

WATER PERMIT NO. 2544-2

Name of Applicant: **Timmerman Brothers Ranch Co.**

Address: **PO Box 367, Springfield NE 69059** Phone: **402 253-2218**

Amount of Water Claimed: **1.44 cfs** Total Acres: **132**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation** County: **Bennett**

Type of Waste Disposal System:

Location: **15 miles southwest of Martin**

PRIORITY Date Received: **12-1-04**

Application/License Fee: **\$300**

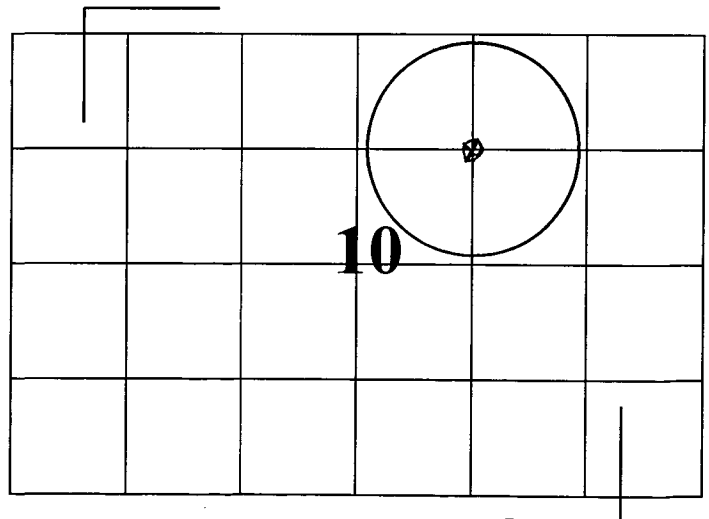
Corrected Application Received: **12-20-04**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **center NE ¼ Sec 10-T36N-R40W**

Land to be Irrigated: **NE ¼ Sec 10-T36N-R40W**



Depth of Well: **460 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Jonathan E Beck, SCS**

Reviewed and the Number Assigned on: **12-20-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2544-2</u> (office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>
	Newspaper <u>Bennett Co. Booster II, Martin</u>

RECEIVED
DEC - 1 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant Timmerman Brothers Ranch Co. Phone 402 / 253-2218
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 367 Springfield State NE 68059
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.44 *CFS or 650 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Deep Well Irrigation Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Center of NE 1/4
of Section 10 - T36N, R 40 W
County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used April thru October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 of NE 1/4 of Sec 10	33		
NW 1/4 of NE 1/4 of Sec 10	33		
SE 1/4 of NE 1/4 of Sec 10	33		
SW 1/4 of NE 1/4 of Sec 10	33		

- Give a description of the project. (Attach sheet if more space is needed)
Low pressure center pivot to irrigate pasture grasses.

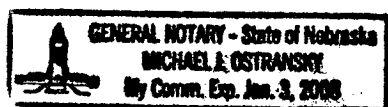
NEBRASKA
STATE OF ~~SOUTH DAKOTA~~ SS
County of SARPY

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, James A. Timmerman, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature James A. Timmerman

Subscribed and sworn to before me this 29th day of November 2004



Michael A. Ostransky
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2544-2 FOR IRRIGATION

Date of first receipt of application December 1, 2004.

Date of return to applicant for corrections, amendments or changes December 1, 2004.

Date of receipt of corrected application December 20, 2004.

The Water Management Board approved Water Permit No. 2544-2 on March 2, 2005 for Timmerman Brothers Ranch Co., c/o James Timmerman, PO Box 367, Springfield NE 68059 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2544-2 appropriates 1.44 cubic feet of water per second from one well completed into the Arikaree Aquifer (approximately 460 feet deep) located in the center of the NE ¼ Section 10 to irrigate 132 acres located in the NE ¼ Section 10; all in T36N-R40W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is December 1, 2004.
4. One-fifth of the construction is to be completed on or before September 2, 2007.
5. All construction is to be completed on or before March 2, 2009.
6. Water is to be put to beneficial use on or before March 2, 2013.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 19 2005

date



Permit No. 2544-2
Little White River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, 8/22/2011, made a thorough examination of the water use system constructed by Timmerman Brothers Ranch of P.O. Box 367, Springfield, NE 68059 holder of Permit No. 2544-2, bearing the priority of 12/01/2004 authorizing the diversion of 1.44 cu. ft. per second of the waters of the Arikaree aquifer for irrigation purposes, in Bennett County.

Inspection contact & relationship
to permit holder, if applicable:

James Timmerman—Permit Holder

Steve & Diane Beck-contacts for permit inspection

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 460-506 feet
- 4) Well log is available No
- 5) Comment: Permit application indicates a depth of 460', cancelled Permit 1334-2, (which was the permit for this acreage prior to Permit No. 2544-2) indicates a depth of 506'. Well log could not be located for either permit. Well was apparently completed in late 1970's.

Casing:

- 1) Diameter 18 inches
- 2) Length unknown feet
- 3) Type Steel

Screen:

- 1) Type Steel
- 2) Length Unknown feet
- 3) Static water level 21 feet

Pump:

- 1) Make Sargent
- 2) Model 280MDL0054
- 3) Size 125 hp

4) Capacity 650 GPM

Motor:

- 1) Make Case International—Cummins Diesel
- 2) Model No. 6591T
- 3) Horsepower rating 125 hp

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

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1,296 feet
- 3) Number of towers 7
- 4) Distance between towers ~185 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 650 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 1,330 feet west and 1,286 feet south of the NE corner of Section 10, Township 36 North, Range 40 West, lat/long N 43.11565 W -102.00699. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. per second of water of the Arikaree aquifer which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Report of Examination of Works

Permit No. ~~2554-2~~

2544-2

NW ¼ NE ¼ 33 acres
NE ¼ NE ¼ 33 acres
SE ¼ NE ¼ 33 acres
SW ¼ NE ¼ 33 acres

All in Section 10, Township 36 North, Range 40 West

comprising a total of **132** acres of land and the license should be issued for **1.44** cfs.

All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **Permit No. 1336-2 was cancelled in 1986.**

Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **9/12/2011**

2544-2
Timmerman Brothers Ranch



August 2011
Hayes Haas
Natural Resources Engineer
Water Rights Program

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow - Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2544-2

(1) Timmerman Brothers Ranch Co., PO Box 337, Springfield NE 68059 made Application No. 2544-2, December 1, 2004 for a water permit to divert 1.44 cubic feet of water per second from ground water (one well – Arikaree Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2544-2, with a priority date of December 1, 2004 was approved March 2, 2005 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 2, 2009 and for the application to beneficial use of said water on or before March 2, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,330 feet west and 1,286 feet south of the NE corner of Section 10, T36N, R40W (approximate center of the NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T36N, R40W Section 10	NW ¼ NE ¼	33 acres
	NE ¼ NE ¼	33 acres
	SE ¼ NE ¼	33 acres
	SW ¼ NE ¼	33 acres
	Total	132 acres

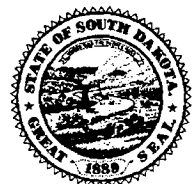
(4) Pursuant to South Dakota Water Law 46-5-30.1 Timmerman Brothers Ranch Co., PO Box 337, Springfield NE 68059-0337 the holders and/or owners of Water Right No. 2544-2 are issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from ground water (one well – Arikaree Aquifer) with a priority date of December 1, 2004 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2544-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

SEP 20 2011
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 20 2011

2544-2

James Timmerman
Timmerman Brothers Ranch Co
PO Box 337
Springfield NE 68059-0337

Dear Mr. Timmerman:

Enclosed is Water License No. 2544-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2544-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in black ink, reading "Garland Erbele". The signature is written in a cursive, flowing style.

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

enclosures

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 460'
- b) Casing Type Steel Diameter 18" Thickness
- c) Screen Type Steel Diameter 18" Thickness
- d) Gravel Pack 12" Length of Gravel Pack
- e) Depth to Top of Water Bearing Material 286
- f) Depth to Water (ground surface to water level) 21
- g) Distance to nearest existing domestic well:
- On applicants property 60 rds On property owned by others 80 rds

2. Wastewater Disposal System Information

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

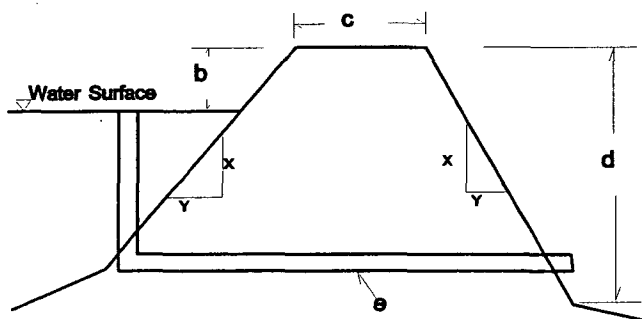
3. Dugout Information

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

4. Water Storage Dams

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

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



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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 2004

RECEIVED OF Timmerman Bros Ranch Co., PO Box 367, Springfield NE 68059

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

Fee for Application for Permit No. <u>2544-2</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2544-2</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	300.00

No.

001400

By

Darland Eide

Chief Engineer

gm

Jonathan E. Beck
Jonathan E. Beck
Soil Conservation Technician.

132 Acres

10

2544-2



December 1, 2004

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Timmerman Brothers Ranch Co.
c/o James Timmerman
PO Box 367
Springfield NE 69059

Dear Mr. Timmerman:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application, the following is required.

Enclosed are the maps submitted with the application.

- On the map, please outline the 132 acres in the NE ¼ which you intend to irrigate.
- Also, mark the location of the well with an "X".
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Our suggestion is to take the map back to the Bennett County USDA Farm Service Agency where you obtained it. Someone with that office would be qualified to sign the map.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

RECEIVED
DEC 20 2004
WATER RIGHTS
PROGRAM

Donald N. Leui
P.O. Box 304
Martin, South Dakota 57551 January 28, 2005

RECEIVED

JAN 31 2005

WATER RIGHTS
PROGRAM

Chief Engineer
Water Rights Program
Dear Sir

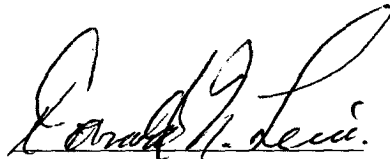
Please do NOT issue any more water permits for irrigation purposes for our area, our farm/ranch well is incapable of furnishing water when the two irrigation wells we have within two miles are operating in our area so I fear for a complete loss of water should you grant another permit to the Timmerman Brothers Ranch Company.

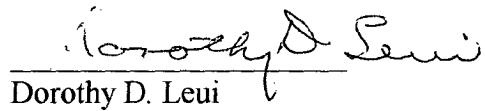
I would urge you to investigate this area before granting any permits, we have had three years of drought with the outlook for the future no better so until our rainfall gets back to normal, a temporary restriction would be in order.

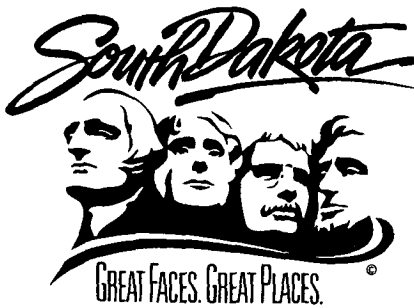
We own 800 Acres of land in Bennett county in Section 25-37-40, 31-37-39 and 30-37-39 which have been unproductive for three years so drilling a new farm/ranch well at this time is not feasible.

Please give this matter your utmost attention,

Thank You for your time,


Donald N. Leui


Dorothy D. Leui



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2005

NOTICE

TO: James Timmerman
Timmerman Brothers Ranch Co.
PO Box 367
Springfield NE 68059

Donald and Dorothy Leui
PO Box 304
Martin SD 57551

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Notice of Hearing on Water Permit Application No. 2544-2, Timmerman Brothers Ranch Co.

A letter has been submitted by Donald and Dorothy Leui concerning the issuance of Water Permit Application No. 2544-2 filed by Timmerman Brothers Ranch Company. The letter filed in response to the Notice of Application to appropriate water published in the Bennett Co. Booster constitutes a petition opposing the issuance of the water permit. Pursuant to water rights law, a hearing before the Water Management Board will now be scheduled to consider this application. A copy of the petition is enclosed for the applicant.

Application No. 2540-2 proposes to appropriate 1.44 cubic feet of water per second from one well completed into the Arikaree Aquifer (approximately 460 feet deep) located in the center of the NE ¼ Section 10 to irrigate 132 acres located in the NE ¼ Section 10; all in T36N-R40W.

The Water Management Board will conduct a hearing to consider Application No. 2544-2 at 9:30 AM, Wednesday, March 2, 2005, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD 57501. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2544-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The March 2, 2005, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing the application. The request for an automatic delay must be filed by February 21, 2005.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by February 21, 2005, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-6-3, 46-6-3. 1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General

enclosure

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by February 21, 2005.

CERTIFICATION

I hereby certify that on February 1, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 1, 2005 regarding Notice of Hearing on Water Permit Application No. 2544-2 addressed as stated below:

James Timmerman
Timmerman Brothers Ranch Co.
PO Box 367
Springfield NE 68059

Donald and Dorothy Leui
PO Box 304
Martin SD 5751

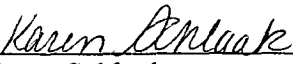
A copy of the above described Notice was sent Inter-office to:

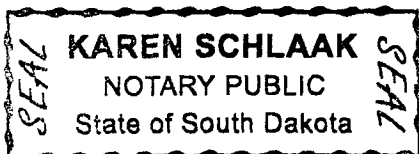
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of January 2005.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



February 19, 2005

Chief Engineer Garland Erbele
Water Rights Program
Dear Mr. Erbele

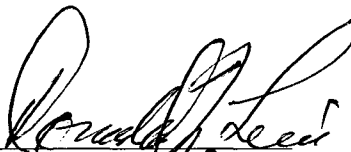
I'm enclosing a clipping from the local Gordon Journal, Gordon, Nebraska which I believe supports the facts we stated to you in our January 28 request. We urge you to read this clipping carefully before making any decisions, conditions exist here much the same as those in the panhandle of Nebraska and eastern Wyoming as evidenced by the Lyndon Vogt clipping.

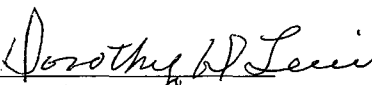
We realize that conditions are more favorable in the east river area which would require a more relaxed attitude however our west river area is a different ball game which threatens the family farm. I can't stress this fact too strongly as our water table has dropped during irrigation season for the last two years which makes our well restricted and inoperable.

Vogt has stated in his article that no new irrigation wells can be drilled and no new acres can be irrigated in parts or all of eight Natural Resource Districts in western Nebraska, including all three in the panhandle. Don't you think its time for everyone in this area to get the message and preserve what we have before its too late?

Sincerely,

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FEB 22 2005
WATER RIGHTS
PROGRAM


Donald N. Leui


Dorothy D. Leui



Declining Water Levels Is Cause For Concern

Irrigation is what fuels the economy of western Nebraska, but changes will be necessary to sustain it, an audience at Chadron State College was told last week.

Lyndon Vogt, general manager of the Upper Niobrara-White Natural Resources District based in Chadron, said area agricultural producers have been using more water than will be available over a prolonged period of time. Nearly all the water tables throughout western Nebraska have declined and river flows have dwindled in recent years, he noted.

While some of the declines can be blamed on the drought the past few years and has brought the issue to the forefront, Vogt said that's not the whole problem.

Vogt said different management and cropping practices are becoming necessary in order to maintain a reasonable balance between water usage and what's available for crop production. Some steps already have been taken. Vogt said no new irrigation wells can be drilled and no new acres can be irrigated in parts or all of eight Natural Resources Districts in western Nebraska, including all three in the Panhandle.

In addition, planning is underway to place meters on the irrigation wells in the areas of greatest decline in the four northwest Nebraska counties that make up his district. The meters will measure the water that is pumped and help determine allocations that are anticipated by the 2007 crop year, Vogt said.

Problems exist in both of the two heaviest irrigated areas in the Upper Niobrara-White NRD, which contains 2,267 registered irrigation wells, Vogt said.

Annual measurements have determined that the water table in most of Box Butte County, where 1,400 irrigation wells are located, has fallen about a foot a year over the past 40 years, he reported. A

few wells near Hemingford have been abandoned because of inadequate water, he added.

The long-term situation is also serious on the Mirage Flats south of Hay Springs. Vogt said Box Butte Reservoir now supplies only about a third as much water for irrigation on the Mirage Flats as was anticipated when the project opened in 1946. The last full allotment was available in 1951.

This has made it necessary for nearly every producer in the district to drill wells to supplement the water provided by the canals. But the water table below the Flats has dropped significantly the past five years.

"They're losing ground with both of their sources," Vogt said of the Mirage Flats. However, he said more water is expected to be available from Box Butte Reservoir this year than last year.

The speaker noted that Wyoming cannot be blamed for less water running from the Niobrara River into Box Butte Reservoir than was projected nearly 60 years ago. Instead, he said landowners along the river west of the dam, like many others throughout Nebraska, drilled dozens of irrigation wells during the 1970s. The wells pump water from the springs that help feed the river, but he said the river has a faster recharge than most.

Other points made by Lyndon Vogt included:

—It takes about 32 inches of water to grow three cuttings of alfalfa a year while sugar beets require 24 inches and corn 22.

—Box Butte Reservoir holds 33,060 acre feet of water, but had only 11,800 acre feet prior to the start of the 2004 irrigation season and had 4,432 acre feet afterwards. Some three feet of water are lost via evaporation during the summer.

—Lake McConaughy, holds 1,948,000 acre feet, but had just 683,924 acre feet entering the 2004 irrigation season and 353,831 afterwards. It had been forecast that there would be a significant fish kill if the lake ever dropped as low as it was last summer, but that has not happened.

—Nebraska has 87,826 registered irrigation wells with heavy development occurring this year in the

Holdrege and Hastings areas where water from McConaughy is used for irrigation. This will be the first year that those irrigators may not get all the water they need from McConaughy.

—Municipalities only use about 2 percent of the water statewide.

—Colorado's Front Range has a major thirst for water, and it's possible that Nebraska water could be sold there, although LB 962 passed in 2004 by the Nebraska Legislature would make that more difficult.

—Developers of the Denver International Airport paid Colorado landowners \$1 million each to plug two irrigation wells so new wells could be drilled to supply water for the airport.

—Some farmers in the Republican Valley in southwest Nebraska will be paid \$150 an acre annually for 10 years not to pump their irrigation wells.

—The Ogallala Aquifer is sometimes referred to as Snow White and the Seven Dwarfs with Nebraska being Snow White since a

bulk of the aquifer lies beneath the state while seven other states have portions of it.

—Because of improved conservation practices, the Dust Bowl of the 1930s is not likely to reoccur.

—The jury is still out concerning the effects of the recent decision by the Nebraska Supreme Court on the Spear T Ranch case in Morrill County. The court said Spear T could sue its neighbors whose wells had dried up Pumpkin Creek so the ranch could no longer exercise its long-standing surface water rights. Since the brief on the ruling suggested that Spear T could solve its problem by drilling a well, Vogt said he wonders if the justices understand the connection between surface and ground water.

Loree MacNeill, director of college relations at Chadron State, said a program featuring a panel of water experts, is scheduled for April 18th on campus.

MARTIN LIVESTOCK AUCTION

Martin, SD

Owners: Brad & Shelly Otte

Phone: 605-685-6716

Fax: 605-685-6215

MONDAY, FEB. 14 - cattle sold on a very active market. The bulk of the cows \$56.00 - \$59.00.

High yielding cows \$59.50 - \$60.75. Thin cows \$53.50 - \$55.50. Bulls \$67.50 - \$70.50. Heiferettes in the high 60's. Yearling hfrs. mid 80's. Pkg. of yrly. strs. \$99.00

MONDAY, FEB. 21 - NO SALE

MONDAY, FEB. 28 - SPECIAL STOCKER FEEDER & REPLACEMENT HEIFER SALE

Early consignments include 1,000 fancy, home raised, Western SD Cattle.

Ed Risse - 250 Ang. strs. - hfrs. 475 - 650#, green, hay fed

Rex Nelson - 200 Ang. hfrs. 700 - 750#, bv

Jim/Dan O'Neill - 140 Ang. hfrs. 700 - 750#

CG Ranch - 120 Ang. hfrs. 675 - 750#, bv

Delbert Hicks - 60 Ang. few Xbrd strs. - hfrs. 600 - 700#

Lee Hicks - 35 Ang. strs. - hfrs. 575 - 625#

Dan Petrick - 30 Ang. hfrs. 700#

Kenny Livermont - 15 Ang. strs. - hfrs. 550 - 650#

Chuck Conroy - 10 Ang. fall strs. - hfrs. 500 - 600#

A special feature on this sale will be replacement quality, bangs vaccinated heifers selected for maternal traits and performance.

We expect more cattle by sale time.

Weigh ups 11:00 a.m., mt. Feeders 1:00 p.m., mt

Also selling 2 South Dakota Brands  rshc  Dirc

www.martinlivestock.com

also on dtn sale barn

north central

WATER PERMIT APPLICATION NO. 2544-2
TIMMERMAN BROTHERS RANCH
JANUARY 7, 2005

Water Permit Application No. 2544-2 proposes to appropriate 1.44 cubic feet of water per second from one well completed into the Arikaree Formation located in the center of the NE¼ Sec.10, T36N-R40W, to irrigate 132 acres located in the NE¼ Sec. 10, T36N-R40W, Bennett County.

AQUIFER: Arikaree (ARKR)

The High Plains aquifer consists of the upper sandstone units of the Arikaree Formation, the Ogallala Formation, and the Sand Hills Formation, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm, 1983). The High Plains aquifer underlies 4,750 square miles of South Dakota and contains an estimated 700 million acre feet of water in the state (Gutentag and others, 1984). The upper members of the High Plains aquifer have been entirely eroded away in this area, leaving only the Arikaree Formation. The Arikaree Formation consists mainly of clayey siltstones and sandstones. The saturated thickness of the High Plains aquifer is estimated to be between 400-600 feet thick in this area (Kolm, 1983). The Arikaree Formation underlies approximately 755,840 acres of Bennett County and contains an estimated 2,267,520 acre-feet of recoverable water in storage in the county (Allen and others, 1985). The aquifer is under unconfined conditions with the water table controlled locally by topography. Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be 8 percent of the precipitation rate, or about 1.3 in./yr to 1.8 in./yr (Kolm, 1983). Natural discharge occurs to streams and springs, and directly to the atmosphere by evapotranspiration.

WATER AVAILABILITY:

Water Rights Program monitors 38 observation wells completed into the Arikaree Formation, of which 22 are located in Bennett County. Water Rights' Observation Wells BT-77C, BT-77D, BT-78A, BT-78B and BT-80B are all located within approximately seven miles of the well to be used for this application. These observation wells are measured several times per year, and in general the hydrographs for the wells (figures 1-5) show only slight fluctuations due to existing pumping and changes in climatic conditions (Water Rights, 2005b). Observation Well BT-78B does show the affect of pumping of an irrigation well authorized by Water Right No. 1342-2 which is located less than 2,000 feet away. The observation well data indicates that withdrawals from the aquifer have not exceeded recharge over the period of record.

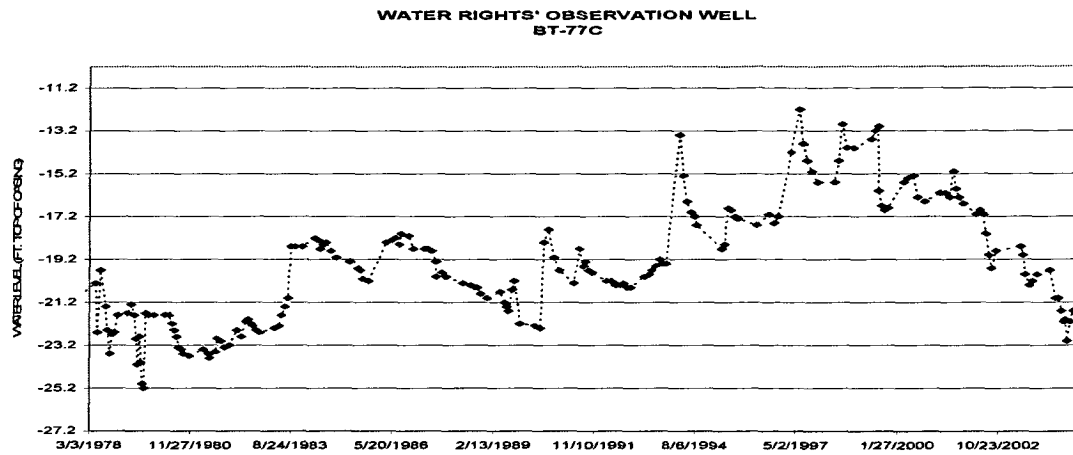


Figure 1. Water Rights' Observation well located approximately four and one-half miles northeast of the well site proposed by this application.

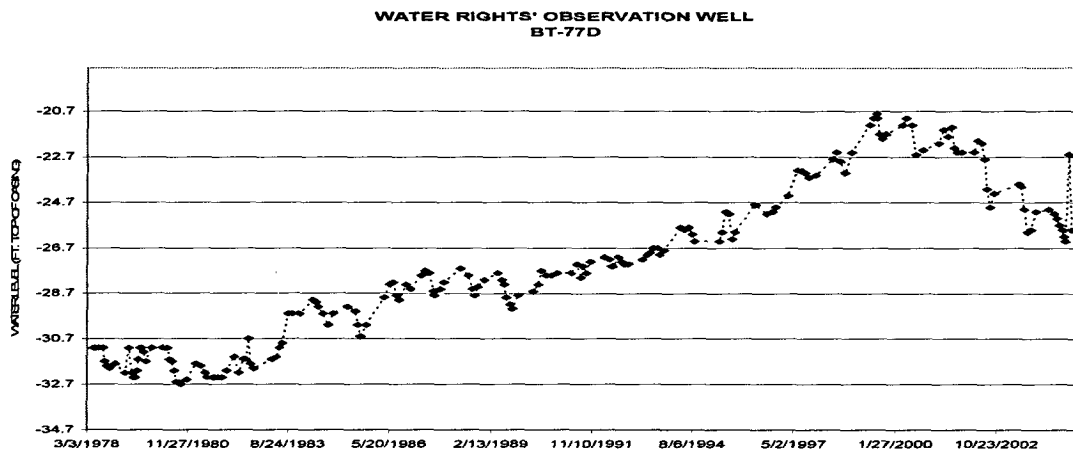


Figure 2. Water Rights' Observation well located approximately six and one-half miles northeast of the well site proposed by this application.

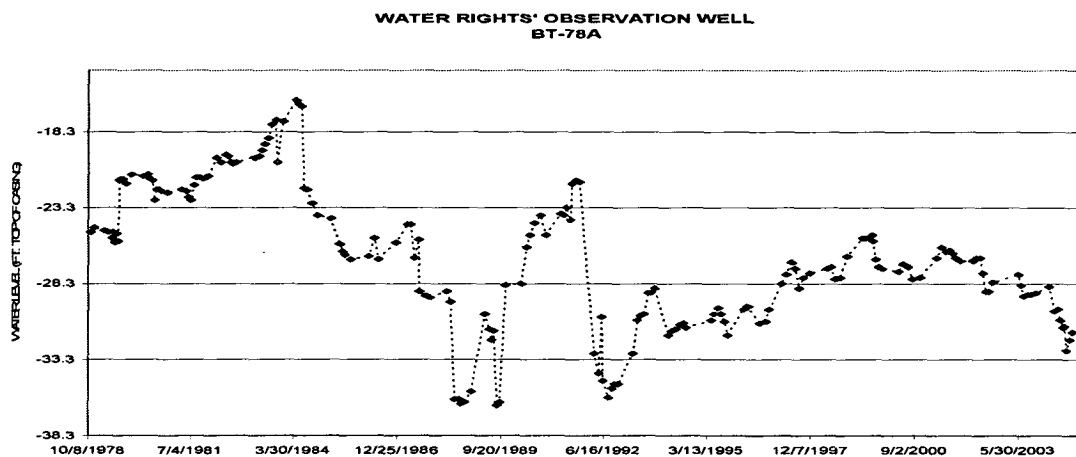


Figure 3. Water Rights' Observation well located approximately five miles northeast of the well site proposed by this application.

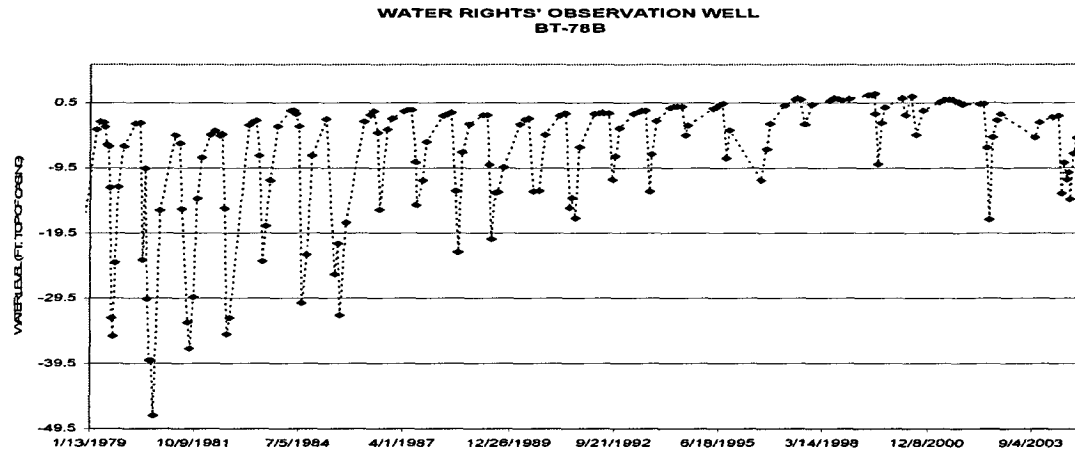


Figure 4. Water Rights' Observation well located approximately one and one-half miles northeast of the well site proposed by this application.

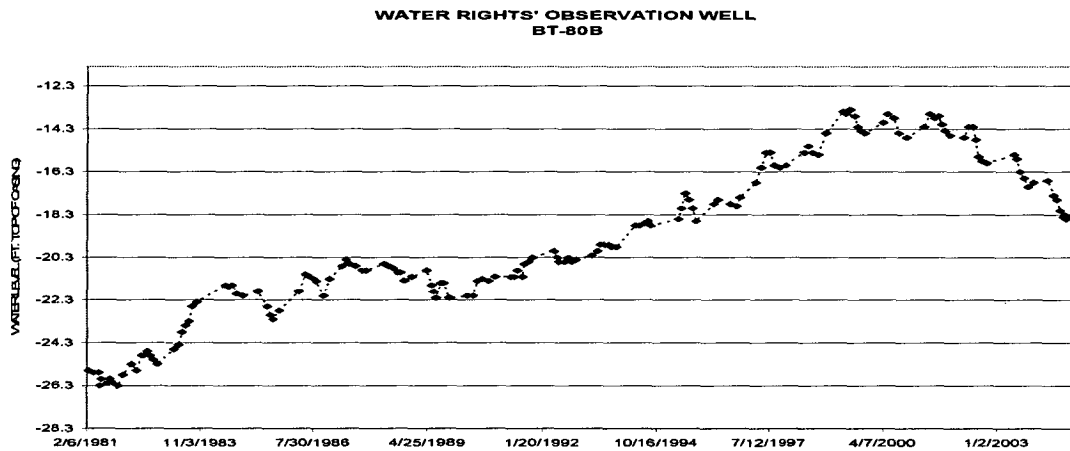


Figure 5. Water Rights' Observation well located approximately five and one-half miles northeast of the well site proposed by this application.

There are 28 permits/rights which appropriate water from the Arikaree aquifer in South Dakota. Water from the Arikaree is appropriated for irrigation use (22 permits/rights), municipal use (4 permits/rights for Batesland and Martin), institutional use (one permit for Shannon Co. School) and for fish and wildlife propagation (one permit for Vanderploeg). Irrigation is the largest water use type from the Arikaree aquifer in South Dakota. Historic irrigation use is shown in Figure 6.

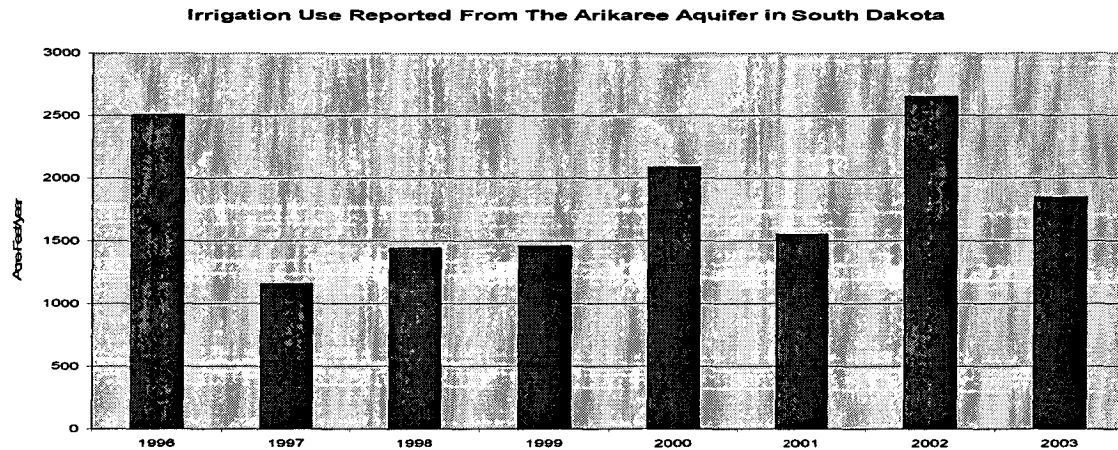


Figure 6. Reported irrigation pumpage from the Arikaree aquifer in South Dakota

There are 17 permits/rights from the Arikaree in Bennett County. Irrigation is the major water use from the aquifer with 13 permits/rights appropriating water in the county. The pumpage reported from the Arikaree for irrigation from Bennett County was 1,477.45 ac-ft in 2003 (Water Rights, 2004).

AFFECTS ON EXISTING RIGHTS:

Since the Arikaree aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well. There are five groundwater appropriations within approximately five miles of the well site proposed by this application, they are shown in Table 1.

WATER RIGHT NO.	NAME	AQUIFER	USE	CFS	ACRES
1336-2	MAURICE NELSEN	ARKR	IRR	1.11	132.00
1342-2	LEONARD J NOVAK	ARKR	IRR	2.00	144.00
1497-2	MAURICE NELSEN	ARKR	IRR	1.78	264.00
1612-2	TOWN OF BATESLAND	ARKR	MUN	0.15	
2289-2	SANDHILLS RANCH	OGLL	IRR	1.90	133.00

Table 1. Water Rights within approximately five miles of 2544-2

Water Right No. 1342-2 is supplied by a well located approximately 1.3 miles northeast of this well site. The next nearest water right is nearly four miles from 2544-2. Interference at these distances is not expected to be significant and therefore should not be a concern.

Water Permit Application No. 2544-2 proposes to irrigate acreage that at one time was irrigated under Water Right No. 1334-2. The well used by Water Right No. 1334-2 was located in the same place as proposed by Water Permit Application No. 2544-2. Water Right No. 1334-2 was used for a number of years with no reported controversy. The

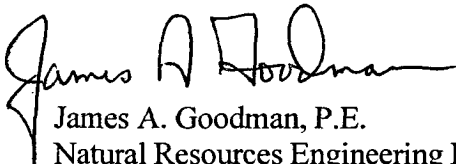
irrigation system used for Water Right No. 1334-2 was ultimately removed from the acreage and the Water Right was canceled in 1986.

CONCLUSIONS:

1. The Arikaree aquifer is a viable aquifer in this area, and water is available for this appropriation.
2. Well interference should not be a problem in this area.



Ken Buhler
Natural Resources Engineering Specialist



James A. Goodman, P.E.
Natural Resources Engineering Director

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data, Western Dakotas Region of South Dakota, Tasks 3A.B.C. & 4A.B.: Groundwater Resources Inventory, US Army Corps of Engineers Contract DAWC 45-82-C-015, SD DENR- Geological Survey, Vermillion SD

Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R., and Weeks, J.B., 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 61 p.

Kohlm, K.E., and Case, H.L.III, 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota: U.S. Geological Survey Water-Resources Investigations Report 83-4175, 34 p.

Water Rights Program, 2004, 2003 Irrigation Summary by Aquifer, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2005a, Domestic Well Log Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2005b, Observation Well Files, DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2005c, Water Permit/Right Files," DENR-Water Rights Program,
Joe Foss Building, Pierre, SD 57501



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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2544-2, Timmerman Brothers Ranch Co.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2544-2, Timmerman Brothers Ranch Co., c/o James A. Timmerman, PO Box 367, Springfield NE 68059.

The Chief Engineer is recommending APPROVAL of Application No. 2544-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
January 19, 2005

RECEIVED

FEB - 4 2005

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Bennett)

I, Mandy Scherer

certify that the attached printed Notice was
taken

from the Bennett Co.
Booster II

printed and published in Martin

County of Bennett and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 26, 2005

February 2, 2005

Cost of Printing 41.48

Mandy Scherer
(Signature)

Business Manager
(Title)

February 2, 2005
(Date Signed)

NOTICE OF APPLICATION

NO. 2544-2 to
Appropriate Water

Notice is given that Timmerman Brothers Ranch Co., PO Box 367, Springfield, NE 68059 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well completed into the Arikaree Aquifer (approximately 460 feet deep) located in the center of the NE1/4 Section 10 to irrigate 132 acres located in the NE1/4 Section 10; all in T36N-R40W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of application No. 2544-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application of contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

2tc-2/2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 19, 2005

Timmerman Brothers Ranch Co.
% James Timmerman
PO Box 367
Springfield NE 68059

Dear Mr. Timmerman:

Water Permit Application No. 2544-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Bennett Co. Booster II printed at Martin, SD (Ph # 605-685-6866). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on January 26, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2544-2 to Appropriate Water

Notice is given that Timmerman Brothers Ranch Co., PO Box 367, Springfield NE 68059 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well completed into the Arikaree Aquifer (approximately 460 feet deep) located in the center of the NE ¼ Section 10 to irrigate 132 acres located in the NE ¼ Section 10; all in T36N-R40W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2544-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 19, 2005

Bennett Co. Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

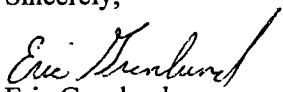
Enclosed is a Notice on Application No. 2544-2 to Appropriate Water to be published twice. Please publish the first notice on January 26, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Timmerman Brothers Ranch Co., % James Timmerman, PO Box 367, Springfield NE 68059 (Ph # 402-253-2218).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy; so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 2544-2

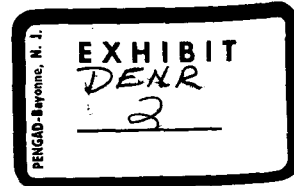
TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 19, 2005 enclosing Notice to Appropriate Water by Application No. 2544-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



KENT A. BUHLER

EDUCATION

B.S. Geological Engineering, South Dakota School of Mines and Technology, 1981

CAREER EXPERIENCE

Natural Resources Engineer Specialist - SD Dept of Environment and Natural Resources, Water Rights Program: Responsible for the management of the state's water well construction program, including licensure and regulation of well drillers operating in South Dakota and administration of the SD Well Construction Standards. Review and assess engineering reports and water permit applications from ground water sources. Monitor water use, investigate violation complaints and conduct water permit reviews for licensing. Provide technical assistance to the Water Management Board through evaluating ground water permit applications and through interpretation of data from the statewide observation well network.

District Field Engineer – Western Company of North America: Designed oil well stimulation and cementing programs and ensured QA/QC for the District's services.

MISCELLANEOUS

Provided technical assistance to the Steering committees for the Black Hills Hydrology Study and the Black Hills Water Management Study.

Provided technical assistance and testimony before the South Dakota Water Management Board for well construction enforcement issues and ground water permit applications since 1986, including applications for:

The City of Sioux Falls; The City of Rapid City, Coca-Cola Bottling Plant of the Black Hills; The City of Custer; Golden Reward Mining Company; and Frawley Ranch Development



APR 19 2005

**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Timmerman Brothers Ranch Co.
% James Timmerman
PO Box 367
Springfield NE 68059

Dear Mr. Timmerman:

Enclosed is Water Permit No. 2544-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

enclosures

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

Date April 22, 2005

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

RECEIVED

APR 26 2005

**WATER RIGHTS
PROGRAM**

FROM: Timmerman Bros. Ranch Co.

(name)

P.O. Box 367

(address)

Springfield, NE 68059

(city, state, zip)

402/253-2218

(phone)

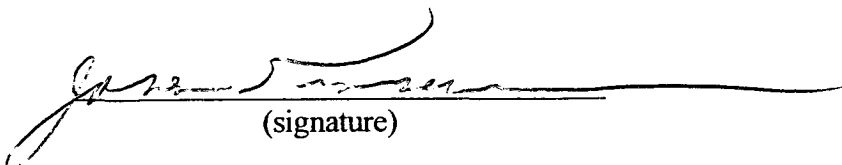
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

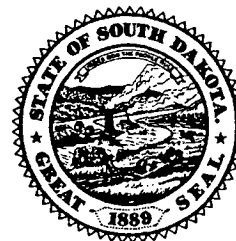
Water Permit No. 2544-2 states that the water use system is to be constructed by
April 1, 2005 , and water is to be put to beneficial use by April 10, 2005 .
(date) (date)

The water use system was completed on April 1, 2005 .
(date)

Applying the water to beneficial use was completed on April 10, 2005 .
(date)

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


(signature)





2544-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: TIMMERMAN BROTHERS RANCH CO, JAMES TIMMERMAN, PO BOX 367,
SPRINGFIELD, NE 68059

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2544-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2544-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2544-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2544-2

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9501

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:13 AM on January 25, 2010 in
SPRINGFIELD, NE 68059. The item was signed for by J TIMMERMAN.

Track & Confirm

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Detailed Results:

- **Delivered, January 25, 2010, 10:13 am, SPRINGFIELD, NE 68059**
- **Notice Left, January 25, 2010, 9:12 am, SPRINGFIELD, NE 68059**
- **Arrival at Post Office, January 25, 2010, 7:26 am, SPRINGFIELD, NE 68059**

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9501

TIMMERMAN BROTHERS RANCH CO
JAMES TIMMERMAN
PO BOX 367
SPRINGFIELD NE 68059

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2010

2544-2

James Timmerman
Timmerman Brothers Ranch Co
PO Box 367
Springfield NE 68059 0367

Dear Mr. Timmerman:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 2544-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

1

4) Capacity 650 GPM

Motor:

- 1) Make Case International—Cummins Diesel
- 2) Model No. 6591T
- 3) Horsepower rating 125 hp

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

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1,296 feet
- 3) Number of towers 7
- 4) Distance between towers ~185 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 650 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 1,330 feet west and 1,286 feet south of the NE corner of Section 10, Township 36 North, Range 40 West, lat/long N 43.11565 W -102.00699. The works are capable of diverting and conveying to the place of use 1.44 cu. ft. per second of water of the Arikaree aquifer which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Report of Examination of Works

Permit No. ~~2554-2~~

2544-2

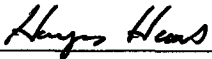
NW ¼ NE ¼ **33 acres**
NE ¼ NE ¼ **33 acres**
SE ¼ NE ¼ **33 acres**
SW ¼ NE ¼ **33 acres**

All in Section 10, Township 36 North, Range 40 West

comprising a total of **132** acres of land and the license should be issued for **1.44** cfs.

All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **Permit No. 1336-2 was cancelled in 1986.**



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **9/12/2011**

2544-2
Timmerman Brothers Ranch



August 2011
Hayes Haas
Natural Resources Engineer
Water Rights Program

Hayes Haas

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2544-2

(1) Timmerman Brothers Ranch Co., PO Box 367, Springfield NE 68059 made Application No. 2544-2, December 1, 2004 for a water permit to divert 1.44 cubic feet of water per second from ground water (one well – Arikaree Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2544-2, with a priority date of December 1, 2004 was approved March 2, 2005 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 2, 2009 and for the application to beneficial use of said water on or before March 2, 2013.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.44 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,330 feet west and 1,286 feet south of the NE corner of Section 10, T36N, R40W (approximate center of the NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T36N, R40W Section 10	NW ¼ NE ¼	33 acres
	NE ¼ NE ¼	33 acres
	SE ¼ NE ¼	33 acres
	SW ¼ NE ¼	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Timmerman Brothers Ranch Co., PO Box 367, Springfield NE 68059 the holders and/or owners of Water Right No. 2544-2 are issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from ground water (one well – Arikaree Aquifer) with a priority date of December 1, 2004 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2544-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

SEP 26 2011
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 26 2011

2544-2

James Timmerman
Timmerman Brothers Ranch Co
PO Box 367
Springfield NE 68059-0367

Dear Mr. Timmerman:

Enclosed is Water License No. 2544-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2544-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 4, 2021

2544-2

Timmerman Land & Cattle LLC
18701 Platteview Rd
Springfield NE 68059

Dear Sirs:

Thank you for sending in the irrigation questionnaire so promptly. In response to your notation about the name change, for us to change a name on a water right, a transfer needs to be filed.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership (or name) change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID
NOV 19 2021
Ck# 1358

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 2544-2

Date: 11-16-21

I/We request that Water Right No. 2544-2

formerly owned by: Timmerman Brothers Ranch Co.

be transferred to: (name & address) Timmerman Land + Cattle LLC
18701 Platteview Rd

Springfield NE 68059

Telephone No. 712-259-1700

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

132 acres - NE 1/4 Section 10, T36N, R40W

I/We understand that the validity of Water Right No. 2544-2 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Timmerman Land + Cattle LLC the new owner, certify that the above information is true and correct.

Amy Daniel
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a 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.

2544-2

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Agriculture and Natural Resources

Date November 19, 2021RECEIVED OF Timmerman Land & Cattle LLC 18701 Platteview Rd., Springfield NE 68059

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$_____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$_____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$_____
Fee for Filing Transfer Form <u>2544-2</u>	<u>\$50.00</u>
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$_____
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
 Chief Engineer




**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 22, 2021

2544-2

Amy Daniel
Timmerman Land & Cattle LLC
18701 Platteview Rd
Springfield NE 68059

Dear Ms. Daniel:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2544-2.

The ownership change has been completed. Water Right No. 2544-2 formerly listed under Timmerman Brothers Ranch Company is now listed under Timmerman Land & Cattle LLC.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
genny.mcmath@state.sd.us

enclosure