

No.

98

BOOK

3

Office of State Engineer
DOCUMENT FILE

Arnold Harms
Fitchburg, Mass.

Sec. 24 - 1144 - 632
Frank County

James L. Rice District
Grand Teton

Paul C. Francis
City Engineer
Fitchburg, Mass.

Page 77-3

NO. 1Water Division No. _____ District _____
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

 FEB 17 1957
 4:45 P.M.
 OFFICE OF STATE ENGINEER
 PIERRE, S. DAK.

 1. Name of applicant Harold Harms
 Postoffice address Hitchcock County Spink State South Dakota

- I. If a corporation
- ☒
- Name of same _____
 - Date and place of incorporation _____
 - Amount of capital stock _____
 - Amount paid in _____
 - Names and address of directors _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- Method of accomplishing the work (Whether by contract, employment of others, or by direct labor) Contract
- Cash on hand, \$ _____
- Treasury stock, \$ _____
- Bonds to be issued, \$ _____
- Other resources, \$ PHA

2. Name of well
- Harms No. 1
-
3. Quantity of water claimed
- 900
- gal. per min.
-
4. Source of water supply (estimated depth)
- 86'
-
5. Location of well (subdivision)
- 2465' S24 - 45' E of NW Cor. Sec 24 - T114N - R63W
-
- (Name of County, etc.)

Well is in NW 1/4 of Section 24 Spink County

 6. Annual periods during which water is to be used April Thru October

7. To be used for:

- I.
- Irrigation or domestic use: Gravity, overhead sprinkling or combination system

- Number of acres to be irrigated 301 ACRES. NW 1/4 Sec 24-T114N-R63W 154 Ac
- Legal subdivisions to be irrigated SW 1/4 Sec 24-T114N-R63W 147 Ac
- Statement as to domestic use (giving location, etc.) _____

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- Nature of use _____
- Amount of power to be generated _____ horse power.
- Location of plant _____
- Method of developing power _____
- Point where water will be returned to stream _____

8. Estimated cost of works:

- (a) Head gates, \$..... (b) Pumping plant, \$2000.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Aluminum pipe &..... \$ 6000.00 Total, \$10,000.00..

9. Description of works:

- 88 Model #40 Rein Bird Sprinklers 3/16 X 1/8
 40 psi working pressure
 (a) Head gate: Width..... feet; height..... feet;
 Material.....
 (b) Log of well:

(To be completed when well is drilled)

FEET TO	FEET FROM	LOG OF WELL

(c) Measuring device 0-100 psi pressure gauge and discharge chart

(d) Canal: Total length..... miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

(e) Was water tested for irrigation purpose?

Results:

10. Time required for completion of work..... 3..... years.

11. Time required for complete application of water to the proposed beneficial use..... 3..... years.

12. Choice of newspaper for publication of notice of intention to appropriate.....
 Redfield Press.....

STATE OF SOUTH DAKOTA

County of Spink } ss.

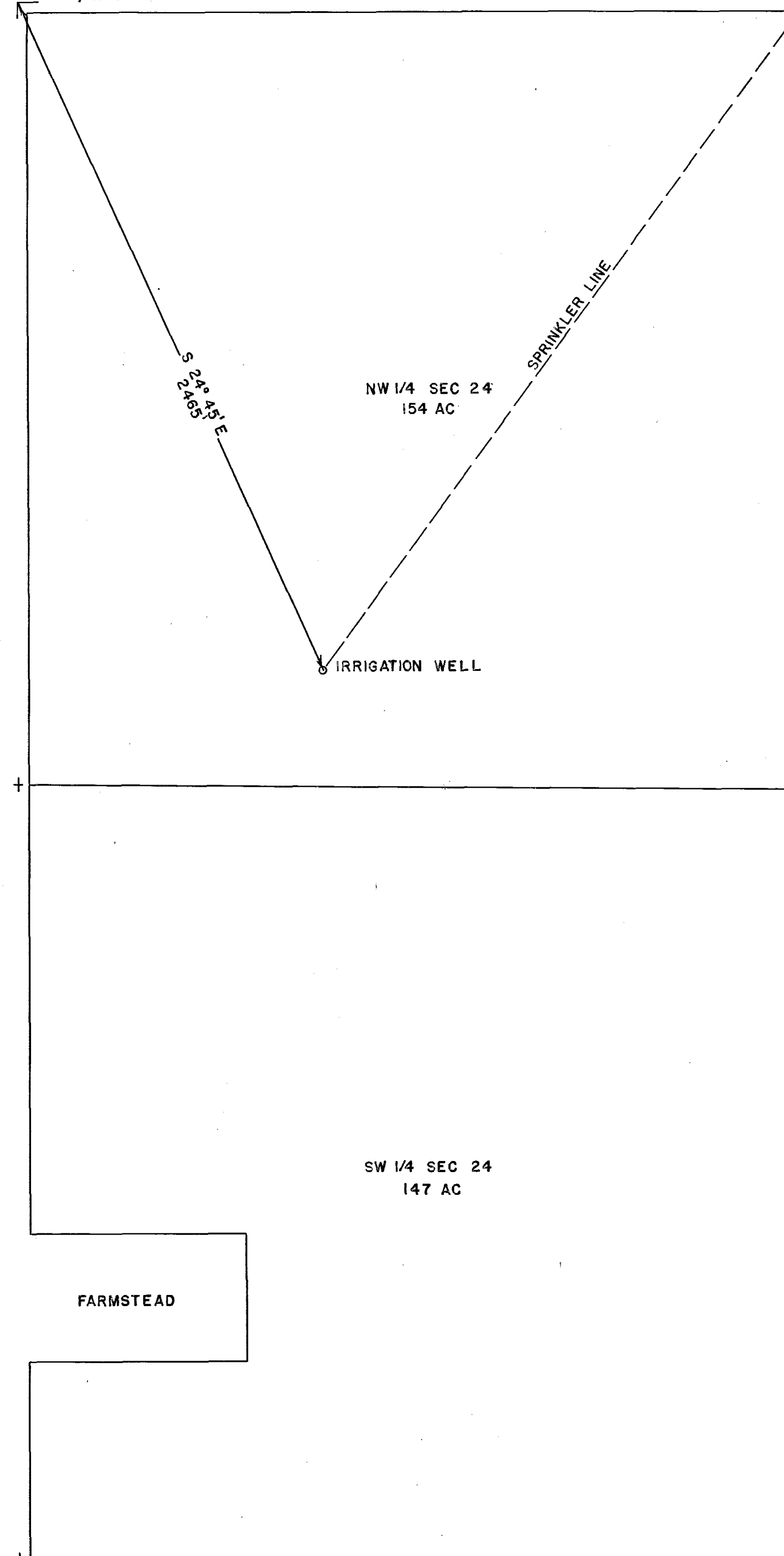
I, HAROLD E. HARRIS, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner; that I have read the above and foregoing statement, examined the map accompanying the same and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Harold E. Harris

Subscribed and sworn to before me this 14 day of February, 1953

Notary Public (or other qualified officer.)

NW COR. SEC. 24
T 114 N, R 63 W



SURVEYOR'S CERTIFICATE

I, VINAL C. FRANCIS, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT I HAVE MADE A CAREFUL SURVEY OF THE HARMS IRRIGATION PROJECT NO. 1 AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 8TH DAY OF DECEMBER 1952

Vinal C. Francis
REGISTERED LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF DECEMBER 1952.

Margaret J. Baker
NOTARY PUBLIC

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SEC	TWP	RGE	ACRES
NW 1/4	24	114 N	63 W	154
SW 1/4	24	114 N	63 W	147
TOTAL				301

(State Right No. 98-3)
Map No. 77-13

HARMS IRRIGATION PROJECT NO. 1
SPINK COUNTY, SOUTH DAKOTA
SCALE 1"=300'

Remarks by State Engineer:

THIS PERMIT IS APPROVED UNDER THE VESTED RIGHT
PORTION OF THE WATER LAWS. THE 2.66 CFS IS
ACTUAL USE OF WATER PRIOR TO JUNE 30, 1955.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota, DECEMBER 20, 1968

This is to certify that the foregoing application was received at this office at 4:45 o'clock
P. M. upon the 17TH day of FEBRUARY, 1968 and that after examination
it was found to comply with the South Dakota water laws, was published in accordance with
the provisions thereof and consideration given to any and all information presented.

Burton J. Jones
for CHIEF State Engineer.

Number of permit 98-3

Date of first receipt of application FEBRUARY 17, 1953

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right FEBRUARY 17, 1953

Approved JULY 17, 1968, Recorded in Book 10 Page 305

This is to certify that I have examined the foregoing application for a permit to appropriate
water of the State of South Dakota and I hereby grant the same as stated herein, subject, how-
ever to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on
or before _____, 19____.

2nd. The whole of said work is ~~to be~~ completed on or before _____, 19____.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance
herewith is COMPLETED, 19____.

4th. The water appropriated shall be used for the purpose of IRRIGATION.

5th. The prior right of all persons who, by compliance with the laws of the State of South
Dakota, have acquired a right to the use of water must not be injuriously affected by this appro-
priation.

6th. The amount of appropriation herein granted shall not exceed 2.66
gallons per minute; neither shall it exceed the capacity of the above described sys-
tem of diversion works, nor the least amount of water that experience may hereafter indicate as
necessary for the production of crops in the exercise of the best husbandry; and further, said
appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of
water per second of time for each acre of land to which water ^{was} actually and beneficially ap-
plied for irrigation on or before JUNE 30, 1955; said water to be used during
the following described annual period.

APRIL THRU OCTOBER

Witness my hand this 20TH day of DECEMBER, 1968

CHIEF State Engineer.

Certificate of Construction issued DECEMBER 20, 1968

Water License issued DECEMBER 20, 1968

Permit No. 98-3Water Division No. 3 JAMES RIVER Water DistrictCertificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Harold E. Harmsof Hitchcock, County of Spink, and State of South Dakota, the holder of Permit No. 98-3, issued upon ApplicationNo. 98-3, bearing date of priority of February 17, 1953, authorizing the diversion of2.0 cu. ft. per second of the waters of ground waterCounty of Spink, State of South Dakota, at a point S. 24° 45' E,2465 feet from the NW corner, Section 24, T114N, R63Wfor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are ~~found~~ **recognized as** satisfactorycondition for diverting and conveying to the place of intended use 2.66 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: to irrigate 301 acres in the W½ Section 24, T114N, R63WWitness my hand this 20th day of December A. D. 19 68

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 98-3

WHEREAS, On the 17th day of February A. D. 1953
 Harold E. Harms
 of Hitchcock County of Spink and State of
 South Dakota duly made application (No. 98-3) to us for a permit to use 2.00
 cubic feet per second of the waters of ground water
 County of Spink, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the day of A. D. 19
 Permit No. was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the day of
 A. D. 19 and for the application to beneficial use of said
 water on or before the day of A. D. 19
 and,

WHEREAS, On the 12th day of June A. D. 1968
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.66
 cubic feet per second of said waters, as evidenced by our Certificate No. 98.3
 dated December 20, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.66 cubic feet per second of water, with date of
 priority of February 17, 1953 and,

WHEREAS, On the 12th day of June A. D. 1968
 proof was duly made of the application to beneficial use of 2.66 cubic feet per second of said water;
 for irrigating 301 acres in the W $\frac{1}{2}$, Section 24, T114N, R63W.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Harold E. Harms
of Hitchcock the holder and owner of said permit No. 98-3
a water right, dating from February 17, 1953 to the use of 2.60
cubic feet per second of the waters of ground water
in the County of Spink and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point S 24°45' E, 2465
feet from the NW Corner.

and conducted to and upon .301 acres in the W½, Section 24, T114N, R63W

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 20th day of December A. D. Nineteen
Hundred and Sixty-eight.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. 90-3Water Division No. 3 Series River Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Harold E Harms, Farmer, Hitchcock

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent.) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Feb 17, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Very close to center of 1/2 sec 27, T112N, R63W
65' deep well 17" dia concrete casing

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Jaguel 8" pump - Minn. 200 hp 81 H.P
Propane Motor 4 80 rd Ten lines - 4" pipe
Completed system by 1953 - Pumps 1200 gpm

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of 301 acres as shown by water map No 77-3

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1200 g.p.m

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. pumps 1200 gpm since 1953 to 1964 etc
301 acre as stated

Signature witnessed by David D. ...
Commissioner on June 12, 1964

(Sign) [Signature]
County Clerk

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

[Signature]

Witnesses. _____

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

**South Dakota Department of
Water & Natural Resources**

No. 98-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

October 8, 1986

Ray Gallagher
Gallagher & Battey
615 N. Main
Redfield, South Dakota 57469

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

GALLAGHER & BATTEY

ATTORNEYS AT LAW

615 NORTH MAIN

POST OFFICE BOX 19

REDFIELD, SOUTH DAKOTA 57469

RAYMOND A. GALLAGHER
RUSSELL H. BATTEY

TELEPHONE
(605) 472-2710

October 13, 1986



Water Rights
Foss Building
Pierre, SD 57501

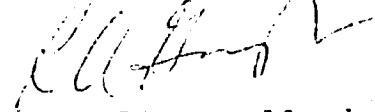
Re: Harold Harms - Allen Gatzke
#98-3

Gentlemen:

Enclosed please find the completed Notice of Transfer of Water Permit from Harold Harms to Allen Gatzke together with \$2.50 for filing.

Sincerely,

GALLAGHER & BATTEY

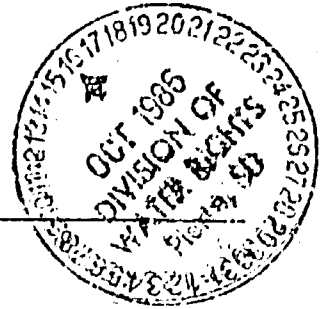

Raymond A. Gallagher

RAG:kd
Enclosure

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



This is to notify you that the title to the lands described as follows:

301 Acres - in the W $\frac{1}{4}$ of Section 24-T114N-R63W

formerly owned by Harold Harms, Hitchcock, SD

has been transferred to Allen Gatzke, ~~Harold~~ Hitchcock, SD 57348

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 98-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Harold Harms being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Harold Harms
(Signed)

Subscribed and sworn to before me this 13 Day of Oct, 1986.

Kyle D. [Signature]
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410595

Pierre, October 16, 1926

RECEIVED OF Allen/Bobbie Gatzke, Route 1, Box 147, Hitchcock, SD 57342

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>98-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By

John Hatch

Chief Engineer

JOHN HATCH

(MS)

**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

October 16, 1986

Allen Gatzke
Route 1, Box 147
Hitchcock, South Dakota 57348

Dear Mr. Gatzke:

Enclosed is receipt No. 410595 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 98-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

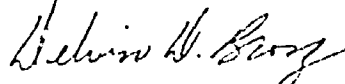
Allen & Bobbie Gatzke
Rt 1, Box 147
Hitchcock SD 57348

Dear Mr. & Mrs. Gatzke:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 98-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



98-3

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 5897-3

(1) Allen Gatzke, HC 75, Box 147, Hitchcock SD 57348 made Application No. 5897-3, January 10, 1996 for a water permit to divert 0.90 cubic feet of water per second from groundwater (one well), Spink County, South Dakota for irrigation purposes. Permit No. 5897-3, with a priority date of January 10, 1996 was approved March 6, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5897-3 authorizes an additional well and increases the water appropriation that was developed but not permitted under Vested Right No. 98-3. A priority date of February 17, 1953 (established by Vested Right No. 98-3) is retained for 2.66 cfs. Vested Right No. 98-3 was validated by the Water Management Board on March 6, 1996. A priority date of January 10, 1996 (established by Permit No. 5897-3) is retained for 0.90 cfs. The applicable portions of Vested Right No. 98-3 have been incorporated into this Water License No. 5897-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.56 cubic feet of water, per second for beneficial use. The location of the diversion points are: Well #1 - 2,640 feet south and 1,250 feet east from the northwest corner of Section 24 (SW 1/4 NW 1/4) and Well #2 - 1,320 feet south and 1,300 feet east of the northwest corner of Section 24 (NW 1/4 NW 1/4); all in T114N-R63W.

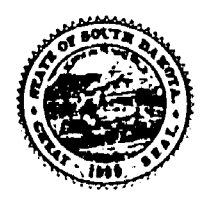
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: All in Section 24-T114N-R63W

NW 1/4 NW 1/4	33.5 acres	NW 1/4 SW 1/4	33.5 acres
NE 1/4 NW 1/4	33.5 acres	NE 1/4 SW 1/4	33.5 acres
SW 1/4 NW 1/4	33.5 acres	SW 1/4 SW 1/4	33.5 acres
SE 1/4 NW 1/4	33.5 acres	SE 1/4 SW 1/4	33.5 acres
Total		268 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Allen Gatzke, HC 75, Box 147, Hitchcock SD 57348 the holder and/or owner of Incorporated Water Permit No. 5897-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from groundwater (two wells) with priority dates of February 17, 1953 (2.66 cfs) and January 10, 1996 (0.90 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5897-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996
date



SOUTH DAKOTA

VESTED WATER RIGHT NO. 98-3 FOR IRRIGATION

Date of Receipt of Claim February 17, 1953.

Date of Validation March 6, 1996.

The Water Management Board validated Vested Water Right Claim No. 98-3 for irrigation purposes for Allen Gatzke, HC 75 Box 147, Hitchcock SD 57348 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 98-3 appropriates 2.66 cubic feet of water per second from one well located in the SW 1/4 NW 1/4 Section 24 to irrigate 268 acres located in the W 1/2 Section 24; all in T114N-R63W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is February 17, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

JUL 2 1996
date



Permit No. 98-3 & 5897-3
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, November 6, 1995, made a thorough examination of the water use system constructed by Allen Gatzke of HC 75 Box 147, Hitchcock, SD 57348 holder of Permit No. 98-3 & 5897-3, bearing the priority of February 17, 1958 & January 10, 1996 authorizing the diversion of 3.56 cu. ft. per second of the waters of groundwater for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

- Well #1--Western Land Roller turban pump, Model E71263, Capacity 800 gpm with
 GE 75 Hp electric motor, Model 5K6258XHIA
 Well #2 -- Western Land Roller turban pump, Model B7745, Capacity 800 gpm with
 GE 75 Hp electric motor, Model 5K6258XHIA

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

- Well #1--1320 feet, 8 inch PVC pipe
 Well #2--20 feet, 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

- SW 1/4--Reinke Alumigator 10 tower Center Pivot
 NW 1/4--Lindsey Zimmatic 7 tower Center Pivot

The system is in the following condition Good. The point of diversion is located Well #1--2640 ft. South & 1250 ft. East of the NW corner of Sec. 24-T114N-R63W (SW 1/4 NW 1/4) and Well #2--1320 ft. South & 1300 ft. East of the NW corner of Sec. 24-T114N-R63W (NW 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 3.56 (1600 gpm) cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

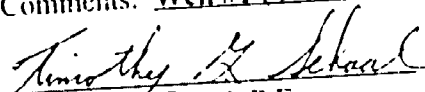
NW 1/4 NW 1/4 Sec.24-T114N-R63W--33.5 Acres	NW 1/4 SW 1/4 Sec.24-T114N-R63W--33.5 Acres
NE 1/4 NW 1/4 " " --33.5 Acres	NE 1/4 SW 1/4 " " --33.5 Acres
SW 1/4 NW 1/4 " " --33.5 Acres	SW 1/4 SW 1/4 " " --33.5 Acres
SE 1/4 NW 1/4 " " --33.5 Acres	SE 1/4 SW 1/4 " " --33.5 Acres

comprising a total of 268 acres of land and the license should be issued for 3.56 cfs.

Applicable permit qualifications have been complied with: Yes ☒

Date Report Completed: April 3, 1995

Comments: Well #1 (No. 98-3), Well #2 (No. 5897-3)


 Timothy G. Schaal, P.E.
 Natural Resources Engineer
 DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 98-3

Other permit(s) associated with the project: 5897-3

DATE OF INSPECTION: November 6, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Allen Gatzke
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Allen Gatzke, HC 75, Box 147, Hitchcock, SD 57348

DIVERSION POINT LEGAL LOCATION: Well #1--2640 ft. South & 1250 ft. East of the NW 1/4 of
Sec. 24-T114N-R63W (SW 1/4 NW 1/4) and Well #2--1320 ft. South & 1300 ft. East of the NW 1/4 of
Sec. 24-T114N-R63W (NW 1/4 NW 1/4)

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch
- 2) No. of Wells 2
- 3) Depth(s) Well #1--65 feet Well #2-- 66 feet
- 4) Well log is available for Well #2
- 5) Comment: Info for Well #1 taken from file

Casing:

- 1) Diameter Well #1-- 16 inch Well #2-- 16 inch
- 2) Length Well #1-- 65 feet Well #2 66--feet
- 3) Type concrete

Screen:

- 1) Type slotted
- 2) Length ?? feet
- 3) Static water level XXXX feet

Pump:

- 1) Make Well #1-- Western Land Roller Well #2--Western Land Roller
- 2) Model E 71263 B 7745
- 3) Size 12 inch 12 inch
- 4) Capacity 800 gpm 800 gpm

Motor:

- 1) Make Well #1-- GE electric Well #2--GE electric
2) Model No. 5K6258XHIA 5K6258XHIA
3) Horsepower rating 75 Hp 75 Hp

DISTRIBUTION LINES OR CANALS

Well #1

- 1) Type PVC 2) Size 8 inches 3) Length 1320 feet

Well #2

- 1) Type Aluminum 2) Size 8 inches 3) Length 20 feet

SYSTEM TYPE:

Center pivot: NW 1/4 SW 1/4

- 1) Make Lindsey Zimmatic Reinke Alumigator
2) Overall length 1320 ft. 1320 ft.
3) Number of towers 7 10
4) Distance between towers XXX feet
5) End gun Yes Yes
6) High or low pressure high 75 psi high 75 psi
7) Capacity 800 gpm 800 gpm

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Yes
2) Main line check valve Yes
3) Inspection port/air relief Yes
4) Low pressure drain Yes
5) Discharge is 20' from source Nc. said he would install hose
6) Interlock type electric
7) Injection pump type pos. displacement
8) Injection check valve Yes
9) Injection line check valve or positive displacement pump Yes

10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Yes

11) Comments : XXXX

PERMIT QUALIFICATIONS AND REGULATIONS:

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



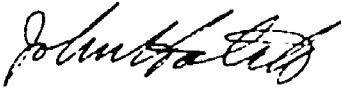
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1996

NOTICE

TO: Allen & Bobbie Gatzke
HC 75 Box 147
Hitchcock SD 57348

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352 

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim Nos. 98-3 and 1600-3

A Notice of Intent to validate Claim Nos. 98-3 and 1600-3 was published on June 22 and 29, 1988 in the Redfield Press. The Water Rights Program opposed validation of Nos. 98-3 and 1600-3 for purposes of completing an on-site investigation of the claims. The inspection of Claim Nos. 98-3 and 1600-3 was completed on November 6, 1995, by Tim Schaal, staff engineer.

The investigation of Claim No. 98-3 found that the number of acres being irrigated has been reduced from 301 acres to 268 acres. The investigation also found one additional well developed and diversion rate increased from 2.66 cubic feet of water per second (cfs) to 3.56 cfs. Subsequently, Water Permit Application No. 5897-3 has been submitted to include the additional well and the increased diversion rate of 0.90 cfs. Upon validation of Claim No. 98-3 and approval of Application No. 5897-3, the two permits will be incorporated into No. 5897-3.

The investigation of claim No. 1600-3 found that the number of acres being irrigated has been reduced from 160 acres to 132 acres. The diversion rate is to be reduced, accordingly, from 2.28 cfs to 1.78 cfs. This reduced diversion rate is based on the pump rate of 800 gallons per minute.

The Water Management Board will consider validation of Claim Nos. 98-3 and 1600-3 on March 6, 1996, at 10:00 am. in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim Nos. 98-3 is recommended for a diversion rate of 2.66 cfs from groundwater (one well) to irrigate 268 acres. Validation of Claim No. 1600-3 is recommended for the diversion rate of 1.78 cfs from groundwater (one well) to irrigate 132 acres. Following the hearing, the Board is authorized to 1) validate the claims as

(continued)

February 7, 1996

NOTICE

Page 2

recommended, 2) validate the claims as licensed prior to the on-site inspection, 3) validate the claims based on evidence presented at the public hearing, or 4) defer validation of the claims. Applicable provisions of the published notice of intent to validate Claim Nos. 98-3 and 1600-3 will still apply at this hearing. A copy of the June 22 and 29, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. 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 February 26, 1996 at the above Water Rights Program address to request copies of information pertaining to these validations, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

Allen and Bobbie Gatzke
HC 75, Box 147
Hitchcock SD 57348

Dear Mr. and Mrs. Gatzke:

Enclosed are the following water licenses and validations which pertain to your various irrigation projects. Receipts for the inspection and issuance of the licenses are also enclosed.

- Vested Water Right No. 98-3 authorizes 2.66 cubic feet of water per second (cfs) to irrigate 268 acres.
- Water Permit No. 5897-3 authorizes an additional 0.90 cfs to irrigate the lands covered under Vested Water Right No. 98-3.
- Water License No. 5897-3 incorporates the applicable portions of Vested Right No. 98-3.
- Vested Water Right No. 1600-3 and Vested Water Right License No. 1600-3 authorizes 1.78 cfs to irrigate 132 acres
- Water License No. 5163-3 authorizes 1.78 cfs to irrigate 132 acres.

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

Water Rights Division - DVHR
Conversation or File Documentation

File No. 98-3
Nested 1

NAME OF PERSON OR FILE: Allen Gatzke (center)

ADDRESS: R.R. 1, Box 147, Hitchcock, SD 57348 COUNTY Spink

DATE: _____ TELEPHONE (605) 266-3711

RE: Validation of Vested Right No. 98-3 W $\frac{1}{2}$, Sec. 24, T14N, R63W

COMMENTS:

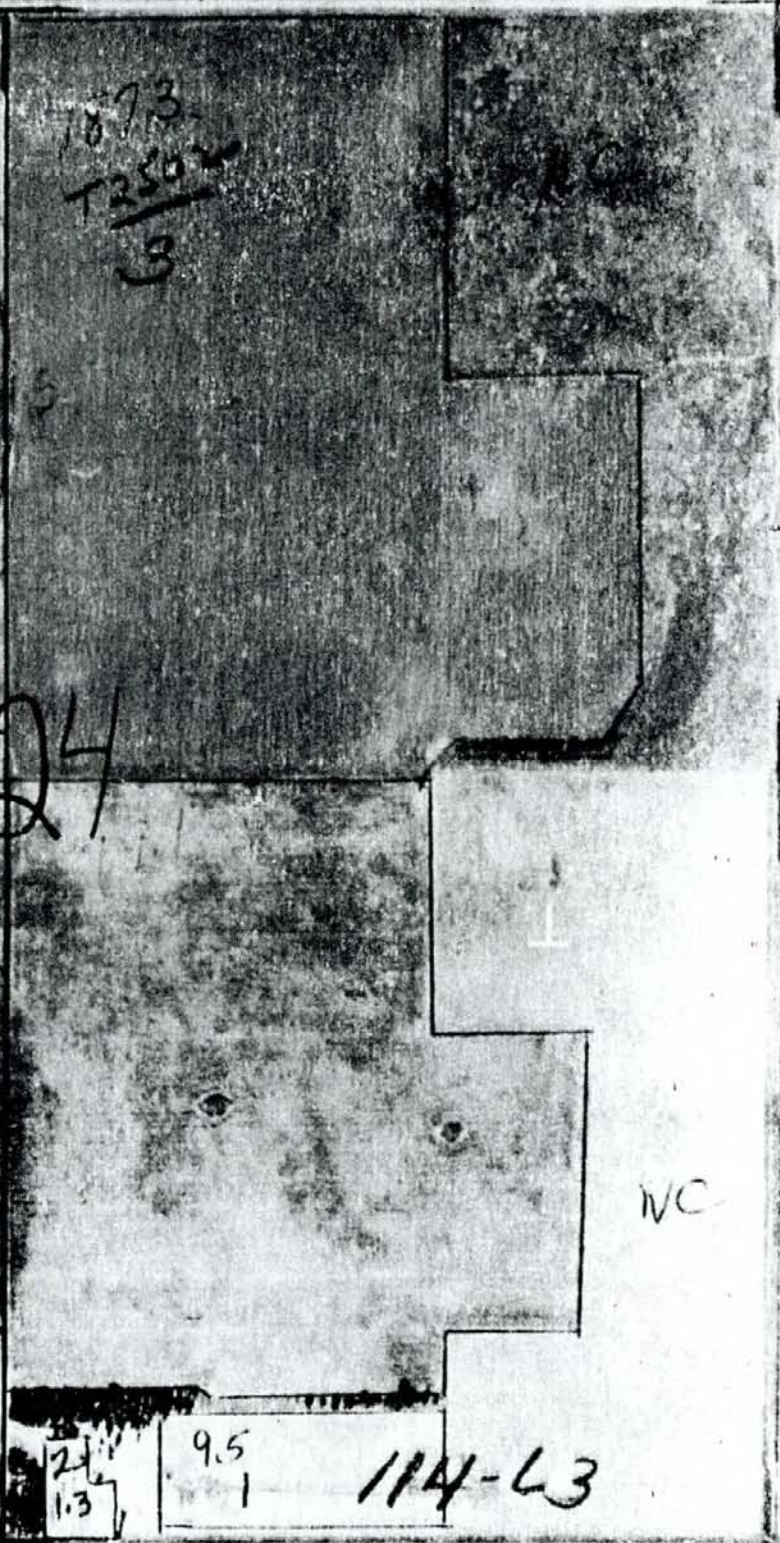
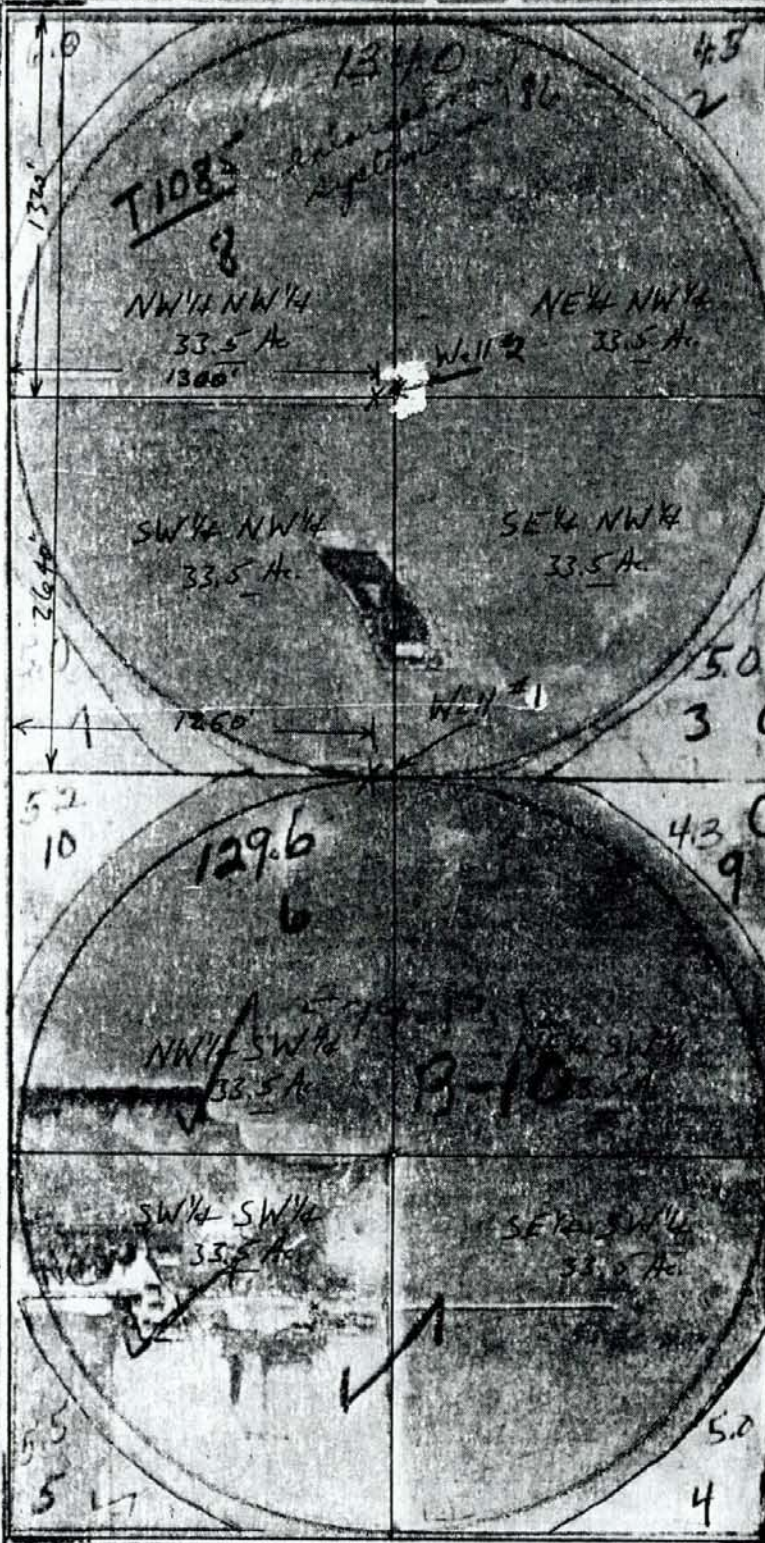
On 7-26-89 I inspected the lands irrigated under Vested
Right No. 98-3 to determine the status of the vested
right claim. Mr. Gatzke was not home but his
mother allowed me to look at the system.

The old permit was licensed for 2.66 cfs to irrigate
301 acres in the W $\frac{1}{2}$ Sec. 24 T14N, R63W (154 acres
in the NW $\frac{1}{4}$ & 147 acres in the SW $\frac{1}{4}$) from one well located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24. The lands were to be
irrigated by a sprinkler system.

The recent inspection revealed that the old system
has been replaced by 2 center pivots (one each on
the NW $\frac{1}{4}$ & SW $\frac{1}{4}$). One well is located near the
center of the NW $\frac{1}{4}$ which would place it greater
than 660 feet from the original licensed location.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NOT TO SCALE

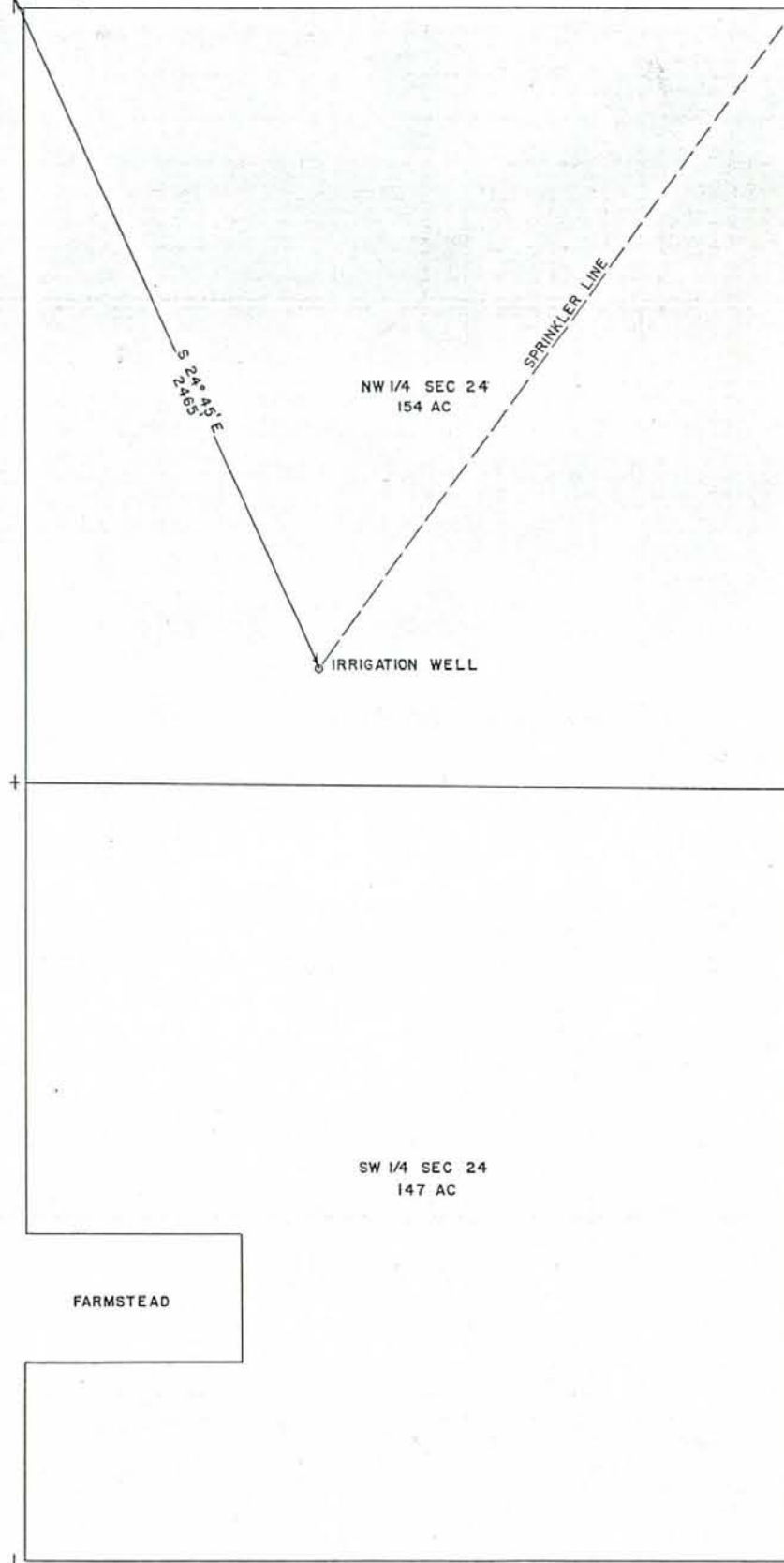


WC

114-L3

Timothy L. Schaal
 Natural Resources Eng. III
 December 13, 1995

NW COR. SEC. 24
T. 114 N., R. 63 W.



SURVEYOR'S CERTIFICATE

I, VINAL C. FRANCIS, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT I HAVE MADE A CAREFUL SURVEY OF THE HARMS IRRIGATION PROJECT NO. 1 AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 8TH DAY OF DECEMBER 1952

Vinal C. Francis
REGISTERED LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8TH DAY OF DECEMBER 1952.

Maryann G. Baker
NOTARY PUBLIC

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SEC	TWP	RGE	ACRES
NW 1/4	24	114 N	63 W	154
SW 1/4	24	114 N	63 W	147
TOTAL				301

(State Right No. 98-3)
Map No. 77-3

HARMS IRRIGATION PROJECT NO. 1
SPINK COUNTY, SOUTH DAKOTA
SCALE 1"=300'