

WATER PERMIT NO. 6592-3

Name of Applicant: Allen Gatzke

Address: 39351 187th St, Hitchcock SD 57348

Phone: 605 266-2711

Amount of Water Claimed: 0.33 cfs (148 gpm)

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: commercial

County: Spink

Type of Waste Disposal System:

Location: 4 miles northeast of Hitchcock

PRIORITY

Date Received: 1-26-05

Application/License Fee: \$275

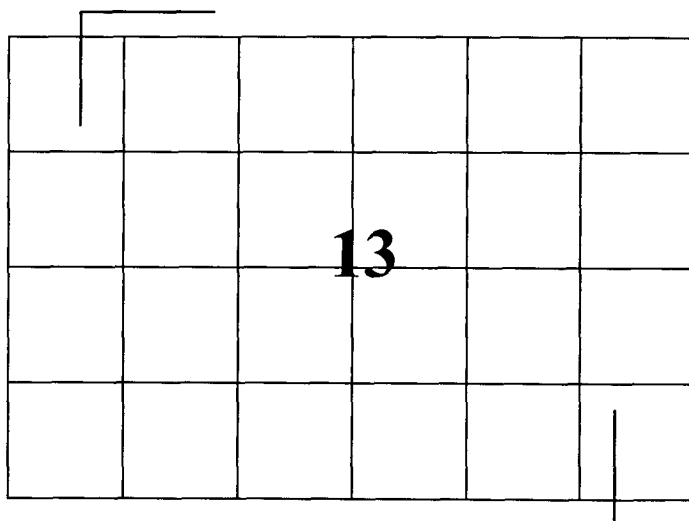
Corrected Application Received: 2-8-05

Period of Annual Use: January 1 – October 31

Remarks: For cattle feedlot

Diversion Point: SE ¼ SW ¼ Sec 13-T1114N-R63W

Land to be Irrigated: NA



Depth of Well: 138, 938, 965 feet deep

Well Driller: Pullman Well Drilling

Remarks:

Type of Map: plat

Prepared by: Gregory G Grabs, PE

Reviewed and the Number Assigned on: 2-9-05

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	No. <u>6592-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press, Redfield</u>

RECEIVED
JAN 26 2005
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other <u>Livestock</u> | |

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Allen Gatzke Phone (605) 266-2711
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39351 187th St. Hitchcock State SD 57348-7211
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.33 *CFS or 148 70 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply three wells
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
3 wells in SW 1/4, SW 1/4, Section 13, T 114 N, R 68 W
SE 1/4 63
5. County or counties where water will be used Spink
6. Annual period during which water is to be used Year Around Jan 1-Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Application for existing three wells to provide water for a 5,000 head beef open feedlot. Water usage will fluctuate due to actual number of head in the lot and weather conditions. Peak usage is estimated at 5,000 head using 20 gallons per day. This equals an average of 70 gallons per minute. The current wells have the capacity to meet the supply requirements.

STATE OF SOUTH DAKOTA)
County of Spink SS

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 25th day of Jan 20 05

Waver Gilchrist

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6592-3**

Date of first receipt of application January 26, 2005.

Date of return to applicant for corrections, amendments or changes January 26, 2005.

Date of receipt of corrected application February 8, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6592-3 to Allen Gatzke, 39351 187th St, Hitchcock SD 57348-7211 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. 6592-3 appropriates 0.33 cubic feet of water per second from three existing wells completed into the Dakota Aquifer (approximately 938 and 965 feet deep) located in the SE ¼ SW ¼ Sec 13-T114N-R63W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6592-3 is May 16, 2005.
5. The date from which applicant may claim right is January 26, 2005.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6592-3 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.
3. Permit No. 6592-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

JUL 11 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7.8"/4.5" Depth 138'/938
- b) Casing Type Plastic Diameter 5"/2" Thickness _____
- c) Screen Type PVC Diameter 2.5" Thickness _____
- d) Gravel Pack Rubber Length of Gravel Pack _____ Unknown
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____ 11 feet
- g) Distance to nearest existing domestic well:
- On applicants property 590' On property owned by others Unknown

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

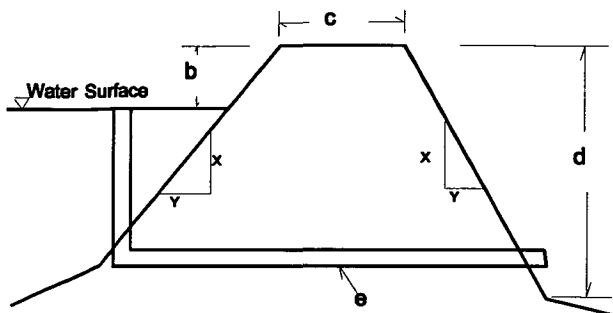
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 26, 20 05

RECEIVED OF A & B FEEDLOT LTD., 39351 187TH STREET, HITCHCOCK SD 57348-7721

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

Fee for Application for Permit No. <u>6592-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>6592-3</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	275.00

No. 000001

By Darland Erbe
Chief Engineer gmr

GENERAL NOTES

--- FENCE



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

PROJECT NAME AND ADDRESS:

A & B FEEDLOT
PROJECT DESCRIPTION
S 1/2, SECTION 13, T 114 N, R 63 W
SPINK COUNTY, SD

**EXISTING SITE
PLAN VIEW**

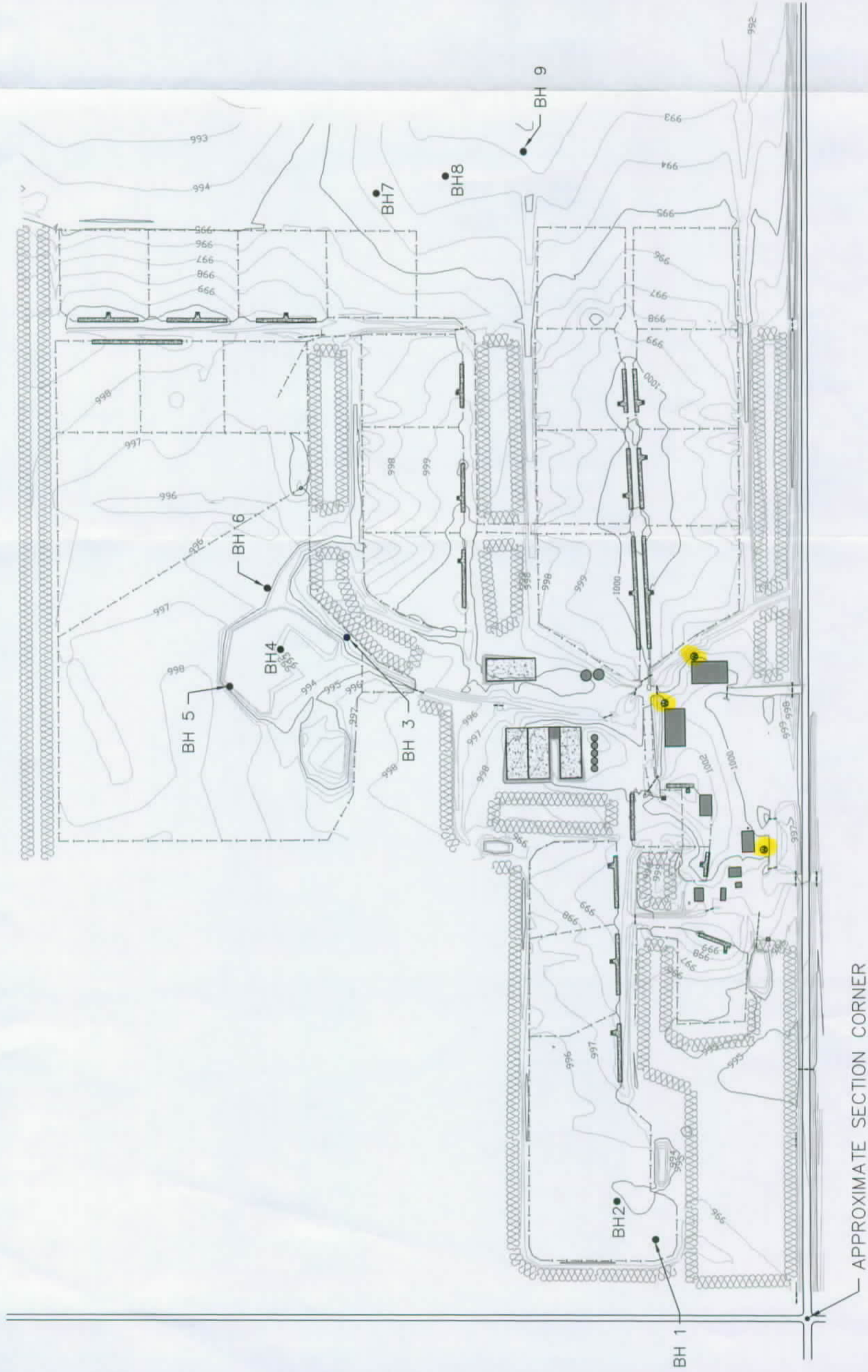
DATE: OCT. 29, 2004

SCALE: 1" = 350'

DRAWN BY: DAD

CHECKED BY: DLD

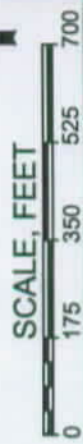
FILE NAME: SD PROJECTS/BEEF/DATNE_ALLEN/FILES/PLAN



APPROXIMATE SECTION CORNER

GENERAL NOTES

--- FENCE



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PROJECT NAME AND ADDRESS:

A & B FEEDLOT

PROJECT DESCRIPTION

S 1/2, SECTION 13, T 114 N, R 63 W
SPINK COUNTY, SD

**WELL LOCATION MAP
PROPOSED PLAN**

DATE: JAN 19, 2005

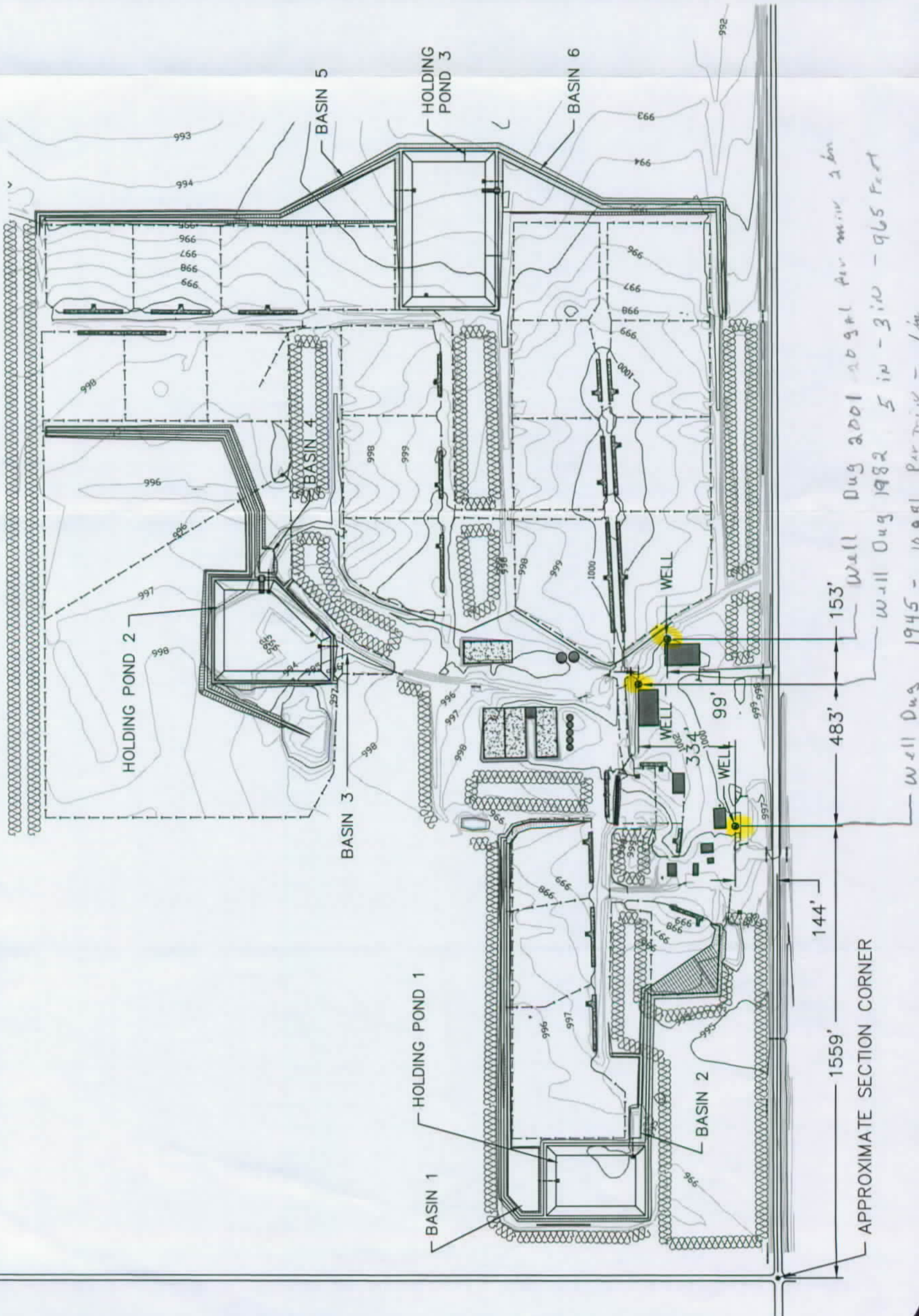
SCALE:
1" = 350'

DRAWN BY:
NAP

CHECKED BY:
DLD

SHEET: 2

FILE NAME: SD PROJECTS/REEF/041206_ALLEN/FILES/PLAN



HURON DRILLING INC.

ALL TYPES OF WELL DRILLING AND REPAIRING

Nº 4326

Huron, South Dakota, April 5 1982

SOLD TO Allen Gatzke P. O. Hitchcock, SD 57348

Location SW 1/4-13-114-63-Spink county Rig No. 10 Terms: CASH

Drilling and completing a 3" Schedule
80 Plastic Artesian Well 965 feet deep
as per contract:
Labor and Material
295 ft. - 5" Plastic Pipe @ \$12.00
670 ft. - 3" Sch. 80 Plastic Pipe @ \$6.00

1.5% Excise Tax:

TOTAL AMOUNT OF INVOICE DUE:

Thank you,
Doug Osberg, Gen Mgr.

cj

1357
3540.00
4020.00
7560.00
113.40
\$7673.40

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers

PO Box 522, Mandan, ND 58554
(701) 663-1116, Fax: (701) 667-1356
www.dgaengineering.com

Eric Gronlund
Water Rights Program
Joe Foss Building
523 E Capital
Pierre, SD 57501-3181

January 21, 2005

Dear Eric,

Enclosed you will find an *Application For Permit To Appropriate Water Within The State of South Dakota* for A & B Feedlot near Hitchcock in Spink County.

Please let me know if you need any additional information to process this application.

Sincerely,



Greg Grabs, PE
Vice-President

RECEIVED

JAN 26 2005

WATER RIGHTS
PROGRAM

We have three wells but only
have one well completion Report on well.
the other two wells are similar.
more description on Project Description
MAP sheet 2

Allen Satko

Schlaak, Karen

From: Nathan [nathanpdga@btinet.net]
Sent: Tuesday, February 08, 2005 4:19 PM
To: Karen.Schlaak@state.sd.us
Subject: Re: Application for A & B Feedlot - Allen Gatzke

Karen,

- The peak diversion rate for 5,000 head of beef cattle is estimated to be 148 gals/min.
- The wells are located in the SE 1/4 SW 1/4 Section 13-T114N-R68W as shown on the map.
- Jim Goodman was contacted by Allen Gatzke and the well depths and the correct well logs were discussed.

If you need any more information its possible Allen or I can clarify things.

Nathan Pesta
Project Engineer
DeHaan, Grabs & Associates, LLC

Karen.Schlaak@state.sd.us wrote:

- > We received an Application for Allen Gatzke 1-26-05. I believe Eric
- > Gronlund talked with you about the following:
- >
- > - clarification of the diversion rate and that it is not based on the
- > average but on peak diversion rate.
- >
- > - location of the 3 wells. Application stated SW 1/4 SW 1/4 Section
- > 13-T114N-R68W and the map indicated wells were in SE 1/4 SW 1/4
- > Section 13-T114N-R68W.
- >
- > - one well was listed as 138 feet deep, another as 938 feet deep, what
- > is the depth of the 3rd well.
- >
- > We need clarification of the above before we can proceed with the
- > application.
- >
- > Thanks for your help.
- >
- > Karen Schlaak
- > Water Rights Program
- > 605 773-5596

REPORT ON WATER PERMIT APPLICATION NO. 6592-3

For Allen Gatzke

March 24, 2005

Application No. 6592-3 proposes to appropriate 0.33 cfs (150 gpm) from three wells approximately 950 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 13, T114N R63W in Spink County. The water is for commercial use in a cattle feedlot.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale that is under confined or artesian conditions in this area. In fact, these wells will free-flow at the land surface. The aquifer underlies 1,511 square miles and contains an estimated 19.22 million acre-feet of recoverable water in storage in Spink County (Hedges, 1982). Ground water movement is from southwest to northeast across the area of this application (Hamilton, 1996). Hamilton reported that the artesian head (water level) has declined about 450 feet in the Redfield area. Also Hamilton estimated a general decline of about 350 feet during the last 100 years on the Lake Dakota Plain and that the water levels have stabilized or risen in this area since about 1982 (Hamilton, 1996).

There is one well log and one partial well log for the three wells at this facility. It appears that neither of these wells are constructed in accordance with SD Well Construction Standards. They were built as “slim hole” construction and this method can only be used for domestic wells not wells for a facility of this type. The newest of these wells was capable of free flowing 70 gpm and had a shut in pressure of about 11 psi. The application indicates the three wells are similar but no information is available.

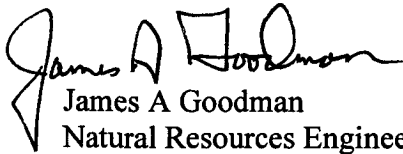
The Water Rights Program monitors a Dakota Formation observation well HD-87A located about 30 miles southwest of this application. Water levels for this well are declining at a rate of about $\frac{3}{4}$ foot per year for the last ten years (Water Rights, 2005). A hydrograph for this observation well is included with this report. The main reason for declining head has been the large number of wells completed into the Dakota Formation that are allowed to flow uncontrolled to waste.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit that obtains water from the Dakota Formation is No. 6484-3. This permit appropriates 0.133 cfs for commercial use in a feedlot. This permit is located about four miles northwest of this application. Interference is not a concern. The wells for this application are free-flowing wells and have been in use for many years with no apparent problems. According to the most recent well log the shut in pressure is only about 11 psi. It may become necessary to pump these wells as the water level continues to decline.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is buried and under artesian conditions at this site. These well need to be controlled to the amount of water needed in order to prevent the waste of water. Interference is not expected to be a concern. It may become necessary to install pumps in these wells to obtain the amount of water needed at some later time.
3. The construction of these wells probably does not meet present well construction standards. These well were built using the "slim hole" method. This method is only acceptable for domestic wells.
4. Plans and specifications for this facility have been submitted to and were approved by the Department in January of 2005.


James A Goodman
Natural Resources Engineer

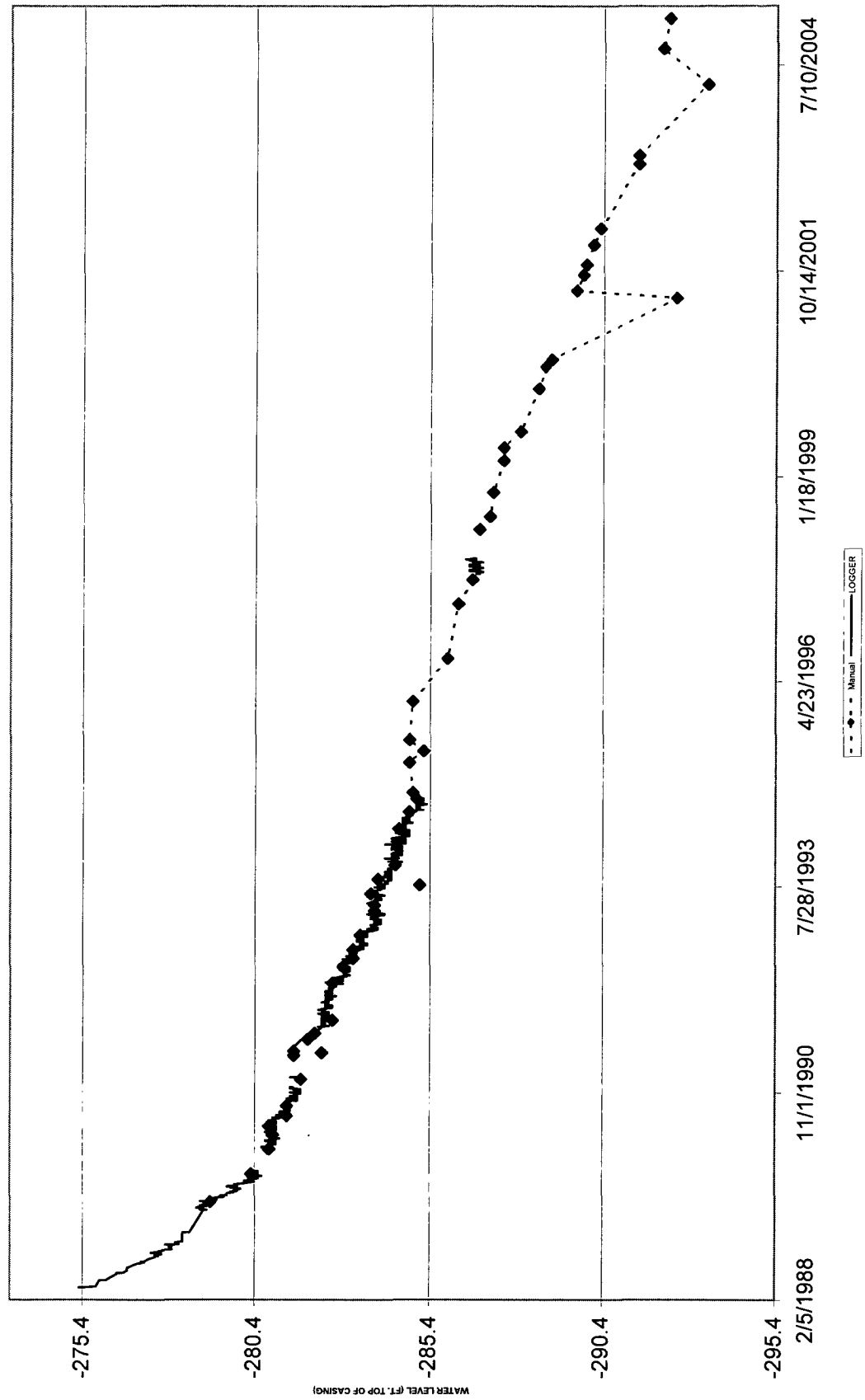
BIBLIOGRAPHY

Hamilton, L.S., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report 96-4056, USGS, Rapid City, SD, 57702.

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HD-87A





**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. 6592-3, 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. 6592-3, Allen Gatzke, 39351 187th Street, Hitchcock SD 57348-7211.

The Chief Engineer is recommending APPROVAL of Application No. 6592-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6592-3 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.
3. Permit No. 6592-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 19, 2005

#175

I, Janet Johnson

from the Dept of Envir + Nat.

Resources

printed and published in The Redfield Press

County of Santa and

in the newspaper on the following two dates:

April 27, 2001

May 4, 2005

Cost of Printing April 27-21.20

May 4 - 16.96 total \$38.16

(Signature)

Office Clerk
(Title)

4-28-05
(Date Signed)

Notice is given that Allen Gatzke, 39351 187th St, Hitchcock SD 57348 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from three existing wells completed into the Dakota Aquifer (approximately 938 and 965 feet deep) located in the SE 1/4 SW 1/4 Sec 13-T114N-R63W. The water is for commercial use in a cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6592-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 May 16, 2005.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
(April 27, May 4)

RECEIVED
APR 29 2005
WATER RIGHTS
PROGRAM



**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.**

April 19, 2005

Allen Gatzke
39351 187th St
Hitchcock SD 57348-7211

Dear Mr. Gatzke:

Water Permit Application No. 6592-3 for commercial 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.



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 19, 2005

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6592-3 to Appropriate Water to be published twice. Please publish the first notice on April 27, 2005 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 St., 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. 6592-3

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

Date _____

We are in receipt of your letter of April 19, 2005 enclosing Notice to Appropriate Water by Application No. 6592-3 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 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6592-3 to Appropriate Water

Notice is given that Allen Gatzke, 39351 187th St, Hitchcock SD 57348 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from three existing wells completed into the Dakota Aquifer (approximately 938 and 965 feet deep) located in the SE ¼ SW ¼ Sec 13-T114N-R63W. The water is for commercial use in a cattle feedlot.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6592-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 11 2005

Allen Gatzke
39351 187th St
Hitchcock SD 57348-7211

Dear Sir:

Enclosed is Water Permit No. 6592-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Sincerely,

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

enclosures

Permit No. 6592-3
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. 6592-3, bearing the priority of January 26, 2005 authorizing the diversion of 0.33 cu. ft. per second from the Dakota Aquifer for commercial purposes, in Spink County.

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

A. Works used to divert the water:

Three wells that free flow at the surface and Jeff Gatzke indicates are capable of a total production in the area of 150 gpm. The system has Jacuzzi surface water pumps to convey water to the storage tanks.

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

The wells are plumbed to a central water distribution point located in a portioned off portion of a machine shed. Well Nos 1 & 2 are the primary water sources and Well No. 3 is a back-up water supply. Water from the wells is conveyed to two 3000 gallon tanks and using three pressure tanks water can be distributed to locations throughout the cattle confinement facility.

C. Works used to apply water to beneficial use:

Series of pipes and water tanks throughout the cattle confinement facility

The system is in the following condition **good**. The point of diversion (wells) are located in the SE ¼ SW ¼ Sec. 13, T114N, R63W as referenced from the SW corner of Sec. 13, T114N, R63W:

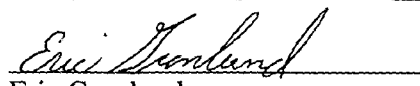
- 1) approximately 390 North and 2,120 East Lat/Lon - N44.677133 W-098.353533
- 2) approximately 430 North and 1,990 East Lat/Lon - N44.677283 W-098.354067
- 3) approximately 106 North and 1,490 East Lat/Lon - N44.676383 W-098.355950

The works are capable of diverting **0.33 cfs from three wells** which has been put to beneficial use for **commercial use**.

Applicable permit qualifications have been complied with: **Yes** (see comment

Exceptions to compliance are: none

Date Report Completed: October 3, 2007



Eric Gronlund

Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6592-3

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	SE ¼ SW 1/4 Section 13, T114N, R63W

Other permit(s) associated with the project: **None**

WELL INFORMATION: Only a well completion report on file for Well No. 1

- 1) Well Drilling Firm: **Pullman Drilling for No. 1**
- 2) No. of Wells **Three**
- 3) Depth(s) **approximate 938feet**
- 4) Well log is available **yes for Well No. 1**
- 5) Comment: These are free flowing wells with small surface pumps to divert to storage

Casing for Well No. 1:

- 1) Diameter **5** inches
- 2) Length **836** feet
- 3) Type **plastic**

Screen:

- 1) Type **PVC**
- 2) Length **100** feet
- 3) Static water level **free flows with shut-in pressure of 11 psi**
- 1) Capacity **total 150** GPM

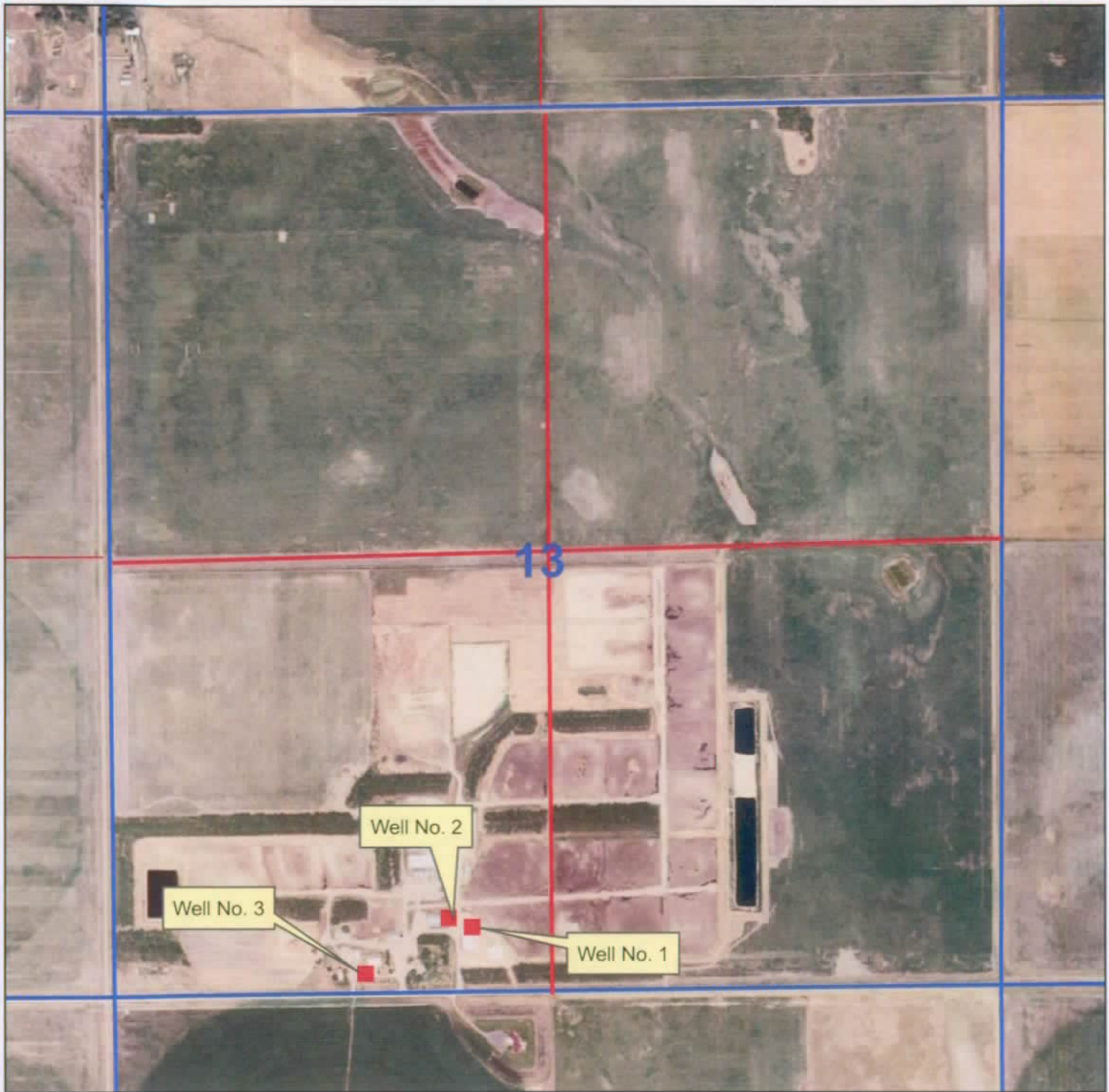
PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Yes (see comment below)**
- 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 **not applicable.**

COMMENTS:

I consulted with the Surface Water Quality Program regarding the feedlot's compliance with the water pollution control permit. Keith Miller indicated that a permit was in place. The program is up for a compliance check this fall. I made Mr. Miller aware of the well authorized by Permit No. 6338A-3 that is used for dilution water in the lagoon prior to land application of lagoon water. He made note of the fact the well water is conveyed to the lagoon by means of one of the feedlot's run-off drainage ways. They will further investigate at the upcoming compliance inspection made by their program.

Water Permit No. 6592-3, Allen Gatzke



1,750 875 0 1,750 Feet

Wells located in the SE 1/4 SW 1/4 Section 13, T114N, R63W as follows:

- 1) 390 North and 2,120 East Lat/Lon - N44.677133 W-098.353533
- 2) 430 North and 1,990 East Lat/Lon - N44.677283 W-098.354067
- 3) 106 North and 1,490 East Lat/Lon - N44.676383 W-098.355950



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 24 2008

6592-3

Allen Gatzke
39351 187th St
Hitchcock SD 57348-7211

Dear Mr. Gatzke:

Enclosed is your Water License No. 6592-3. This is the final water right document completing your process of obtaining a Water Right. Also included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6592-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6592-3**

(1) Allen Gatzke, 39351 187th St., Hitchcock SD 57348-7211 made Application No. 6592-3, January 26, 2005 for a water permit to divert 0.33 cubic feet of water per second from ground water (three wells – Dakota Aquifer), Spink County, South Dakota for commercial purposes. Permit No. 6592-3, with a priority date of January 26, 2005 was approved May 16, 2005 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

(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 0.33 cubic feet of water per second for beneficial use. The location of the diversion points are:

- approximately 390 feet north and 2,210 feet east of the SW corner of Section 13, T114N, R63W (SE ¼ SW ¼)
- approximately 430 feet north and 1,990 feet east of the SW corner of Section 13, T114N, R63W (SE ¼ SW ¼)
- approximately 106 feet north and 1,490 feet east of the SW corner of Section 13, T114N, R63W (SE ¼ SW ¼)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial cattle feedlot.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Allen Gatzke, 39351 187th St., Hitchcock SD 57348-7211 the holder and/or owner of Water Right No. 6592-3 is issued a license to appropriate water, the right to use 0.33 cubic feet of water per second from ground water (three wells - Dakota aquifer) with a priority date of January 26, 2005 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6592-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6592-3 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.
- Permit No. 6592-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

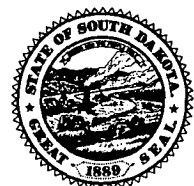
Chapter 74:54:01 Ground Water Quality Standards,
Chapter 74:54:02 Ground Water Discharge Permit,
Chapter 74:51:01 Surface Water Quality Standards,
Chapter 74:51:02 Uses Assigned to Lakes,
Chapter 74:51:03 Uses Assigned to Streams, and
Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

JAN 24 2003

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

6592-3

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. 6592-3

Date: Aug 30, 2024

I/We request that Water Right/Permit No. 6592-3 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:

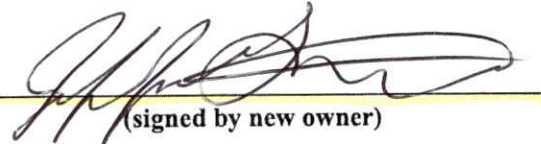
**3 wells completed into Dakota Aquifer for commercial cattle feedlot
all in SE 1/4 SW 1/4 Section 13, T114N, R63W**

☒ I understand that the validity of Water Right/Permit No. 6592-3 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.

2021-08

PAID

SEP 03 2024

Ck# 18166

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 Jonland
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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2025

6592-3

Camrose Huttn. Breth. Inc.
c/o Joel Kleinsasser
16950 400th Ave
Frankfurt SD 57440

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

Dear Mr. Kleinsasser & Mr. Gatzke:

The Water Rights Program has been informed by the Livestock Services Program that ownership of Water Right No. 6592-3 may need to be transferred, following the sale of the livestock confinement operation from Mr. Jeffrey Gatzke to the Camrose Hutterian Brethren.

Water Right No. 6592-3, held by Gatzke Acres, authorizes the appropriation of 0.33 cfs (150 gpm) from three wells completed into the Dakota Aquifer (approx. 950 ft deep), for commercial use in the livestock confinement operation. For your convenience, I have enclosed a partially completed "Notice of Transfer of Ownership" form for you to review, sign, and return with a check, made payable to SD Water Rights, in the amount of \$50.00.

With ownership of the feedlot changing, I would also like to confirm whether ownership of any of the following Water Rights/Permits held by Gatzke Acres or Jeffrey Gatzke for irrigation also needed to be transferred, all of which are appropriations from the Tulare: Western Spink Hitchcock Aquifer or Tulare: East James Aquifer. A complete record of the Water Rights/Permits outlined below can be found at <https://danr.sd.gov/OfficeOfWater/WaterRights/Databases/WaterRights.aspx>

1571-3	160 ac – SE ¼ Sec 23, T114N, R63W	6338-3	264 ac – E ½ Sec 10, T114N, R63W
1600-3	132 ac – NE ¼ Sec 26, T114N, R63W	6338A-3	68 ac – E ½ SE ¼ Sec 13, T114N, R63W
3603-3	132 ac – SE ¼ Sec 16, T114N, R63W	6340-3	132 ac – NE ¼ Sec 15, T114N, R63W
5123-3	136 ac – NE ¼ Sec 23, T114N, R63W	7292A-3	133 ac – NW ¼ Sec 14, T114N, R63W
5149-3	132 ac – SE ¼ Sec 14, T114N, R63W	7292B-3	133 ac – SW ¼ Sec 14, T114N, R63W
5162-3	132 ac – SW ¼ Sec 11, T114N, R63W	2418-3	136 ac – NE ¼ Sec 12, T114N, R62W
5163-3	132 ac – SE ¼ Sec 10, T114N, R63W	6341-3	262 ac – SE ¼ Sec 12 & NE ¼ Sec 13; T114N, R62W
5897-3	268 ac – W ½ Sec 24, T114N, R63W	7293-3	135 ac – NW ¼ Sec 15, T114N, R63W

Sincerely,

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

enclosure

RECEIVED

APR 01 2025

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

6592-3
PAID

APR 01 2025

Ck# 12756

Rec't#

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

Water Right/Permit No. 6592-3

Date: 03-26-2025

I/We request that Water Right/Permit No. 6592-3 formerly owned by:

Gatzke Acres - Hitchcock SD

be transferred to:

New Owner Name: Gatzke Feedlot LLC

Address: 16950 400 Ave mobile: 6054601830

City, State, Zip: Frankfort SD 57440 email:

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

0.33 cfs total from 3 wells completed into Dakota Aquifer for commercial livestock facility
SE 1/4 SE 1/4 Sec 13 - T114N - R63W

☒ I understand that the validity of Water Right/Permit No. 6592-3 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 #6592-3 _____	\$ <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 Mayhew

Chief Engineer