

Considered: _____

WATER PERMIT NO. 5544-3

Phone: 886-2413

Name of Applicant: Duane I. Pietz

Post Office Address: 514 10th NW, Watertown SD 57201

Amount of Water Claimed: 15 gpm Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Codington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-11-91 Fee: \$50.00 Remarks _____

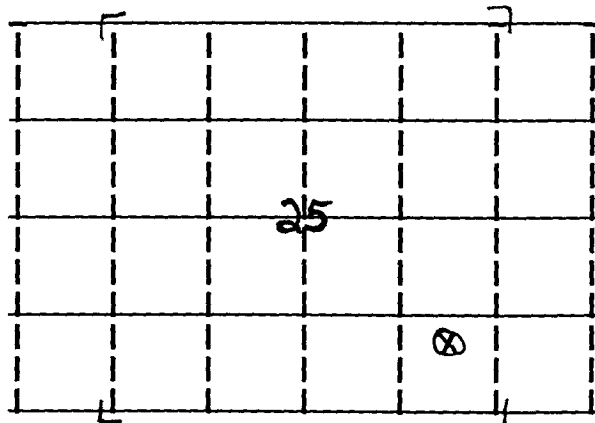
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: SE 1/4 SE 1/4 25-117-53

Land to be Irrigated: _____



Well Log: Driller: Huron Drilling Licensed YES X NO _____

Depth of Well: 280' REMARKS _____

Type of Map: plat PREPARED BY: Robert E Day Reviewed and the Number

Assigned on 4-23-91 By Karen Schlaak

No. 5544-3 Hydrologic Unit 10170201
 Map No. _____ Basin Big Sioux River
 Newspaper Public Opinion, PO Box 10, Watertown, SD

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3352

(Daily)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
 Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant Duane I. Pietz Phone No. 886-2413
 Post Office Address 514 10th St NW, Watertown State SD Zip Code 57201
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) 15 GPM
- Source of water supply 300' well
- Location of point of diversion Block 3, Davis addition SEC 25-T117N-
R 53 W of the 5th p.m. Watertown, S-Dak
(SE $\frac{1}{4}$ SE $\frac{1}{4}$) County Codington
- Counties where water will be used Codington Jan 1 - Dec 31
- Annual period during which water is to be used mostly summer but some winter
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The well replaces our "old well" because the casing was deteriorated. The water is used to keep minnows alive. The well is 300' deep and will pump anywhere from five to fifteen gallons/minute.

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

STATE OF SOUTH DAKOTA)
 County of Codington)^{ss}

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

Signed Duane I. Pietz

Subscribed and sworn to before me this 9th day of April 19 91

Jerry A. Miller
 Notary Public
 My Commission Expires Oct. 5, 1997

**SOUTH DAKOTA
WATER PERMIT No. 5544-3**

Date of first receipt of application April 11, 1991.

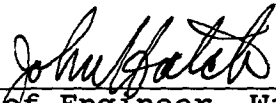
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5544-3 to Duane I Pietz, 514 10th St NW, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5544-3 appropriates 15 gallons per minute from one well (Altamont Aquifer) 280 feet deep located in the SE 1/4 SE 1/4 Section 25-T117N-R53W.
2. The water appropriated shall be used for the purpose of supplying water to the bait shop and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5544-3 is July 17, 1991.
5. The date from which applicant may claim right is April 11, 1991.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

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

SEP 4 1991
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 10" Depth 230'
- b) Casing Type plastic Diameter 5" Thickness 200#
- c) Screen Type slotted Diameter 5" Thickness 200"
- d) Gravel Pack Thickness 2 1/2" Length of Gravel Pack 80'
- e) Depth to Top of Water Bearing Material 230'
- f) Depth to Water (ground surface to water level) 50'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

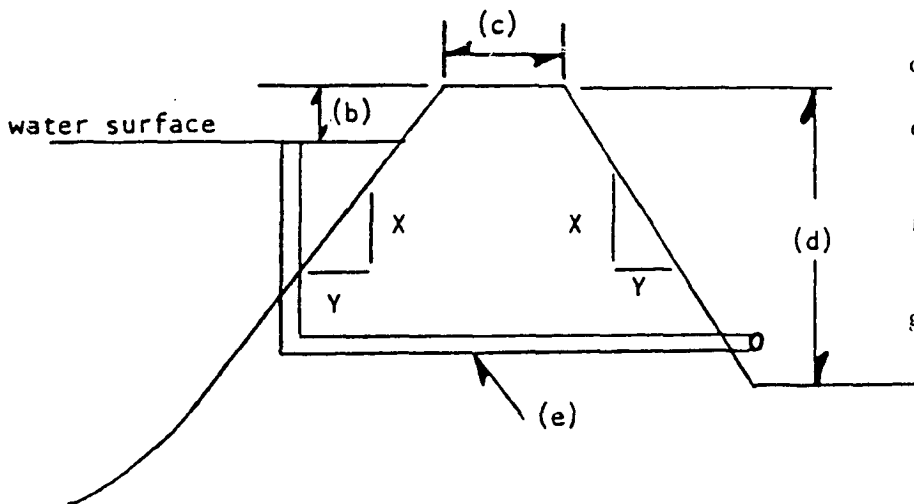
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



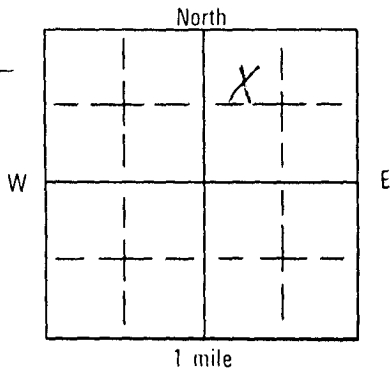
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 16 1/4 Sec 25 Twp 117 Rg 53County Codington

Please mark well location with an "X"

Well Completion Date June 8, 1988

PROPOSED USE:

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

Method of Drilling

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>275</u> FT	<u>7 7/8</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? 0 - 30 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 10Describe grouting procedure TRIMMIE PIPE

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 40 FEETMaterial PVCSlot Size 3/8 Set From 235 Feet To 275 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? DenscreteDescribe packer(s) and location? ABOVE PACKWas well disinfected upon completion? ☐ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Proud Angler Bait Shop - Duane PietzAddress 514 NW 10, Watertown, SD 57201

Well Log: _____ Depth _____

Formation	From	To
Top Soil	0	2
Sand Gravel	2	10
Yellow Sand	10	30
Yellow Clay	30	95
Blue Clay	95	100
Coarse Sand	100	120
Blue Clay	120	180
Coarse Sand	180	210
Blue Clay	210	240
Coarse Sand	240	275
& Gravel		

STATIC WATER LEVEL 13 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☐ OtherDescribe: Compressed Air

Pumping Level Below Land Surface

27 ft. After 18 Hrs. pumped 50 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Hughes Drilling

Signature of License Representative: _____

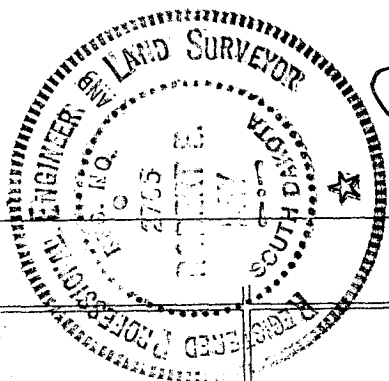
Signature of Well Owner: _____

Date 12/30/88

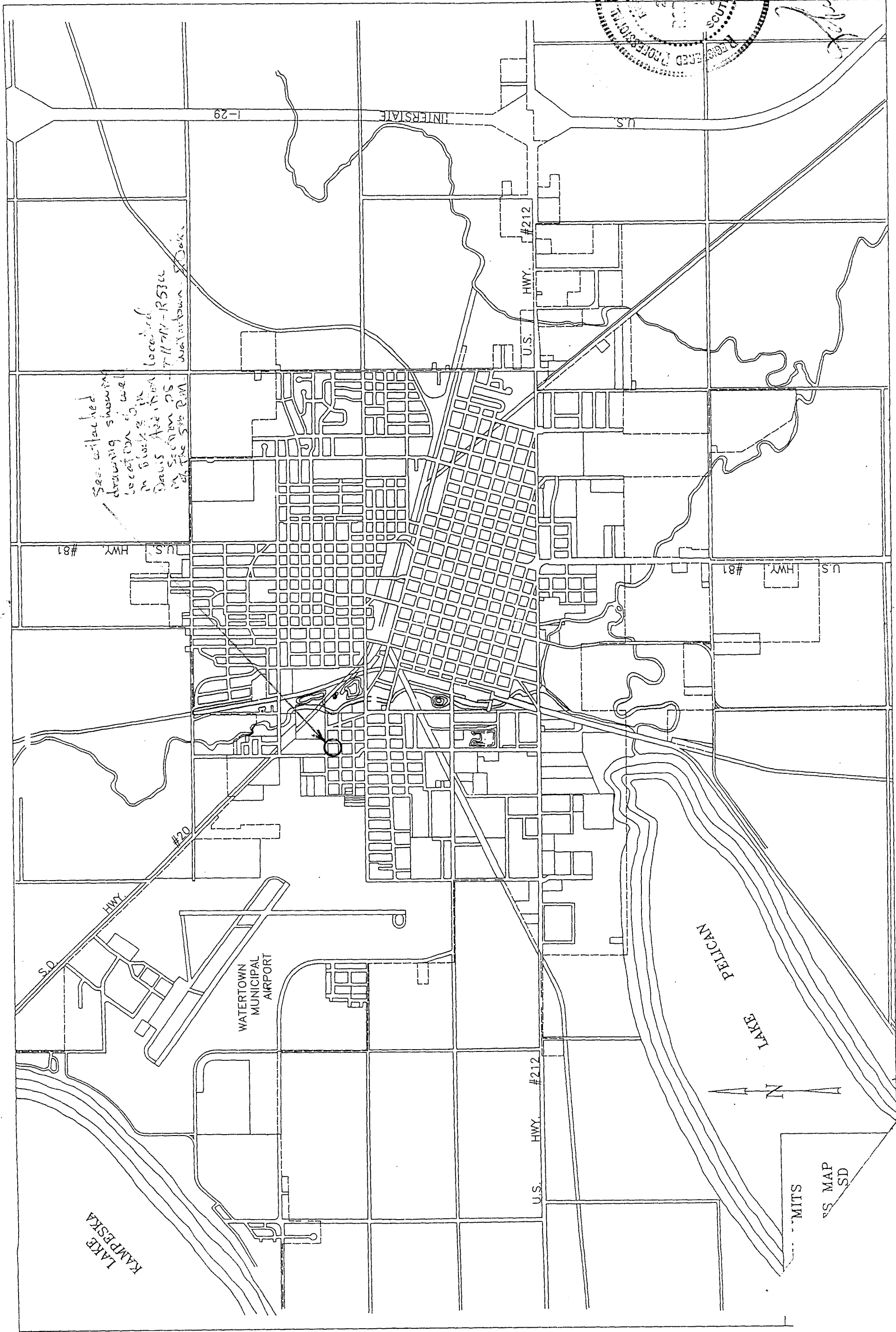
PAGE NO.

Denny D.
FOREMAN

Reminder Printing & Office Supply Inc. 6697 Huron, SD



John R. [illegible]



AVE.

WEST

25'	520	150'	14	13	12	11	10	9	8	7	6	5	4	3	2	802	25'	521	150'	1	515
							818														

2

508	504 150'	15	16	17	18	19	20	21	22	23	24	25	26	27	28	509
500	25'	1	"	"	" 821	"	" 817	"	"	"	" 809	"	"	" 803	" 25'	503



AVE.

25'	418	150'	414	14	13	12	11	10	9	8	7	6	5	4	3	2	1	150'	413
					824			818				810				802			

Robert E. Day

SIXTH

WEST

20'	522	150'	14	13	12	11	10	9	8	7	6	5	4	3	2	"	"	25'	521	150'	1	517	513

3

508	150'	504	15	16	17	18	19	20	21	22	23	24	25	26	27	903	501	25'	509	150'	28	505

1

FIFTH

20'	422	150'	14	13	12	11	10	9	8	7	25'	912	50.05'	908	150'	5	423	50.05'	902	417	2	ST. FRANKLIN	ST. FRANKLIN

Approx location of well

WEST

ST.

H

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412640

Pierre, April 11, 1991

RECEIVED OF Proud Angler Bait Shop, 514-10th St., NW, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5544-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch (P)
Chief Engineer

 **Department of
Water & Natural Resources**

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

January 12, 1989

Proud Angler Bait Shop
Duane Pietz
514 NW 10
Watertown SD 57201

Dear Mr. Pietz:

A well drillers report filed with this office by Huron Drilling, Inc. indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter and the enclosed "Summary of South Dakota Water Law and Water Right Information" are to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,


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

cc: Well Driller

enclosure





Department of Water & Natural Resources

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

November 6, 1990

PROUD ANGLER BAIT SHOP
DUANE PIETZ
514 NW 10
WATERTOWN SD 57201

Dear MR. PIETZ:

A well drillers report filed with this office by HURON DRILLING indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

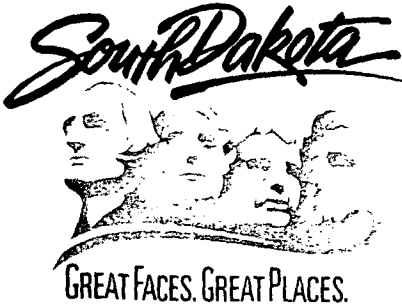
I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

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

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

DUANE PIETZ
PROUD ANGLER BAIT SHOP
514 NW 10
WATERTOWN SD 57201

Dear MR. PIETZ:

I am writing to follow-up on my November 7, 1990 letter concerning the requirement to apply for a water permit.

Information we have indicates you may need a water permit to use water from your new well(s). A water permit must be obtained for any use of water other than domestic uses, such as individual farm or ranch use, not exceeding 18 gallons per minute during average daily use.

No response to the November 7, 1990 has been received. If you need assistance with completion of the application forms or if you do not believe you need a water permit, please contact Regan Fanning by March 29, 1991 at: Joe Foss Building, 523 E. Capitol, Pierre SD 57501-3181, (605) 773-3352.

Thank you for your attention to this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer

REPORT ON APPLICATION NO. 5544-3
for Duane I. Pietz
June 6, 1991

Application No. 5544-3 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 280 feet deep located in the SE 1/4 SE 1/4 of section 25, T117N R53W in Codington County. The water is for commercial use at the Proud Angler Bait Shop.

AQUIFER - ALTAMONT (A)

The Altamont is a buried glacial outwash (sand and gravel) under artesian conditions at this site. According to the driller's log submitted with the application the top of the aquifer was encountered at 240 feet below land surface and penetrated to a depth of 275 feet. The well was developed at 50 gpm and had a static water level of 13 feet below land surface. The Altamont underlies 860 square miles of Codington and Grant Counties and contains an estimated 3.3 million acre feet of water in storage (Hansen, 1990).

The Division of Water Rights does not monitor any observation wells completed into the Altamont aquifer in this area.

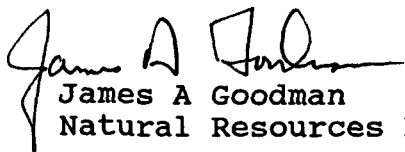
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Permit No. 5074-3 which produces from the Altamont aquifer and is located about 2 miles south of this application. Interference should not be a problem. Also the well for this application is more than 100 feet shallower than the well for the existing permit. This could mean that the two wells are not producing from the same aquifer even though it is considered the same aquifer for purposes of this report.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions. The driller's log indicates the well is capable of producing 50 gpm with about 14 feet of drawdown. Interference should not be a concern.
3. The well has been completed in accordance with SD Well Construction Standards; however, the well was not constructed in compliance with public water supply standards. The application indicates the water will be used to keep minnows alive.

4. There is very little water use from the Altamont aquifer in this area.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS WRI 89-4147, USGS, Huron, SD, 57350.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5544-3, Duane I. Pietz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5544-3, Duane Pietz, 514 10th NW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 5544-3 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 qualification:

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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 6, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 12, 1991

Duane I. Pietz
514 10th NW
Watertown, SD 57201

Dear Mr. Pietz:

Water Permit Application No. 5544-3 for commercial 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, the recommendation of the Chief Engineer and a report on the application are 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

South Dakota

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 12, 1991

Public Opinion
P.O. Box 10
Watertown, SD 57201-0010

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5544-3 to be published twice. Please publish the first notice on June 19, 1991 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 Duane I. Pietz, 514 10th St. NW, 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. No action may be taken on the permit application 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 June 19, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5544-3 to Appropriate Water

Notice is given that Duane I. Pietz, 514 10th St. NW, Watertown, SD 57201 has filed an application for a water permit to appropriate 15 gallons per minute from one well (Altamont Aquifer) 280 feet deep located in the SE 1/4 SE 1/4 Section 25-T117N-R53W. The water is for commercial use at the Proud Angler Bait Shop.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5544-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 8, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5544-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 17, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 17, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 17, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 8, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Codington) ss.



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:

June 19th, 1991

June 26th, 1991

Monica K. Saathoff
 (Signature)

Bookkeeper

(Title)

June 26th, 1991

(Date Signed)

Cost of Printing: 124.60

location. The July 17, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 8, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(June 19, 26, 1991)

APPLICATION

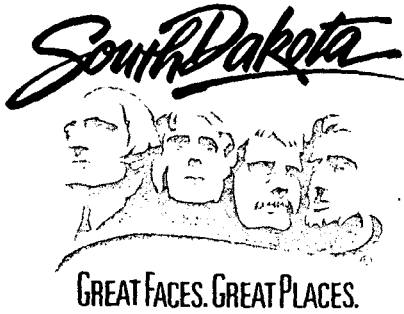
NOTICE OF HEARING
ON APPLICATION No. 5544-3
TO APPROPRIATE WATER

Notice is given that Duane I. Pietz, 514 10th St. NW, Watertown, SD 57201 has filed an application for a water permit to appropriate 15 gallons per minute from one well (Altamont Aquifer) 280 feet deep located in the SE 1/4 SE 1/4 Section 25-T117N-R53W. The water is for commercial use at the Proud Angler Bait Shop.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5544-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 8, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5544-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 17, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 17, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 4 1991

Duane I Pietz
514 10th St NW
Watertown, SD 57201

Dear Mr. Pietz:

Enclosed is Water Permit No. 5544-3 authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

Permit No. 5544-3
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, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Duane I. Pietz of 514 10th St NW, Watertown, SD 57201 holder of Permit No. 5544-3, bearing the priority of April 11, 1991 authorizing the diversion of 0.0333 cu. ft. per second (15 gallons per minute) of the waters of groundwater for commercial purposes, in Codington County.

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

- A. Works used to divert the water:
15 GPM submersible Grundfos pump Model No. 25810-7 with a Grundfos 1hp motor Model No. 82456905.
- B. Works used to transport water to place of use:
50 feet of 1 inch PVC piping
- C. Works used to apply water to beneficial use:
supplies water for fish tanks in bait shop

The system is in the following condition good. The point of diversion is located 1160' west and 1060' north of the SE corner Section 25-T117N-R53W. The works are capable of diverting and conveying to the place of use .033 cu. ft. per second of water which is to be used for commercial purposes. Water has been put to beneficial use to the maximum extent as follows:

NA
comprising a total of NA acres of land and the license should be issued for .033 cfs (15 GPM).

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: 7/21/1992



Norma C. Job
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5544-3

DATE: 7/21/1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: SE 1/4 SE 1/4 Section 25-T117N-R53W

WELL INFORMATION:

- 1) Well Drilling Firm: Huron Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 280 feet
- 4) Well log is available Y
- 5) Comment:

Casing:

- 1) Diameter 5 inches
- 2) Length 270 feet
- 3) Type PVC

Pump: Submersible

- 1) Make Grundfos
- 2) Model 25S10-7
- 3) Size
- 4) Capacity 15 GPM

Screen:

- 1) Type slotted PVC
- 2) Length 40 feet
- 3) Static water level 13 feet

Motor:

- 1) Make Grundfos
- 2) Model No. 82456905
- 3) Horsepower rating 1 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 1 inches
- 3) Length 50 feet

SYSTEM TYPE: uses the water for their fish tanks in the bait shop

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE



W.R. 5544-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5544-3

(1) Duane I Pietz, of 514 10th St NW, Watertown, SD 57201 made Application No. 5544-3, April 11, 1991 for a water permit to appropriate 0.033 cubic feet of water per second from groundwater (one well), Codington County, South Dakota for commercial purposes. Permit No. 5544-3, with a priority date of April 11, 1991 was approved July 17, 1991 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.033 cubic feet of water per second for beneficial use. The location of the diversion point is 1160 feet west and 1060 feet north of the SE corner Section 25, T117N, R53W (SE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Duane I Pietz of 514 10th St NW, Watertown, SD 57201 the holder(s) and/or owner(s) of Water Permit No. 5544-3 is issued a license to appropriate water, the right to use 0.033 cubic feet of water per second from groundwater (one well) with a priority date of April 11, 1991 from the location specified in (2) of this license. The water is used for commercial purposes in the bait shop. This license is subject to any limitations or qualifications listed in Water Permit No. 5544-3 and subject to South Dakota State Law.



MAR 12 1993

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1992

5544-3

Duane I. Pietz
514 10th St. NW
Watertown, SD 57201

Dear Mr. Pietz:

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. 5544-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

RECEIPT

413572

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 4, 1993

RECEIVED OF Proud Angler Bait Shop, 514 20th St NW, 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>5544-3</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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5544-3

Duane I. Pietz
514 10th St. NW
Watertown, SD 57201

Dear Mr. Pietz:

Enclosed is Water License No. 5544-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413572 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. 5544-3, 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