

WATER PERMIT NO. 6338A-3

Name of Applicant: Allen Gatzke

Address: 39351 187th St, Hitchcock SD 57348

Phone: 605 266-2711

Amount of Water Claimed: 0.56

Total Acres: 140

Source of Water Supply: groundwater (one well & lagoons)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 4 miles north of Hitchcock

PRIORITY

Date Received: 3-2-06

Application/License Fee: \$100

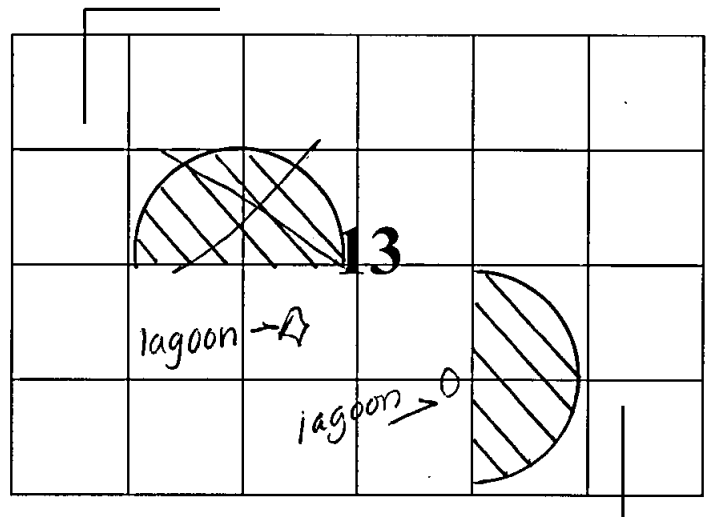
Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: W ½ SE ¼ Sec 13-T114N-R63W

Land to be Irrigated: E ½ SE ¼, S ½ NW ¼ Sec
13-T114N-R63W



Depth of Well: 65

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Shane Jordan, NRCS

Reviewed and the Number Assigned on: 3-3-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6338A-3</u> Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u>

RECEIVED
MAR - 2 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 6338-3 + 6340-3
(Use predates Mar 2, 1955) 6339A-3 + 6339B-3

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

transfer acreage and accompanying water for the purpose of setting up a windshield
wipe pivot at two location. Intend to use in conjunction with water from wastewater lagoon

1. Name of Applicant Allen Gatzke Phone 266-2711
(check one) X Owner X Tenant/lessee
Mailing Address 39351 187th St Hitchcock SD 57348 State
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.56 *CFS or 250 **GPM ***AF Total Acreage 140.70
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
W² center of SE 1/4 Section 13, T114N, R63W
County Spink

5. County or counties where water will be used Spink

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

7. 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
<u>NE 1/4 SE 1/4 Sec 13 T114N R63W</u>	<u>35</u>	SW 1/4 NW 1/4 Sec 13 T114N R63W	35
<u>SE 1/4 SE 1/4 Sec 13 T114N R63W</u>	<u>35</u>	SE 1/4 NW 1/4 Sec 13 T114N R63W	35

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

Not economical to pump to corners. Intent is to set up windshield wipe pivots and use water
from a new well to dilute lagoon water for the purpose of disposing of effluent from lagoons
Diversion from well will be limited to 250 gpm. Owner of SE 1/4 NW 1/4 Sec 13 is Elton Feistner
Wells authorized by existing permits are each set at 750 gpm of Madison SD

STATE OF SOUTH DAKOTA) SS

County of

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, Allen Gatzke, 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.

Applicant's signature Allen Gatzke

Subscribed and sworn to before me this 27th day of February 2006

Patricia J. Pappert
Notary Public signature

My Commission Expires 12/11/2006

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 Depth 65
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 18 ft
- g) Distance to nearest existing domestic well: Watson in
On applicants property 2,000 On property owned by others NE 1/4 NE 1/4 Sec 11
T114N R63W

2. Wastewater Disposal System Information

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

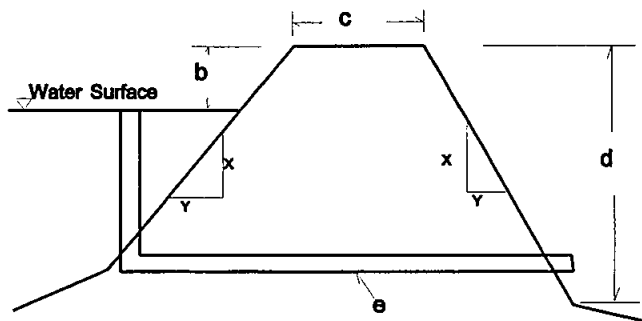
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

SOUTH DAKOTA
WATER PERMIT NO. 6338A-3 FOR IRRIGATION

Date of first receipt of application March 2, 2006.

Date of receipt of corrected application April 24, 2006.

The Water Management Board approved Water Permit No. 6338A-3 on July 12, 2006 for Allen Gatzke, 39351 187th St, Hitchcock SD 57348 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. 6338A-3 amends Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6338-3 appropriates 3.56 cubic feet of water per second (cfs) to irrigate 320 acres located in the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 10-T114N-R63W. Water Permit No. 6340-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NE $\frac{1}{4}$ Section 15-T114N-R63W. Water Permit No. 6339A-3 appropriates 1.78 cfs one well to irrigate 160 acres located in the NW $\frac{1}{4}$ Section 19-T114N-R62W. Water Permit No. 6339B-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14-T114N-R63W.

The permit authorizes the transfer of the water and 70 of the 140 permitted acres that are not and will not be irrigated by utilizing standard 132 acre center pivots on the five permitted 160 acre quarter sections. The appropriation of water transferred is 0.56 cfs to be diverted from an additional well (65 feet deep) constructed in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13-T114N-R63W. The water source for these irrigation systems is the Tulare-Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit. The 70 acres to be irrigated will be located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13-T114N-R63W. Water from the well will be used to dilute lagoon water for the purpose of disposing of effluent from two lagoons located in the S $\frac{1}{2}$ Section 13-T114N-R63W.

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 – September 30.
3. The date from which applicant may claim right is March 2, 2006.
4. One-fifth of the construction is to be completed on or before January 12, 2009.
5. All construction is to be completed on or before July 12, 2011.
6. Water is to be put to beneficial use on or before July 12, 2015.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

2. The well authorized by Permit No. 6338A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water from the well is limited to 0.56 cfs from the well.
4. Permit No. 6338A-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
5. The system shall be designed to prohibit the flow of liquid from the livestock waste pond back towards the well. This will require installation of a check valve, air gap or similar device.
6. Water Permit No. 6338A-3 transfers the diversion rate authority and acres from the following water permits as follows:

Permit No.	cfs	Acres
6338-3	0.224	56
6340-3	0.112	28
6339A-3	0.112	28
6339B-3	0.112	28
Total	0.56	140 *

* 70 acres of irrigation will be developed for irrigation

7. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 01 2006

date



FAX

To: Eric Grolund

FROM: Allen Gatzke

39351 187th St.
Hitchcock, SD 57348-7721
605-266-2711 phone/fax

DATE: 4-26-06

Pages to Follow: 1

Eric,

In regards to permit #6338A-3, please exclude the NW quarter of 13 from that permit.

Thank you,

Allen Gatzke

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 3, 2006

RECEIVED OF Allen Gatzke, 39351 187th Street, Hitchcock SD 57348

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

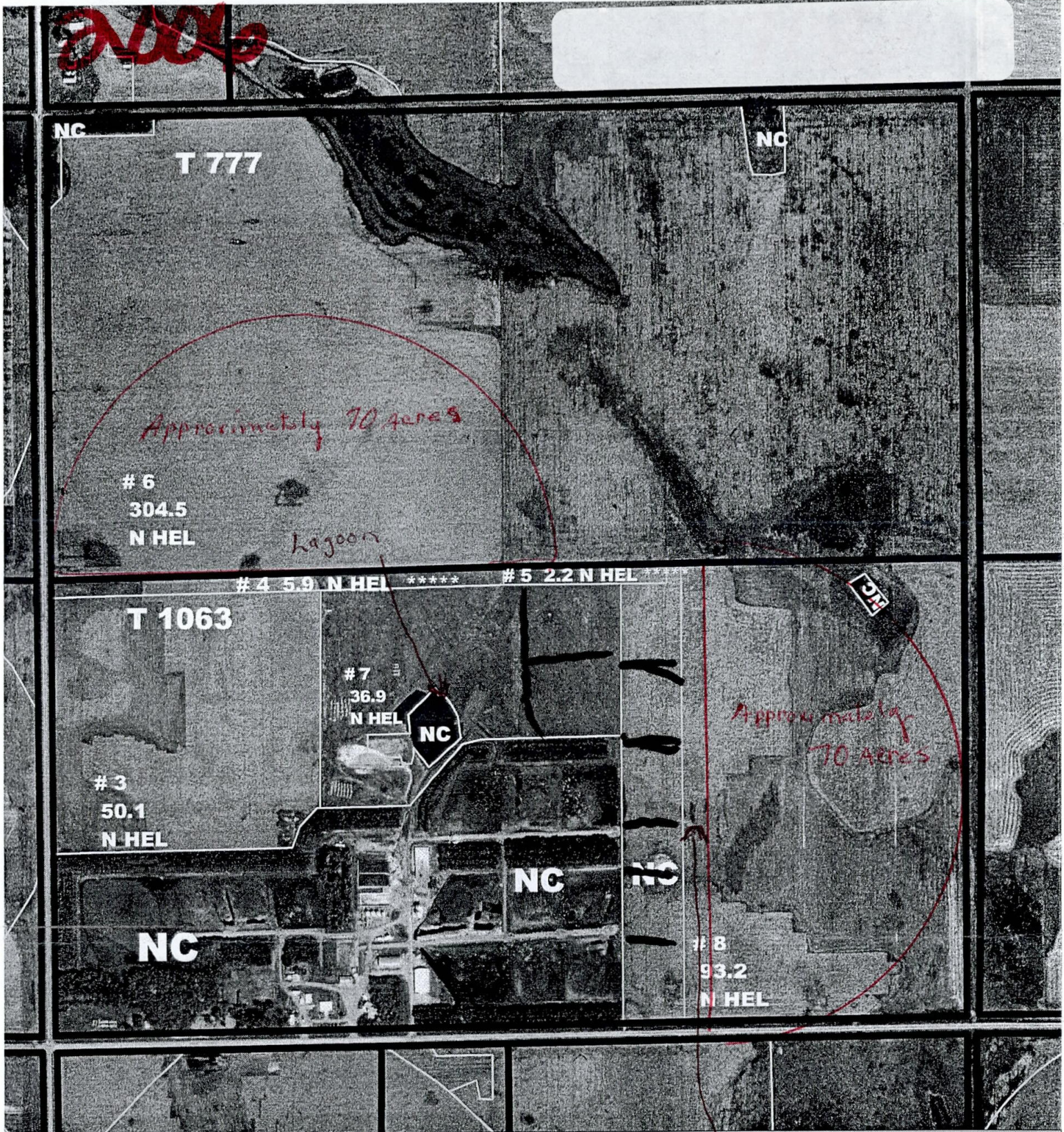
Fee for Application for Permit No. <u>6338A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6338A-3</u>	50	00
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100.00

No.

02332

By

Darland Abale
Chief Engineer
gr



United States Department of Agriculture
Farm Service Agency

Lagoon location
N

13-114-63

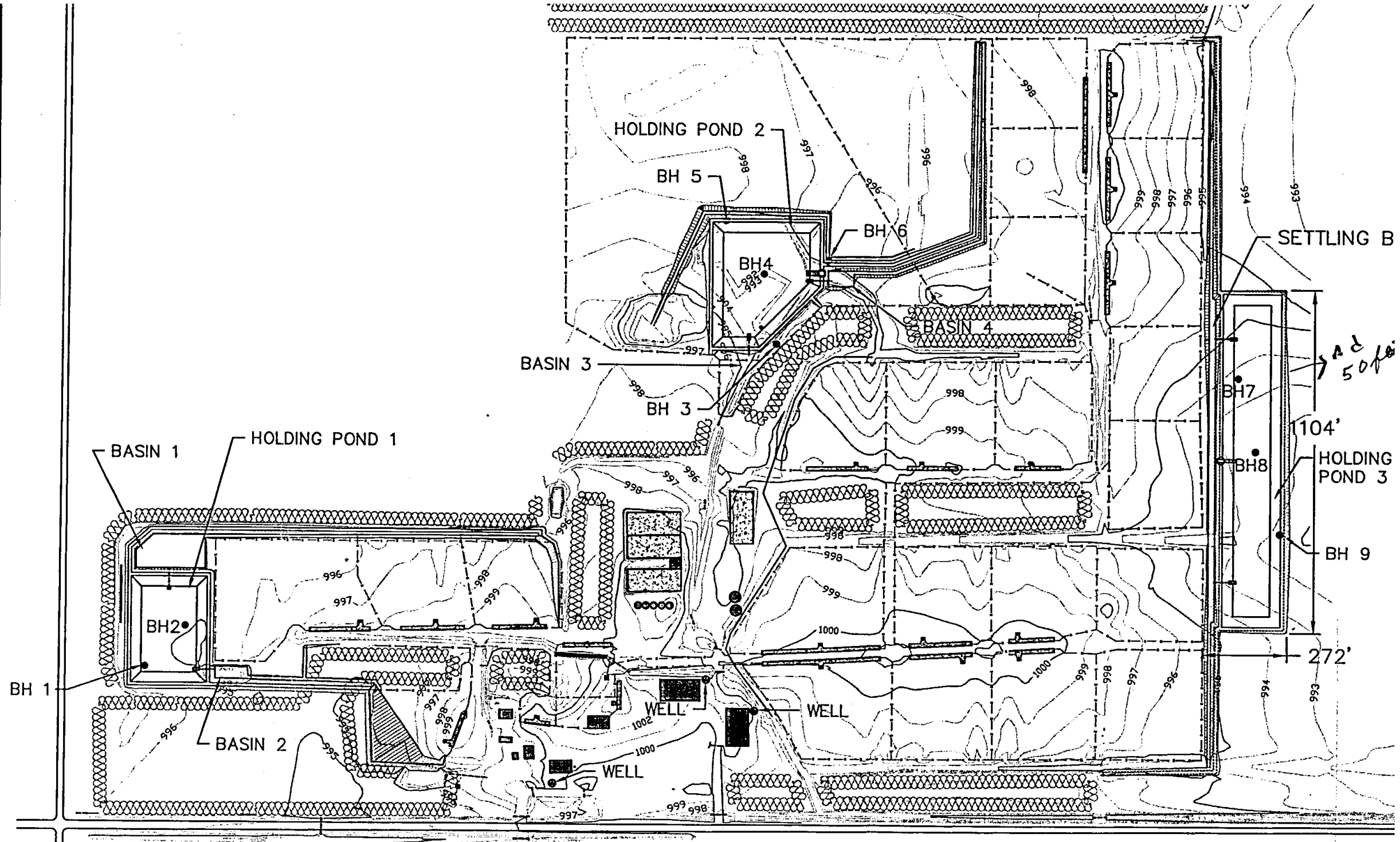
Spink County



January 11, 2006

1997 Digital Orthophotography - Not To Scale

Shane Jordan
NRCS
2-27-06



REPORT ON NEW WATER PERMIT APPLICATION NO. 6338A-3

For Allen Gatzke

March 31, 2006

Application No. 6338A-3 proposes to amend Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6338-3 appropriates 3.56 cfs to irrigate 320 acres located in the NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of section 10, T114N R63W. Water Permit No. 6340-3 appropriates 1.78 cfs to irrigate 160 acres located in the NE $\frac{1}{4}$ of section 15, T114N R63W. Water Permit No. 6339A-3 appropriates 1.78 cfs to irrigate 160 acres located in the NW $\frac{1}{4}$ of section 19, T114N R62W. Water Permit No. 6339B-3 appropriates 1.78 cfs to irrigate 160 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 14, T114N R63W. All these applications still are within the five year period to complete construction of works.

The applicant proposes to transfer the water and permitted acres that is not and will not be irrigated by utilizing standard 132 acre center pivots on the five permitted 160 acre quarter section. Seventy acres from the five quarter sections authorized by Permit Nos. 6338-3, 6340-3, 6339A-3, and 6339B-3 are proposed to be transferred. The appropriation of water that will be transferred is 0.56 cfs and will be diverted from an additional well approximately 65 feet deep and constructed in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 13, T114N R63W. The 70 acres to be irrigated will be located in the E $\frac{1}{2}$ SE $\frac{1}{4}$, of section 13, T114N R63W. Water from the well will be used to dilute lagoon water for the purpose of disposing of effluent from the two lagoons located in the S $\frac{1}{2}$ of section 13, T114N R63W in Spink County. The water source is the Tulare Hitchcock aquifer and surface runoff into the lagoons. No increase in the diversion rate or number of acres irrigated from the aquifer is authorized by the application.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer blends into the Tulare Western Spink aquifer to the west and extends into Beadle County to the south. Ground water movement is from southwest to northeast across the area of this application (Hamilton, 1996). The Water Management Board has established a deferred list of applications for the Tulare Hitchcock and Tulare Western Spink aquifers at the December 4, 2002 hearing (Goodman, 2002). The Board determined that existing irrigation permits along with the eleven new permits created a potential for water use to exceed average annual recharge to the aquifer. The Board issued eleven permits (for 2,554 acres) from the aquifers and then deferred additional applications for a period of five years to allow development of the new permits. This time limit is up in December of 2007 when it is anticipated that the deferred list would be considered at hearing. At this time there are 22 permits in deferred status (with potentially 6 more) for a total diversion rate of 67.84 cfs and 5,152 additional acres of irrigation.

The Water Rights Program monitors two observation wells (SP-80D and SP-77I) that are located about one mile west and south of this application, respectively. Water levels for these wells show good response to climatic conditions, that is, rising levels during wet

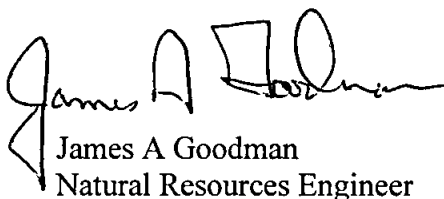
years (recharge) and gradually declining during dry years. Hydrographs for these two observation wells area included with this report (Water Rights, 2006).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing irrigation permits within a one mile radius of this application. Interference is not a concern. The nearest irrigation well is about one mile from this proposed well.

CONCLUSIONS

1. This water has already been appropriated and this request is simply to transfer lands and water.
2. This application authorizes another well location. No test well was drilled for this application. However, it appears based upon existing data for the area that the aquifer does underlie this site.
3. The water permit priority date can be retained with this transfer and will be divided up among the permits.
4. This well must be constructed in accordance with SD Well Construction Standards.
5. This site appears to be a poor location for a feedlot. There appears to be a shallow aquifer at this site.
6. Approval of this application will mean that each of the existing permitted diversion rates will be diminished. Water permit No. 6338-3 will decrease by 0.224 cfs, No. 6340-3 will decrease by 0.112 cfs No. 6339A-3 will decrease by 0.112 cfs and 28 acres and No. 6339B-3 will decrease by 0.112 cfs. A total of 70 acres will also be transferred from the water permits.
7. The applicant is limited to diverting 0.56 cfs from the ground water source but will likely pump at least 750 gpm from each of the lagoons.
8. This application does not allow the applicant to pump water from the well into the lagoon without approval from Surface Water Quality. The lagoons would have to be designed with this scenario in mind.
9. The applicant indicates it is not economical to put in corner pivot systems and pump to the field corners for the existing permits. Thus the applicant is requesting this transfer to put all the lands under irrigation. This request is within the time limit allowed by statute.
10. Apparently the applicant is voluntarily relinquishing diversion rates for the existing permits to supply this request.

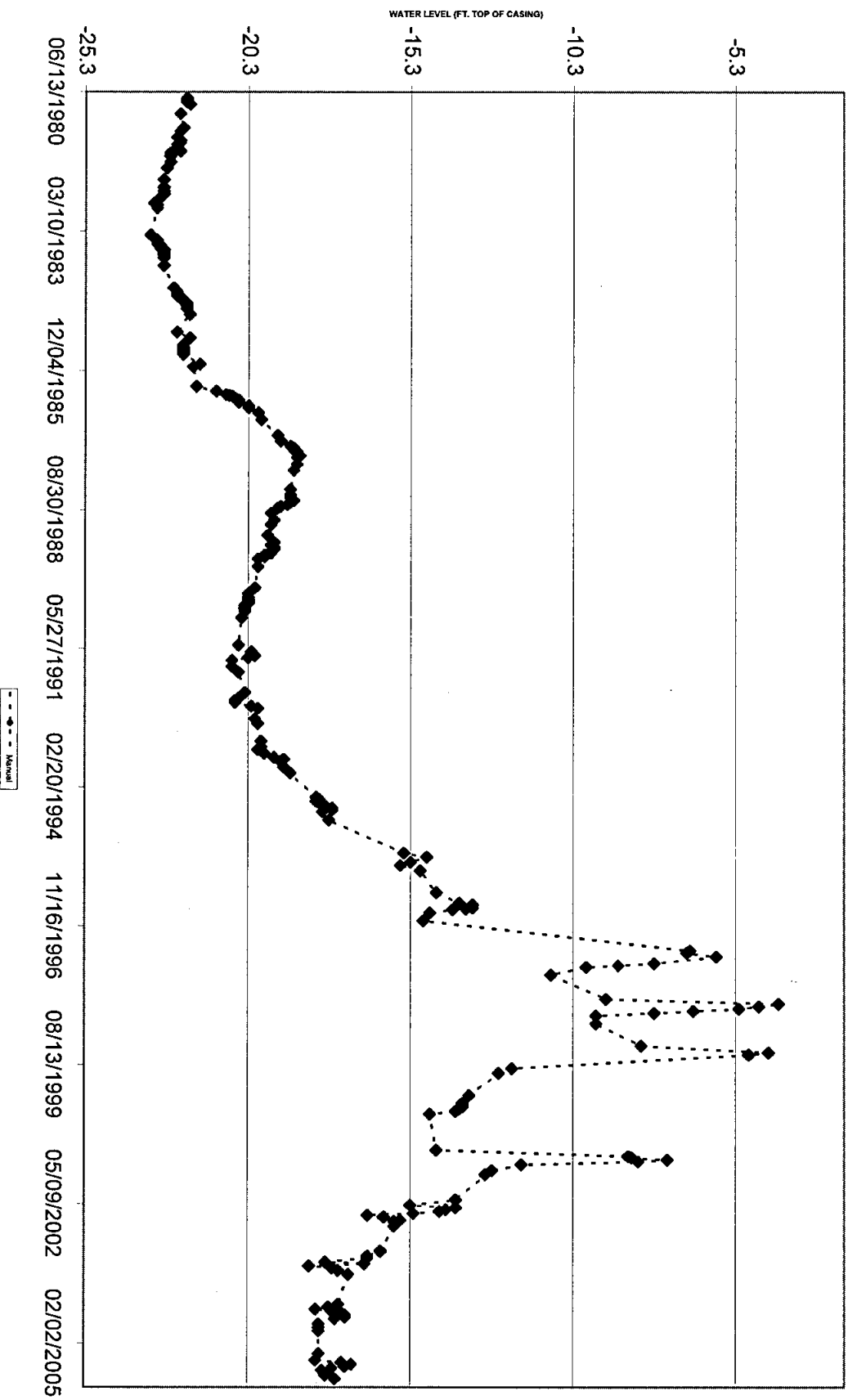


James A Goodman
Natural Resources Engineer

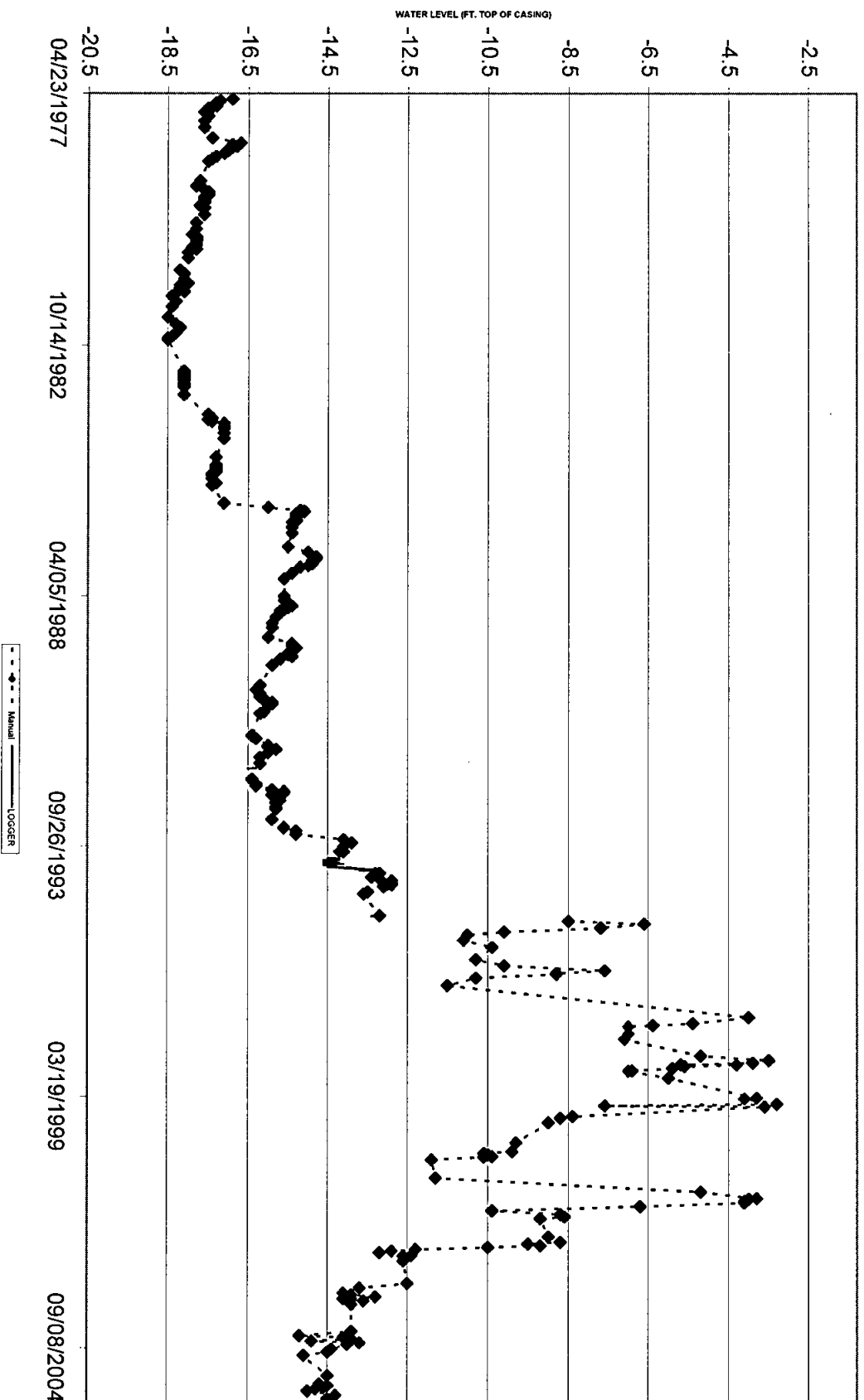
BIBLIOGRAPHY

- Goodman, J.A., 2002, Report on Water Permit Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3 for Water from the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water from the Tulare Western Spink Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report No. 96-4056, USGS, Rapid City, SD, 57702.
- Water Rights, 2006, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
SP-80D



WATER RIGHTS' OBSERVATION WELL
SP-771





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6338A-3, Allen Gatzke**

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. 6338A-3, Allen Gatzke, 39351 187th Street, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6338A-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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6338A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water from the well is limited to 0.56 cfs from the well.
4. Permit No. 6338A-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
5. The system shall be designed to prohibit the flow of liquid from the livestock waste pond back towards the well. This will require installation of a check valve, air gap or similar device.

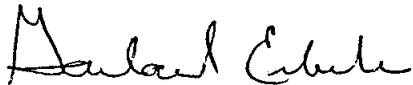
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Permit No.	cfs	Acres
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6340-3	0.112	28
6339A-3	0.112	28
6339B-3	0.112	28
Total	0.56	140 *

* 70 acres of irrigation will be developed for irrigation

7. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



Garland Erbele, Chief Engineer
June 1, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 2006

Roger Feistner
9520 Winston Avenue
Urbandale IA 50322

Dear Mr. Feistner:

Allen Gatzke has applied for a water permit for irrigation in conjunction with disposing of effluent from livestock wastewater lagoons. Initially, the application included acreage located in the S ½ NW ¼ of Section 13, T114N, R63W in Spink County that they lease from your mother. Subsequent to your concerns, Mr. Gatzke removed your mother's land from their application. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

This information is being sent to you because of the prior concerns you expressed when your mother's land was part of the application. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2006

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6338A-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Allen Gatzke, 39351 187th Street, Hitchcock SD (Ph # 605-266-2711).

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. 6338A-3

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

Date _____

We are in receipt of your letter of June 5, 2006 enclosing Notice to Appropriate Water by Application No. 6338A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 5, 2006

Allen Gatzke
39351 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

Water Permit Application No. 6338A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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.

Instruction to Newspaper - Publish first Notice on June 14, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6338A-3 to Amend
Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3

Notice is given that Allen Gatzke, 39351 187th St, Hitchcock SD 57348 has filed an application to amend Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6338-3 appropriates 3.56 cubic feet of water per second (cfs) to irrigate 320 acres located in the NE ¼ and SW ¼ Section 10-T114N-R63W. Water Permit No. 6340-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NE ¼ Section 15-T114N-R63W. Water Permit No. 6339A-3 appropriates 1.78 cfs one well to irrigate 160 acres located in the NW ¼ Section 19-T114N-R62W. Water Permit No. 6339B-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the S ½ NW ¼, N ½ SW ¼ Section 14-T114N-R63W. All of the wells are located in the Tulare:Hitchcock Aquifer and each permit is still within the five year period to complete construction of works.

The applicant proposes to transfer the water and 70 of the 140 permitted acres that are not and will not be irrigated by utilizing standard 132 acres center pivots on the five permitted 160 acre quarter sections. The appropriation of water that will be transferred is 0.56 cfs to be diverted from an additional well (65 feet deep) constructed in the W ½ SE ¼ Section 13-T114N-R63W. The water source for these irrigation systems is the Tulare-Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application. The 70 acres to be irrigated will be located in the E ½ SE ¼ of Section 13-T114N-R63W. Water from the well will be used to dilute lagoon water for the purpose of disposing of effluent from two lagoons located in the S ½ Section 13-T114N-R63W.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Gatzke indicates that it is not economically feasible to place a cornering system on each of his pivots and it is most beneficial to use this water in conjunction with water from the lagoon to land apply wastewater from the animal confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6338A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 July 3, 2006. 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 10:00 A.M. July 12, 2006 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., 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 July 12, 2006 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant

or any interested person opposing the application. The request for an automatic delay must be filed by July 3, 2006.

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 July 3, 2006, 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.

Since this application does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case may not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by July 3, 2006.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

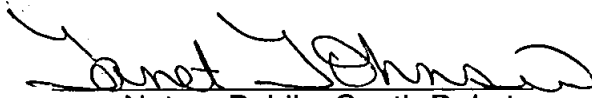
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

258 Allen Gatzke, Water Appropriation

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on June 14, 2006 and the last publication being made on June 21, 2006 that the full amount of Ninety - Three and 62/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 15th day of June, 2006.



Notary Public, South Dakota

My commission expires 11/10/09

Notice

#258

**NOTICE OF APPLICATION NO.
6338A-3 to Amend
Water Permit No.s. 6338-3, 6340-3,
6339A-3 and 6339B-3**

Notice is given that Allen Gatzke, 39351 187th St, Hitchcock SD 57348 has filed an application to amend Water Permit No.s. 6338-3, 6340-3, 6339A-3 and 6339B-3 by severing a portion of these permits and simultaneously transferring to other land. Water Permit No. 6338-3 appropriates 3.56 cubic feet of water per second (cfs) to irrigate 320 acres located in the NE 1/4 and SW 1/4 Section 10-T114N-R63W. Water Permit No. 6340-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the NE 1/4 Section 15-T114N-R63W. Water Permit No. 6339A-3 appropriates 1.78 cfs one well to irrigate 160 acres located in the NW 1/4 Section 19-T114N-R62W. Water Permit No. 6339B-3 appropriates 1.78 cfs from one well to irrigate 160 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 14-T114N-R63W. All of the wells are located in the Tulare-Hitchcock Aquifer and each permit is still within the five year period to complete construction of works.

The applicant proposes to transfer the water and 70 of the 140 permitted acres that are not and will not be irrigated by utilizing standard 132 acres center pivots on the five permitted 160 acre quarter sections. The appropriation of water that will be transferred is 0.56 cfs to be diverted from an additional well (65 feet deep) constructed in the W 1/2 SE 1/4 Section 13-T114N-R63W. The water source for these irrigation systems is the Tulare-Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application. The 70 acres to be irrigated will be located in the E 1/2 SE 1/4 of Section 13-T114N-R63W. Water from the well will be used to dilute lagoon water for the purpose of disposing of effluent from two lagoons located in the S 1/2 Section 13-T114N-R63W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6338A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the appli-

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JUL 10 2006

WATER RIGHTS
PROGRAM

[REDACTED]

cant 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 July 3, 2006. 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.

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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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(June 14, 21)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 01 2008

6338-3
6338A-3
6339A-3
6339B-3
6340-3

Allen Gatzke
39352 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

Enclosed is Water Permit No. 6338A-3 which amends several water permits by severing a portion of the permits and simultaneously transferring to other land. To reflect Water Management Board action taken on July 12, 2006, to transfer diversion rate authority and acres, Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3 are also being reissued.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system for Water Permit No. 6338A-3 and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

6338A-3

RECEIVED
MAR 30 2007
WATER RIGHTS
PROGRAM

Allen Gatzke
39351 187th ST.
Hitchcock, SD 57348

Department of Environmental & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Mr. Gronlund,

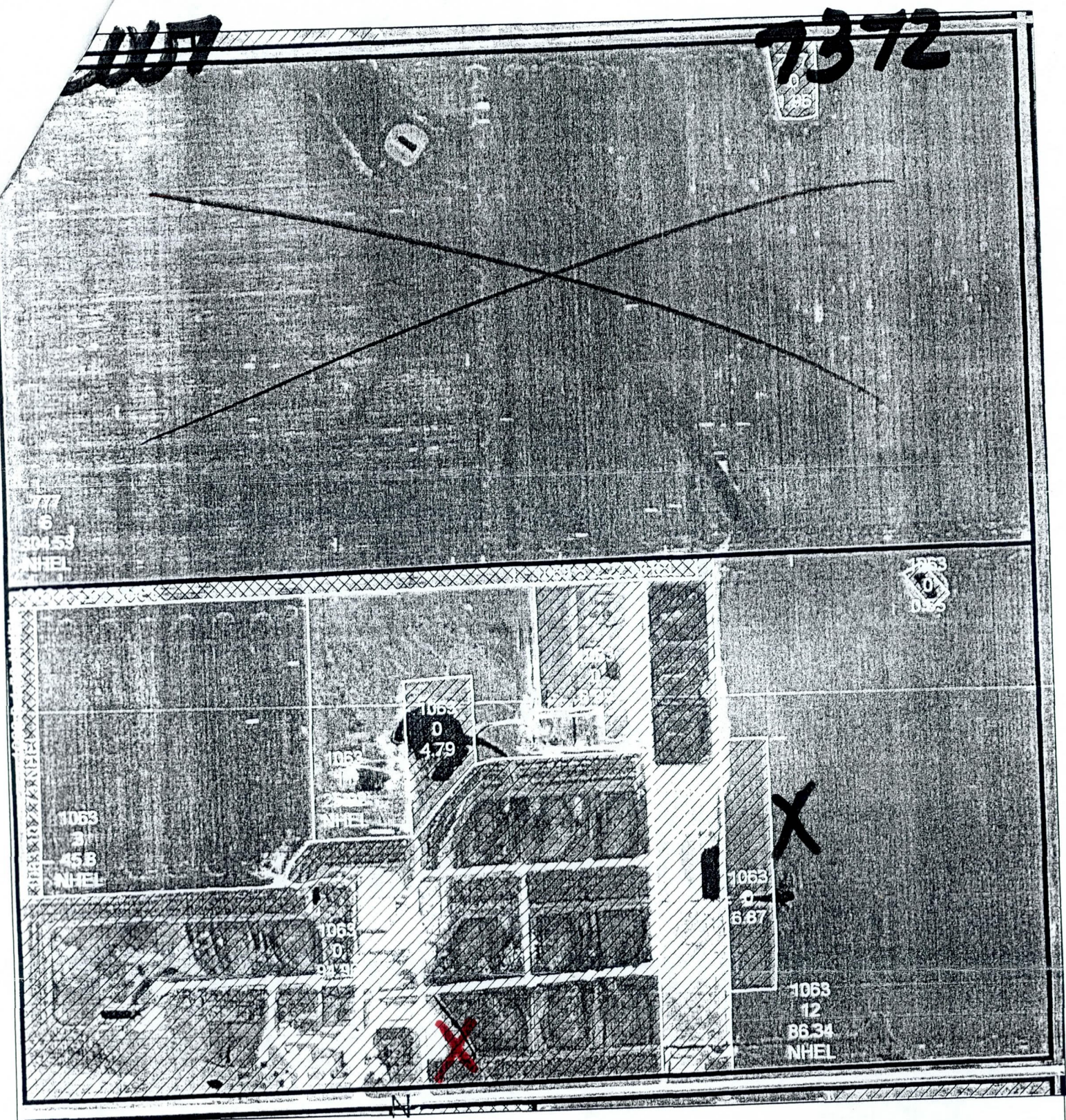
I am requesting a change in location of well application No. 6338A-3 from the SE 13-T114-N R63W to SW 13-T114-NR 63W, all depth and regulations the same as on the existing application. It would be changed from the blue X on the map to the red X. Because of Environmental reasons I need to move the well away for the lagoon.

Sincerely,



1007

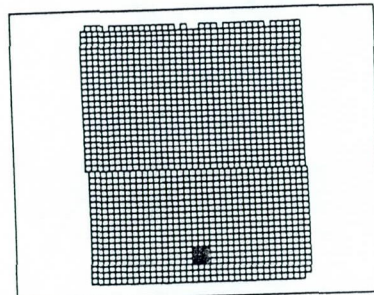
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USDA U.S. Dept. of Agriculture
Farm Service Agency

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

South Dakota Spink County 13-114N-63W



USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided by the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

January 08, 2007

Change of Diversion Point

NAME: Allen Gatzke

ADDRESS: 39351 187th Street, Hitchcock SD 57348

DATE: April 9, 2007 **COUNTY:** Spink County

BACKGROUND:

Water Permit No. 6338A-3 appropriates 0.56 cfs from a well to be completed in the Tulare:Hitchcock Aquifer to be located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13, T114N, R63W. The permit is for irrigation of 70 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13; all in T114N, R63W. This permit entailed severing irrigated acres and the accompanying diversion authority from four water permits and simultaneously transferring to the SE $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13. The water is to be used to dilute the wastewater lagoon as part of Mr. Gatzke's animal confinement facility for the purpose of disposing of the effluent.

Mr. Gatzke submitted a letter requesting to change the location of the well to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T114N, R63W. This will result in the well being located approximately 2,100 feet from the original location. The new well location is proposed to ensure the well is an adequate distance from the wastewater lagoon to meet well construction standards.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The proposed well will still be completed into the Tulare:Hitchcock Aquifer at a depth of approximately 65 feet deep. No additional appropriation of water is requested.

- **Review of Existing Diversions**

This is an area of extensive irrigation. The moving of this well 2,100 feet to the southwest of its authorized location will not position the well appreciably closer to existing wells. Therefore allowing this change of well location will not increase the potential of interference.

CONCLUSION

- This change in the location of the permitted well does not appropriate additional water.
- The well will be constructed into the Tulare:Hitchcock which is the water source authorized by Water Permit No. 6338a-3.
- Existing domestic wells will not be adversely impacted by authorizing this change in the location of the well.

RECOMMENDED ACTION

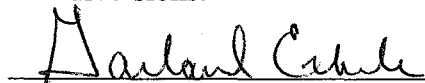
Based on the above criteria, it is recommended that the change of the diversion point be authorized.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point will not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



6338A-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

April 10, 2007

Allen Gatzke
39351 187th Street
Hitchcock SD 57348

Dear Mr. Gatzke:

I am writing in regard to your request to change the location of the well for Water Permit No. 6338A-3. This permit was issued in August 1, 2006 appropriating 0.56 cfs from one well completed into Tulare:Hitchcock Aquifer for irrigation. The water is to be used to dilute water in you animal wastewater lagoon prior to irrigation through a center pivot making a windshield wipe rotation.

Upon review of the request and pursuant to SDCL 46-5-13.1, you are authorized to change the location of the well to the SE ¼ SW ¼ Section 13, T114N, R63W without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. This authorization does not grant an increase in the 0.56 cfs diversion rate or the 70 irrigated acres authorized by Water Permit No. 6338A-3.

This request has been authorized under SDCL 46-5-13.1 for which there is no application filing fee.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, DENR

Permit No. 6338A-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, **September 10, 2007**, made a thorough examination of the water use system constructed by **Allen Gatzke** of **39351 187th Street, Hitchcock SD 57348** holder of Permit No. **6338A-3**, bearing the priority of **March 2, 2006** ** authorizing the diversion of **0.56** cu. ft. per second from the **Tulare:Hitchcock Aquifer** for **irrigation** purposes, in **Spink** County.

** the priority date issued on the permit is in error. The priority date should be July 12, 2002

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

A. Works used to divert the water:

A well is in place with a submersible pump that Jeff Gatzke indicates is capable of producing 0.45 cfs (200 gpm)

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

It is the intent of A - B Feedlot to divert the water to a feedlot drainage way that will flow to the lagoon. This well is intended to be dilution water for the lagoon prior to land applying the effluent. In 2007, water from the well was not needed to because of the large rains storm event that occurred.

C. Works used to apply water to beneficial use:

A diesel motor powers a pump whose intake is in the wastewater lagoon. Water is conveyed to a 8 tower Reinke - Electrogator

The system is in the following condition **good**. The point of diversion (well) is located specifically at **Lat/Lon - N44.676717 W-098.352833 which is in the SE 1/4 SW 1/4 Section 13, T114N, R63W (approximately 220 north feet and 2,290 feet east fo the SW corner of Section 13).** The works are capable of diverting **0.45 cfs from the well** and conveying to the lagoon where the commingled water is placed to use through a center pivot at a rate of **1.89** cu. ft. per second of water which is to be used for **irrigation (disposal of contaminated water.** Water has been put to beneficial use to the maximum extent as follows:

All in Section 13, T114N, R63W

NE 1/4 SE 1/4	34 acres
SE 1/4 SE 1/4	34 acres

This breakdown of acres is a best estimate based on 1) information provided by the applicant, 2) viewing the orthoquadrangle using ArcMap, and 3) calculating the area based on the pivot radius.

comprising a total of **68** acres of land and the license should be issued for **0.45 cfs** from the well
 Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none** Date Report Completed: **September 27, 2007**


 Eric Gronlund
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6338A-3

DATE OF INVESTIGATION:	September 10, 2007
NAME & ADDRESS OF PERMIT HOLDER	Allen Gatzke 39351 187th Street Hitchcock SD 57348
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Jeff Gatzke (son)
DIVERSION POINT LEGAL LOCATION	Lat/Lon - N44.676717 W-098.352833 SE 1/4 SW 1/4 Section 13, T114N, R63W

Other permit(s) associated with the project: None

WELL INFORMATION:

- 1) Well Drilling Firm: **Pullman Drilling**
- 2) No. of Wells One
- 3) Depth(s) approximately 65 feet
- 4) Well log is available Not at this time
- 5) Comment: Plan to contact Pullman Drilling

Casing:

- 1) Diameter 8 inches
- 2) Length unknown feet
- 3) Type Plastic

Screen:

- 1) Type unknown
- 2) Length unknown feet
- 3) Static water level approximately 18 feet

Pump:

- 1) Make Submersible
- 2) Model _____
- 3) Size 8"
- 4) Capacity 200 GPM

Motor:

- 1) Make Diesel motor at pivot – John Deere
- 2) Model No. 4056
- 3) Horsepower rating 125 hp

SYSTEM TYPE:

Center pivot: center point located at Lat/Lon **N44.67985 W-098.346983**

- 1) Make Reinke Electrogator
- 2) Overall length approx.1320 feet
- 3) Number of towers 8 tower
- 4) Distance between towers _____ feet
- 5) End gun Yes
- 6) High or low pressure 40 – 45 psi
- 7) Capacity 850 GPM

CHEMIGATION EQUIPMENT: None

PERMIT QUALIFICATIONS:

- 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 **No report of irrigation yet**

COMMENTS:

- A change of diversion point was previously processed.
- This acreage and diversion authority to operate was obtained as a result transfer of acreage (corners that were not developed under Water Permit Nos. 6338-3, 6339A-3, 6339B-3 and 6340-3.
- Jeff Gatzke indicated that the well has not been used for dilution water to the lagoon yet but is capable of being diverted to the lagoon by conveying down existing feedlot drainage way.
- The well was used on an emergency basis this summer to fill tanks for spraying on livestock during extremely hot periods.
- The water license should be issued with a priority date of July 12, 2002.
- Condition No. 5 on the permit has been met as there is an air gap that will not allow water from the lagoon to back flow to the well.
- I contacted the Surface Water Quality Program regarding compliance with DENR's Water Pollution Control Permit. They said to date the feedlot is in compliance. I made them aware of the Gatzke's plan to use the drainage way to convey well water to the lagoon. They indicated this is something they will review during the upcoming annual inspection to see if a technical revision is necessary.

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

Date Sept. 10 2007

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

FROM: Allen Gutzke
(name)
39351 187th St
(address)
Hitchcock SD 57348 266-2711
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

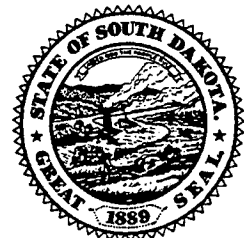
Water Permit No. 6338A-3 states that the water use system is to be constructed by
July 12 2011 , and water is to be put to beneficial use by July 12 2015
(date) (date)

The water use system was completed on 2007
(date)

Applying the water to beneficial use was completed on used 2007 on emergency basis
(date)

You may schedule an investigation so that the water license may be issued.

[Signature]
(signature)



Picture of well and pivot/motor for Water Permit No. 6338A-3

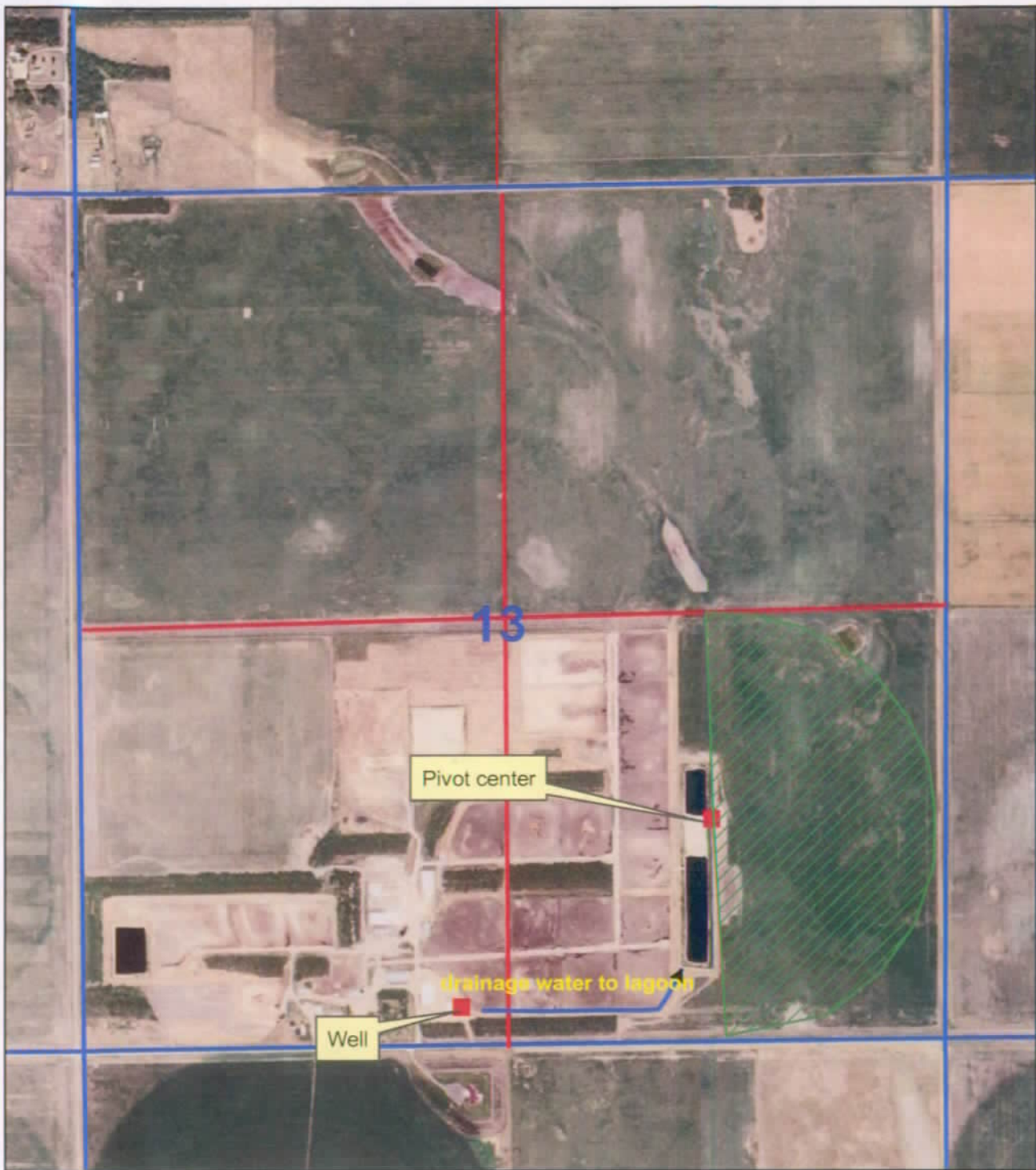


Picture of well taken September 10, 2007



Diesel motor and pivot next to wastewater lagoon as in place on September 10, 2007

Water Permit No. 6338A-3, Allen Gatzke



2,000 1,000 0 2,000 Feet



Well located in the SE 1/4 SW 1/4 Section 13, T114N, R63W
approximately 220 north feet and 2,290 feet east to the SW corner of Section 13.
Lat/Lon - N44.676717 W-098.352833
Pivot center point - N44.67985 W-098.346983

Eric Gronlund
Eric Gronlund
Water Rights Program
Date of Investigation - 9/10/2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 28 2008

6338-3
6338A-3
6339A-3
6339B-3
6340-3

Allen Gatzke
39351 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

Enclosed are your Water License Nos. 6338-3, 6338A-3, 6339A-3, 6339B-3 and 6340-3. These are the final water right documents completing your process of obtaining Water Rights. Included with your licenses are maps prepared by the staff engineer who conducted the investigations.

For your information SDCL 46-6-27 requires that if the owner of an existing well(s), such as the wells authorized by the above water rights, 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.

Many of your irrigation systems are set up to use chemigation. The staff engineer who conducted the field investigation noted that the factory insert with your equipment combined the check valve, interlock, low pressure drain and vacuum relief valve. In order to comply with Water Management Board Rules for installation of chemigation equipment, you will need to install a hose on the low pressure drain to convey any drainage at least 20 feet from the water source. Enclosed are excerpts of Board Rules dealing with chemigation.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6338A-3**

(1) Allen Gatzke, 39351 187th St., Hitchcock SD 57348 made Application No. 6338A-3, March 2, 2006 for a water permit to divert 0.56 cubic feet of water per second from ground water (one well – Tulare:Hitchcock Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 6338A-3, with a priority date of July 12, 2002 was approved July 12, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 4, 2007 and for the application to beneficial use of said water on or before December 4, 2011. *The priority date, date for completion of works and the date for applying water to beneficial use were corrected above based on the originating Water Permit No. 6338-3.*

Water Permit No. 6338A-3 amended Water Permit Nos. 6338-3, 6340-3, 6339A-3 and 6339B-3 by severing a portion of those permits and simultaneously transferring them to other land.

On September 10, 2007, the permit holder completed a "Notice of Completion of Works and Application of Water to Beneficial Use" indicating the system was completed in 2007.

(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 0.45 cubic feet of water per second for beneficial use.

The location of the diversion point is: 220 feet north and 2,290 feet east of the SW corner of Section 13, T114N, R63W (SE ¼ SW ¼).

Water from the well is diverted to the animal confinement facility's wastewater lagoons for dilution prior to land application of the effluent from the two lagoons located in the S ½ Section 13, T114N, R63W to the acreage defined in this water license.

(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 13, T114N, R63W	NE ¼ SE ¼	34 acres
	SE ¼ SE ¼	34 acres
	Total	68 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Allen Gatzke, 39351 187th St., Hitchcock SD 57348 the holder and/or owner of Water Right No. 6338A-3 is issued a license to appropriate water, the right to use 0.45 cubic feet of water per second from ground water (one well – Tulare:Hitchcock Aquifer) with a priority date of July 12, 2002 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6338A-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

Water License No. 6338A-3

Page 2

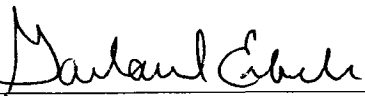
Qualifications continued:

- The well authorized by Water Right No. 6338A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28 (*well log on file with the Water Rights Program*).
- The diversion of water from the well is limited to 0.45 cfs (**The original permit authorized a total diversion rate of 0.56 cfs. The water license is issued for the developed diversion rate of 0.45 cfs.**)
- Water Right No. 6338A-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- The system shall be maintained to prohibit the flow of liquid from the livestock waste pond back towards the well. This will require installation of a check valve, air gap or similar device.
- Water Permit No. 6338A-3 transferred the diversion rate authority and acres from the following permits:

Permit No. 6338-3	0.224 cfs	56 acres
Permit No. 6340-3	0.112 cfs	28 acres
Permit No. 6339A-3	0.112 cfs	28 acres
Permit No. 6339B-3	0.112 cfs	28 acres
Total	0.560 cfs	140 acres*

The original application specified 70 acres were to be developed within the 140 acres. Water License No. 6338A-3 is being licensed for the 68 acres actually developed.

- This water right is subject to the irrigation water use questionnaire being submitted each year.



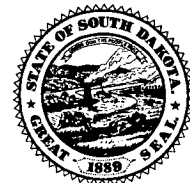
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JAN 28 2008

date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 13 Twp 114 Rg 62

County

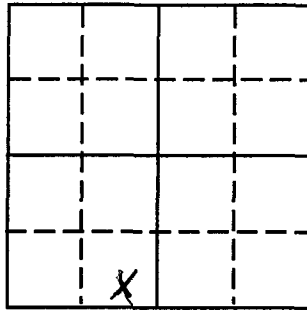
Spink

North

Please mark well
location with an "X"

W

E



Well Completion Date

4/27/2006

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	0.0 FT	51.0 FT	12.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	4	Lb/gal	0.0 Ft	20.0 Ft
VolClay	3	Lb/gal	20.0 Ft	45.0 Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 15.0 FeetMaterial PVCSlot Size .057 Set From 51.0 Feet to 66.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pearock

Describe packer(s) and location

@66

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?
Lab sample sent to for
water quality analysisWell Owner: Alan Gatzke

Business Name: _____

Address: 39335 187 StCity, State, Zip: Hitchcock SD 57348

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Clay	0	18
yellow Sand	18	35
Gray Sand	35	66
Blue Clay	66	

STATIC WATER LEVEL 20.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/air
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN - 2 2008

WATER RIGHTS
PROGRAMThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative:

Ken Palmer

Signature of Well Owner or Equitable Property Holder:

Date: _____



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 28, 2024

1571-3, 1600-3, 3603-3
5123-3, 5149-3, 5162-3
5163-3, 5897-3, 6338-3
6338A-3, 6340-3, 6592-3,
7292A-3, 7292B-3

Jeffrey Gatzke
39334 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

This letter is intended to follow up on a recent telephone conversation between yourself and Eric Gronlund, Chief Engineer of the Water Rights Program, where you requested to have all water rights/permits currently held by Allen or Bobbie Gatzke, transferred to Gatzke Acres, with the exception of Water Right No. 6339A-3.

Please find enclosed, Notice of Transfer of Ownership forms for Water Right Nos. 1571-3, 3603-3, 5123-3, 5149-3, 5162-3, 5163-3, 5897-3, 6338-3, 6338A-3, 6340-3, 6592-3, 7292A-3, 7292B-3, and Vested Water Right No. 1600-3.

There is a fee of \$50.00 for each transfer, totaling \$700.00 for the transfer of all 14 licenses.

Please review each transfer form, verify that the contact information is listed correctly, complete the highlighted portions, and return the forms with the appropriate fees in the prepaid envelope.

Checks should be made payable to "SD Water Rights". You may also submit payment over the phone by calling out Fiscal Office at (605) 773-5559.

If you have any questions or concerns while reviewing the "Notice of Transfer of Ownership" forms, please contact me via telephone or email.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

6338A-3

RECEIVED

SEP 03 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6338A-3

Date: Aug 30, 2024

I/We request that Water Right/Permit No. 6338A-3 formerly owned by:

Allen Gatzke - Hitchcock SD

be transferred to:

New Owner Name: Gatzke Acres (c/o Jeffrey Gatzke)

Address: 39334 187th St mobile: (605) 354-9006

City, State, Zip Hitchcock SD 57348 email: jeffrey@gatzkefarms.net

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

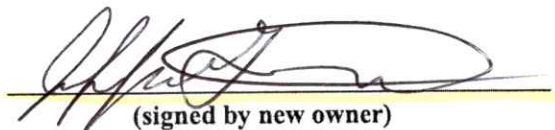
Section 13, T114N, R63W
NE 1/4 SE 1/4 - 34 ac
SE 1/4 SE 1/4 - 34 ac
TOTAL: 68 ac

- ☒ I understand that the validity of Water Right/Permit No. 6338A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Jeffery Gatzke, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

PAID

SEP 03 2024

Ck# 1866

Rec't# _____

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 4th 2024

RECEIVED OF Gatzke Acres LTD C/O Jeffery Gatzke 39334 187th St Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>5162-3 3603-3 5149-3 5163-3 7292A-3 7292B-3 1571-3 1600-3 5897-3 6338-3 6340-3 6592-3 6338A-3 5123-3</u>	<u>\$700.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$700.00</u>

By Eric Jonellund
Chief Engineer

SK



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 4, 2024

5171-3, 1600-3, 3603-3
5123-3, 5149-3, 5162-3
5163-3, 5897-3, 6338-3
6338A-3, 6340-3, 6592-3
7292A-3 & 7292B-3

Gatzke Acres
c/o Jeffery Gatzke
39334 187th St
Hitchcock SD 57348

Dear Mr. Gatzke:

I have received your "Notice of Transfer of Ownership" forms and the required fees for Water Right Nos. 5171-3, 1600-3, 3603-3, 5123-3, 5149-3, 5162-3, 5163-3, 5897-3, 6338-3, 6338A-3, 6340-3, 6592-3, 7292A-3 & 7292B-3. Enclosed is a receipt of payment for your records.

The above-listed water rights, previously owned by Allen & Bobbie Gatzke are now listed under Gatzke Acres. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water rights, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

Dewell, Amanda

From: Dewell, Amanda
Sent: Wednesday, March 19, 2025 1:01 PM
To: Joel Kleinsasser; joelkleinsasser80@gmail.com
Subject: Gatzke Acres Water Rights
Attachments: 6338A-3_ownership xfer.pdf

Mr. Kleinsasser,

In response to the letter I had sent to both yourself and Jeffery Gatzke, dated March 17, 2025, Mr. Gatzke called to confirm that in addition to Water Right No. 6592-3, Water Right No. 6338A-3 also needs to be transferred to Camrose Httm Brth. 6338A-3 authorizes the diversion of water from a single well to be mixed with the feedlot sewage lagoon before being used for irrigation on 68 acres located in the E ½ SE ¼ Section 13-T114N-R63W.

For your convenience I have linked the full Water Rights Program file & attached to this email a partially completed "Notice of Transfer of Ownership" for [Water Right No. 6338A-3](#). Payment in the amount of \$50 for each transfer can be made by calling our Fiscal Office (605) 773-5559 and submitting payment over the phone or by mailing a check (payable to SD Water Rights) to:

DANR – Water Rights
523 E Capitol Ave
Pierre SD 57501

Please let me know if you have any questions or concerns.
Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



RECEIVED

APR 01 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

6338A-3

PAID

APR 01 2025

Ck# 12757

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6338A-3

Rec't#

Date: 03-26-2025

I/We request that Water Right/Permit No. 6338A-3 formerly owned by:
Gatzke Acres - Hitchcock SD

be transferred to:

New Owner Name: Gatzke Feedlot LLC
Address: 16950 4100 Ave mobile: 605 460 1830
City, State, Zip: Frankfort, SD 57440 email: camrosehb@gmail.com

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

Section 13, T114N, R63W
NE 1/4 SE 1/4 - 34 ac
SE 1/4 SE 1/4 - 34 ac
TOTAL: 68 ac

☒ I understand that the validity of Water Right/Permit No. 6338A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Joel Kleinsasser, the new owner, certify that the above information is true and correct.

Joel Kleinsasser
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date April 10th, 2025

RECEIVED OF Camrose Hutterian Brethren Inc Gatzke Feedlot LLC 16950 400 Ave Frankfort SD 57440

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #6338A-3 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Mark Mayke
Chief Engineer