Watertown

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

April 21st, 1990

April 28th, 1990

Monica K. Saathoff
 (Signature)

Bookkeeper
 (Title)

April 28th, 1990
 (Date Signed)

Cost of Printing: \$77.00

WATERTOWN

NOTICE OF HEARING ON APPLICATION NO. 5415-3 TO APPROPRIATE WATER

Notice is given that Nick & Matt
 Kranz, Inc., RR #4 Box 182,
 Watertown, SD 57201 has filed an
 application for a water permit to
 appropriate 2.0 cubic feet of water
 per second from one well (Big
 Sioux North Aquifer) 40 feet deep
 to irrigate 150 acres. The point of
 diversion is located in the SW 1/4
 NW 1/4 of Section 10-T116N-
 R52W. The land to be irrigated is
 located in the NW 1/4 of Section
 10-T116N-R52W.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer of the Water Rights
 Division recommends APPROVAL
 of Application No. 5415-3 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

parents on this matter.
 Trustees agreed to get input from
 evening instead of morning
 baseball practice being held in the
 Discussion was held on the
 year.
 until later this summer or next
 that main street repair should wait
 President Van Sickle reported
 Feb. 861.00.
 Water Fund: Clark Rural Water,
 Brothers, 756.01.
 Johnson Brothers, 971.07;
 Brewster Dist. 411.60 and Ellwien
 Liquor: Sodak Dist. 250.24;
 labor, 96.97.
 Unemploy., 76; and D. McElroy





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

SEP 12 1990

Nick & Matt Kranz
RR #4 Box 182
Watertown, SD 57201

Dear Sirs:

Enclosed is Water Permit No. 5415-3 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 dark 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.



GREAT FACES. GREAT PLACES.

February 1, 1991

NICK & MATT KRANZ, INC
RR 4 BOX 182
WATERTOWN SD 57201

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5415-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5415-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5415-3 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, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 5415-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

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

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: NICK & MATT KRANZ, INC RR 4 BOX 182 WATERTOWN SD 57201	4. Article Number P 694 057 439 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
5. Signature — Addressee ☒ <i>Matthew Kranz</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent ☒	
7. Date of Delivery 2-2-91 KMR-4	



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 4, 1991

5415-3

Nick & Matt Kranz
RR 4 Box 182
Watertown, SD 57201

Dear Sirs:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 5415-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your names have been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 28, 1994

Matt Kranz
RR 4, Box 189
Watertown SD 57201

Dear Mr. Kranz:

As requested, enclosed are partially completed application forms for applying for an extension of time on Water Permit No. 5415-3, a copy of Water Permit No. 5415-3 and the map.

SDCL 46-5-26 states a permit may be amended by extending the time for the completion of construction, or for application to beneficial use, for a reasonable time, but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the Water Management Board.

On the application, please state the reason you are requesting the extension of time for Water Permit No. 5415-3. Please make any necessary changes on the application forms and have them signed and notarized. The filing fee for this application will be \$50.00.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 1994

668-3

5230-3

5415-3

Nick & Matt Kranz
RR 4, Box 189
Watertown, SD 57201

Dear Sirs:

This letter is in response to receipt of the enclosed check for \$96.00 which you sent to us with your 1994 irrigation questionnaire.

Your check is being returned because the annual water rights fee is only a proposal. The fee information was provided to you to make you aware that the fees are being considered as an option to partially fund the Water Rights Division. Before any annual fee could be assessed, legislation must be passed.

I apologize for any confusion caused by our letter. Please contact me if you have any questions (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right _____ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____
Change diversion point from SW 1/4 NW 1/4 10-116-52, to NE 1/4 NE 1/4 9-116-52

1. Name of Applicant Nick & Matt Kranz, Inc. Phone 605-886-9161
(check one) _____ Owner _____ Tenant/lessee

Mailing Address RR 4, Box 182, Watertown SD 57201 State _____
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 2.0 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 150
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)

3. Source of water supply groundwater

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) _____
SW 1/4 NW 1/4 Section 10-T116N-R52W

County Codington

5. County or counties where water will be used Codington

6. Annual period during which water is to be used May 1 - September 30

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description
SW 1/4 NW 1/4 Sec 10-T116N-R52W
NE 1/4 NW 1/4
NW 1/4 NW 1/4
SE 1/4 NW 1/4

Acres
30
40
40
40

Land Description

Acres

8. Give a description of the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Codington)^{ss}

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

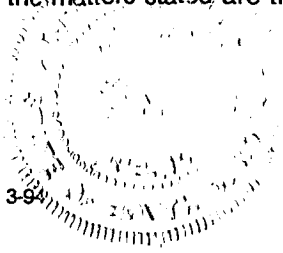
Signed Matthew S. Kranz, Pres.

Subscribed and sworn to before me this 30th day of January 1995

Thomas J. Burns

My COMM. EXPIRES 10/7/1996

Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

Thomas F. Burns
Gribbin, Burns & Eide
PO Box 903
Watertown SD 57201-0903

RE: Nick & Matt Kranz, Inc. Application

Dear Mr. Burns:

I am writing in response to your request made on behalf of Nick & Matt Kranz, to change the location of the diversion point on Water Permit Application No. 5415-3. Pursuant to SDCL 46-5-13.1, a change in the location of a diversion point may be allowed without application or publication if the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions. Before this determination can be made, the following will be required.

1. Please submit an aerial photo marking the location of the existing well in Section 9.
2. To determine that the water source would be the same as that authorized by Water Permit No. 5415-3, a well log for the well in Section 9 will be required.

Upon receipt of the above, a finding can be made regarding the potential for interference with existing diversions. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

GRIBBIN, BURNS & EIDE

ATTORNEYS AT LAW
16 EAST KEMP — P.O. BOX 903
WATERTOWN, SOUTH DAKOTA 57201-0903

EDWARD P. GRIBBIN (1903-1958)
FRANCIS C. BURNS
ALLEN J. EIDE
THOMAS F. BURNS, P.C.

May 9, 1995



PHONE
(605) 886-5885
FAX
(605) 886-2899

Mr. John Hatch
Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Foss Building
Pierre, SD 57501

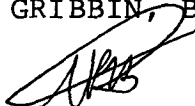
Re: Water Permit No. 5415-3
Nick & Matt Kranz, Inc.
Application to change part of diversion

Dear Mr. Hatch:

I wrote on January 30 regarding this Application to change diversion point. I wonder if you have had a chance to look at that. Is there something more we need to do in order to have the diversion point changed. I look forward to hearing from you.

Cordially yours,

GRIBBIN, BURNS & EIDE


By: Thomas F. Burns
TFB/rs



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 1995

Thomas F. Burns
Gribbin, Burns & Eide
P.O. Box 903
Watertown, SD 57201-0903

Dear Mr. Burns:

I am writing in response to your letter, dated May 9, 1995, regarding the status of the application to amend Water Permit No. 5415-3 for Nick & Matt Kranz.

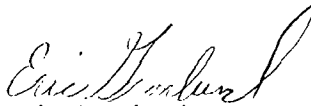
Your January 30, 1995, letter and the application to change to location of the diversion point authorized by Permit No. 5415-3 was received. A staff engineer investigated the application to determine whether the change could be authorized pursuant to SDCL 46-5-13.1. This investigation found two items that would need to be identified prior to authorizing the request.

1. A map which references the well's location to a section corner (ie. aerial photo).
2. Submittal of a well log to determine whether the well is constructed into the same source of water (Big Sioux North Aquifer) as authorized by Permit No. 5415-3. If a well log is unavailable, please complete the portion on well construction on the enclosed Form 2A.

A letter, dated February 7, 1995, was sent to you describing these additional information requirements. A copy of this letter is enclosed. Based on your recent follow-up letter, it appears this February 7th correspondence somehow may not have reached you.

Upon receipt of the above information, a finding can be made whether the change can be made pursuant to SDCL 46-5-13.1. If you have any questions, please contact me.

Sincerely,


Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 32" Depth 40'
- b) Casing Type fiberglass Diameter 18" Thickness 3/8"
- c) Screen Type fiberglass Diameter 16" Thickness 3/8"
- d) Gravel Pack Thickness 8" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 14'
- f) Depth to Water (ground surface to water level) 14'
- g) Distance to nearest existing domestic well:

On applicants property 60 rods On property owned by others 100 rods

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

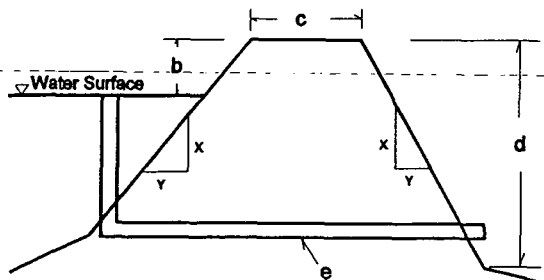
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



GRIBBIN, BURNS & EIDE

ATTORNEYS AT LAW
16 EAST KEMP — P.O. BOX 903
WATERTOWN, SOUTH DAKOTA 57201-0903



EDWARD P. GRIBBIN (1903-1958)
FRANCIS C. BURNS
ALLEN J. EIDE
THOMAS F. BURNS, P.C.

June 30, 1995

PHONE
(605) 886-5885
FAX
(605) 886-2899

Eric Gronlund
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

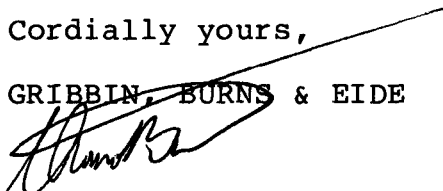
Re: Water Permit No. 5415-3/Nick & Matt Kranz, Inc.

Dear Mr. Gronlund:

In response to your letter to me of May 11, 1995, I am providing with this letter, the additional items you requested. Those are the Supplemental Information Form 2A and an ASCS photo showing the location of the well in reference to the section corner.

Cordially yours,

GRIBBIN, BURNS & EIDE


By: Thomas F. Burns
TFB/rs
enc.
cc: Matt Kranz



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 1995

Thomas F. Burns, Attorney
Gribbin, Burns & Eide
P.O. Box 903
Watertown, SD 57201-0903

Re: Change in point of diversion for Water Permit No. 5415-3, Nick and Matt Kranz

Dear Mr. Gribbin:

I am writing in regard to your request, on behalf of Nick and Matt Kranz, to change the point of diversion for Water Permit No. 5415-3. Water Permit No. 5415-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) to be located in the SW1/4 NW1/4 to irrigate 150 acres located in the NW1/4, all in Section 10, T116N, R52W.

This is a request to change the point of diversion to the NE1/4 NE1/4 Section 9, T116N, R52W. The new diversion point is located approximately 300 feet northwest of the point authorized by Water Permit No. 5415-3. This request is for no additional appropriation of water.

Upon review of the application, pursuant to SDCL 46-5-13.1, I have made a finding that the change of the diversion point will not increase the potential for interference with existing diversions. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Nick and Matt Kranz are authorized to change the diversion point without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

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

Very truly yours,

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

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER RIGHTS PROGRAM

July 19, 1995

RE: Request to change the point of diversion for Water Permit No. 5415-3 for Nick and Matt Kranz

This is a request to change the point of diversion from the SW 1/4 NW 1/4 of Section 10, T116N R52W to the NE 1/4 NE 1/4 of Section 9, T116N R52W. The new diversion point is located approximately 300 feet northwest of the point authorized by Water Permit No. 5415-3. A review of area wells shows that this change will not cause domestic or existing permitted wells to be in close proximity to the new location. Wells located in the immediate area are owned by Nick and Matt Kranz.

No log of the existing well (where the applicant wishes to move) is available in the permit application. Form 2A indicates the existing well is completed into the Big Sioux North aquifer. As far as interference potential, this move should not cause adverse effect on any other existing user.

This request can be then approved with the same qualifications listed on Water Permit No. 5415-3. The applicant indicates that an agreement with the landowner of the existing well has been reached and that access has been granted. There is no water permit/right for the existing well.

James A. Goodman
Natural Resources Engineer

Approved By:
John Hatch, Chief Engineer
Water Rights Program

Date_____

Permit No. 5415-3
Big Sioux River - Water District

Report Of Examination Of Works

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

On, October 15, 1998, I made a thorough examination of the water use system constructed by Nick and Matt Kranz, Inc of 2137 20th Ave SE, Watertown SD holder of Permit No. 5415-3, bearing the priority of March 12, 1990 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater, Big Sioux Aquifer for irrigation purposes, in Codington County.

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

- A. Works used to divert the water:
A Berkley pump with a 500 gpm capacity
- B. Works used to transport water to place of use:
6 inch aluminum pipe
- C. Works used to apply water to beneficial use:
A sideroll irrigation system

The system is in the following condition good. The point of diversion is located : from the NE corner of Section 9 T116N-R52W: 310 ft W and 1280 ft S. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

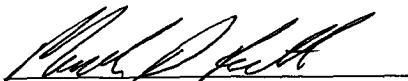
All land located in Section 9 T116N-R52W:

<u>NW1/4 NE1/4 - 20 ac</u>	<u>NE1/4 NE1/4 - 30 ac</u>
<u>SE1/4 NE1/4 - 20 ac</u>	<u>SW1/4 NE1/4 - 17 ac</u>
<u>NW1/4 SE1/4 - 8 ac</u>	<u>NE1/4 SE1/4 - 10 ac</u>

comprising a total of 105 acres of land and the license should be issued for 1.11 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



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

10/20/98
Date

REPORT ON INSPECTION OF PERMIT NO. 5415-3

DATE OF INSPECTION: 10/15/1998

Contact Person & Address: Matt Kranz, 2137 20th Ave SE, Watertown SD

DIVERSION POINT LEGAL LOCATION: from the NE corner of Section 9 T116N-R52W: 310 ft W and 1280 ft S

WATER SUPPLY Source: groundwater, Big Sioux Aquifer

Well Information:

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>unknown</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>40</u> feet | 4) Well log is available <u>no</u> |

Casing:

- | | |
|------------------------------|-------------------------|
| 1) Diameter <u>18</u> inches | 2) Length <u>?</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--------------------------------------|-------------------------|
| 1) Type <u>unknown</u> | 2) Length <u>?</u> feet |
| 3) Static water level <u>14</u> feet | |

Pump\ Motor:

- | | |
|-----------------------------|------------------------------------|
| 1) Pump Make <u>Berkley</u> | 2) Model <u>B3ZPL</u> |
| 3) Capacity <u>500</u> GPM | 4) Motor Make <u>US Electrical</u> |
| 5) Model No. <u>324JP</u> | 6) Horsepower rating <u>100</u> hp |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>3000</u> feet |
|-------------------------|-------------------------|----------------------------|

SYSTEM TYPE:

Sideroll:

- | | |
|-------------------------------------|-------------------------------------|
| 1) Length <u>900</u> feet | 2) Diameter of pipe <u>4</u> inches |
| 3) Sprinkler spacing <u>30</u> feet | |

CHEMIGATION:

- | |
|-----------------------------|
| 1) Does chemigate <u>no</u> |
|-----------------------------|

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

COMMENTS: The well had been constructed by another owner, the drilling firm is unknown.
The land irrigated has been moved from Section 10 to Section 9 in T116N-R52W.

Licensing of Acreage Outside of Permitted Area

NAME: Nick and Matt Kranz, Inc

ADDRESS: 2137-3

DATE: October 15, 1998

COUNTY: Codington

TELEPHONE: 605 886-8897

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 105 acres as compared to 150 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes,

This land is located in Section 9 T116N-R52W:

NW1/4 NE1/4 – 20 ac NE1/4 NE1/4 – 30 ac

SE1/4 NE1/4 – 20 ac SW1/4 NE1/4 – 17 ac

NW1/4 SE1/4 – 8 ac NE1/4 SE1/4 – 10 ac

- **Owned by Same Property Owner**

yes

- **Developed Prior to Expiration of Construction Period**

yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 105 acre area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

 10-21-98

John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1998

5415-3

Nick and Matt Kranz, Inc.
2137 20th Ave. SE
Watertown, SD 57201

Dear Sirs:

The investigation of your water use system was conducted on October 15, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5415-3. Your final water right document, the Water License, can now be issued.

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

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415914

Pierre, _____ November 16, 19 98

RECEIVED OF Nick & Matt Kranz, Inc., 2137 - 20th Ave., SE, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5415-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5415-3

(1) Nick and Matt Kranz, Inc., 2137 20th Ave SE, Watertown SD 57201 made Application No. 5415-3, March 12, 1990 for a water permit to divert 2.0 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 5415-3, with a priority date of March 12, 1990 was approved May 24, 1990 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of said water on or before May 24, 1999.

On July 19, 1995, pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of diversion point did not increase the potential for interference with existing water rights.

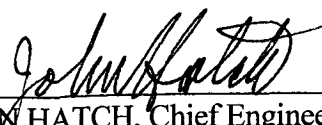
An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. On October 21, 1998, pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 1.11 cubic feet of water per second for beneficial use. The location of the diversion point is 310 feet west and 1,280 feet south from the northeast corner of Section 9-T116N-R52W (NE ¼ NE ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 9-T116N-R52W			
NW ¼ NE ¼	20 acres	NW ¼ SE ¼	8 acres
NE ¼ NE ¼	30 acres	NE ¼ SE ¼	10 acres
SE ¼ NE ¼	20 acres		
SW ¼ NE ¼	17 acres		
Total 105 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nick and Matt Kranz, Inc., 2137 20th Ave SE, Watertown SD 57201 the holders and/or owners of Water Right No. 5415-3 are issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from groundwater (one well) with a priority date of March 12, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 5415-3 and subject to South Dakota State Law.


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

JAN 19 1999
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

5415-3

Nick and Matt Kranz, Inc.
2137 20th Ave. SE
Watertown, SD 57201

Dear Sirs:

Enclosed is Water License No. 5415-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415914 in the amount of \$50.00 which you paid for the investigation 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. 5415-3, 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 Program
(605) 773-3352

ks
enclosures

5415-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 5415-3, Nick & Matt Kranz

ADDRESS: 2137 20 Ave SE, Watertown SD 57201 COUNTY: Codington County

DATE: March 13, 2012 TELEPHONE:

RE:

Matt Kranz called regarding the water permit he held in the NW ¼ Section 10, T116N, R52W. Initially, using the water rights database I was unable to find there being a water permit in this quarter section. The nearest was in the Section 9. Mr. Kranz stated he knew he obtained a permit for that quarter but it was never developed because they couldn't find water. He said recently a driller found water and he wants to develop.

Upon further scrutiny, I found that Water Permit No. 5415-3 was originally issued for irrigation of the NW ¼ Section 10, T116N, R52W. However, upon licensing it was found that the irrigation of 105 acres was actually developed in the NE ¼ Section 9. By statute 46-5-30.5, the water license was issued for the NE ¼ Section 9.

I explained this to Mr. Kranz and stated based on the license, there is no water permit held for the NW ¼ Section 10. He asked what needed to be done to get a permit in place so I explained the water permit process and sent him application forms. He wanted to know how long it would take to get the permit in place. I told him if the review and recommendation are favorable and no one petition the time frames is likely 2 – 2 ½ months.

NAME: Eric Timberlake

5415-3



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: NICK & MATT KRANZ INC, 2137 20TH AVE SE, WATERTOWN, SD 57201
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) 5415-3 & 7334-3. 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) 5415-3 & 7334-3 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) 5415-3 & 7334-3 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: QSQLZA**

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.

5415-3



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

January 24, 2022

5415-3
7334-3

Nick & Matt Kranz Inc
2137 20th Ave SE
Watertown SD 57201

Dear Sirs:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. Part of the information was received from you and part from Nathan Reichling.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 5415-3 and 7334-3. 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

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