

Considered: _____

WATER PERMIT NO. 5567-3

Phone: 947-4627

Name of Applicant: Gary Althoff

Post Office Address: RR 1, Box 134A, Waubay SD 57273

Amount of Water Claimed: no add'l (2.2 cfs) Total Acres: 100 add'l (236)

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Roberts

About 6 miles North of Ortley

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-5-91 Fee: \$225 Remarks add'l well and
add'l acreage on Permit No. 4569-3

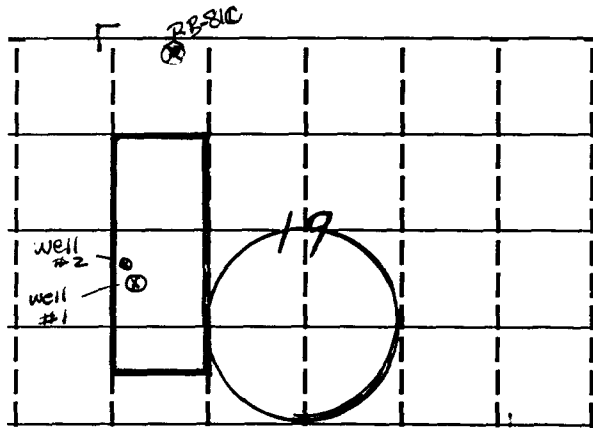
Corrected Application Received _____ Period of Annual Use April 1 - October 31

WATER QUALITY APPROVAL RECEIVED 7-24-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 ^WSE 1/4 Sec 19-T123N-R52W

Land to be Irrigated: SW 1/4, SW 1/4 NW 1/4, W 1/2
^WSE 1/4 Sec 19-T123N-R52W



Well Log: Driller: Kaiser Licensed YES X NO _____

Depth of Well: 47' REMARKS _____

Type of Map: aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 7-29-91 By Karen Schlaak

(See instructions)

No. 5567-3 Hydrologic Unit 10160010
Basin James River
Newspaper Sisseton Courier, Box 169, Sisseton

57262 (Wed)

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 _____
- Name of Applicant GARY ALTHOFF Phone No. 947-4627
Post Office Address RR 1 Box 134A WAUBAY State SD 57273
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 1.44 cfs Total acres irrigated 236 (100 add'l)
Source of Water supply GROUND WATER
Location of point of diversion WELL #1 (EXISTING UNDER WP 4567-3) 1950' NORTH AND 100' EAST
WELL #2 2050' NORTH AND 50' EAST FROM SW CORNER OF SECTION 19
T 123 N - R 52 W (NW 1/4 SW 1/4) County ROBERTS
Counties where water will be used ROBERTS
Annual period during which water is to be used APRIL 1 - OCTOBER 31
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.
SW 1/4 NW 1/4 19-123-52	40
NW 1/4 SW 1/4 " "	40
NE 1/4 SW 1/4 " "	34
SE 1/4 SW 1/4 " "	34

Land Description	No. Acres Irr.
SW 1/4 SW 1/4 19-123-52	20
NW 1/4 SE 1/4 " "	34
SW 1/4 SE 1/4 " "	34

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify) SIDE ROLL
9. Crops to be Irrigated: CORN, ALFALFA, SOYBEANS, SUNFLOWERS, SMALL GRAIN
10. Give a description of proposed project. (Attach sheet if more space is needed)
ADD LANDS TO BE IRRIGATED BY SIDE ROLL AND ADDITIONAL WELL WITH AN
ADDITIONAL WATER CLAIMED. ALL TO BE IRRIGATED BY DIVERSIONS FROM BOTH
WELLS.

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 Roberts)^{ss}

I, Gary Althoff, 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.

MARVIN V. HANNASCH, Sisseton, So. Dak.
Notary Public, Roberts Co., So. Dak.
My Commission Expires February 23, 1992

Signed Gary Althoff

Subscribed and sworn to before me this 2 day of January 1991

Marvin V. Hannasch
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5567-3 FOR IRRIGATION**

Date of first receipt of application February 5, 1991.

Date Soil/Water Compatibility Permit received July 24, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5567-3 to Gary Althoff, RR 1, Box 134A, Waubay SD 57273 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. 5567-3 authorizes irrigation of an additional 100 acres and specifies the correct number of wells authorized by Water Permit No. 4569-3. Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW 1/4 SW 1/4 to irrigate 160 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. An inspection of this permit found 2 wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well 47 feet deep is located in the NW 1/4 SW 1/4 and the additional 100 acres not authorized by Water Permit No. 4569-3 are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4; all in Section 19-T123N-R52W. Although approval of this permit will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is July 24, 1991.
4. The date of approval of Permit No. 5567-3 is March 4, 1992.
5. 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

AUG 6 1992
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Depth 47'
- b) Casing Type Steel Diameter 14" Thickness 1/4"
- c) Screen Type Stainless Diameter 14" Thickness 1/4"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 24'
- f) Depth to Water (ground surface to water level) 23'
- g) Distance to nearest existing domestic well:
 On applicants property 2000' On property owned by others 3400'

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 _____

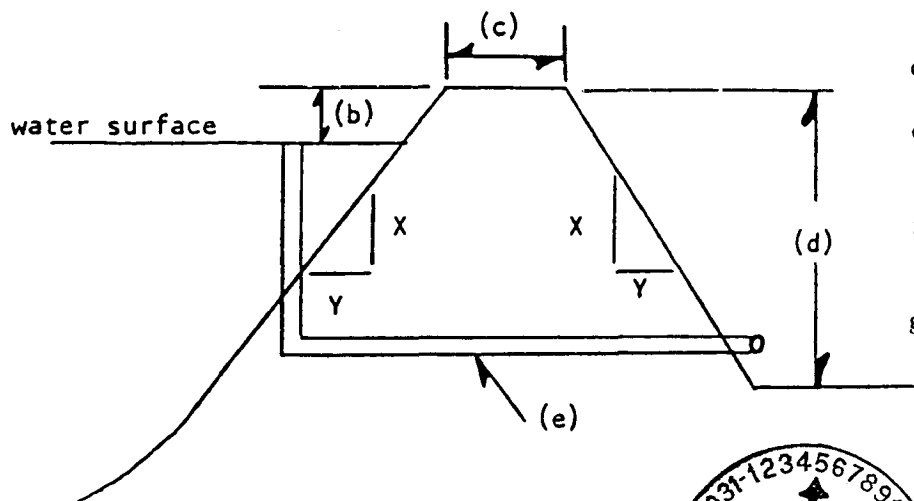
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Gay Althoff
 Signature of Applicant



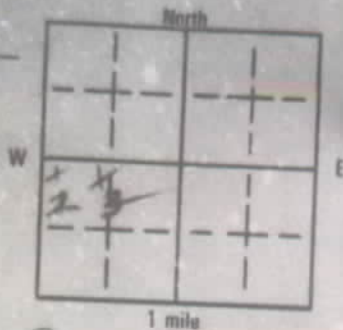
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location S 1/4 Sec 17 Twp 123 Rg 52-

County Roberts

Please mark well location with an "X"



Well Completion Date 8-80

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

CASING DATA:

- ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ 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 ☐ NO

To what depth? _____ FEET

What is grouting material? Drill cuttings

If cement, number of sacks? _____

Describe grouting procedure Back Filled

What was grout weight? _____ LB/GAL

SCREEN:

- ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Well Owner:

Name Bery Al Thost

Address Guribay

Well Log:

Formation	From	To
Top soil	0	1
gravel	1	25
yellow clay	25	26
gravel	26	44
Blue clay	44	52
gravel	52	52 1/2
yellow clay	52 1/2	58
Blue clay	58	105
yellow clay	105	115
Blue clay	115	120
Top soil	0	2
gravel yellow	2	15
yellow clay	15	17
gravel	17	43
Blue clay	43	48
yellow clay	48	60

STATIC WATER LEVEL

If flowing closed in pressure

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:



This well was drilled under license # 331

And this report is true and accurate

Drilling firm Robert Al Thost

CAMERA OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412527

Pierre, February 5, 1991

RECEIVED OF Gary or Kay Althoff, RR #1 Box 134 A, Waubay SD 57273

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

Fee for Application for Permit No. 5567-3 to Appropriate Water, to construct works and to put water to beneficial use	22500
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	22500

By

Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4629

WR#

OWNERS NAME: GARY ALTHOFF OWNERS ADDRESS: RR 1 BOX 134A
WAUBAY, SD 57273

COUNTY LAND LOCATED IN: ROBERTS PHONE: 947-4627

LEGAL DESCRIPTION:

(2)

☒ Well

☐ Surface

1. LOCATION WELL #1: 1950' North & 100' East AND

Depth WELL #2: 2050' North & 50' East from SW Corner of Section 19-T123N-R52W

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19-T123N-R52W	40	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T123N-R52W	20
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T123N-R52W	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19-T123N-R52W	34
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T123N-R52W	34	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 19-T123N-R52W	34
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T123N-R52W	34		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XXX~~ GUN: _____ OTHER: WHEEL ROLL
(Specify)

3. CROPS TO BE IRRIGATED: CORN, ALFALFA, SOYBEANS, SUNFLOWERS, SMALL GRAIN

WATER QUALITY:

4. WATER SAMPLE NUMBER: 0-913 7. ADJUSTED (SAR): 0.43
5. SALINITY (EC X 10⁶): 494 8. PERCENT SODIUM: 0.53
6. SODIUM (SAR): 0.20

Requirements:



[Signature]
Director, Division of Conservation

JULY 15, 1991

Date

XXX APPROVED _____ REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Conversation or File Documentation

NAME OF PERSON OR FILE: GARY ALTHOFFADDRESS: WAYBAY SD COUNTY ROBERTSDATE: 9/12/90 TELEPHONE 947-4627RE: NEW PERMIT APPLICATION

COMMENTS:

I CALLED MR ALTHOFF TO DETERMINE WHEN
THE 2ND WELL WAS DRILLED. HE SAID THAT
IT WAS DRILLED BEFORE 1986. WHICH WOULD
PUT IT WITHIN THE CONSTRUCTION PERIOD AND
ALLOW IT TO RETAIN THE ORIGINAL PRIORITY DATE
FOR THE ORIGINAL LANDS.

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: Mark D. Keith

September 12, 1990

Gary Althoff
RR 1 Box 134A
Waubay, SD 57273

Dear Mr. Althoff,

On August 29, 1990 I inspected your irrigation system covered under Water Permit No. 4569-3. At that time I found an additional well and additional lands which were not covered under the permit. Because of this, a new water permit covering these must be applied for.

Enclosed is an instruction sheet and a partially completed application, carefully complete, sign, and return these to this office along with a \$225 fee. I spoke with the Division of Conservation and they are not requiring a water sample to be taken and tested.

If you have any questions feel free to contact me at the Division of Water Rights, 523 East Capital, Pierre, SD 57501.
Phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division

File No.

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Gary Altoff

ADDRESS: Ortley SD COUNTY: Roberts

DATE: 10/18/90 TELEPHONE:

RE: New application for water permit

COMMENTS:

Mr. Altoff called he wanted to know how he was to fill out form 2A, whether he needed to have the driller do it or if he could. I told him that he could fill it out. I also told him to sign form 2 and have it notarized. Also he would need to send the fee in with the application. I said that I thought the application if sent in now could be considered at the February 1991 Water Managment Board meeting.

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.



Mark D. Rath
Natural Resources Engineer II
DWNR, Water Rights Division

Report on Water Permit Application No. 5567-3
Gary Althoff
September 12, 1991

Water Permit Application No. 5567-3, Gary Althoff, proposes to irrigate an additional 100 acres and to correct the number of wells for irrigation covered under Water Permit No. 4569-3. Water Permit No. 4569-3 allows for the appropriation of 2.2 cubic feet of water per second (cfs) from one well located in the NW1/4 SW1/4 to irrigate 160 acres located in the E1/2 SW1/4, W1/2 SE1/4 all in Section 19-T123N-R52W. An August 29, 1990 inspection of Water Permit No. 4569-3 found an additional well located in NW1/4 SW1/4 19 and irrigation of an additional 100 acres, not covered under the water permit, located in the SW1/4 NW1/4, W1/2 SW1/4 all in Section 19-T123N-R52W. The two wells are capable of diverting 1.44 cfs for irrigating a total of 236 acres. If this application is approved the water licensed will be issued for this diversion rate and acreage.

Water Source - Coteau Lakes Aquifer (COL)

The source of water for the proposed application is from two wells, 46 feet and 47 feet in depth and approximately 150 feet apart, in the Coteau Lakes Aquifer (COL). The Coteau Lakes Aquifer is a Pleistocene outwash and underlies approximately 31,000 acres and contains approximately 150,000 acre-feet of recoverable water in Roberts County.

Observation Well No. RB-81C constructed into the COL is located approximately 3300 feet north of the two wells. Water level records for the observation well reflect fairly constant readings with some yearly fluctuations.

Review of Existing Water Rights

There are five existing water right/permit Nos.: 2795-3, 4041-3, 4604-3, 4756-3 and 5260-3; appropriating 15.03 cfs located 4 to 5 miles to the south and southeast of the application site which appropriate water from the Coteau Lakes Aquifer. The applicant has been diverting water from the two wells for several years without any complaints being reported to this office. Adverse interference with existing water rights from this proposed project would not be expected.

Conclusions

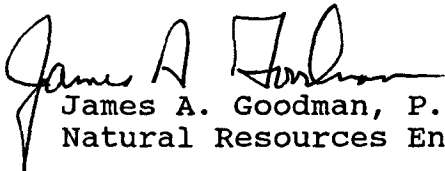
1. This application proposes to add an additional well and to irrigate 100 acres of land not covered under Water Permit No. 4569-3.
2. The water source for this application is from the Coteau Lakes Aquifer. Observation well records indicate fairly constant levels with some yearly fluctuations.

3. There are several existing water rights/permits in the area. Adverse interference from this application would not be expected.
4. If the application is approved, the water license will be issued for 236 acres with a diversion rate of 1.44 cfs. This is based on an August 29, 1990 inspection of Water Permit No. 4569-3.



Mark D. Rath
Natural Resources Engineer II

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer IV

References

1. SDDENR. 1991. Division of Water Rights Records. South Dakota Department of Environment and Natural Resources.
2. Goodman, J.A. 1989. Report on Water Permit Application No. 5260-3. Division of Water Rights, SDDENR.

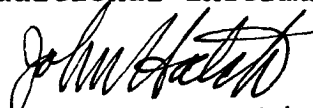
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5567-3, Gary Althoff

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. 5567-3, Gary Althoff, RR 1 Box 134A, Waubay, SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. 5567-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
September 13, 1991



**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.

October 11, 1991

Gary Althoff
RR 1 Box 134A
Waubay, SD 57273

Dear Mr. Althoff:

Water Permit Application No. 5567-3 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 Sisseton Courier printed at Sisseton, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 1991

Sisseton Courier
Box 169
Sisseton, SD 57262

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5567-3 to be published twice. Please publish the first notice on October 23, 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 Gary Althoff, RR 1 Box 134A, Waubay, SD 57273.

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
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 October 23, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5567-3 to Appropriate Water
to Amend Water Permit No. 4569-3

Notice is given that Gary Althoff, RR 1 Box 134A, Waubay, SD 57273 has filed an application for a water permit to irrigate an additional 100 acres and to specify the correct number of wells authorized by Water Permit No. 4569-3. Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW 1/4 SW 1/4 to irrigate 160 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. An inspection of this permit found 2 wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well 47 feet deep is located in the NW 1/4 SW 1/4 and the additional 100 acres not authorized by Water Permit No. 4569-3 are located in the SW 1/4 NW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. Although approval of this application will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5567-3 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 November 12, 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. 5567-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 21, 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 November 21, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 November 21, 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 November 12, 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 ROBERTS) ss.

I, JACK ADAMS

certify that the attached printed Notice was taken
 from the SISSETON COURIER

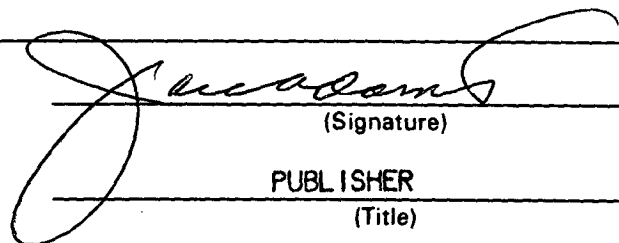
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

CITY of SISSETON

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

OCT. 23, 1991

OCT. 30, 1991


 (Signature)
PUBLISHER
 (Title)

10-30-91

(Date Signed)

Cost of Printing: \$72.85

**NOTICE OF HEARING
 ON APPLICATION NO.
 5567-3 TO APPROPRIATE
 WATER TO AMEND WATER
 PERMIT NO. 4569-3**

Notice is given that Gary Althoff, RR 1 Box 134A, Waubay, SD 57273 has filed an application for a water permit to irrigate an additional 100 acres and to specify the correct number of wells authorized by Water Permit No. 4569-3. Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW¹/₄SW¹/₄ to irrigate 160 acres located in the E¹/₂SW¹/₄, W¹/₂SE¹/₄ all in Section 19-T123N-R52W. An inspection of this permit found 2 wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well 47 feet deep is located in the NW¹/₄SW¹/₄ and the additional 100 acres not authorized by Water Permit No. 4569-3 are located in the SW¹/₄NW¹/₄, W¹/₂SE¹/₄ all in Section 19-T123N-R52W. Although approval of this application will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5567-3 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 November 12, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the ap-

plication, the petitioner's reason 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. 5567-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 21, 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 November 21, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 November 21, 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 November 12, 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.

(Oct. 23-30—2w)

REPORT ON WATER PERMIT NO. 5567-3
GARY ALTHOFF
November 26, 1991

Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW 1/4 SE 1/4 to irrigate 160 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. An inspection of this permit found 2 wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well 47 feet deep is located in the NW 1/4 SW 1/4 and 100 acres not authorized for irrigation by Water Permit No. 4569-3 are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 all in Section 19-T123N-R52W. Water Permit No. 5567-3 authorizes irrigation of the additional 100 acres and corrects the number of wells. The location of the additional 100 acres was incorrectly advertised on October 23 and 30, 1991 in the Sisseton Courier as being in the SW 1/4 NW 1/4, W 1/2 SE 1/4, all in Section 19-T123N-R52W. Although this readvertisement will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 5567-3.
2. This readvertisement is necessary to correct the legal description of the lands being irrigated.
3. The correct legal description of the additional 100 acres not authorized for irrigation by Water Permit No. 4569-3 is the SW 1/4 NW 1/4, W 1/4 SW 1/4 all in Section 19-T123N-R52W.



Eric Gronlund
Natural Resources Engineer

Approved by:



Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 5567-3, Gary Althoff

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 readvertised Water Permit Application No. 5567-3, Gary Althoff, RR 1 Box 134A, Waubay, SD 57273.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 5567-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 20, 1991

Instruction to Newspaper - Publish first Notice on February 5, 1992, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 5567-3 to Appropriate Water
and to Amend Water Permit No. 4569-3

Notice is given that Gary Althoff, RR 1 Box 134A, Waubay, SD 57273 has filed an application for a water permit on February 5, 1991. Water Permit No. 5567-3 authorizes irrigation of an additional 100 acres not included on Water Permit No. 4569-3 and corrects the number of permitted wells. Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW 1/4 SW 1/4 to irrigate 160 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. An inspection of this permit found two wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well, 47 feet deep, is located in the NW 1/4 SW 1/4 and 100 acres not included on Water Permit No. 4569-3 are located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 all in Section 19-T123N-R52W. The location of the additional 100 acres was incorrectly advertised on October 23 and 30, 1991 in the Sisseton Courier as being in the SW 1/4 NW 1/4, W 1/2 SE 1/4 all in Section 19-T123N-R52W. Although this readvertisement will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 5567-3 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 February 24, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on March 4, 1992, at 10:00 am, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD 57501. 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. The March 4, 1992, 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 February 24, 1992.

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 readvertisement 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1992

Sisseton Courier
Box 169
Sisseton, SD 57262

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 5567-3 to be published twice. Please publish the first notice on February 5, 1992, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

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 Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County ROBERTS) ss.

I, JACK ADAMS

certify that the attached printed Notice was taken
 from the SISSETON COURIER

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

CITY of SISSETON

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

FEB. 5, 1992

FEB. 12, 1992

(Signature)

PUBLISHER

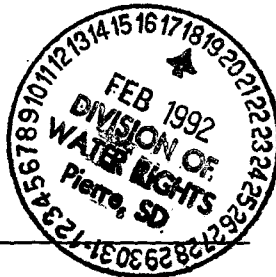
(Title)

2-14-92

(Date Signed)

Cost of Printing: \$69.28

136 LINES @ 28.3¢ 80% SECOND ISSUE



**READVERTISEMENT OF
 NOTICE OF HEARING ON
 APPLICATION NO. 5567-3
 TO APPROPRIATE WATER
 AND TO AMEND WATER
 PERMIT NO. 4569-3**

Notice is given that Gary Althoff, RR 1 Box 143A, Waubay, SD 57273 has filed an application for a water permit on February 5, 1991. Water Permit No. 5567-3 authorizes irrigation of an additional 100 acres not included on Water Permit No. 4569-3 and corrects the number of permitted wells. Water Permit No. 4569-3 appropriates 2.2 cubic feet of water per second (cfs) from one well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ to irrigate 160 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ all in Section 19-T123N-R52W. An inspection of this permit found two wells capable of diverting 1.44 cfs irrigating 236 acres. The additional well, 47 feet deep, is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 100 acres not included on Water Permit No. 4569-3 are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ all in Section 19-T123N-R52W. The location of the additional 100 acres was incorrectly advertised on October 23 and 30, 1991 in the Sisseton Courier as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ all in Section 19-T123N-R52W. Although this readvertisement will increase the total amount of water pumped annually, approval does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 5567-3 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.

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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 February 24, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on March 4, 1992 at 10:00 a.m., Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD 57501. 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. The March 4, 1992, 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 February 24, 1992.

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. Decision 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 readvertisement 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.

(Feb. 5-12-2w)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1992

Gary Althoff
RR 1 Box 134A
Waubay, SD 57273

Dear Mr. Althoff:

The original notice of hearing for Water Permit No. 5567-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Sisseton Courier printed at Sisseton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Gary Althoff
RR 1 Box 134A
Waubay, SD 57273

Dear Mr. Althoff:

Enclosed is Water Permit No. 5567-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 5567-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gary Althoff
RR 1, Box 134A
Waubay, SD 57273

Dear Mr. Althoff:

On August 6, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5567-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5567-3

4a. Article Number

P 906 559 949

4b. Service Type

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

7. Date of Delivery

10-14-92

Gary Althoff
RR 1, Box 134A
Waubay, SD 57273

"L"

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413474

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 20, 19 92

RECEIVED OF Kay Althoff, RR 1 Box 134A, Waubay, SD 57273

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>5567-3</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 Hald / Gmh
Chief Engineer

Permit No. ³~~5567-2~~
James 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 Gary Althoff of RR 1 Box 134A, Waubay, SD 57273 holder of Permit Nos. 4569-3 and 5567-3, bearing the priorities of 11/24/1980 and 7/24/1991 respectively, authorizing the diversion of 2.20 cu. ft. per second of the waters of groundwater for irrigation purposes, in Roberts County.

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

A. Works used to divert the water:

A Valley submersible pump with a 150 gpm capacity and a Western Land Roller pump with a 500 gpm capacity.

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

2600 feet of 8 inch PVC pipe.

C. Works used to apply water to beneficial use:

A 1280 foot Lindsey center pivot and a 1300 foot sideroll.

The system is in the following condition good. The point of diversion is located from the SW corner of Section 19 T123N-R52W: Well #1 - 1950'N 100'E, Well #2 - 2050'N 50'E. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All of the land is located in Section 19 T123N-R52W:

SW1/4 NW1/4 - 40 ac NW1/4 SW1/4 - 40 ac NE1/4 SW1/4 - 34 ac

NW1/4 SE1/4 - 34 ac SW1/4 SW1/4 - 20 ac SE1/4 SW1/4 - 34 ac

SW1/4 SE1/4 - 34 ac

comprising a total of 236 acres of land and the license should be issued for 1.44 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 8/29/1990


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

REPORT ON INSPECTION OF PERMIT NO. 5567-3

DATE: August 29, 1990

Other permit(s) associated with the project: 4569-3

DIVERSION POINT LEGAL LOCATION: From the SW corner of Section 19 T123N-R52W: Well #1 - 1950' N 100' E, Well #2 - 2050' N 50' E

Well information

- 1) Well Drilling Firm: Empire Drilling
- 2) No. of Wells 1
- 3) Depth(s) 46 feet
- 4) Well log is available Y, test hole log only
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 34 feet
- 3) Type fiber

Screen:

- 1) Type stainless steel
- 2) Length 12 feet
- 3) Static water level feet

Pump:

- 1) Make Valley, submersible
- 2) Model
- 3) Size
- 4) Capacity 150 GPM

Motor:

- 1) Make Valley
- 2) Model No. submersible
- 3) Horsepower rating hp

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 47 feet
- 4) Well log is available Y, test hole log only
- 5) Comment:

Casing:

- 1) Diameter 12 inches
- 2) Length 35 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 12 feet
- 3) Static water level feet

Pump:

- 1) Make Western Land Roller
- 2) Model
- 3) Size 10"
- 4) Capacity 500 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 324TPWPI
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 2600 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make Lyndsey
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure low
- 7) Capacity 650 GPM

Sideroll:

- 1) Length 1300 feet
- 2) Diameter of pipe 5 inches
- 3) Sprinkler spacing 40 feet

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE

T-199

T-5104

123-52
T-39

40.0

20.1

E-1

K. L. Evans
(Carved in Day Co.)

46.1

Mark D Roth
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
9/7/90

20.0
⑥

90

31.7
③

40 ac

56.6
⑤

25.7

19

1000
Ac

5.7

14.0

Larry Althoff
40 ac
WELL #1

138 ft

34 ac

34 ac

34 ac

34 ac

20 ac

T-327

Charles
Hoyt

123-52
T-5485

5567-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5567-3

(1) Gary Althoff, of RR #1 Box 134A, Waubay, SD 57273 made Application No. 5567-3, February 5, 1991 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one additional well), Roberts County, South Dakota for irrigation purposes. Permit No. 5567-3, with a priority date of July 24, 1991 was approved March 4, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5567-3 authorizes irrigation of additional acreage and an additional diversion point that were developed but not permitted under Water Permit No. 4569-3. No. 5567-3 did not allow for an increase in the developed diversion rate.

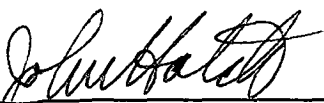
The applicable portions of Water Permit No. 4569-3 have been incorporated into this Water License No. 5567-3. Priority dates, as they pertain to the acres irrigated are described in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use. The location of the diversion point are: Well #1 - 1950'N and 100'E; Well #2 - 2050'N and 50'E; both of the SW corner Section 19, T123N, R52W (NW¼SW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: all in Section 19, T123N, R52W

SW¼ NW¼	40 acres	July 24, 1991 Priority date (5567-3)
SW¼ SW¼	20 acres	July 24, 1991 "
NW¼ SW¼	40 acres	July 24, 1991 "
SE¼ SW¼	34 acres	November 24, 1980 Priority date (4569-3)
NE¼ SW¼	34 acres	November 24, 1980 "
SW¼ SE¼	34 acres	November 24, 1980 "
NW¼ SE¼	34 acres	November 24, 1980 "
Total	236 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Althoff of RR #1 Box 134A, Waubay, SD 57273 the holder and/or owner of Incorporated Water Permit No. 5567-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from groundwater (two wells) with priority dates of July 24, 1991 and November 24, 1980 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 Incorporated Water Permit No. 5567-3 and subject to South Dakota State Law.



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

SEP 27 1993

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 27 1993

5567-3

Gary Althoff
RR 1, Box 134A
Waubay, SD 57273

Dear Mr. Althoff:

Enclosed is Water License No. 5567-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413474 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. 5567-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 4569-3 have been incorporated into this Water License No. 5567-3.



5567-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: GARY ALTHOFF, 44908 136TH ST, WAUBAY, SD 57273

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5567-3 & 6481-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 5567-3 & 6481-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 5567-3 & 6481-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

5567-3

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Label/Receipt Number: 2303 2160 0000 0802 2526

Status: **Delivered**

Your item was delivered at 2:51 PM on January 22, 2008 in WAUBAY, SD 57273. The item was signed for by G ALTHOFF.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2526	
GARY ALTHOFF 44908 136TH ST WAUBAY SD 57273	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

5567-3
6481-3

Gary Althoff
44908 136th St
Waubay SD 57273

Dear Mr. Althoff:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5567-3 and Water Permit No. 6481-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 17, 2011

5567-3
6481-3

Gary W Althoff
342 W Lakeshore Dr
Waubay SD 57273 7120

Dear Mr. Althoff:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to 44908 136th St, Waubay SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



5567-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: GARY ALTHOFF, 342 W LAKESHORE DR, WAUBAY, SD 57273 7120

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5567-3 & 6481-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 5567-3 & 6481-3 qualification:

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

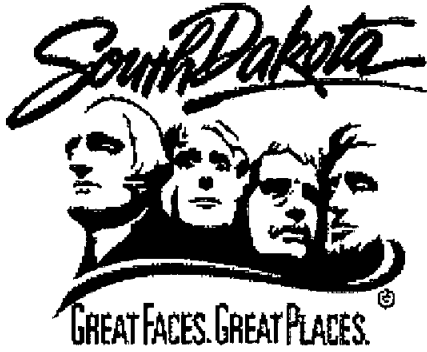
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 5567-3 & 6481-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2014

5567-3
6481-3

Gary Althoff
342 W Lakeshore Dr
Waubay SD 57273 7120

Dear Mr. Althoff:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 5567-3 and Water Permit No. 6481-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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