

2 UC 10120111

1. Considered: 10-7, 1982 Water Right No. 1828-2
2. Name of Applicant JAMES NACHTIGALL 1578-2 map #
3. Post Office Address "BOX 25, Owanka 57767"
4. Amount of Water Claimed 2.53 maximum acre feet
5. Source of Water Supply Trib of Alkali Creek
6. Water to be used for IRRIGATION acres to be irrigated 177.00
7. County Meade about 7 miles 5 of Elm Springs
8. PROOF OF PUBLICATION: Received 10-4-82 Not Received
- APPLICATION: Approved 10-1-82 Subject to LF
- Not Approved Action Deferred

ICRITY Dated Received 2/10/82 Application complete yes no FEE 250.00

9/17/82 Remarks needed corrections

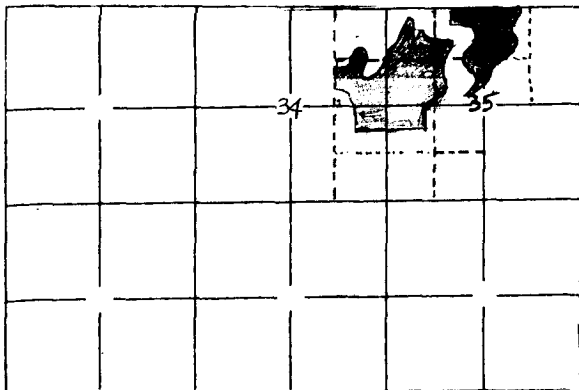
Notified 2/16/82 needed corrections received 4/17/82

Corrected Application received 7/20/82 Period of Annual Use Apr to Nov 1st

TER Received yes 7/17/82 no APPROVED/CONDITIONAL (Circle one)

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

Disapproved Returned



Diversion Point

NW 1/4 NE 1/4 33-3N-13E

Land to be irrigated

NW 1/4 SW 1/4: NW 1/4 and W 1/2 NE 1/4, Sec. 35-and

E 1/2 NE 1/4 and NE 1/4 SE 1/4 Section 34-3N-13E

II LOG Driller Licensed - yes no

Depth

Remarks

MAP Map No. 1578-2 Map located in Water Right Map file
Type of Map AERIAL Prepared by SCS Darrell Vig DC

+++++

REVIEWED 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:

Sept 10, 1982

Deely Wiseland
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes no Remarks

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

F LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted

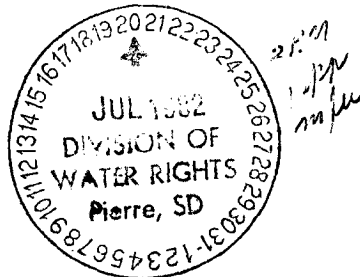
TC. Remarks

Originally received Feb. 10, 1982

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 1828-2

Map No. 1578-2 Water Division No. 2 Upper CHEYENNE District
Above for Office Use 10/20/11



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

Check one of the following:

New XX Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant James Nachtigall Phone No. (605) 798-2313
Post Office Address Box 25 Owanka State South Dakota 57767
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation N/A

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor

3. Name of diversion work JM Nachtigall Waterspreading Project

4. Amount of water claimed (cubic feet per second) ~~2.6 cfs~~ 2.53 MAX AVAILABLE

5. Source of water supply Tributary of Alkali Creek

6. Location of point of diversion 85 Rods West and 25 Rods South of NE corner of Sec 33-T3-R13.
(NW¹ NE⁴)

County Meade

7. Annual period or periods during which water is to be used April 1 -- Nov 1

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 177

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.
NE ¹ / ₄ SW ¹ / ₄ 35-T3-R13	3 ✓
SW ¹ / ₄ NE ¹ / ₄ 35-T3-R13	6 ✓
NW ¹ / ₄ NE ¹ / ₄ 35-T3-R13	18 ✓
SE ¹ / ₄ NW ¹ / ₄ 35-T3-R13	13 ✓

Land Description	No. Acres Irr.
NE ¹ / ₄ NW ¹ / ₄ 35-T3-R13	30 ✓
NW ¹ / ₄ SW ¹ / ₄ 35-T3-R13	15 ✓
NW ¹ / ₄ NW ¹ / ₄ 35-T3-R13	20 ✓
SW ¹ / ₄ NW ¹ / ₄ 35-T3-R13	40 ✓

Attach sheet if more space is needed

SEE ATTACHED SHEET

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Meade County Times

12. Principal Features of the Proposed Water Supply System. Sturgis, SD 57785

A. Works proposed to divert water from its natural source.

A diversion ditch with a concrete control inlet structure.

B. Works proposed to transport water to place of use.

Diversion ditch

C. Works proposed to apply water to beneficial use.

Waterspreading dikes and ditches (surface irrigation)

Estimated Total Cost \$ 45,000

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 Meade) ss.

I, James Nachtigall 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 James Nachtigall
Subscribed and sworn to before me this 16th day of July, 19 82
[Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1828-2
JAMES NACHTIGALE Box 25 Owanka

South Dakota (Applicant) 57767 (Post Office Address)
(State) With the following qualifications.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

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

Date of first receipt of application February 10, 19 82
Date of return to applicant for correction, amendments or changes required February 16, 19 82
Date of receipt of corrected application WQ September 17, 19 82
Approved October 7, 19 82, Recorded in Book Page

WATER RIGHT PERMIT NO. 1828-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1828-2 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 September 17, 19 82
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before April 7, 19 85
3. The whole of said work is to be completed on or before October 7, 19 87
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 7, 19 91
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 2.53 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 October 7, 19 91; said water to be used during the following described annual period: April 1 to November 1

Witness my hand this 12th day of October, 19 82

THE WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

ATTACHMENT - JAMES NACHTIGALL

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34-T3-R13 = 22 acres ✓
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34-T3-R13 = 3 acres ✓
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34-T3-R13 = 7 acres ✓

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: NACHTIGALL, JAMES
Address: BOX 25
OWANKA SD 57767

Date Rec'd: Apr 14, 1982
Sample No.: 82-0843
Identification: ALKALI CREEK
003N 13E 33 A

WATER ANALYSIS

Calcium (Ca)	29	ppm*	1.45	me/l**
Magnesium (Mg)	9	ppm	0.74	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	20	ppm	0.51	me/l
Sulfate (SO ₄)	24	ppm	0.50	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.23	me/l
Bicarbonate (HCO ₃)	107	ppm	1.76	me/l
Carbonate (CO ₃)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)		ppm		
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			2.96	me/l
Total Anions			2.49	me/l
Alkalinity (Methyl Orange)	88	ppm(as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO ₃)		
Electrical Conductivity	290	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.25	Adjusted SAR	0.38	
Sodium	8.81	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	7.49			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS

By: Shirley Mittan

Service Performed:

Irrigation Analysis

Total Cost: \$ 28.00

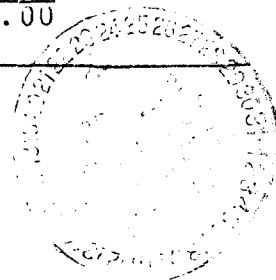
Amount Received: 0.00

Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab. No. 82-0843



April 21, 1982

James Nachtigall
Box 25
Owanka, SD 57767

Dear Mr. Nachtigall:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0843.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 82-0843 is classified as a medium saline, low soda water. It is suitable as a source for irrigation. It is rather odd, however, that the quality of a sample coming from Alkali Creek should be nearly classed as distilled water. The name alkali usually implies the presence of sodium salts.

The Lohmiller silty clay loam, Satanta loam, and the Suro-Blackpipe complex found within your proposed irrigation development are compatible with the quality of your water. However, the Semail clay and the Blackpipe-Shingle complex are both shallow soils and possess excessive slope. These soils should not be irrigated.

You might consider submitting a water sample from Alkali Creek sometime during the irrigation season as a check on the water quality of your irrigation water.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb
Enclosures

cc: Division of Conservation
D. Fahl, Extension Service
Division of Water Rights





Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

July 20, 1982

James Nachtigall
Box 25
Owanka, SD 57767

Dear Mr. Nachtigall:

In reviewing your application for soil and water compatibility for NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; all in 35-3-13 and SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ all in 34-3-13 for a total of 177 acres with water sample No. 82-0843, the irrigation staff is recommending a conditional approval to the State Conservation Commission.

The conditional approval recommendation is based on the soils, and complex slopes of the area, with the restriction that it be maintained in grass and/or alfalfa. Refer to the attached sheet for further clarification of a conditional approval.

Your application will be brought before the State Conservation Commission for their review on September 16-17, 1982.

If you have any questions please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf

Enclosures

cc: Water Rights Division ✓
Mike Sanders, Water Quality Lab
Red Pahl, SDSU
County Extension Service



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: James Nachtigall OWNERS ADDRESS: Box 25, Owanka, SD 57767

COUNTY LAND LOCATED IN: Meade PHONE: (605) 798-2313

TENANT'S NAME AND ADDRESS:

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION 85 Rods West and 25 Rods South of NE corner 33-3-13

Depth

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location Tributary of Alkali Creek

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35-T3-R13	3	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34-T3-R13	22
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35-T3-R13	6		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-T3-R13	18	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34-T3-R13	3
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35-T3-R13	13		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35-T3-R13	30	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34-T3-R13	7
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 35-T3-R13	15		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35-T3-R13	20	TOTAL =	177 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35-T3-R13	40		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED

LEGAL DESCRIPTION:

IN WHAT NAME:

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: Water Spread

6. CROPS TO BE IRRIGATED: Alfalfa

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

7. WATER SAMPLE NUMBER: 82-0843 10. ADJUSTED (SAR): 0.38
8. SALINITY (EC X 10⁶): 290 11. PERCENT SODIUM: 8.81
9. SODIUM (SAR): 0.25

I hereby certify that I personally obtained or that I personally observed that 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 _____, 19____, 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.

Signature James Nachtigall

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

16th DAY OF July, 19 82
Robert Emery
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE James Nachtigall

Director, Division of Conservation Jack M. F. Smith

Date 9-1-82

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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 RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

3049

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: James Nachtigall

LEGAL DESCRIPTION: Portions of Sec 34 and 35-3-13 = 177 acres
(See VI-1)

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The area must be maintained in alfalfa and/or grass because of the
soils and complex slopes of the area.

RECOMMENDED MANAGEMENT:

John M. F. C.
SIGNATURE

9-17-82
DATE

Publish first publication, on or before September 22, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1982Notice is hereby given James Nachtigall whose post office

address is Box 25, Owanha, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 (ground) ~~46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38; (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

2.53 cubic feet of water per second of time from a tributary of Alkali Creek through the JM Nachtigall Waterspreading Proj., the point ~~(s)~~ of diversion which is ~~(are)~~ to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 33, Twp. 3N, Range 13E. Said water to be used for purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$ SW $\frac{1}{4}$; and NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 35 and E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 both

In T3N, R13E

This Application No. 1828-2 will be considered by the Water Management Board at Meeting Room #1,
Kneip Building, Church & Illinois, Pierre SD upon the 7th day of October, 1982

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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 1828-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Meade)

I, Linda Adams hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Meade County Times-Tribune

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 Sturgis

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

September 22, 1982

September 29, 1982

Linda Adams
(Signature)

Bookkeeper
(Title)

9/30/82
(Date Signed)

Cost of Printing: \$22.80

62 lines @20.44 first publication

62 lines @16.35 second publication

**NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER**

Pierre, South Dakota 57501

September 17, 1982

Notice is hereby given James Nachtigall whose post office address is Box 25, Owanka, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 2.53 cubic feet of water per second of time from a tributary of Alkali Creek through the JM Nachtigall Waterspreading Proj., the point of diversion which is to be located in the NW¼NE¼ of Section 33, Twp. 3N,

Publ September 22 & 29, 1982
Times-Tribune

RECEIPT

WATER RIGHTS COMMISSION

No 4 8711

State of South Dakota

PIERRE, February 10, 1982, 19 82

RECEIVED OF James Nachtrigall, Box 25, Owanka, SD 57767

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

Fee for Application for Permit to Appropriate Water No. 1828-2 (examination, processing, recording and filing)	250	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 filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

5/5/82

Water Rights Division
605 773-3352

Deferred
Soil
question on soil

April 26, 1982

James Nachtigall
Box 25
Owanka SD 57767

Dear Mr. Nachtigall:

Enclosed please find your application for permit to appropriate water along with your map. Please check over the land description on your application with your map. The descriptions do not match.

Return back to this office for further processing.

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

enclosures



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

February 16, 1982

James Nachtigall
Box 25
Owanka SD 57767

Dear Sir:

Your application dated Feb 3, 1982 for a permit to appropriate water from a
tributary of Alkali Creek through the J.M. Nachtigall Waterspreading Project was received Feb 10, 1982

We have not, as of this date, received the following information to further process your application, as checked below.

The map showing the location of the diversion point(s) and lands to be irrigated. State in rods/feet from the Section line the exact location of the wells(s) (or point of diversion). Our suggestion is that you use aerial photos which can be obtained from the ASC Office.

The map must be signed by a licensed land surveyor or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

Statutes require that we charge \$ _____ for the acreage specified on your application.

A log of the well(s), signed by a South Dakota Licensed well driller must be submitted with the application.

XX The Soil/Water Compatibility (WI-1) approval must be received from the State Conservation Commission. For procedures and required forms, contact the State Conservation Commission, Anderson Building, Pierre SD 57501 (Phone 773-3259).

Please completed the enclosed application forms where indicated and return to this office.

XX TO MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or have the above information submitted to this office.

XX Your Receipt No. 4 8711 in the amount of \$ 250.00 is on file with your application.

Sincerely,

Genny Young, Water Rights Specialist



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

(605) 773-3352

October 20, 1982

James Nachtigall
Box 25
Owanka, South Dakota 57767

Dear Mr. Nachtigall:

Enclosed herewith is your Water Right Permit No. 1828-2 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 in said Water Right Permit No. 1828-2.

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:ms

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: James Nachtigall
ADDRESS: Box 25 Owanka COUNTY Meade
DATE: April 3, 1984 TELEPHONE _____
RE: Questionnaire Qualification on Permit

COMMENTS:

The water use system authorized by this Permit is water spreading and should not require submission of the irrigation questionnaire. Mr. Hatch stated that although the qualification for mandatory return is listed on the permit, this was done in error and should not have been typed on the permit.

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.

NAME: Genny McMath



September 18, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1828-2

James Nachtigall
Box 25
Owanka SD 57767

Dear Mr. Nachtigall:

On September 11, 2002 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1828-2, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date DECEMBER 5, 20 02

RECEIVED OF James Nachfigall, Box 25, Owanka SD 57767

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1828-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000407

By

Darland Ebele
Chief Engineer *gm*

**Permit No. 1828-2
Meade County**

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

Other permit/license(s) associated with project: 977-1

Contact Person & Address: **James Nachtigall, Box 25, Owanka, SD 57767 Phone 605 798 2313**

Report Of Examination of Works

On **September 11, 2002**, I made a thorough examination of the water spreading system constructed by **James Nachtigall** holder of Permit No. **1828-2**, bearing the priority date of **September 17, 1982** authorizing the diversion of **2.53** cubic feet per second (cfs) of the runoff waters of an **Alkali Creek tributary** for irrigation of **177 acres** in **Meade County**.

The system is in the following condition: **Good**. The point of diversion is located in the **NW¼ NE¼ Section 33 T3N R13E 1375 feet West and 580 feet South of the NE corner of Section 33 (W102.5538° N44.1815°)**. The as-build system consists of a diversion structure on the intermittent tributary, diversion ditch, and dikes to irrigate **171 acres**. Water is diverted when flow is present in the tributary.

Review of Permit Qualifications and Regulations:

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

Acres Irrigated

Section 34 T3N R13E

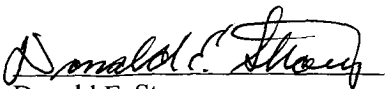
NW¼ NE¼	2
NE¼ NE¼	22
SE¼ NE¼	8

Section 35 T3N R13E

NW¼ NW¼	23
NE¼ NW¼	36
SW¼ NW¼	36
SE¼ NW¼	34
NW¼ SW¼	9
NE¼ SW¼	1

COMMENTS:

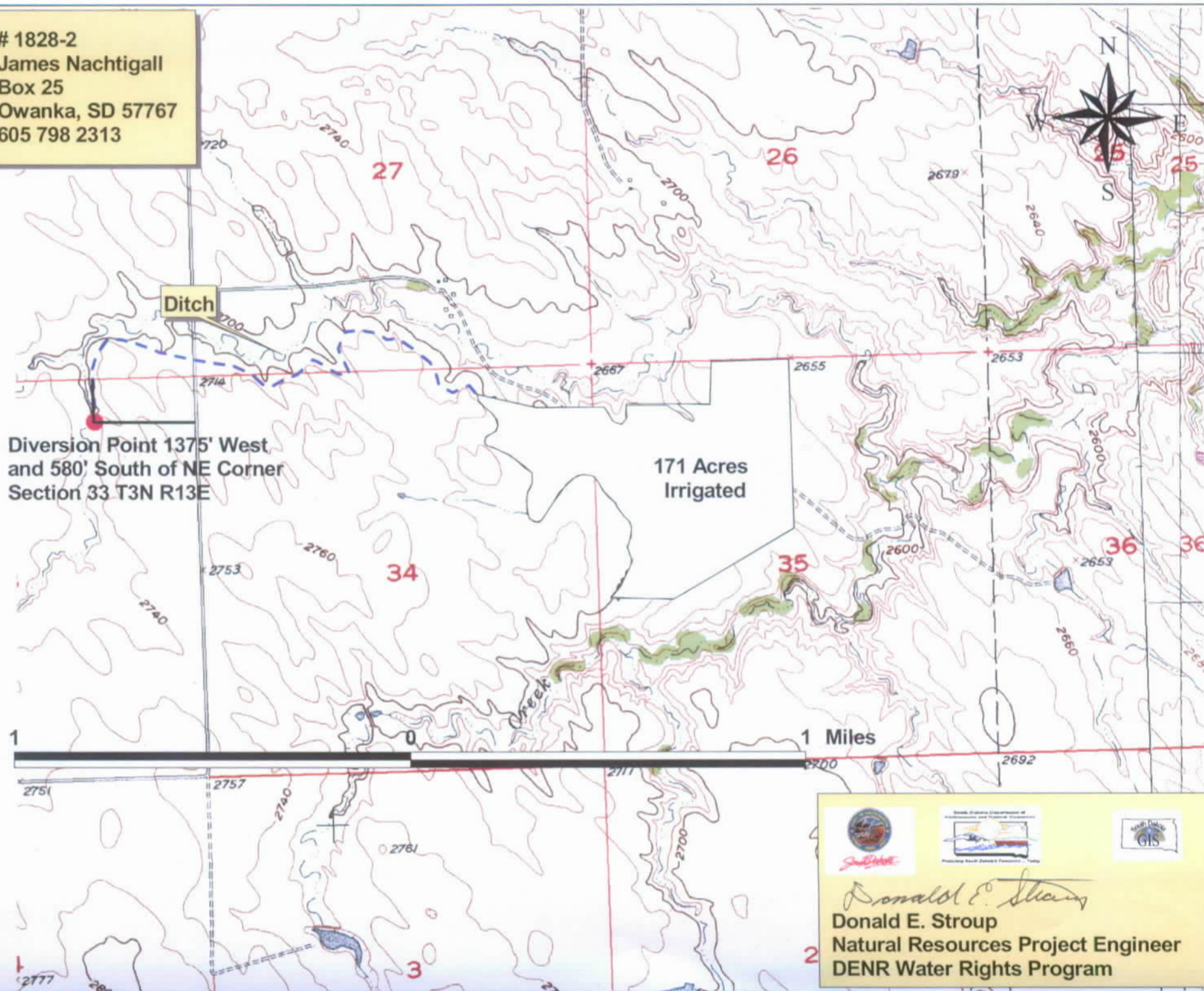
The water spreading system used to irrigate the 171 acres should be licensed for a diversion rate of 2.44 cfs, the maximum authorized.



Donald E. Stroup
Natural Resources Project Engineer
DENR, Water Rights Program

9/18/02
Date

1828-2
James Nachtigall
Box 25
Owanka, SD 57767
605 798 2313



Donald E. Stroup

Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

1828-2
James Nachtigall
Box 25
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605 798 2313



Ditch

Diversion Point 1375' West
and 580' South of NE Corner
Section 33 T3N R13E

171 Acres
Irrigated

1 0 1 Miles



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Licensing of Acreage Outside of Permitted Area

NAME: James Nachtigall

ADDRESS: Box 25, Owanka, SD 57767

DATE: 9/18/02 **COUNTY:** Meade **TELEPHONE:** 605 798 2313

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is **171** acres as compared to **177** acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes

- **Owned by Same Property Owner**

Yes

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 3 acre area be included in the water license.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1828-2

(1) James Nachtigall, Box 25, Owanka SD 57767 made Application No. 1828-2, February 10, 1982 for a water permit to divert 2.53 cubic feet of water per second from a tributary of Alkali Creek, Meade County, South Dakota for irrigation purposes. Permit No. 1828-2, with a priority date of September 17, 1982 was approved October 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 7, 1987 and for the application to beneficial use of water on or before October 7, 1991.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1828-2 is issued a license, bearing a priority date of September 17, 1982, to appropriate 2.44 cubic feet of water per second from a tributary of Alkali Creek to irrigate 171 acres.

The diversion point is located 1,375 feet west and 580 feet south of the northeast corner of Section 33-T3N-R13E (NW ¼ NE ¼).

The acres authorized for irrigation are as follows:

All in T3N-R13E					
Section 34	NW ¼ NE ¼	2 acres	Section 35	NW ¼ NW ¼	23 acres
	NE ¼ NE ¼	22 acres		NE ¼ NW ¼	36 acres
	SE ¼ NE ¼	8 acres		SW ¼ NW ¼	36 acres
		SE ¼ NW ¼		34 acres	
		NW ¼ SW ¼		9 acres	
		SE ¼ SW ¼		1 acre	
Total 171 acres					

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1828-2, including the following qualification:

- Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

Garland Erbele

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

MAR 19 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 19 2003

1828-2

James Nachtigall
Box 25
Owanka SD 57767

Dear Mr. Nachtigall:

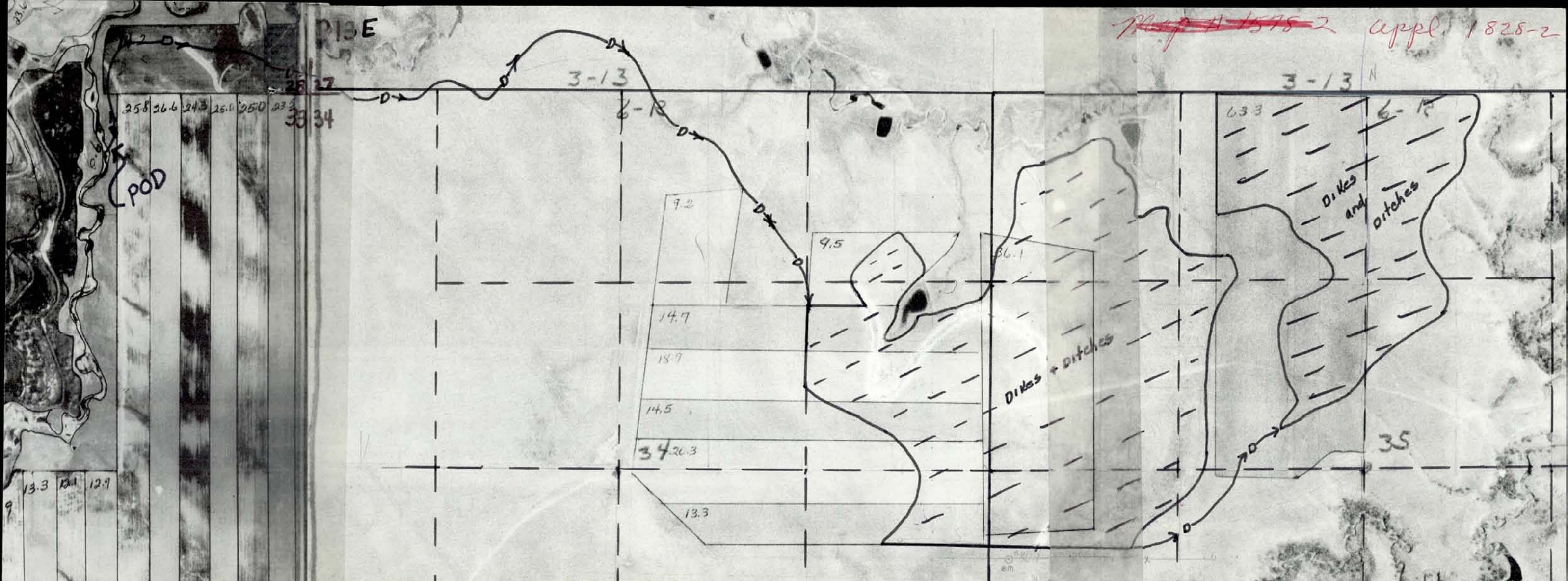
Enclosed is Water License No. 1828-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000407 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

enclosures



~~Map # 1578-2~~ Appl. 1828-2

SCS-CONS-16
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

Owner James Nachtigall Operator Same
County Meade State South Dakota Date 1/14/82
Approximate acres Approximate scale ~~1/8"~~ 8" = 1 mile
Cooperating with Elk Creek Conservation District
Plan identification Photo number
Assisted by Darrell Vig, DC USDA Soil Conservation Service

Darrell Vig, DC
SCS
Sturgis, SD

ORIG. MAP# 1578-2 Appl. 1828-2

