



NOV 07 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6050-3

Eugene Bartz
RR 1 Box 99
Browns Valley, MN 56219

Dear Mr. Bartz:

Enclosed is Water License No. 6050-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416931 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6050-3

(1) Eugene Bartz, RR 1 Box 99, Browns Valley MN 56219 made Application No. 6050-3, February 17, 1998 for a water permit to divert 2.44 cubic feet of water per second from a slough, Roberts County, South Dakota for irrigation purposes. Permit No. 6050-3, with a priority date of February 17, 1998 was approved May 6, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 6, 2003 and for the application to beneficial use of said water on or before May 6, 2007.

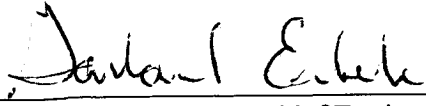
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on July 1, 1999. The *Notice* stated the diversion system was completed on June 1, 1999 and the water placed to beneficial use on June 28, 1999.

(2) It is certified that the permit holder 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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1,625 feet west and 40 feet south from the northeast corner of Section 5-T126N-R49W (RES).

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

Section 33-T127N-R49W (RES)	NW ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SW ¼ NW ¼	33 acres
Total 132 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Eugene Bartz, RR 1 Box 99, Browns Valley MN 56219 the holder and/or owner of Water Right No. 6050-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from a slough with a priority date of February 17, 1998 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 6050-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 07 2001

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416931

Pierre, October 9, 20 01

RECEIVED OF Eugene Bartz, Rt 1 Box 99, Browns Valley, MN 56219-9740
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. 6050-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Erbele

Chief Engineer

gm

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415647

Pierre, February 18, 1998

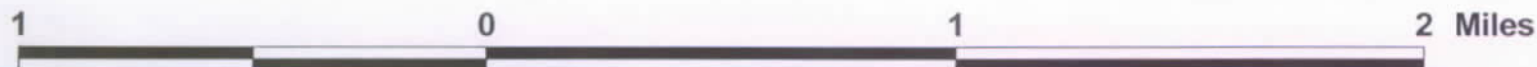
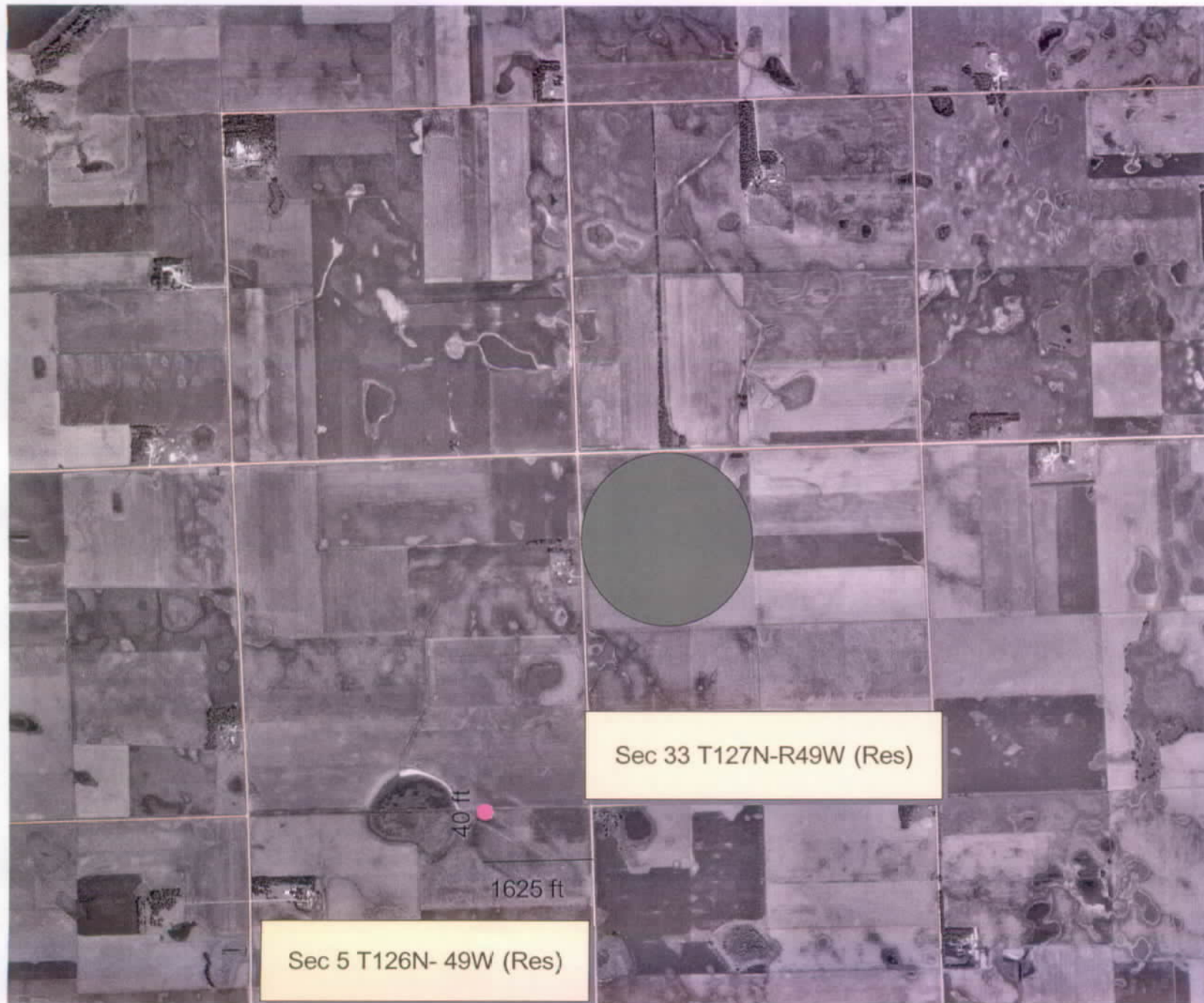
RECEIVED OF Eugene or Glofia Bartz, Rt 1, Box 99, Browns Valley, MN 56219-9740
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6050-3 to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. to Appropriate Water, for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law)	Total	250 00

By
Chief Engineer

John Hatch

No. 6050-3



Mark D. Rath
SD DENR

9-17-06

Permit No. 6050-3
Minnesota River - Water District

Contact Person & Address: **Eugene Bartz RR1 Box 99, Browns Valley MN, 56219**

Report Of Examination Of Works

On, **August 16, 2001**, I made a thorough examination of the water use system constructed by **Eugene Bartz** of **RR 1 Box 99, Browns Valley, MN** holder of Permit No. **6050-3**, bearing the priority of **February 17, 1998** authorizing the diversion of **2.44** cu. ft. per second of the waters of **surface water (slough)** for **irrigation** purposes, in **Roberts** County.

The system is in the following condition **good**. The point of diversion is located **from the NE corner of Sec 5 T126N-R49W (Res): 1625 ft west and 40 ft south** with a longitude of **-96.81949** and a latitude of **45.73215**. The works are capable of diverting and conveying to the place of use **2.00** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 33 T127N-R49W (Res)**

NW1/4 NW1/4 – 33 ac

NE1/4 NW1/4 – 33 ac

SE1/4 NW1/4 – 33 ac

SW1/4 NW1/4 – 33 ac

comprising a total of **132** acres of land and the license should be issued for **2.00** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump:

- | | |
|-------------------------------|------------------------------------|
| 1) Make <u>Berkley</u> | 2) Model <u>Centrifugal</u> |
| 3) Size <u>4"</u> | 4) Capacity <u>900</u> GPM |

Motor:

- | | |
|--|--------------------------------------|
| 1) Make <u>John Deere</u> | 2) Model No. <u>4039DF001</u> |
| 3) Horsepower rating <u>45</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **8** inches 3) Length **1200** feet

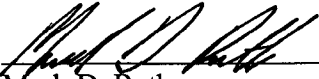
SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

- | | |
|--|-------------------------------------|
| 1) Does chemigate <u>yes</u> | 2) Main line check valve <u>yes</u> |
| 3) Inspection port/air relief <u>yes</u> | 4) Low pressure drain <u>yes</u> |
| 5) Discharge is 20' from source <u>yes</u> | 6) Interlock type <u>electric</u> |
| 7) Injection pump type <u>piston</u> | 8) Injection check valve <u>yes</u> |
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) **Comments :** none



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

9-18-01

Date

SOUTH DAKOTA
WATER PERMIT NO. 6050-3 FOR IRRIGATION

Date of first receipt of application February 17, 1998.

The Water Management Board approved Water Permit Application No. 6050-3 on May 6, 1998 for Eugene Bartz, RR 1, Box 99, Browns Valley MN 56219 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. 6050-3 appropriates 2.44 cubic feet of water per second from a slough at a point located in the NW ¼ NE ¼ Section 5-T126N-R49W with water impounded in portions of the SE ¼ SW ¼, S ½ SE ¼ Section 32-T127N-R49W; NE ¼ NW ¼, NE ¼ Section 5-T126N-R49W to irrigate 152 acres located in the NW ¼ Section 33-T127N-R49W.
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: May 1 – November 30.
3. The date from which applicant may claim right is February 17, 1998.
4. One-fifth of the construction is to be completed on or before November 6, 2000.
5. All construction is to be completed on or before May 6, 2003.
6. Water is to be put to beneficial use on or before May 6, 2007.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

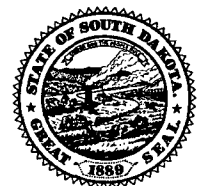
QUALIFICATIONS

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Pursuant to SDCL 46-5-6, Permit No. 6050-3 authorizes a maximum diversion rate of 2.44 cfs and 2 acre-feet of water per acre per year to irrigate 152 acres.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 29 1998
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2001

5957-3
6050-3

Eugene Bartz
RR 1 Box 99
Browns Valley, MN 56219-9740

Dear Mr. Bartz:

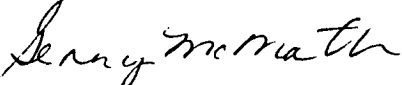
On August 16, 2001, an investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5957-3 and 6050-3, was completed by Mark Rath, a staff engineer with our program. The final water right documents, the water licenses, can now be issued.

State law requires that we charge a \$50.00 fee (each) for the investigation and issuance of the water license. Upon receipt of the \$100.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,


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

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE



Date June 29 - 1999

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Eugene Bartz RR 1 Box 99
(name) (address)
Browns Valley Minn. 56219 605 694 2737
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6050-3.

Water Permit No. 6050-3 states that the diversion system is to be constructed by May 6 2003, and that the water is put to beneficial use by
(date)

May 6 2007
(date)

The diversion system was completed on June 1 1999
(date)

Applying the water to beneficial use was completed on June 28 1999
(date)

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

Eugene Bartz
(signature)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>6050-3</u> Hydrologic Unit <u>09020101</u>
	Basin <u>Red Rainy</u>
	Newspaper <u>Sisseton Courier, Sisseton, SD</u>



Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Eugene Bartz Phone 605-694-2737
(check one) Owner ☒ Tenant/lessee ☐
Mailing Address RR1 Box 99 Browns Valley MN State 56219
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 1100 *CFS or 2.44 CFS ~~152 AC~~ 152 AC ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Slough
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Slough in NW1/4 NE1/4
Section 5 T126N R49W See attached drawing
Water Impounded: SE1/4 SW1/4, S1/2 SE1/4, Sec. 32-T127N-R49W; County Roberts S.D.
NE1/4 NW1/4, N1/2 NE1/4, Sec. 5-T126N-R49W
- County or counties where water will be used Roberts S.D.
- Annual period during which water is to be used May 1 to Nov 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE1/4 & NW1/4 of section 33-T127N, R49W	38		
NE1/4 & NW1/4 of section 33-T127N, R49W	38		
NW1/4 & NW1/4 of section 33-T127N, R49W	38		
SW1/4 & NW1/4 of section 33-T127N, R49W	38		

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

Total Acres 152

See attached Drawing
See attached Supplemental Information

STATE OF SOUTH DAKOTA) SS
County of Roberts)

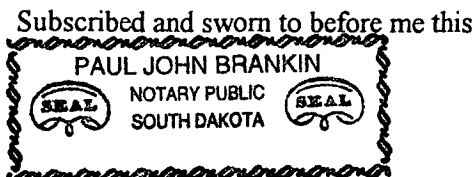
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Eugene Bartz,

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 Eugene Bartz

10 day of February 19 98



Paul John Brankin

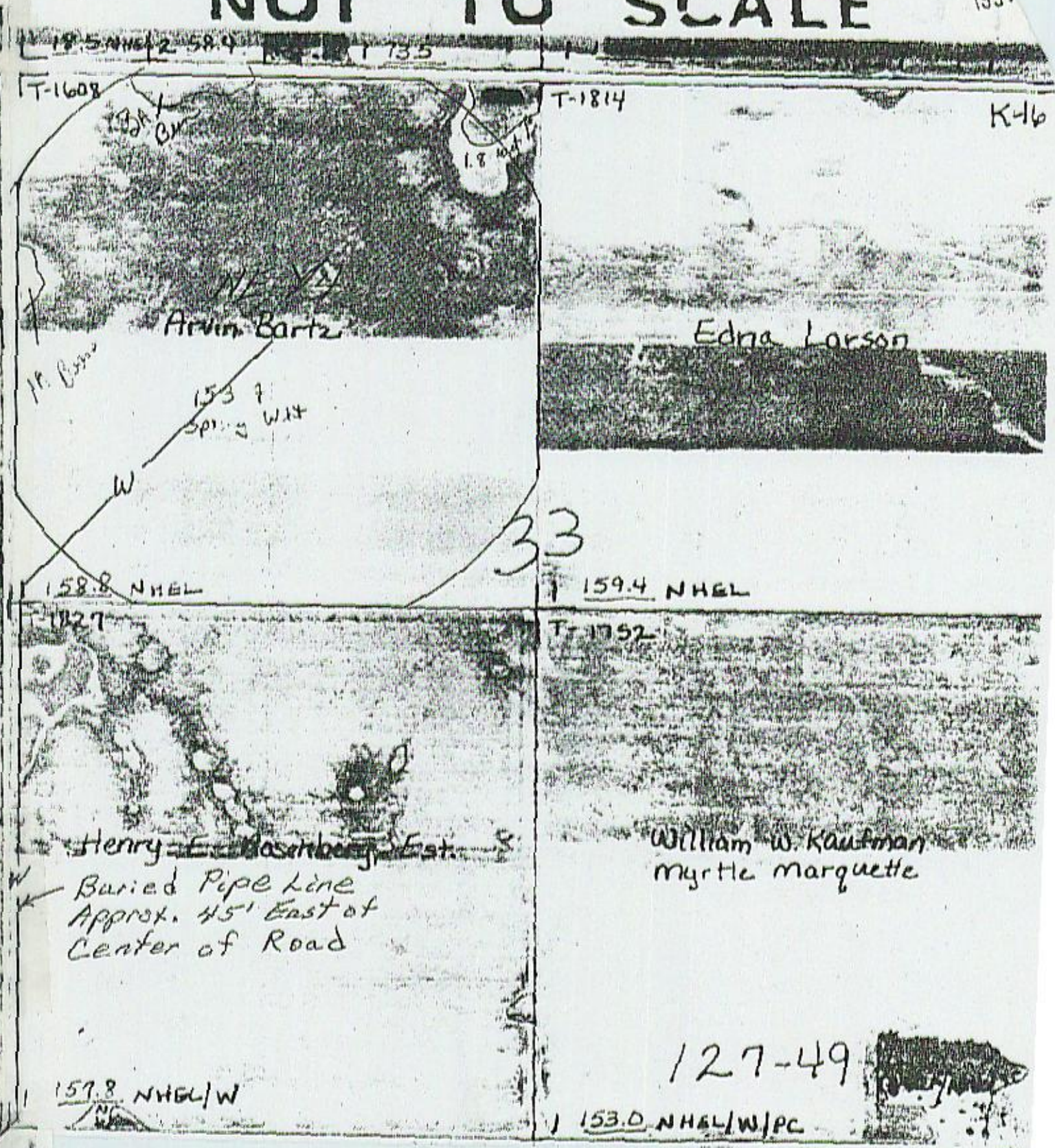
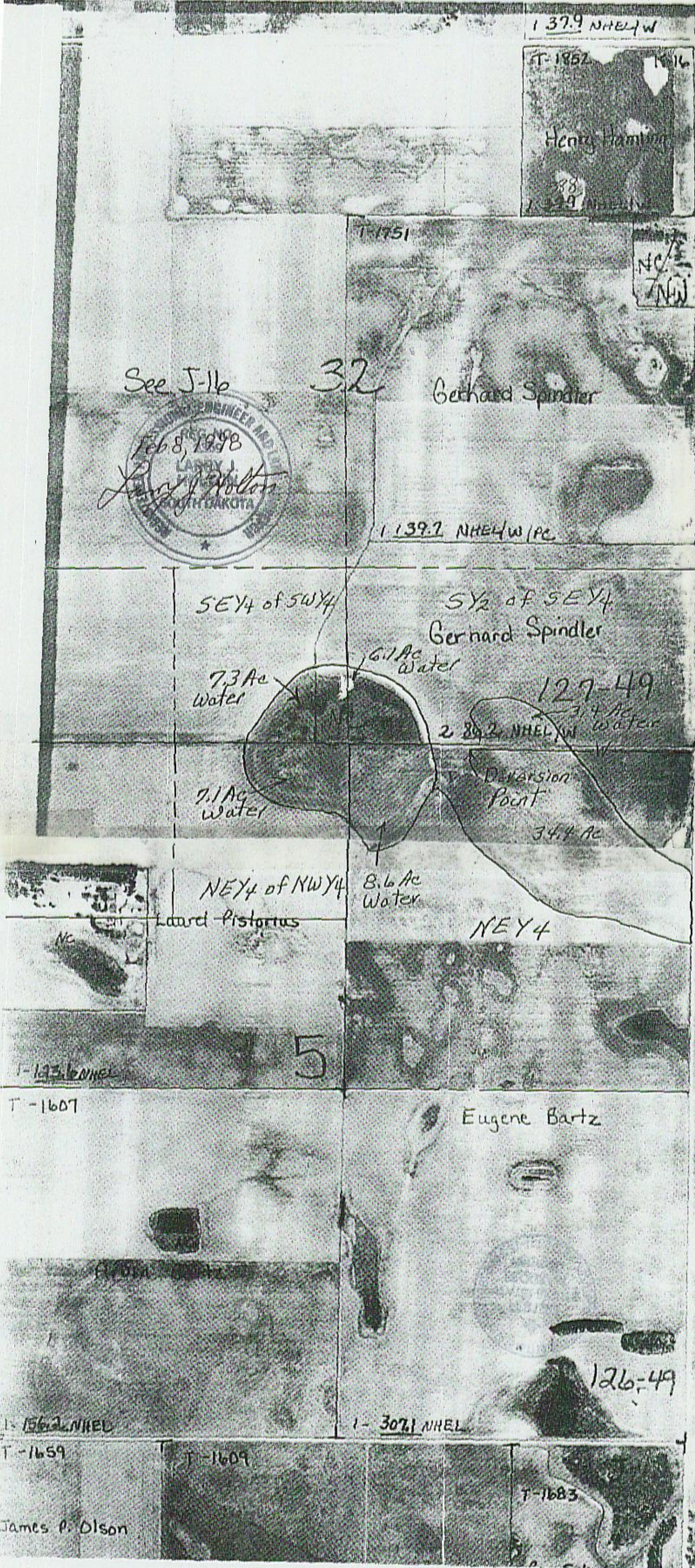
Notary Public

My Commission Expires: 11/29/2003

NOT TO SCALE

NOT TO SCALE

1997



NOT TO SCALE

NOT TO SCALE

1997

137.9 NHGL/W

158.5 NHGL/W

173.5

T-1851

T-11008

T-1814

K-16

Henry Bartz

NE 1/4
Arvin Bartz

Edna Larson

153.9
Spring Water

33

158.8 NHGL

159.4 NHGL

T-1827

T-1752

Henry E. Masenberg, Est.

Buried Pipe Line
Approx. 45' East of
Center of Road

William W. Kaufman
Myrtle Marquette

127-49

159.8 NHGL/W

153.0 NHGL/W/PC

NOT TO SCALE

NOT TO SCALE

1997

137.9 NHGL/W

158.5 NHGL/W

173.5

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T-1814

K-16

Henry Bartz

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Edna Larson

153.9
Spring Water

33

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159.4 NHGL

T-1827

T-1752

Henry E. Masenberg, Est.

Buried Pipe Line
Approx. 45' East of
Center of Road

William W. Kaufman
Myrtle Marquette

127-49

159.8 NHGL/W

153.0 NHGL/W/PC

See J-16

32

Gerhard Spindler

Feb 8, 1998

Larry J. Volter

139.7 NHGL/W/PC

SE 1/4 of SW 1/4

SE 1/4 of SE 1/4

Gerhard Spindler

7.3 Ac
Water

6.1 Ac
Water

127-49

2.842 NHGL/W

2.1 Ac
Water

Division
Point

3.4 Ac

NE 1/4 of NW 1/4

8.6 Ac
Water

Laurel Pistorius

NE 1/4

5

Eugene Bartz

126-49

T-1607

1-1662 NHGL

1-3071 NHGL

T-1659

T-1609

T-1683

James P. Olson

6050-3

WATER PERMIT NO. 6050-3

Name of Applicant: **Eugene Bartz**

Address: **RR 1 Box 99, Browns Valley MN 56219**

Phone: **605 6949-2737**

Amount of Water Claimed: **2.44 cfs**

Total Acres: **152**

Source of Water Supply: **slough**

Water to be used for: **irrigation**

County: **Roberts**

Type of Waste Disposal System: **NA**

Location: **10 miles northeast of Sisseton**

PRIORITY

Date Received: **2-17-1998**

Fee: **\$250.00**

Corrected Application Received:

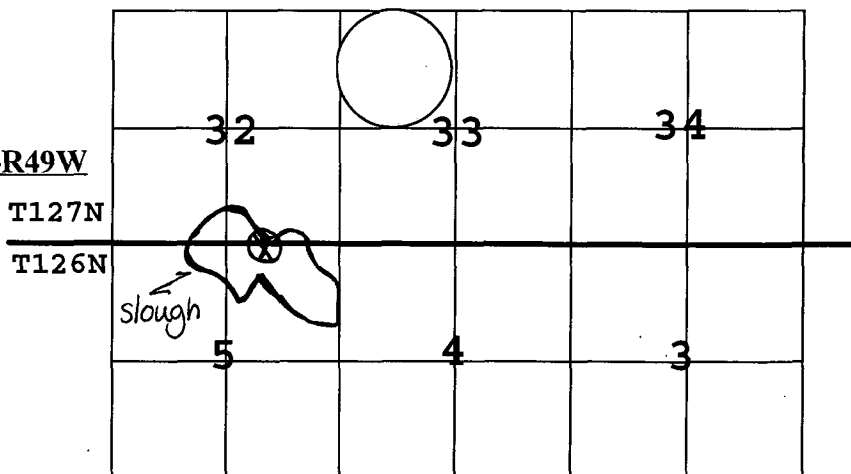
Period of Annual Use: **May 1 - November 1**

Remarks:

Diversion Point: **NW 1/4 NE 1/4 Sec 5-**

T126N-R49W

Land to be Irrigated: **NW 1/4 Sec 33-T127N-R49W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Larry J Holton, PE**

Reviewed and the Number Assigned on: **2-17-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SUPPLEMENTAL INFORMATION (Cont.)

Eugene Bartz

Feb. 8, 1998

Storage = $\frac{(\text{Surface Area of Water} + \text{Area of bottom})}{2}$ X Ave. Depth
(Shallow Slough)

$$= \frac{(37.8 \text{ Acres} + 28.3 \text{ Acres})}{2} \times 6.5 \text{ Feet}$$

Storage Shallow Slough = 214.8 Acre Feet

Total Storage of the Sloughs = 423.5 Acre Feet

Mr. Bartz presently has a Permit for 83 Acre Feet of water from these to Sloughs to provide water for Irrigation of 164.8 acres of land in the E1/2 of Section 5 in T126N, R49W.

Mr. Bartz intends to acquire a center pivot irrigation system that he can move back and forth between the E1/2 of Section 5 in T126N, R49W and in the NW1/4 of Section 33, T127N, R49W.

Prepared by:

LARRY S. HOLTON PE & LS
South Dakota Reg. No. 2359



REPORT ON WATER PERMIT APPLICATION NO. 6050-3

EUGENE BARTZ

March 5, 1998

Application 6050-3, Eugene Bartz, proposes to appropriate 2.44 cubic feet of water per second (cfs) from a slough to irrigate 152 acres. The proposed diversion point is to be located in NW1/4 NE1/4 of Section 5 T126N-R49W from a slough impounding water in the NE1/4 and the NE1/4 NW1/4 of Section 5 T126N-R49W and the SE1/4 SW1/4 and the SW1/4 SE1/4 of Section 32 T127N-R49W to irrigate 152 acres located in the NW1/4 Section 33 T127N-R49W. The proposed project is located in Roberts County approximately 12 miles northeast of the town of Sisseton, SD.

Review of Existing Water Rights and the Water Source

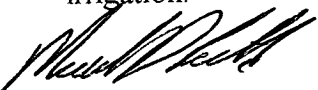
The water source for this project is to be from a slough. The slough catches runoff from precipitation events and spring snow melt. Information developed by an engineer and submitted with the application indicates that the slough is impounding approximately 423 acre feet of water. A slough is not a reliable source of water particularly during periods of drier climatic conditions. During a February 23, 1998, telephone conversation with the applicant we discussed that the slough would not be a reliable water supply for irrigation during dry periods.

The applicant holds Water Permit Nos. 5957-3 and 5958-3 for irrigation from sloughs. No. 5958-3 authorizes the diversion from the same slough as for this project. The applicant indicated during the February 23, 1998 telephone conversation that he intended to purchase a single towable centerpivot to irrigate the land proposed in this project and also the land authorized by 5958-3. Because of this, only one of the parcels of land can be irrigated at any given time. There are no other existing water rights located in the immediate vicinity appropriating surface water.

There are three landowners in addition to Mr. Bartz owning property on which the slough lies. Copies of the signed easements from these landowners allowing Mr. Bartz to divert water from this slough have been submitted with this application.

Conclusions

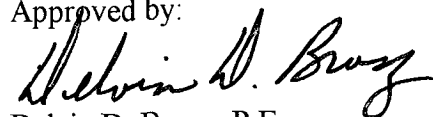
1. Application No. 6050-3 proposes to appropriate 2.44 cfs from a slough to irrigate 152 acres.
2. The water source for this project is from a slough that catches local runoff from precipitation events. A slough is not a reliable source of water, particularly during periods of drier climatic conditions.
3. Easements from other landowners of the slough have been obtained.
4. The applicant proposes to use more than 1 cfs per 70 acres. The justification for this is the method of irrigation.



Mark D. Rath

Natural Resources Engineer III

Approved by:



Delvin D. Brosz, P.E.

Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6050-3, Eugene Bartz**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6050-3, Eugene Bartz, RR 1 Box 99, Browns Valley, MN 56219.

The Chief Engineer is recommending APPROVAL of Application No. 6050-3 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) it is in the public interest with the following qualifications:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Pursuant to SDCL 46-5-6, Permit No. 6050-3 authorizes a maximum diversion rate of 2.44 cfs and 2 acre-feet of water per acre per year to irrigate 152 acres.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
March 23, 1998



**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.**

March 31, 1998

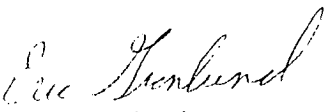
Eugene Bartz
RR 1, Box 99
Browns Valley, MN 56219

Dear Mr. Bartz:

Water Permit Application No. 6050-3 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 (Ph # (605) 698-7642). 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
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

March 31, 1998

Sisseton Courier
Box 169
Sisseton, SD 57262-0169

ATTENTION: Legal Department

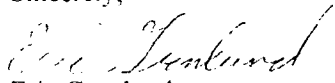
Enclosed is a Notice of Hearing on Application No. 6050-3 to Appropriate Water to be published twice. Please publish the first notice on April 7, 1998, with the second publication 7 days later,

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 Eugene Bartz, RR 1, Box 99, Browns Valley, MN 56219 (Ph # (605) 694-2737).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6050-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of March 31, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6050-3 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 April 7, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6050-3 to Appropriate Water

Notice is given that Eugene Bartz, RR 1, Box 99, Browns Valley MN 56219 has filed an application for a water permit to appropriate 2.44 cubic feet of water per second from a slough at a point located in the NW 1/4 NE 1/4 Section 5-T126N-R49W with water impounded in portions of the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 32-T127N-R49W; NE 1/4 NW 1/4, NE 1/4 Section 5-T126N-R49W to irrigate 152 acres located in the NW 1/4 Section 33-T127N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6050-3 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.

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 Program, 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 April 24, 1998. 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.

The Water Management Board will consider this application at 11:00 a.m. (CDT), May 6, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. 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 May 6, 1998, 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 April 24, 1998.

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 Eric Gronlund by April 24, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Roberts

ss.



Harley E. Deutsch of said county, being first duly sworn, on oath says, that he is Publisher of THE SISSETON COURIER, a weekly newspaper printed and published in Sisseton, in said county of Roberts, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundreds copies weekly, and has been published with in said county for 52 successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Notice Of Application No 6050-3, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

04-07, 19 98; _____, 19 _____;
04-14, 19 98; _____, 19 _____;
_____, 19 _____; _____, 19 _____;
_____, 19 _____; _____, 19 _____;
_____, 19 _____; _____, 19 _____;

that the full amount of the fee is charged for publication of said Notice insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication thereof are \$ 58.57

Harley E Deutsch

Subscribed and sworn to before me this 14th day of April, A. D., 19 98

[Signature]

Notary Public, Roberts County, South Dakota
My commission expires February 3, 192004

NOTICE OF APPLICATION NO 6050-3 TO APPROPRIATE WATER

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6050-3 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.

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(April 7-14--2wks)

I Laurel² Janet Pistorius agree to give Eugene Bartz an easement to use the water in the slough that is located in the NE1/4 of NW1/4 in Section 5, T126N, R49W which is owned by me and adjoins Eugene's land in the N1/2 of NE1/4 in Section 5, T126N, R49W in Roberts County, South Dakota.

Laurel Pistorius
Janet Pistorius

Ray Spindler
Witness

10/31/96
Date



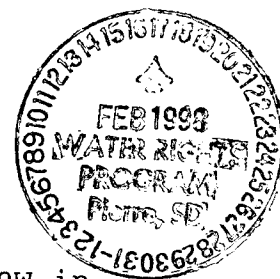
Gerhard H Spindler

10 26 1996

HOLTON ENGINEERING, INC.

CONSULTING ENGINEERING, LAND SURVEYING AND QUALITY CONTROL
Sisseton, South Dakota 57262-0068

Feb. 8, 1998



FOR: EUGENE BARTZ

Application for Irrigation in Section 33, T127N, R49W in
Roberts County, South Dakota

SUPPLEMENTAL INFORMATION

Refer to the attached drawings of Section 5, T126N, R49W and
Section 32 and 33, T127N, R49W on ASCS photo's.

WATER STORAGE: Is two Large Natural sloughs that are connected
by a ditch between them.

DEPTH OF WATER IN SLOUGH:

1. As determined through the Ice in January, 1998 was found to
be 8.2 feet in the deeper Slough to the west and 6.5 feet in
the east Slough.
2. The Maximum Depth of Sloughs would be +2 feet before
it would spread out over crop land.

LOCATION OF SLOUGHS ARE AS FOLLOWS:

1. NE1/4 in Section 5, T126N, R49W which is owned by Eugene Bartz
has a surface area of +43 Acres.
2. NE1/4 of NW1/4 in Section 5, T126N, R49W which is owned by
Laurel & Janet Pistorius has a surface area of 7.1 Acres.
A. Attached you will find a Easement from Laurel & Janet
Pistorius.
3. SE1/4 of SW1/4 in Section 32, T127N, R49W, which is owned by
Gerhard Spindler has a surface area of 7.3 Acres.
A. Attached you will find a Easement from Gerhard Spindler.
4. S1/2 of SE1/4 in Section 32, T127N, R49W, which is owned by
Gerhard Spindler has a surface area of 9.5 Acres.
A. Attached you will find a Easement from Gerhard Spindler.

STORAGE OF SLOUGHS:

Storage = $\frac{(\text{Surface Area of Water} + \text{Area of bottom})}{2}$ X Ave. Depth
(Deep Slough)

$$= \frac{(29.1 \text{ Acres} + 21.8 \text{ Acres})}{2} \times 8.2 \text{ Feet}$$

Storage Deep Slough = 208.7 Acre Feet

SUPPLEMENTAL INFORMATION (Cont.)

Eugene Bartz

Feb. 8, 1998

Storage = $\frac{(\text{Surface Area of Water} + \text{Area of bottom})}{2}$ X Ave. Depth
(Shallow Slough)

$$= \frac{(37.8 \text{ Acres} + 28.3 \text{ Acres})}{2} \times 6.5 \text{ Feet}$$

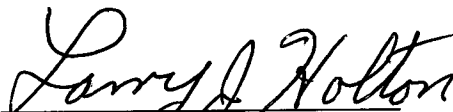
Storage Shallow Slough = 214.8 Acre Feet

Total Storage of the Sloughs = 423.5 Acre Feet

Mr. Bartz presently has a Permit for 83 Acre Feet of water from these to Sloughs to provide water for Irrigation of 164.8 acres of land in the E1/2 of Section 5 in T126N, R49W.

Mr. Bartz intends to acquire a center pivot irrigation system that he can move back and forth between the E1/2 of Section 5 in T126N, R49W and in the NW1/4 of Section 33, T127N, R49W.

Prepared by:


LARRY J. HOLTON PE & LS
South Dakota Reg. No. 2359





Storage Deep Slough = 208.7 Acre Feet

I Laurel^{2nd} Janet Pistorius agree to give Eugene Bartz an easement to use the water in the slough that is located in the NE1/4 of NW1/4 in Section 5, T126N, R49W which is owned by me and adjoins Eugene's land in the N1/2 of NE1/4 in Section 5, T126N, R49W in Roberts County, South Dakota.

Laurel Pistorius
Janet Pistorius

Ray Spindler
Witness

10/31/96
Date



I Gerhard H Spindler agree to give Eugene Bartz an easement to use the water in the slough that is located in the SE1/4 of SW1/4 in Section 32, T127N, R49W and the S1/2 of SE1/4 in Section 32, T127N, R49W which is owned by me and adjoins Eugene's land in the N1/2 of NE1/4 in Section 5, T126N, R49W in Roberts County, South Dakota.

Gerhard H Spindler

Lewen Piechowski

Witness

10 26 1996

Date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1998

Marvin and Connie Piotter
RR 1, Box 102
Sisseton, SD 57262

Dear Mr. and Mrs. Piotter:

Please find enclosed a copy of the report, recommendation and notice of hearing for a water right permit application filed by Eugene Bartz. Water Permit Application No. 6050-3 is scheduled to be published April 7 and 14, 1998, in the Sisseton Courier. This information is being sent to you because of your past participation on applications in this area.

This application is located north of the area that was your primary concern during the last hearing before the Water Management Board.

If you have any questions, please let me know.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1998

Eugene Bartz
RR 1, Box 99
Browns Valley, MN 56219

Dear Mr. Bartz:

Enclosed is Water Permit No. 6050-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2012

6050-3

Eugene Bartz
11549 469th Ave
Browns Valley MN 56219

Dear Mr. Bartz:

Thank you for calling concerning the need for an ownership change on Water Right No. 6050-3.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please have your son complete and sign the form. Upon completion, return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIVED

DEC 12 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6050-3

Date: 12/10/12

I/We request that Water Right No. 6050-3

formerly owned by: Eugene Bartz

be transferred to: (name & address) Jonathan Bartz
46887 Chambers Road
Brown's Valley, MN 56219 Telephone No. 605 237 2078

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

132 acres - NW ¼ Section 33, T127N, R49W

I/We understand that the validity of Water Right No. 6050-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/13, 20 12

RECEIVED OF Jonathon Bartz 46887 Chambers Rd Browns Valley MN 56219

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6050-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 05761

By

Salvador Echeverria
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 27, 2012

6050-3

Jonathan Bartz
46887 Chambers Rd
Browns Valley MN 56219

Dear Mr. Bartz:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6050-3.

The ownership change has been completed. Water Right No. 6050-3 formerly held by Eugene Bartz is now listed in your name.

Enclosed for your records is Receipt No. 05761 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

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

enclosure