

AMENDED

1. Considered: JULY 29, 1981 Water Right No. 4775-3
2. Name of Applicant FRANK SEITZINGER
3. Post Office Address BOX 742, ONIDA 57564
4. Amount of Water Claimed NO ADD'L maximum acre feet _____
5. Source of Water Supply 3 ADD'L WELLS 50' ±
6. Water to be used for IRR acres to be irrigated 180
7. County SULLY about 6S 9 miles WEST of ONIDA
8. PROOF OF PUBLICATION: Received (4wks) 7-24-81 Not Received _____
- APPLICATION: Approved 7/29/81 Subject to WJ FR
- Not Approved _____ Action Deferred _____

PRIORITY 6-25-81 Dated Received 6-25-81 Application complete-yes _____ no _____ FEE 500⁰⁰

Remarks Amend Water Rights 1285-3, 1785-3 & 1492-3

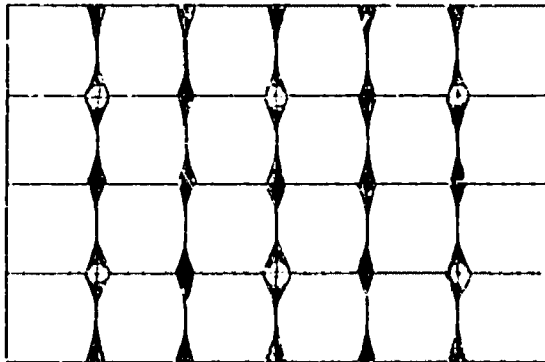
? transfer portion of water from existing W/L & add acreage.

Corrected Application received _____ Period of Annual Use APR-OCT

WATER QUALITY Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned  _____



Diversion Point NE⁴ NW⁴ & SW⁴ NW⁴ SEC. 9-T114N-R78W

Land to be Irrigated SEC. 5-T113N-R78W & 1/2 SEC 32-T114N-R78W

WELL LOG Driller DAKOTA BORING Licensed - (yes) no _____

Depth 50' ±

Remarks _____

MAP Map No. 3986-3 Map located in Water Right ✓ Map file _____
Type of Map Drawn Prepared by W. SCS

+++++

VIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

June 26, 1981

Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

MARKS Date
F. & C. Final Decision, including F.F. & C. of Law were adopted _____

FINAL Date
DECISIONS Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____



No. 4775-3

Map No. 3986-3 Water Division No. 3 MISSOURI RIVER District
 Above for Office Use 10/30/05

4:45 pm

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

Check one of the following:

New Vested Right ~~XX~~ Future Use
 Change in Diversion XX Additional Diversion ~~XX~~
 Change in Acreage Additional Acreage XX

This is an amendment of use and change in location of wells on Water License Nos. 1285-3, 1492-3 and 1785-3 pursuant to SDCL 46-6-4; 46-5-31 to 35 as shown on attached Exhibit A. (712) 255-1498
 Phone No. (605) 264-5541

Name of Applicant Frank Seitzinger
 Post Office Address Box 742 Onida State South Dakota 57564
(Street, RR, or Box) (Town) (Zip Code)

- If a corporation show date and place of incorporation
- Method of accomplishing work (contract, employment of others, or by direct labor) contract & direct labor
 - Name of diversion work Seitzinger Irrigation Project
 - Amount of water claimed (cubic feet per second) no additional
 - Source of water supply ground water - 3 different wells
 - Location of point of diversion 4 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$; #9 and #10 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 9, T114N, R78W

- County Sully
- Annual period or periods during which water is to be used April-October
 - Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 - For irrigation use, Total number of acres to be irrigated 780

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Section 5, T113N, R78W	500		
SE $\frac{1}{4}$ Section 32, T114N, R78W	280		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
- Choice of county newspaper for publication of Notice of Intent to Appropriate Water Watchman, Onida, SD
- Principal Features of the Proposed Water Supply System.

- A. Works proposed to divert water from its natural source.
wells - pump
- B. Works proposed to transport water to place of use.
aluminum pipe
- C. Works proposed to apply water to beneficial use.
mobil pivot system

Estimated Total Cost \$ 60,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
 County of Hughes)ss.

I, Frank Seitzinger the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

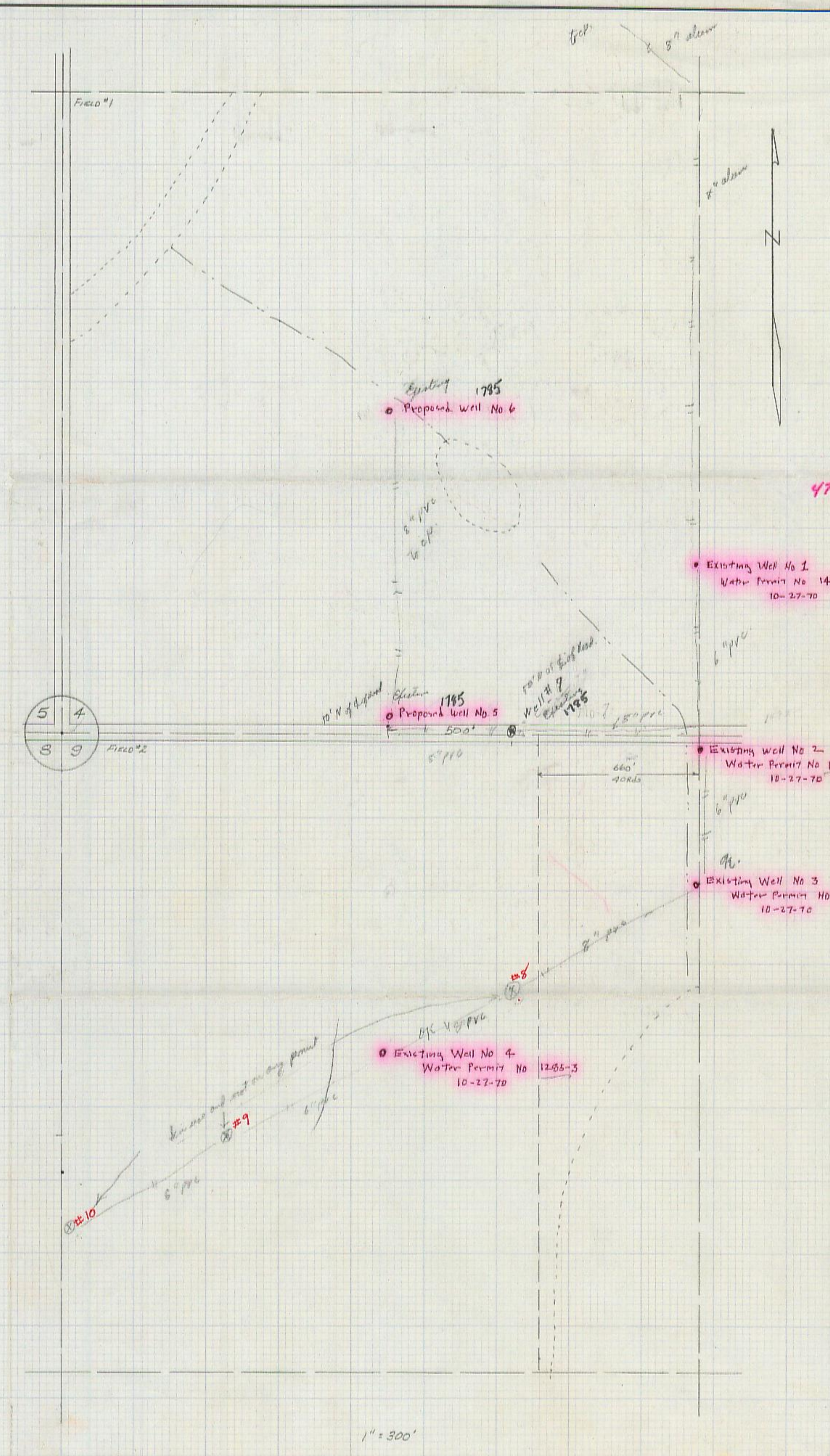
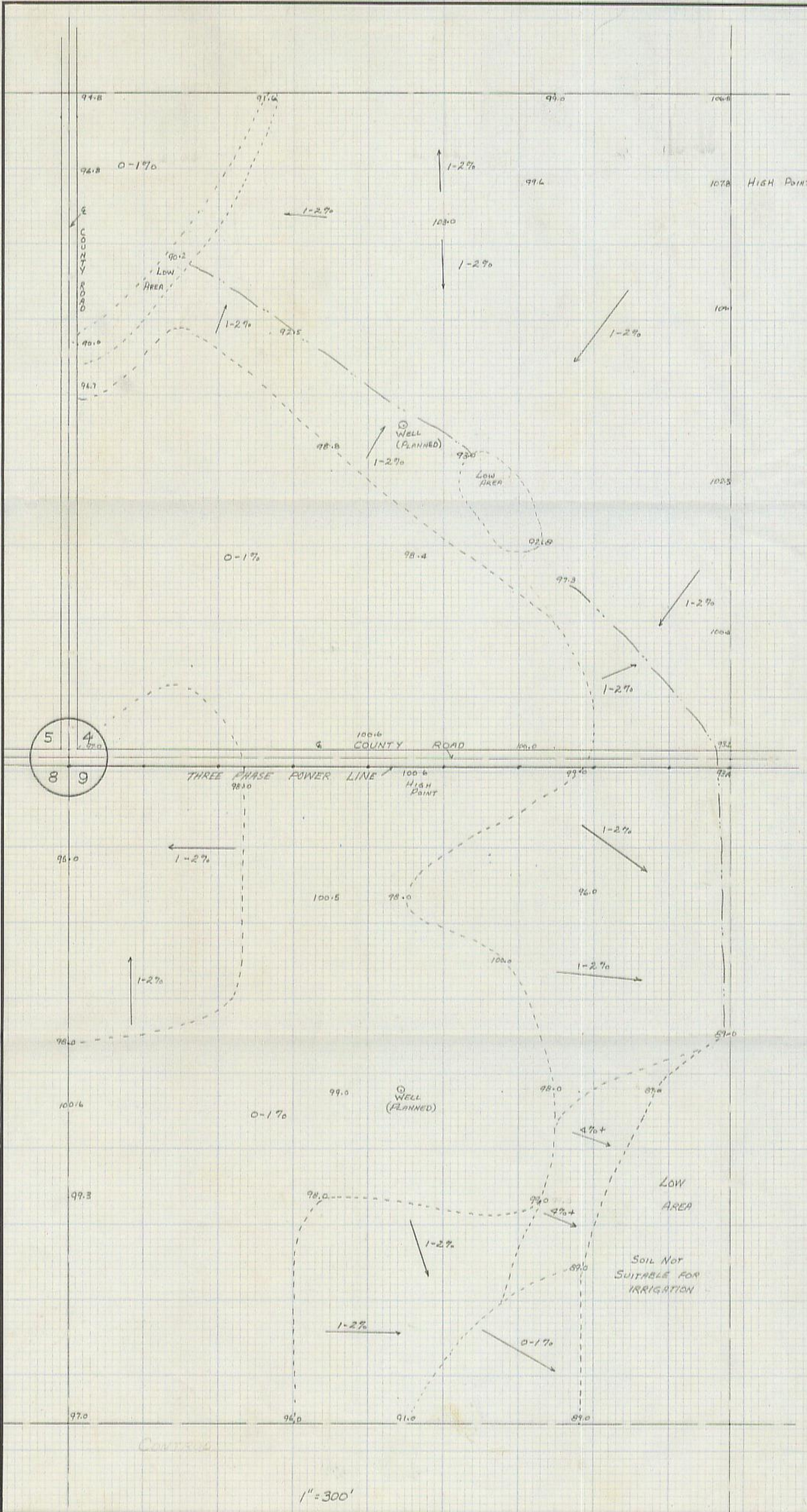
Signed Frank Seitzinger by Tom Maher in presence of Margaret L. Maher

Subscribed and sworn to before me this 25th day of June, 1981

MARGARET L. MAHER, Notary Public
 My Commission Expires
 November 30, 1986

Margaret L. Maher
 Notary Public (or other qualified officer).

ON CLEARING 1015



4775-3

$1785-3 \quad 136A = 1.94$
 $1492-3 = 136A = 2.22 \text{ cfs}$
 $1285-3 = 136A = 1.90 \text{ cfs}$
 $490 \times 6.07 = 2971 \text{ cfs}$
 $\frac{2.22 + 1.90}{6.07} \text{ cfs}$

1" = 300'

R. GUY GODDARD
 AREA TO BE IRRIGATED
 SW⁴ Sect 4 & NW⁴ Sect 9 T113, R78
 SULLY COUNTY

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....		Sheet.....
		No.....
		of.....

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4775-3

FRANK SEITZINGER
(Applicant)

Box 742 - ONIDA
(Post Office Address)

SOUTH DAKOTA 57564 With the following qualifications.
(State)

This permit is approved with the qualification that one half volume of water (612 acre feet) be severed from existing water rights to irrigate the additional 780 acres of land. Measuring devices must be installed to record the total amount of water pumped on each quarter, and such readings must be recorded before pivots are moved.

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights. Priority is established by Water Rights Nos. 1285-3; 1492-3 & 1785-3.

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

Date of first receipt of application JUNE 25, 1981

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved JULY 29, 1981, Recorded in Book 22 Page 279

WATER RIGHT PERMIT NO. 4775-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4775-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1.78 CFS - JANUARY 13, 1968; 1.94 CFS - NOVEMBER 10, 1970 AND 1.90 CFS - JUNE 13, 1964.
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 29, 1982.
3. The whole of said work is to be completed on or before JULY 29, 1982.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 1983.
5. The water appropriated shall be used for the purpose of IRRIGATION.

6. 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 appropriation.

7. The amount of the appropriation herein granted shall not exceed No ADD'L cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 is actually and beneficially applied

for irrigation on or before JULY 29, 1983; said water to be used during the following described

annual period: APRIL - OCTOBER

Witness my hand this 23RD day of SEPTEMBER, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Sully

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/2 1/4 1/4 1/4 Section 10 9 Township 113 Range 78
 Well owner: Truman Godard (Name) 1212 (Address)
 Date well drilling completed: 4-22-77 Purpose of well: _____ (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0-2</u>	<u>top soil</u>	Depth to static water level _____ ft.
<u>2-5</u>	<u>Clay</u>	Name of producing aquifer (if known) _____
<u>5-17</u>	<u>Dry Sand</u>	Total depth of drill hole _____ ft.
<u>17-40</u>	<u>Loam Water</u>	Depth to bottom of casing _____ ft.
<u>40-49</u>	<u>hard water (B.C.G.)</u>	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
<u>49-51</u>	<u>S. Clay</u>	<u>15" Galv. Plate</u>
		Screen information: In the space below show length of screen, below bottom of casing, diameter and kind of screen or casing perforations.
		<u>Submergence Screen Steel</u>
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Robert B. Boring Co
 Name of Drilling Contractor

(2) PUMP INSTALLATION

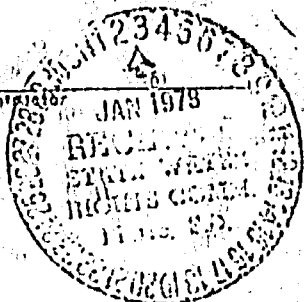
Company name and size of pump _____ H.P.
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 464, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

 Name of Pump Installation Contractor



Sully

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 Sec 11 1/4 1/4 1/4 Section 9 Township 113 Range 28

Well owner: Johnson, Arthur (Name) Arthur (Address)

Date well drilling completed: 5-22-77 Purpose of well: (Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
0-2	Top soil	ft.
2-10	Clay	Depth to static water level
10-17	Dry Sand	Yield of producing aquifer (if known)
17-24	Level Water	Total depth of drill hole
24-25	Gravel (Blue Blk)	Depth to bottom of casing
25-32	Blue Clay	Casing information: In the space below show kind, size, weight, lengths per section, etc., for production casing and surface casing, if used.
		15" 7.00 gal plastic
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		<i>Johnson, Arthur</i>

Attach sheet if more space is needed

If a flowing well, flow of completed well _____ G.P.M.

Arthur Johnson
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ Capacity of installed pump _____ G.P.M.

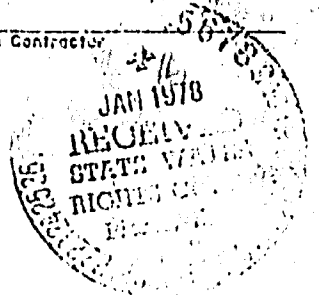
Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor



Sully

2.1
3.2
5.2
1.7

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well 1/4 Sec 35 T14N R11E Section 9 Township 11N Range 7E

Well owner Truman Suddard (Name) Quicker (Address)

Date well drilling completed 6-2-77 Purpose of well _____
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
<u>0-2</u>	<u>topsoil</u>	Depth to static water level _____ ft.
<u>2-8</u>	<u>Clay</u>	Name of producing aquifer (if known) _____
<u>8-17</u>	<u>Argillaceous sand</u>	Total depth of drill hole _____ ft.
<u>17-40</u>	<u>open water</u>	Depth to bottom of casing _____ ft.
<u>40-75</u>	<u>hard water</u>	Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
<u>75-115</u>	<u>1 1/2" casing</u>	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

Attach sheet if more space is needed

If a flowing well, flow of completed well _____ G.P.M.
Robert B. ...
Name of Drilling Contractor

Carroll ...

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ Capacity of installed pump _____ G.P.M.

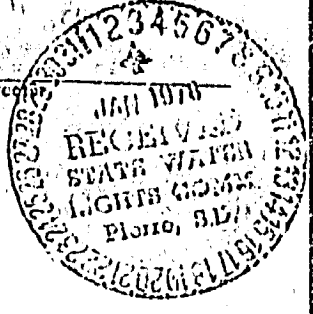
Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

Name of Pump Installation Contractor _____



Sully

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well 1/4 S 66' 1/4 S 66' Section 7 Township 113 Range 78

Well owner [Signature] (Name) [Signature] (Address)

Date well drilling completed Sept 21 1977 Purpose of well [Blank] (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ff.
0-2	Top Soil	Depth to static water level	ff.
2-8	Clay	Name of producing aquifer (if known)	
8-15	Clay & Sand mix	Total depth of drill hole	ff.
15-55	Sand & water	Depth to bottom of casing	ff.
55-58	B. Clay	Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.	
		18" Steel Casing	
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	
		24" Johnson Turgo Case 100 Slotted Screen	
		If a flowing well, flow of completed well _____ G.P.M.	

Attach sheet if more space is needed

[Signature]
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____

Name of Pump Installation Contractor

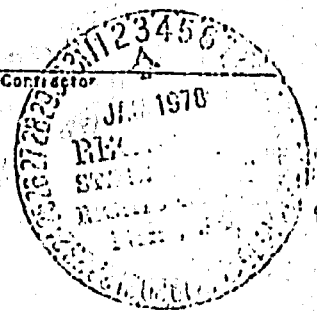


EXHIBIT A (continued)

Water License No. 1492-3 authorizes the irrigation of the NW $\frac{1}{4}$ of Section 4, T113N, R78W. Water License No. 1265-3 authorizes the irrigation of the NW $\frac{1}{4}$ of Section 9, and Water License No. 1785-3 authorizes the irrigation of the SW $\frac{1}{4}$ of Section 4, both in T113N, R78W.

The inspections of the three irrigation systems have been completed and licenses have been issued and wells No. 1 through 7, inclusive, are licensed and permitted. The intent of this Notice of Change of Location of Wells and Change of Use is to:

- 1) Amend all three licenses to show existing wells 8, 9 and 10 as follows:
 - a) Well 8, 1847 feet east; 1076 feet south of NW corner of Section 9,
 - b) Well 9, 1650 feet south, 675 feet east of NW corner of Section 9,
 - c) Well 10, 2025 feet south and 50 feet east of NW corner of Section 9,all in T113N, R78W.

These wells are shown on attached map.

- 2) Change the location of the use of the water to add and include Section 5, T113N, R78W and S $\frac{1}{4}$, Section 32, T114N, R78W, Sully County, South Dakota, soil analysis attached.

EXHIBIT A

This is an Amendment of, and Notice of Change of License Nos. 1285-3, 1492-3 and 1785-3, pursuant to SDCL 46-6-4; and SDCL 46-5-31 to 35 inclusive.

The applicant (hereafter Seitzinger) is not asking for additional water to be appropriated or for a new permit. He is providing notice of the change in the location of his wells and changing the location of the use of his existing water rights.

There are two separate bases for this notice: (I) SDCL 46-6-4, (II) SDCL 46-5-31 to 35.

(I) SDCL 46-6-4 provides as follows:

The owner may change the location of his well or change the use of the water but only upon notice to the commission.

(II) SDCL 46-5-31, 34 and 35 provides as follows:

Any appropriator of water may use the same for other than the purpose for which it was appropriated, or may change the place of diversion, storage, or use, in the manner and under the conditions prescribed by §§ 46-5-34 to 46-5-36, inclusive.

All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used, but if for any reason it should at any time become impracticable to use all or any part of such water beneficially or economically for the irrigation of any land to which the right of its use is appurtenant, all or any part of such right may be severed from such land and simultaneously transferred and become appurtenant to other land without losing priority of right theretofore established, if such change can be made without detriment to existing rights, upon the approval of an application of the owner to the commission.

Before the approval of any application under § 46-5-34 the applicant must give notice thereof by publication, in the form required by the commission, once a week for four consecutive weeks in a newspaper of general circulation in the location of the stream system in which the tracts of land are located. Upon receipt of the proofs of publication, the commission shall render its decision thereon in writing, which shall be final unless some person interested in the same source of water supply shall, within sixty days, bring appropriate action in the circuit court of the county in which the land is located for a review of such decision.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that FRANK SEITZINGER of the County of Sully and State of South Dakota has made, constituted and appointed, and by these presents does make, constitute and appoint THOMAS M. MAHER of the County of Hughes and State of South Dakota, my true and lawful attorney for and in my name, place and stead of to make application for amendment of water permits, provide notices, meet with all water rights agencies of the State of South Dakota and fully represent my interests therein.

That I grant and give unto THOMAS M. MAHER, said attorney, my full authority and power to do and perform all and every act and thing whatsoever requisite and necessary to be done in the premises, as fully to all intents and purposes as I might do or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that the said attorney shall lawfully do or cause to be done by virtue thereof.


IN TESTIMONY WHEREOF, I, have hereunto set my hand this 9th day of June, 1981.


FRANK SEITZINGER

State of South Dakota)
 ss.
County of Hughes)

On this 9th day of June, 1981, before me the undersigned officer, personally appeared Frank Seitzinger, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public - South Dakota

My commission expires: **MARGARET E. MAHER, Notary Public**
My Commission Expires
November 30, 1986

(SEAL)

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

9659-2

NAME OF APPLICANT _____

SOIL RESTRICTIONS:

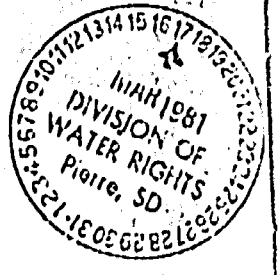
THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

No - Heavy salt soil

These soils are poorly drained, and should be kept in grass or drained to avoid toxicities and permeability problems.

These soils are shallow and have a high water table.

RECOMMENDED MANAGEMENT:



NOT TO SCALE

(10-19)

122-L

502 P. Gary (Goddard)

#7

Handwritten notes on the left side of the main image area.

113-78

308.1

122-L
(22-19)

Sec 5

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

NOT TO SCALE

114-78

(3-9)

122-12

(3-38)

Carrie Goddard

Lee O. & Joe R. Goddard



32

309.8



11-6

(3-10)

Carrie Goddard

*Marie Miller,
Area Home Economist
Acting County Agent*

114-78

714-3873-3

714-4659-3

BEST IMAGE POSSIBLE
FROM POOR ORIGINAL

Proposed Well No 6

5" PVC
VCP

Proposed Well No 5

FRP 4" PVC
WELL 7
EXISTING

550'

660'
400ds

Existing Well No 1
Water Permit No
10-27-70

6" PVC

Existing Well No 2
Water Permit No
10-27-70

6" PVC

Existing Well No 3
Water Permit No
10-27-70

9"

7" PVC

Existing Well No 4
Water Permit No
10-27-70

12-83-3

6" VCP

6"

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only
[]

OWNERS NAME: Frank Smith OWNERS ADDRESS: Box 742
Sioux Falls SD
COUNTY LAND LOCATED IN: Sioux PHONE: 605-255-4113
605-252-6641
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

- LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)
1. WELL LOCATION OR DIVERSION POINT: See attached sheet
 2. SURFACE WATER SOURCE: _____
 3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>Sec. 15, T12N, R72W</u>	<u>500</u>		
<u>SW 1/4 Sec. 32, T12N, R72W</u>	<u>80</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: GUN: _____ OTHER: (Specify) _____
5. CROPS TO BE IRRIGATED: Small grain, corn, alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 810437
8. SALINITY (EC X 10⁶): 2290
9. SODIUM (SAR): 0.99
10. ADJUSTED (SAR): 2.77

RECEIVED
FEB 26 1981
South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on Feb 26, 1981, at the following location: _____
by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
26 DAY OF Feb, 1981
[Signature]
(NOTARY PUBLIC)



APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

- _____ APPROVED
- _____ DISAPPROVED
- _____ CONDITIONALLY APPROVED

Please
Publish 4 times on July 2, 9, 16 and 23, 1981

No. 4775-3

Publish first publication, on or before July 3, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 26, 1981

Notice is hereby given that Frank Seitzinger whose post office address is Onida, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate grand existing Water Rights for beneficial use no add'l cubic feet of water per second of time from groundwater

(3 additional wells) through the Seitzinger Irr. Project., the point(s) of diversion of which ~~is~~ (are) to be located in the NF& NW& and SW& NW&

called Paper 7/14/81
of Section 9, Twp. 114N, Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 5, T113N, R78W and 8 1/2, Section 32, T114N, R78W (additional acreage on existing water rights nos. 1285-3, 1492-3 and 1785-3)

This Application No. 4775-3 will be considered by the Water Management Board at Civil Defense Room, State Capitol Building, Pierre SD upon the 29th day of July, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Frank Seitzinger
Box 742
Onida SD 57564

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Bonnie L. Zehraske hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Orinda Watchman

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

city of Orinda S.D.

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

July 2, 9, 16 & 23

Bonnie L. Zehraske
(Signature)

Bookkeeper
(Title)

July 23, 1981
(Date Signed)

Cost of Printing: \$41.38

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Notice is hereby given that Frank Seltzinger whose post office address is Orinda, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6, 1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to amend existing Water Rights & appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (3 additional wells) through the Seltzinger Irrigation Project, the points of diversion of which are to be located in the NE 1/4 NW 1/4 and SW 1/4 NW 1/4 of Section 9, Twp. 114N, Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land: Section 5, T118N, R78W and S 1/2 Section 32, T114N, R78W (additional acreage on existing water rights nos. 1285-3, 1492-3 and 1785-3). This Application No. 4775-3 will be considered by the Water Management Board at Civil Defense Room, State Capitol Building, Pierre, SD upon the 29th day of July, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing. This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
s/Betty Westlund
BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8342

June 29 1981

PIERRE, _____, 19

RECEIVED OF Waher & Gors, 207 E Missouri, Pierre SD 57501

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

Fee for Application for Permit to Appropriate Water No. <u>4775-3</u> (examination, processing, recording and filing) -----	500	00
Fee for inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filling -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	500	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (kw)

LAW OFFICES
MAHER, GORS & DEAN
WATERFRONT CENTER
207 E. MISSOURI
PIERRE, S. D. 57501

(605) 224-0491



THOMAS M. MAHER
MAX A. GORS
ROSCOE E. DEAN

August 7, 1981

Betty Westlund
Water Rights Commission
State Capitol
Pierre, SD 57501

Dear Betty:

This is just written to inquire when I might receive the documents approving Frank Seitzinger's amendment to his permits? If it is necessary for me to draft any documents such as findings of fact and conclusions of law or any other documents, please advise me. I am assuming that pursuant to the unanimous board decision there will simply be an approval noted with the conditions attached as ordered by the board.

Thank you for your consideration in this matter.

Yours very truly,

MAHER, GORS & DEAN

Tom Maher

Thomas M. Maher

TMM/bec

with deed

8/13/81
Tom Maher
said to send permit &
copies to him. He has
power of atty for Seitzinger
Betty

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

5th Floor Building
South Dakota 57501

Water Rights Division
(605) 773-3352

1285-3
1492-3
1785-3
4775-3

September 24, 1981

Frank Seitzinger
Box 742
Onida, SD 57564

Mr. Seitzinger:

Enclosed herewith is your Water Right Permit No. 4775-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified by the Board. The qualifications are:

1. The permit is approved with the qualification that one half volume of water (612 acre feet) be severed from existing Water Right Nos. 1285-3, 1492-3, and 1785-3 to irrigate the additional 780 acres of land. Measuring devices must be installed to record the total amount of water pumped on each quarter, and such readings must be recorded before pivots are moved.
2. The irrigation wells approved under this permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights. Priority is established by Water Right Nos. 1285-3, 1492-3 & 1785-3.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/BW/qy

encl

cc: Thomas H Maher

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1285-3
1492-3
1785-3
4775-3

December 17, 1986

Guy Goddard
HCR 37, #145
Pierre, South Dakota 57501

Dear Mr. Goddard:

Enclosed are partially completed transfer forms for transferring Water Right Nos. 1285-3, 1492-3, 1785-3 and Water Permit No. 4775-3 to your name. These are currently listed in Frank Seitzinger's name.

Please check over the forms. They should be signed in the presence of a notary and returned to our office with a \$2.50 filing fee for each (total of \$10.00).

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.

As you indicated during our telephone conversation of December 12, 1986, I will check with Tom Tveit for information relative to irrigation done during 1986. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

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:

780 Acres - Section 5, T113N-R78W and S½ Section 32, T114N-R78W

formerly owned by Frank Seitzinger, Sioux City, Iowa

has been transferred to Guy Goddard, HCR 37 #145, Pierre, South Dakota 57501
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4775-3 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.

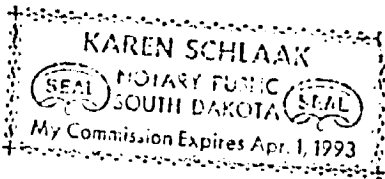
STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Guy Goddard 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.

Guy Goddard
(Signed)

Subscribed and sworn to before me this 2nd Day of December, 1982.

Karen Schlaak
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440000

Pierre, December 22, 19 16

RECEIVED OF R Guy Goddard, BCR 37, #145, Pierre SD 57201

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. _____ a period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>Permit No. 4775-3</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 (rs)



Department of Water & Natural Resources

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

1285-3
1492-3
1785-3
4775-3

December 23, 1986

R Guy Goddard
HCR 37 Box 145
Pierre, SD 57501

Dear Mr. Goddard:

Enclosed are copies of the "Notices of Transfers" you submitted for Water Right Nos. 1285-3, 1492-3, 1785-3 and Water Permit No. 4775-3. The transfers have been completed and the the above water rights and permit are now listed in your name.

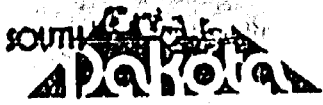
Thank you for stopping by our office to take care of the transfers. If I can answer any questions for you, please contact me.

Sincerely,

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

GENNY MCMATH
Natural Resources Analyst

encl



Department of Water & Natural Resources

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

January 29, 1988

GUY GODDARD
HCR 37 BOX 145
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit No(s). 4775-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4775-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4775-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4775-3 until either the 1987 questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 16, 1988

4775-3

Guy Goddard
HCR 37 Box 145
Pierre, SD 57501

Dear Mr. Goddard:

I am contacting you in regard to your 1987 irrigation questionnaire. A telephone conversation between Genny McMath, of this office, and your operator, Waymon Williams resulted in submission of another questionnaire. We rechecked our files and found that your original questionnaire was on file and was overlooked at the time the January 29, 1988, notice was mailed.

We apologize for the error and appreciate Mr. Williams bringing this matter to our attention.

Very truly yours,



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

SOUTH DAKOTA
**Department of
Water & Natural Resources**

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

October 16, 1990

1285-3
1492-3
1785-3
4775-3

Waymon Williams
RR #1 Box 744A
Onida, SD 57564

Dear Mr. Williams:

Enclosed are the 1990 irrigation questionnaires and partially completed "Notice of Transfer of Ownership" forms for Water Right Nos. 1285-3, 1492-3, 1785-3 and Water Permit No. 4775-3. Mrs. Guy Goddard has notified our office that you purchased the property covered under the above on January 26, 1990.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$10.00).

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.

Also enclosed, is a copy of the cover letter sent along with the questionnaires mailed to irrigators on October 12, 1990. The irrigation questionnaires should be completed and returned by December 14, 1990. I have enclosed a postage paid envelope for your convenience in returning the questionnaires, transfer forms, and filing fees.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

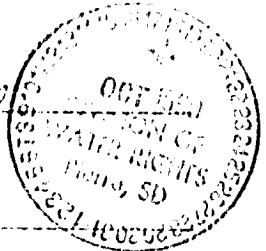
NOTICE OF TRANSFER OF OWNERSHIP

4775-3

No. _____

TO: Chief Engineer
Water Rights Division, DWRM
523 East Capitol
Pierre, SD 57501-3181

Date: 10-17-90



I/We request that Water Permit/Right No. 4775-3

formerly owned by: Guy Goddard

be transferred to: (name & address) Wayne Williams

Route 1, Box 2441, Sully, SD 57264 (telephone No.) 253-2782

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

Section 5, T113N, R78W and S3 Section 32, T114N, R78W

I/We understand that the validity of Water Permit/Right No. 4775-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Sully)

I/We Wayne Williams 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 that I know of my own personal knowledge that the information herein stated is true.

Wayne Williams
(Signed)

Subscribed and sworn to before me this 17 day of October, 1990.

PATRICIA A McGEE
My commission expires
March 21, 1994

Patricia A. McGee
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

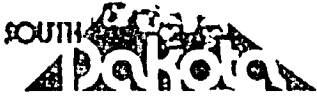
Pierre, _____ October 11, 19____

RECEIVED OF Wayson Williams, RR #1 Box 7564, Rapid 50 57564

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 _____ Water Permit No. 4775-3	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 Walter Mason*
Chief Engineer



Department of Water & Natural Resources

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

November 16, 1990

No. 4775-3

Waymon Williams
Rte 1 Box 744A
Onida, SD 57564

Dear Mr. Williams

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4775-3.

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

Sincerely,

A handwritten signature in cursive script that reads "Jaci Konop".

JACI KONOP
Senior Secretary
Water Rights Division
605 773-3352

enclosure



4775-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

December 29, 1998

Jerome Weinheimer
205 N. 10th Street
Onida, SD 57564

Dear Mr. Weinheimer:

I am writing in regard to our telephone conversation about your water rights. Enclosed are copies of three licenses and one permit that I think cover lands that you now own. I have also included transfer of ownership forms and copies of the last transfer of ownership for the water rights.

State statute provides that if the water is not used for the purpose for which it was appropriated, for a period of three years, the water right is subject to cancellation. The permit is also subject to cancellation if the water project was not constructed and the water put to beneficial use within the time periods indicated on the permit.

According to our records some of the lands covered under Permit No. 4775-3 were last irrigated in 1996. You do not have to use the water if you have a legal excuse such as flooding, adequate rain, land in farm program, or land involved in some types of legal litigation. If you do intend to irrigate lands covered by Permit No. 4775-3 the permit can be licensed for lands developed within the construction period. Presently there is no center pivot and you indicated that you did not want to irrigate. If this is your intent we will cancel the permit.

If Permit No. 4775-3 is cancelled, the wells can still be used for reasonable domestic use. Livestock watering is a reasonable domestic use as long as you do not use over 25,920 gallons of water per day at a maximum pumping rate of 25 gallons of water per minute. You do not need a permit for reasonable domestic use.

There are three licenses that may be on property you now own. These licenses use the same wells as Permit No. 4775-3. Our records show that License Nos. 1285-3, 1492-3, and 1785-3 cover lands currently in CRP until 1999. You can request that any or all of the licenses be cancelled if you do not intend to irrigate or wait until they are out of the farm program to decide. Transfer of ownership forms are required if you intend to keep the permit and licenses.

Please contact me at (605)773-3352 to let me know what you want to do. I would also be glad to answer any questions you have.

Sincerely,

Lynn Beck

Natural Resources Engineer III

Water Rights Division - DENR

Conversation or File Documentation

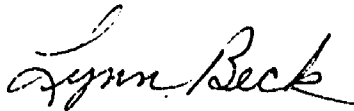
Name of Person: Jerome Weinheimer File No. 4775-3, 1785-3, and 1492-3
Address: 18125 299th Ave., Onida, SD 57564-6007 County: Sully
Date: January 6, 1999 Telephone: (605)258-2803
RE: Cancellation of water rights.

Comments:

Mr. Weinheimer stopped to see me about the above mentioned water rights. He indicated that he did not intend to ever irrigate the lands covered by Permit No. 4775-3 and Water Right Nos. 1785-3 and 1492-3 and agreed to cancellation. Mr. Weinheimer did say that he uses one of the wells authorized by Water Right No. 1785-3 for filling a 5,000 gallon water truck. The water is used for farming purposes other than irrigation. The well operates at 200 gpm.

I believe a change in use can be made under 46-5-34.1 from irrigation to domestic use. At 200 gpm the diversion does not come under reasonable domestic use and therefore requires a Water Permit or Water Right. The well and diversion are already authorized by License No. 1785-3 for irrigation, using 46-5-34.1, change the use from irrigation to a domestic use requiring a permit. The priority date for diversion under Water Right No. 1785-3 is November 10, 1970. In addition cancel Permit No. 4775-3 and Water Right No. 1492-3.

This well has not been inspected since Licensing of 1785-3 which was in 1973. The well will need to be looked at before licensing the change in use.



Lynn Beck
Natural Resources Engineer

4775-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1999

Jerome Weinheimer
18125 299th Ave.
Onida, SD 57564-6007

Dear Mr. Weinheimer:

I am writing in regard to your visit to my office January 6, 1999. We discussed your intentions in regard to Permit No. 4775-3 and License Nos. 1492-3 and 1785-3.

You indicated that you do not intend to irrigate any of the lands covered by these water rights but do use one of the wells for filling a water truck for farming purposes. Permit No. 4775-3 and License No. 1492-3 will be canceled and License No. 1785-3 will be amended.

The amendment to License No. 1785-3 is for a change in use from irrigation to domestic use greater than 18 gallons of water per minute (gpm). Domestic use greater than 18 gpm requires a water right. The amendment to License No. 1785-3 will allow the diversion to keep its original priority date of November 10, 1999.

Please find enclosed a partially completed application form and instruction sheet. A \$50.00 fee is required for the amendment application and an additional \$50.00 is needed for licensing the amended water right (\$100).

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

Sincerely,

Lynn Beck
Natural Resources Engineer III

4775-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE OF CANCELLATION

TO: Jerome Weinheimer, 18125 299th Ave, Onida, SD 57564-6007
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of Water Right No. 1492-3 and Water Permit No. 4775-3

On January 6th, you stopped by the office and visited with Lynn Beck concerning water rights formerly held by Waymon Williams and/or Goodwater Corporation. You indicated you did not intend to irrigate the land covered under Water Right No. 1492-3 and Water Permit No. 4775-3. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 1492-3 and Water Permit No. 4775-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 1492-3 and Water Permit No. 4775-3 at 10:00 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1492-3 and Water Permit No. 4775-3 based upon facts presented at the public hearing. Our records show you to be the owner of the property. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 19, 1999. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

(continued)

January 22, 1999
Jerome Weinheimer
Page 2

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by February 19, 1999.

Prior to February 19, 1999, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water pennit/right does not prohibit a new application for this project in the future.

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 1492-3, GOODWATER CORPORATION AND
WATER PERMIT NO. 4775-3, WAYMON WILLIAMS**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 1492-3 and Water Permit No. 4775-3, now owned by Jerome Weinheimer.

The Chief Engineer is recommending cancellation of the above Water Right and Water Permit due to abandonment and/or forfeiture. On January 6th, Mr. Weinheimer indicated he did not intend to irrigate the land covered by the water right/permit and agreed to cancellation.



RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
January 22, 1999

4775-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1999

1492-3
4775-3

NOTICE

Jerome Weinheimer
18125 299th Ave.
Onida, SD 57564-6007

Dear Mr. Weinheimer:

This will notify you that the Water Management Board cancelled your Water Right No. 1492-3 and Water Permit No. 4775-3 on March 3, 1999. This action was taken under the conditions outlined in our notice to you dated January 22, 1999.

SDCL 46-6-27 states that if the owner of an existing well, such as the wells authorized by cancelled Water Right No. 1492-3 and cancelled Water Permit No. 4775-3, has no plans to use the wells (i.e., for domestic purposes such as livestock watering or household use) then the existing wells are considered abandoned and need to be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your wells for domestic purposes (such as livestock watering or household use), the wells do not need to be plugged.

Please advise if you have any questions.

Very truly yours.

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

NOT TO SCALE

~~106.4~~
153.7

(~~399~~) ⁽³⁹⁰⁾ ~~(345)~~
~~Carrie Goddard~~
Frank Seitzinger



114-78

122-12 (3-96) (~~3-38~~)

156.1 Lee O. + Joe R. Goddard



32

311.4
~~309.8~~



(390) Frank Seitzinger
~~Carrie Goddard Trust~~

114-78



NOT TO SCALE

566.2
~~562.7~~

(3-90)
(10-10)

~~R. Guy Goddard~~
Frank Seitzinger

122-L

5

1/13-78

308.1

122-L
(22-19)

Agnes A. Macte

NOT TO SCALE

562

(10-10)

R. Guy Goddard

122-4

7

4000
the
area

113-78

308.1

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(22-19)

Sec 5

3873-3

NOT TO SCALE

114-78

306.4

(3-9)
Carrie Goddard

122-12

(3-38)

Lee O. + Joe R. Goddard



32

309.8



6

(3-10)

Carrie Goddard

Kanette Fisher,
Area Home Economist
Acting County Agent

114-78

Map # 3873-3

Area 4659-3

Existing
Proposed Well No 6

6" PVC
CP

11
11

Existing Well No 1
Water Permit No
10-27-70

6" PVC

10' N of 6" PVC

Existing
Proposed Well No 5

50' N of 6" PVC
Well # 7
Existing

500'

5" PVC

660'
40Rds

Existing Well No 2
Water Permit No
10-27-70

6" PVC

90'

Existing Well No 3
Water Permit No
10-27-70

8" PVC

6" PVC

Existing Well No 4
Water Permit No
10-27-70

1285-3

6" PVC