



NOV 14 1994

11632-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3352

5176-3

Mark Wiechmann
RR 2, Box 24B
Armour, SD 57313

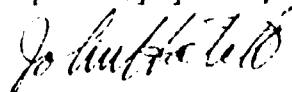
Dear Mr. Wiechmann:

Enclosed is Water License No. 5176-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414139 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-5-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5176-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

rd
enclosures

NOTE: The applicable portions of Water Permit Nos. 1632-3 and 1632-3A have been incorporated into this Water License No. 5176-3.

Considered: _____

WATER PERMIT NO. 1632-3A

Phone: 384-5130

Name of Applicant: Mark Wiechmann

Post Office Address: RR 2, Box 24B, Armour SD 57313

Amount of Water Claimed: no add'l (2.28 cfs) ^{0.57 cfs - 5776-3} Total Acres: no add'l (320 ac) ^{40 ac - 5776-3}

Source of Water Supply: groundwater

Water to be used for: irrigation County: Charles Mix

About 8 miles North of Wagner

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 1-18-91 Fee: \$50.00 Remarks change the
diversion point on 1632-3

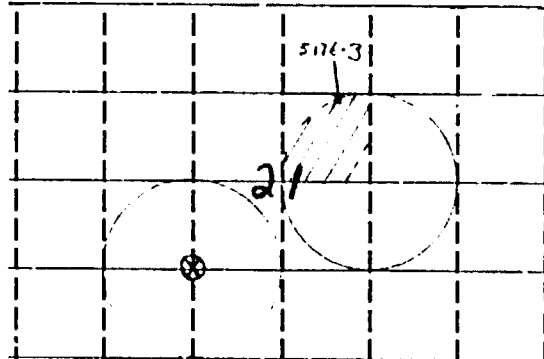
Corrected Application Received _____ Period of Annual Use April 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS letter from Conservation
stating S/W was not necessary

Diversion Point: center of SW 1/4 21-97-63

Land to be Irrigated: SW 1/4, W 1/2 SE 1/4, NE 1/4
SW 1/4 NE 1/4
SE 1/4, SE 1/2, NW 1/4 21-97-63



Well Log: Driller: Huron Drilling Licensed YES X NO _____

Depth of Well: 187' REMARKS _____

Type of Map: aerial PREPARED BY: Lyle Laberee Reviewed and the Number

Assigned on 4-3-91 By Karen Schlaak

(See instructions)

Mail to: Water Rights Div
523 E. Capitol
Pierre, SD 57501
(605) 773-8352

No. 1633-3A Hydrologic Unit R10101
 Basin Musconetcong River
 Newspaper Wagner Post, Roxbury, Wagner 57386
 (7/25/51)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☐ New ☐ Vested Right ☒ Amend Permit No. 1632-3
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Mark Wiechmann Phone No. 384 5130
Post Office Address RR #2 Box 246 Armore State SD 57313
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) no add'l Total acres irrigated no add'l

3. Source of Water supply groundwater (one well)

4. Location of point of diversion approximate center of SW¹/₄ Section 21, T97N, R63W

County Charles M.

5. Counties where water will be used Charles Mix

6. Annual period during which water is to be used April 1 - November 30

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

Name and Description	No. Acres Irr.
Same as under 1632-3	

Land Description	No. Acres Irr

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify) _____

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)

change of diversion point from near center of S $\frac{1}{2}$ to where the well was developed in the approximate center of SW $\frac{1}{4}$ Section 21, T97N, R13W

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information.

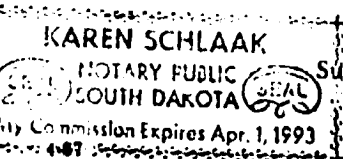
STATE OF SOUTH DAKOTA)
County of Hughes)^{SS}

I, _____, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John C. [illegible]

Subscribed and sworn to before me this 15th day of January 1971

Solar Public



REPORT ON APPLICATION NO. 1632-3A
for Mark Wiechmann
May 31, 1991

Application No. 1632A-3 will correct the location of the well authorized by Water Permit No. 1632-3. Water Permit No. 1632-3 appropriates 2.23 cfs from one well approximately 235 feet deep to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4 of section 21, T97N R63W in Charles Mix County. The correct location of the well is near the center of the SW 1/4 of section 21, T97N R63W. This application does not authorize any increase in diversion rate or acres irrigated.

AQUIFER - CHOTEAU-WEST (CH-W)

The Choteau West is a buried glacial outwash and "western" origin stream deposits (Kume, 1977). The aquifer is under artesian conditions. The aquifer underlies 169,600 acres and contains an estimated 1.2 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The Division of Water Rights monitors 23 observation wells completed into the Choteau West aquifer in Charles Mix County. One of these observation wells, CM-80C, is located about 1 1/2 miles south of this application and records are available since 1960 for this well. The water levels show good response to pumping which is typical for this artesian system. Water levels for this well fluctuate 20 to 30 feet per year due primarily to irrigation withdrawals. In general the water level trend was downward until 1984, then upward until 1988 and since that time downward. This correlates with the precipitation in the area and indicates recharge to the aquifer and lack of pumping because of the wet conditions (Water Rights, 1991). Underflow from aquifer in Hutchinson County probably accounts for the bulk of the recharge with the Niobrara and Codell aquifers also contributing.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

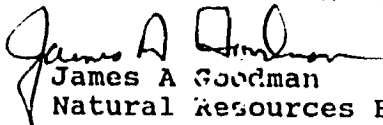
There are four existing water permits/rights within 2 miles of this application. This permit has been in use for many years and this request will not change any diversion. This application will not change withdrawals from this area. Although drawdown is occurring due to existing diversions interference is not adverse and should not impact water availability from the aquifer (Goodman, 1988).

CONCLUSIONS

1. Ground water is available from the Choteau West aquifer.
2. The aquifer is under artesian condition and fluctuations due to pumping can be expected. Since this is an existing well and has been used for many years with no apparent problems, interference is not expected to be a concern.
3. This application in effect changes the location of the irrigation well from where the advertised location was to where the well was

actually drilled. Because no other water permits/rights will be adversely affected the original priority date can be retained.

4. This application combined with Water Permit Nos. 5176-3 and 1632-3 will allow a diversion of 2.28 cfs to irrigate 320 acres from the one well 235 feet deep


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Goodman, J.A., 1988, Report on Application No. 5176-3 for Mark Wiechmann, SD DENR, Division of Water Rights, Pierre, SD, 57501.
- Hedges, L.S., 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II Water Resources, USGS, Huron, SD, 57350.
- Water Rights, 1991, Observation Well Records for Choteau West Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

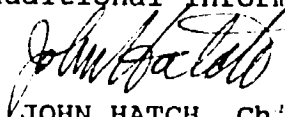
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1632-3A, Mark Wiechmann

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1632-3A, Mark Wiechmann, RR 2, Box 24B, Armour, SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 1632-3A because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 31, 1991



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

June 13, 1991

Mark Wiechmann
RR 2, Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

Water Permit Application No. 1632-3A for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD. 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 of Hearing. The cost of publication of this Notice will be paid by the Division of Water Rights. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 18, 1991

Wagner Post
Box 187
Wagner, SD 57380

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1632-3A to be published twice. Please publish the first notice on June 25, 1991 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before June 25, 1991 with the second publication 7 days later.

NOTICE OF HEARING on Application No. 1632-3A to Appropriate Water
to correct Water Permit No. 1632-3

Notice is given that Mark Wiechmann, RR 2, Box 24E, Armour, SD 57313 has filed an application for a water permit to specify the correct location of the well authorized by Water Permit No. 1632-3. Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21-T97N-R63W. The correct location for the existing well (Choteau-West Aquifer) 235 feet deep is the center of the SW 1/4 Section 21-T97N-R63W. This application does not authorize any increase in diversion rates or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1632-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 July 12, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1632-3A and 2) the chief engineer's recommendation, a Board meeting is scheduled for July 24, 1991, at 10:00 am in Yneip Room, Governors Inn, 700 W. Sioux Ave., Pierre SD. If this application is opposed or the recommendation is contested, the July 24, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 24, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 12, 1991.

If a hearing is held, 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 facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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; 46-5-1 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, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26;
and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF CHARLES MIX)

Carol Harrell, of said County and State being first duly sworn on her oath says: That The Wagner Post is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Carol Harrell, and has been such newspaper during the time herein mentioned; and that I, Carol Harrell, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed—

Notice of Hearing on Application
No. 1632-3A to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 26th day of June, 1991

2nd publication made on 3rd day of July, 1991

3rd publication made on _____ day of _____, 19____

4th publication made on _____ day of _____, 19____

5th publication made on _____ day of _____, 19____

6th publication made on _____ day of _____, 19____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is \$ 51.44.

Carol Harrell

Subscribed and sworn to before me this 15th day

of July, 1991.

Donald J. Harrell

Notary Public

Charles Mix County, South Dakota

My commission expires 11-13-92

Public Notice

NOTICE OF HEARING
on Application No. 1632-3A
to Appropriate Water to
correct Water Permit No.
1632-3

Notice is given that Mark Wiechmann, RR2, Box 24B, Armour, SD 57313 has filed an application for a water permit to specify the correct location of the well authorized by Water Permit No. 1632-3. Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 320 acres located in the SW 1/4, W 1/4 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21-T97N-R63W. The correct location for the existing well (Choteau-West Aquifer) 235 feet deep is the center of the SW 1/4 Section 21-T97N-R63W. This application does not authorize any increase in diversion rates or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1632-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 July 12, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 1632-3A and 2) the chief engineer's recommendation, a Board meeting is scheduled for July 24, 1991, at 10:00 a.m. in Kneip Room,

Governors Inn, 700 W. Sioux Ave., Pierre, SD. If this application is opposed or the recommendation is contested, the July 24, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 24, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 12, 1991.

If a hearing is held, 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 facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence on any issue. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

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; 46-5-1 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, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

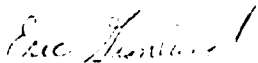
Pub. June 26, July 3, 1991

REPORT ON WATER PERMIT NOS. 1632-3 AND 1632-3A
MARK WIECHMANN
December 14, 1993

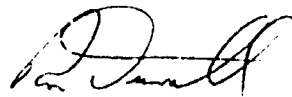
Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second from one well located in the center of the S 1/2 Section 21 to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21; all T97N-R63W. Water Permit No. 1632-3A corrects the location of the well authorized by Water Permit No. 1632-2. The correct location of the well is the center of the SW 1/4 Section 21-T97N-R63W. Readvertisement of these permits is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 21-T97N-R63W. Permit No. 1632-2 was incorrectly advertised in the Mitchell Daily Republic on March 8 and 15, 1976 and Permit No. 1632-3A was incorrectly advertised in the Wagner Post on June 26 and July 3, 1991. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit Nos. 1632-3 and 1632-3A.
2. This readvertisement is necessary to correct the legal description of the lands irrigated prior to issuance of the water license. The correct location of the irrigated acreage was identified on the application for Water Permit No. 1632-3.
3. The correct legal description of the lands being irrigated is the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 21-T97N-R63W.



Eric Gronlund
Natural Resources Engineer



Ron Duvall
Natural Resources Engineer IV

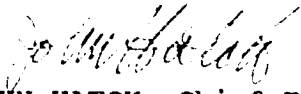
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NOS. 1632-3 and 1632-3A, Mark Wiechmann

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application Nos. 1632-3 and 1632-3A, Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313.

The Chief Engineer is recommending APPROVAL of readvertised Application Nos. 1632-3 and 1632-3A because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 24, 1994



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 1994

Mark Wiechmann
RR 2 Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

The original notice of hearing for Water Permit Nos. 1632-3 and 1632-3A was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1994

Wagner Post
Box 187
Wagner, SD 57380

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit Nos. 1632-3 and 1632-3A to be published twice. Please publish the first notice on March 15, 1994, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit applications cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 15, 1994, with the second publication 7 days later.

Readvertisement of NOTICE OF APPLICATION NOS. 1632-3 and 1632-3A to
Appropriate Water

Notice is given of readvertisement of Water Permit Nos. 1632-3 and 1632-3A held by Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313. The water permits were originally applied for on October 23, 1968, and January 18, 1991. Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second from one well located in the center of the S 1/2 Section 21 to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21; all in T97N-R63W. Water Permit No. 1632-3A corrects the location of the well authorized by Water Permit No. 1632-3. The correct location of the well is the center of the SW 1/4 Section 21--T97N-R63W. Readvertisement of the permits is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 21-T97N-R63W. Permit No. 1632- was incorrectly advertised in the Mitchell Daily Republic on March 8 and 15, 1976, and Permit No. 1632-3A was incorrectly advertised in the Wagner Post on June 26, and July 3, 1991. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application Nos. 1632-3 and 1632-3A 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 Division, 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 April 1, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Division address to request copies of information pertaining to these applications. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) ss

I, Donald Harrell

certify that the attached printed Notice was

taken from the _____

The Wagner Post

printed and published in Wagner

County of Charles Mix and State of

South Dakota. The notice was published in the newspaper on the following two dates:

March 16, 1994

March 23, 1994

Cost of Printing: \$45.40

Donald Harrell
(Signature)

Publisher
(Title)

March 23, 1994
(Date Signed)

Public Notice

Readvertisement of NOTICE OF APPLICATION NOS. 1632-3 and 1632-3A to Appropriate Water

Notice is given of readvertisement of Water Permit Nos. 1632-3 and 1632-3A held by Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313. The water permits were originally applied for on October 23, 1968, and January 18, 1991. Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second from one well located in the center of the S 1/2 Section 21 to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21; all in T97N-R63W. Water Permit No. 1632-3A corrects the location of the well authorized by Water Permit No. 1632-3. The correct location of the well is the center of the SW 1/4 Section 21-T97N-R63W. Readvertisement of the permits is necessary to correct the location of the lands irrigated prior to issuance of the water license. The lands irrigated are located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 21-T97N-R63W. Permit No. 1632-3 was incorrectly advertised in the Mitchell Daily Republic on March 8 and 15, 1976, and Permit No. 1632-3A was incorrectly advertised in the Wagner Post on June 26, and July 3, 1991. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

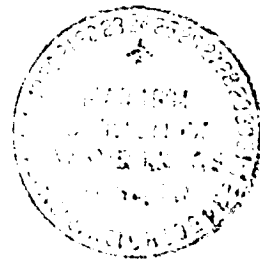
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application Nos. 1632-3 and 1632-3A because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

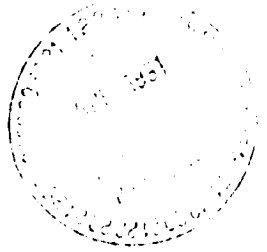
Any person interested in opposing or supporting these applications or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss 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 April 1, 1994.

The petition may be informal, but must include a statement de-

scribing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Division address to request copies of information pertaining to these applications. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

Pub: March 16, 23, 1994





Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, 445 East Capitol
Pierre, South Dakota 57501-3188
Phone 605/773-3258

GREAT FACES. GREAT PLACES.

March 27, 1998

Mark Wiechmann
RR 2, Box 24B
Armour, SD 57313

RE: Permit #4587

Dear Mark:

This is in regard to your Soil and Water Compatibility Permit application for change of diversion point.

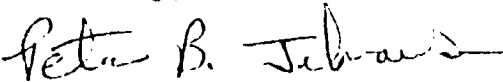
We have determined that you do not need a new Soil and Water Compatibility Permit. The main question we needed answered was the location and depth of the original well in 1968. According to the Division of Water Rights, it was to be located near the center of the S1/2 21-T97N-R63W and 160' deep. It was found to have been developed in the center of the SW1/4 and 235' deep. Our Rules state that if a diversion point is within a 2,000' radius of the original well in the same Aquifer and involves no additional water or lands, it does not need soil and water approval.

As you know, this water is marginal for use on your soils due to high Sodium and Boron levels. Without a Soil and Water Management Program, long-term soil damage could occur.

Please feel free to contact this office, if you have any further questions regarding this matter.

I will be contacting you shortly regarding the matter of permit requirements.

Sincerely,



Peter B. Jahraus, Natural Resource Program Scientist
SOUTH DAKOTA DIVISION OF CONSERVATION

PBJ:aap

Water Rights Division - DWNR
Conversation or File Documentation

File No. 4820 SA

NAME OF PERSON OR FILE: Mark Wiechmann

ADDRESS: RR # 2, Box 24B, Armore COUNTY 109

DATE: 1/13/91 TELEPHONE _____

RE: _____

COMMENTS:

Mr. Wiechmann filled out an application ^{the other} for a change in diversion point. I told him that a \$50.00 application filing fee would be required. He stated that he would send a check to us when he returned home.

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.

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

FEB 20 1992

Mark Wiechmann
RR 2 Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

Enclosed is Water Permit No. 1632-3A authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

SOUTH DAKOTA
WATER PERMIT No. 1632-3A FOR IRRIGATION

Date of first receipt of application January 18, 1991.

Date Soil/Water Compatibility Permit received May 24, 1984.

Date of return to applicant for corrections, amendments or changes January 18, 1991.

Date of receipt of corrected application January 24, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1632-3A to Mark Wiechmann, RR 2, Box 24B, Armour SD 57313 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. 1632-3A corrects the location of the well authorized by Water Permit No. 1632-3. Water Permit No. 1632-3 appropriates 2.28 cubic feet of water per second (cfs) from one well to irrigate 320 acres located in the SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NW 1/4, Section 21-T97N-R63W. The correct location for the one existing well (Choteau - West Aquifer) 235 feet deep is the center of the SW 1/4 Section 21-T97N-R63W. This permit does not authorize any increase in diversion rates or acres irrigated.
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 - November 30.
3. The date from which applicant may claim right is October 23, 1968 (established by Water Permit No. 1632-3).
4. The date of approval of Permit No. 1632-3A is July 24, 1991.
5. 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: _____

Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

FEB 20 1992

date _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 1994

Permit No. 5176-3

Mark Wiechmann
RR 2, Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 1632-3, 1632-3A and 5176-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 1632-3 and 1632-3A will be incorporated into 5176-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please Remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, Mark January 21, 1911

RECEIVED OF Mark Wiechmann, RR #2 Box 24B, Armour SD 57515

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

for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
for Application for Permit No. _____ to Appropriate Water for Future Use _____		
to retain Future Use Permit No. _____ after period of seven years.		
for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
for Filing Transfer Form _____		
for Filing Extension Request _____		
for Certified Copy of _____		
for Print Copy of Map _____		
for Certifying _____		
for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Mark [Signature]
Chief Engineer

PAYMENT REQUEST FORM

PAYEE: The Wagner Post
P.O. Box 187
Wagner, SD 57380-0187

FROM: DENR
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Readvertisements of Notice of Applications to Appropriate Water:

Application No. 3004-3:	\$ 40.70
Application Nos. 1632-3 & 1632-3A:	\$ 45.90
Application No. 5779-3:	\$ 43.06
Application No. 1368-3:	<u>\$ 40.70</u>
Total:	\$170.36

AMOUNT: \$170.36

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION: John Hatch 3-28-94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

HURON DRILLING INC. DRILLERS LOG

Arroyo, SD

PAGE NO.

Mark Winckmann

588-21-97-61

Fix County
LOCATION

12-12-80
DATE

24
RIG NO.

John Guilford
FOREMAN

JOB NAME

NO	DEPTH	TIME	REMARKS
1	10		Yellow Clay
2	40		Blue Clay & 20
3	60		125-150 Sand & Gravel streaks
4	80		Blue Clay
5	100		
6	120		125-150 Gravel & Boulders
7	140		
8	160		137-185 Fine Sand Good
9	180		175-195 Sand & Clay streaks
10	200		195-200 Clay
11	220		200-215 Sand streaks
12	240		215-240 Shale
13			
14			
15			

5700

WELL REPORT

HURON
DRILLING CO.
HAROLD, S. D.

Mark Winckmann
OWNER

588-21-97-61
DESCRIPTION

Dec. 21, 1980
DATE

CASING LOG

Depth	187	ft.	
Flow	rpm	147	ft. 5" PVC Class pipe to 147 ft.
Pumps	1000	rpm	40 ft. 5" PVC Class pipe to 187 ft.
Head	ft.		250 Slotted
40 ft. 5" PVC Class	250 Slotted	ft.	pipe to ft.
Perforations	ft.		pipe to ft.

Previous

147-187

REMARKS

3 Days
Drilled Time

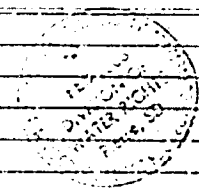
Used 5" Long Bit Used 9-7/8" Gear Bit

Rig No. 24

500 lb. Cement

Used Centralizers

John Guilford
Foreman



1632-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

5176-3

Mark Wiechmann
RR 2, Box 24B
Armour, SD 57313

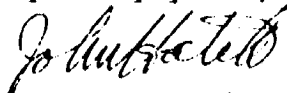
Dear Mr. Wiechmann:

Enclosed is Water License No. 5176-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414139 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5176-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,


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

rd
enclosures

NOTE: The applicable portions of Water Permit Nos. 1632-3 and 1632-3A have been incorporated into this Water License No. 5176-3.