

WATER PERMIT NO. 1785A-3

Name of Applicant: Weinheimer Farms, Inc.

Address: 18125 299th Ave, Onida SD 57564-6007

Phone: 605 258-2803

Amount of Water Claimed: 0.444 cfs (200 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: domestic use County: Sully

Type of Waste Disposal System: NA

Location: about 8 miles southwest of Onida

PRIORITY

Date Received: 1-19-1999

Fee: \$50.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Change of use from irrigation to domestic use over 18 gpm.

Diversion Point: S ½ SW ¼

Sec 4-T113N-R78W

Land to be Irrigated: NA

Depth of Well: 45 feet

Well Driller:

Remarks: log not available

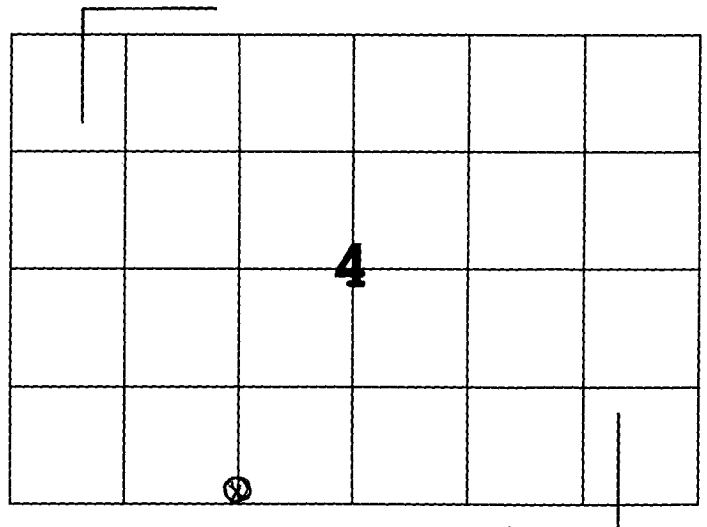
Type of Map: aerial

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 1-21-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>1785A-3</u>	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Onida Watchman, Onida, SD</u>	



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other	

Type of Application: ☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to License No. 1785-3

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

Change in use from irrigation to domestic use over 18 gpm.

- Name of Applicant Weinheimer Farms, Inc. Phone (605)258-2803
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18125 299th Ave., Onida State SD 57564-6007
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.444 *CFS or 200 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Cow Creek Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1320' E and 50' ~~N~~ of the SW corner of Section 4, T113N, R78W. (5 1/2 SW 1/4)
N County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used Jan. 1 through Dec. 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Existing well authorized by Water Right No. 1785-3 used to fill water truck for farming purposes.

STATE OF SOUTH DAKOTA)
County of Sully SS

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, Weinheimer Farms, Inc., 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.

Signed Mark S. Weinheimer
Mark S. Weinheimer, President
Subscribed and sworn to before me this 14th day of January, 19 99

**SOUTH DAKOTA
WATER PERMIT NO. 1785A-3**

Date of first receipt of application January 19, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1785A-3 to Weinheimer Farms, Inc., 18125 299th Ave, Onida SD 57564-6007 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. 1785A-3 authorizes the change of use of 0.44 cubic feet of water per second (cfs) [200 gpm] from one of the wells authorized by Water Right No. 1785-3 from irrigation use to domestic use. The existing well is 45 feet deep (Cow Creek Aquifer) and located in the S ½ SW ¼ Section 4-T113N-R78W. Water Right No. 1785-3 appropriated a total of 1.94 cfs from three wells to irrigate 136 acres. Approval of this permit cancels the remaining 1.5 cfs and the irrigation use from Water Right No. 1785-3.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and may not exceed the amount of water needed for beneficial use for domestic purposes.
3. The water is to be used during the following described annual period: January 1 – December 31
4. The date of approval of Permit No. 1785A-3 is March 29, 1999.
5. The date from which applicant may claim right is November 10, 1970.
6. 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. Approval of 1785A-3 cancels irrigation use authorized by No. 1785-3 and the remaining 1.5 cfs appropriated by Water Right No. 1785-3.
3. The remaining wells authorized by Water Right No. 1785-3 are temporarily abandoned and in accordance with Water Management Board Rules, Chapter 74:02:04:70.01 any well removed from service and not permanently abandoned may be temporarily abandoned by sealing the top with a watertight cap. If these wells are permanently abandoned in the future they must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

WATER MANAGEMENT BOARD

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

APR 23 1999

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 45 feet
- b) Casing Type steel Diameter 18 inches Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

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 _____

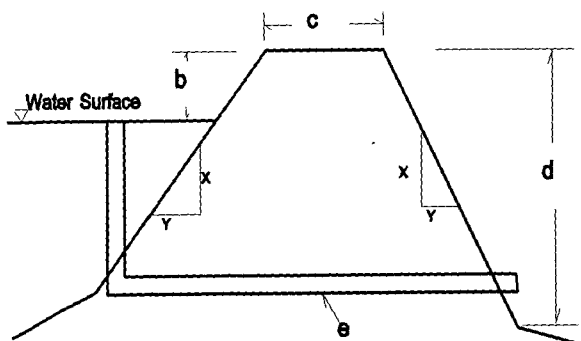
Upstream _____

Downstream _____

- h) Surface Area of Impoundment _____

- i) Storage _____ Acre Feet

- j) Drainage Area Above Dam _____ Acres



Water Rights Division - DENR

Conversation or File Documentation

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

Comments:

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

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

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



Lynn Beck
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 8, 1999

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

Dear Mr. Weinheimer:

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

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

The amendment to License No. 1785-3 is for a change in use from irrigation to domestic use greater than 18 gallons of water per minute (gpm). Domestic use greater than 18 gpm requires a water right. The amendment to License No. 1785-3 will allow the diversion to keep its original priority date of November 10, 1999. *1970 jh*

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

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

Sincerely,

Lynn Beck
Natural Resources Engineer III

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416012

Pierre, January 19, 19 99

Reinheimer Farms, Inc., 18125 299th Ave, Onida SD 57564

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

Fee for Application for Permit No. <u>1785A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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>1785a-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	100 00

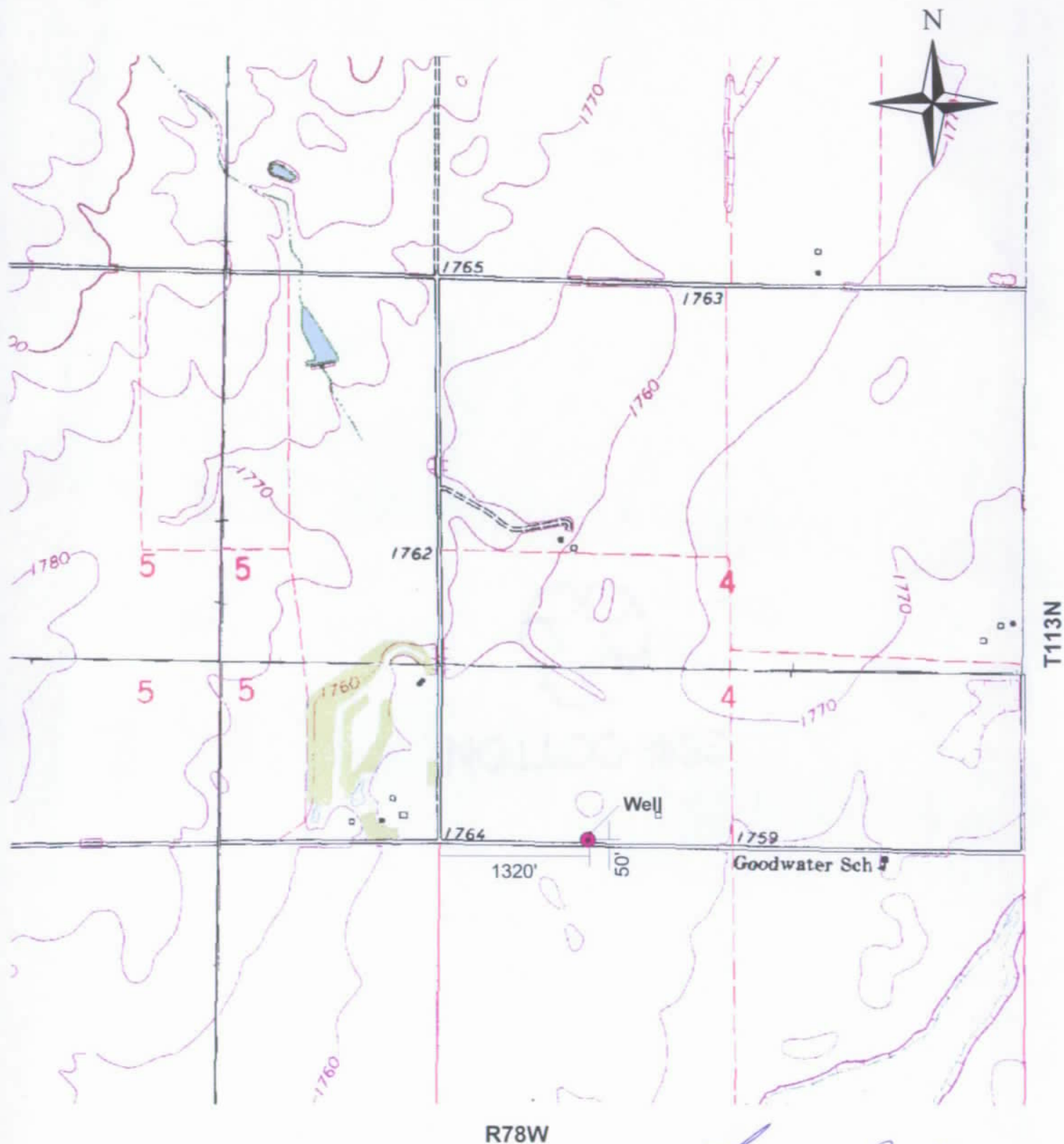
By

Chief Engineer

JOHN HATCH

KS

WATER PERMIT APPLICATION 1785A-3



Scale
1000 0 1000 2000 Feet

Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights
January 20, 1999

REPORT ON WATER PERMIT APPLICATION NO. 1785A-3
for Weinheimer Farms Inc.
February 5, 1999

Application No. 1785A-3 proposes to change the water use authorized by Water Right No. 1785-3. Water Right No. 1785-3 appropriated 1.94 cfs from three wells to irrigate 136 acres. An investigation of the water right found that water use for irrigation had been abandoned. This application proposes to change the use of 0.444 cfs (200 gpm) from one existing well approximately 45 feet deep located in the S 1/2 SW 1/4 of Section 4, T113N-R78W in Sully County from irrigation to domestic use.

AQUIFER - COW CREEK (COW)

The Cow Creek aquifer is a surficial outwash (sand and gravel) which is under predominantly water table conditions in this area. The aquifer underlies 3600 acres and contains an estimated 8100 acre feet of recoverable water in storage (Hedges, 1982). These estimates are conservative especially the volume of recoverable water in storage which is subject to considerable change.

The Water Rights Program monitors three observation wells (SU-78C, SU-78D, SU-80A) completed into the Cow Creek aquifer. One of these wells, SU-78C, is located about one-half mile west of the diversion point for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining during dry years. One interesting observation is the unusually high water levels during the last few years. This is due to recharge by the wet years beginning in 1995. During this period of time water levels rose between 10 and 15 feet for all three of the observation wells in the area. Hydrographs for these wells are included with this report (Water Rights, 1999).

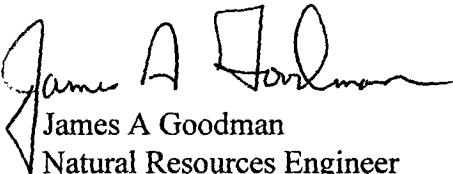
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights are about two miles from this application. Interference is not a concern. In fact, approval of this application also means abandonment and cancellation of an existing water right which allowed irrigation from this well plus others. This application simply allows some water use from one of the irrigation wells for domestic use. This will cut back the potential for actual water use from the aquifer which was fully appropriated for all practical purposes. The abandoned wells must be plugged pursuant to SD Well Construction Standards.

CONCLUSIONS

1. Water is available from the Cow Creek aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping is not significant. Interference is not a concern.
3. Information is not sufficient to determine if this well is completed in accordance with SD Well Construction Standards.
4. Water from this well will be used for domestic purposes only.

5. The wells which are to be abandoned must be plugged pursuant to SD Well Construction Standard (74:02:04:69).



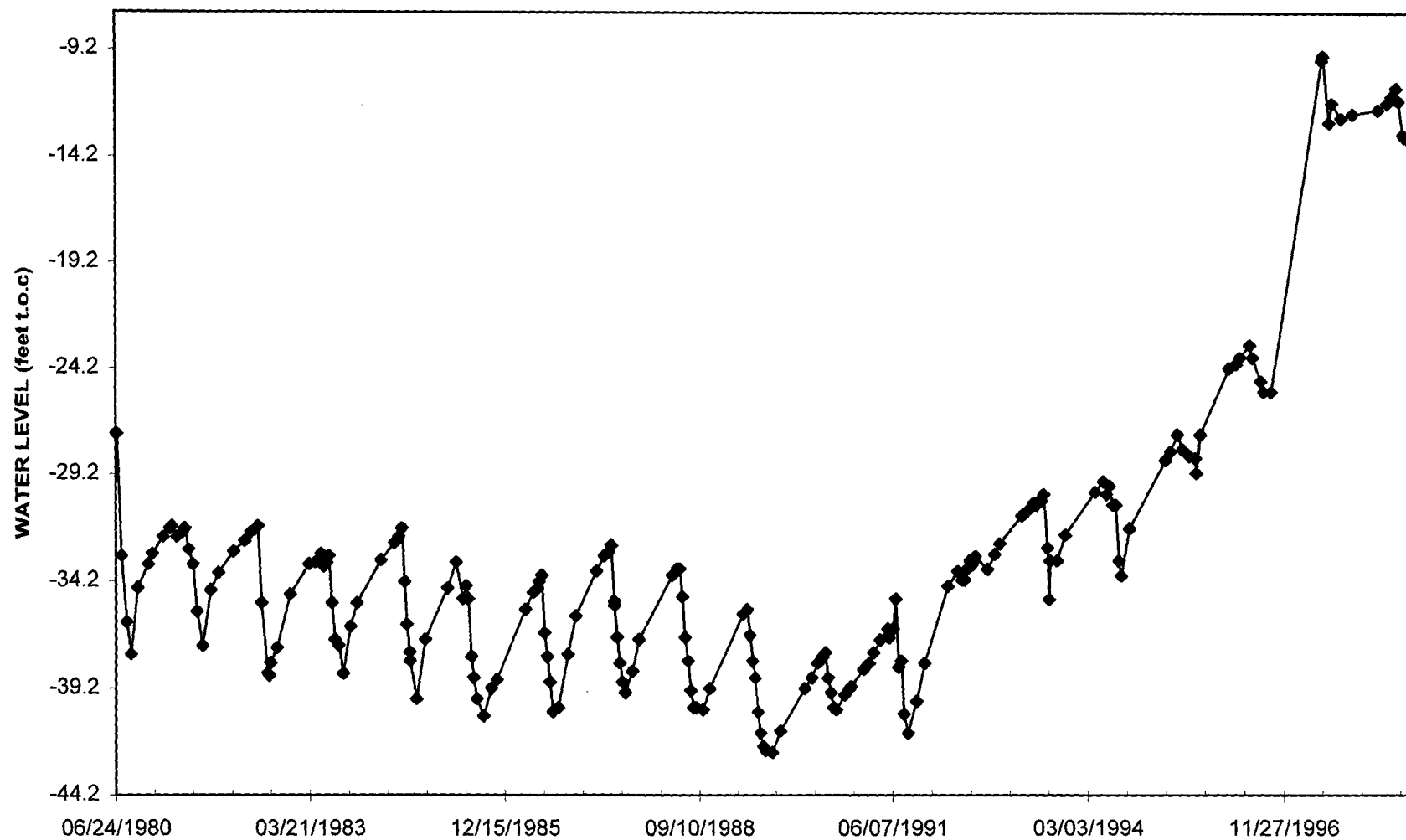
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

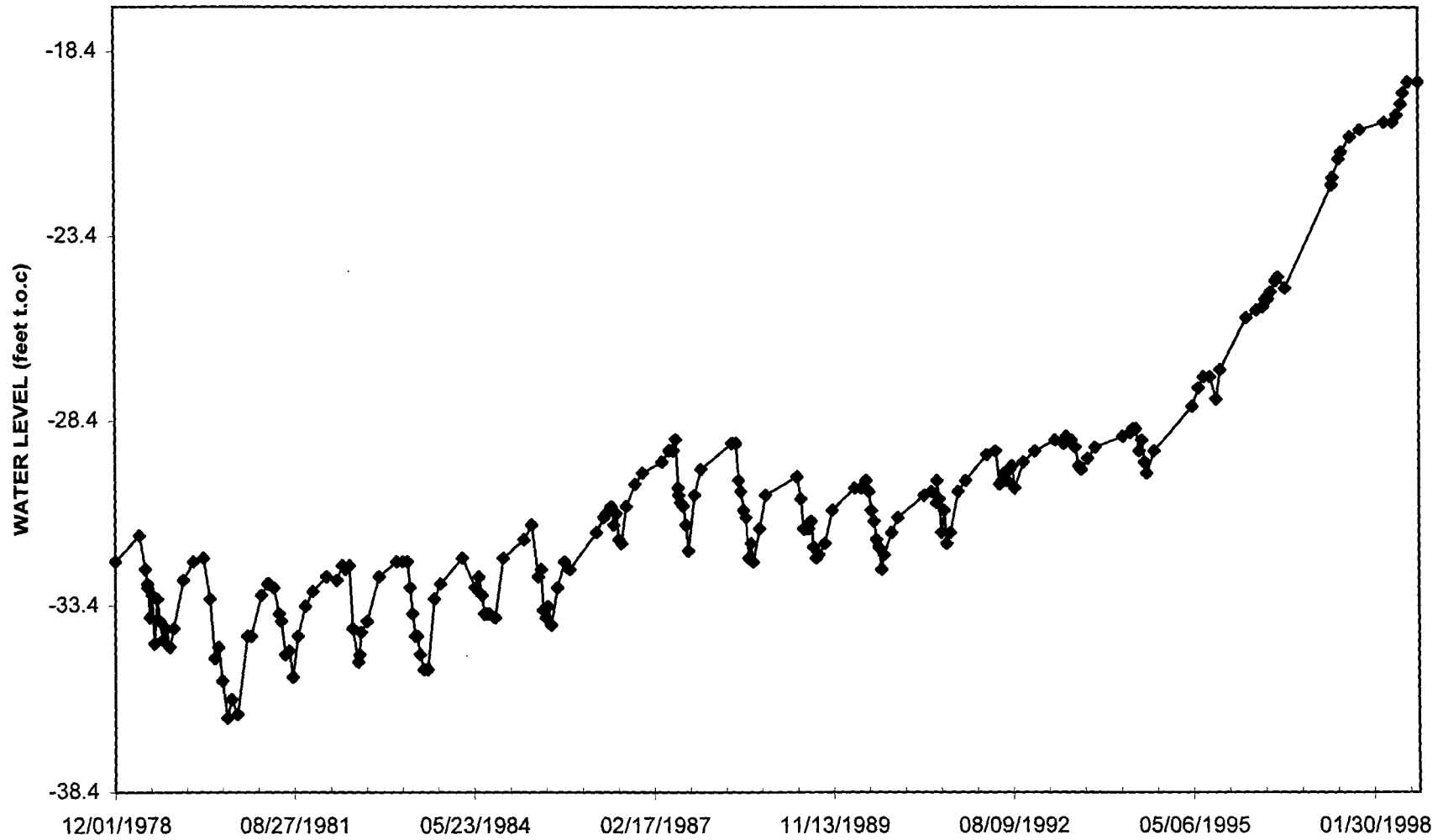
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1999, Unpublished Observation Well Data for Sully County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

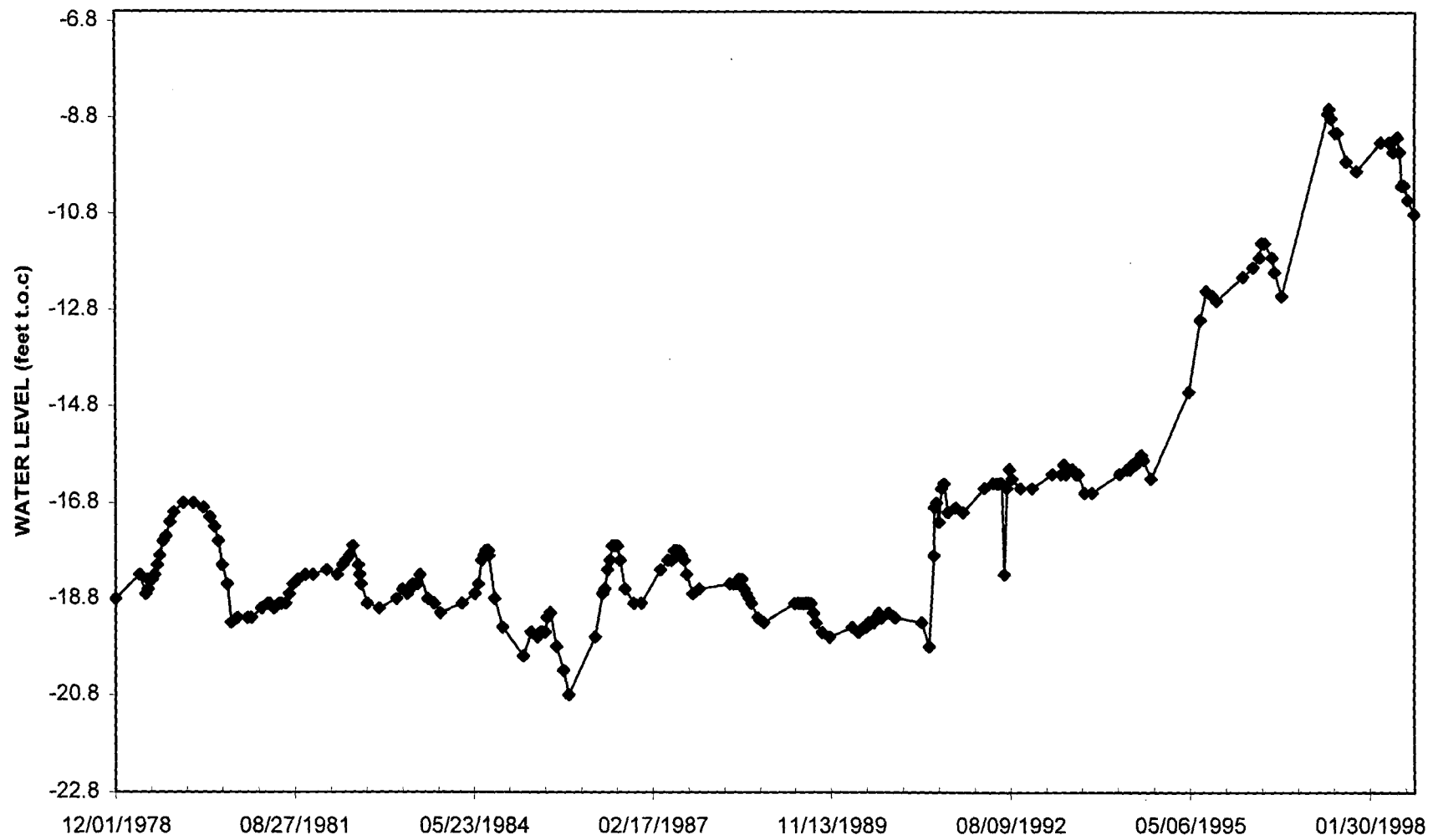
WATER RIGHTS' OBSERVATION WELL
SU-80A



WATER RIGHTS' OBSERVATION WELL
SU-78D



**WATER RIGHTS' OBSERVATION WELL
SU-78C**



**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1785A-3, Weinheimer Farms, Inc.**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1785A-3, Weinheimer Farms, Inc., c/o Mark Weinheimer, 18125 299th Avenue, Onida SD 57564-6007.

The Chief Engineer is recommending APPROVAL of Application No. 1785A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. Approval of 1785A-3 cancels irrigation use authorized by No. 1785-3 and the remaining 1.5 cfs appropriated by Water Right No. 1785-3.
3. The remaining wells authorized by Water Right No. 1785-3 are temporarily abandoned and in accordance with Water Management Board Rules, Chapter 74:02:04:70.01 any well removed from service and not permanently abandoned may be temporarily abandoned by sealing the top with a watertight cap. If these wells are permanently abandoned in the future they must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 8, 1999

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1785A-3, Weinheimer Farms, Inc.**

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. 1785A-3, Weinheimer Farms, Inc., c/o Mark Weinheimer, 18125 299th Avenue, Onida SD 57564-6007.

The Chief Engineer is recommending APPROVAL of Application No. 1785A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. Approval of 1785A-3 cancels irrigation use authorized by No. 1785-3 and the remaining 1.5 cfs appropriated by Water Right No. 1785-3.
3. That the remaining wells authorized by Water Right No. 1785-3 are considered abandoned pursuant to SDCL 46-6-27 and must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04:29.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 11, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 2, 1999

Weinheimer Farms, Inc.
%Mark Weinheimer
18125 299th Ave.
Onida, SD 57564-6007

Dear Mr. Weinheimer:

Water Permit Application No. 1785A-3 for domestic 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 Onida Watchman printed at Onida, SD (Ph # (605) 258-2604). 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 and to arrange for payment. 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.

Please carefully review the Chief Engineer's proposed Qualification No. 3 on the enclosed recommendation. Currently we are requiring that those wells that are abandoned and no longer being used be plugged in accordance with plugging requirements of the Well Construction Standards. If these wells are being used for some purpose or if there is a future desire to use these wells, we may need to discuss this qualification further. Please Contact Lynn Beck or myself at (605) 773-3352 if you have any questions on this qualification.

Sincerely,

Eric Gronlund
Natural Resources Engineer

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1999

Onida Watchman
Box 245
Onida, SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1785A-3 to Appropriate Water to be published twice. Please publish the first notice on March 11, 1999, 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 APPLICANT for the cost of publication.** The APPLICANT is Weinheimer Farms, Inc., %Mark Weinheimer, 18125 299th Ave., Onida, SD 57564-6007 (Ph # (605) 258-2803).

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. 1785A-3

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

Date _____

We are in receipt of your letter of March 2, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 1785A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1999

Mark Weinheimer
Weinheimer Farms, Inc.
18125 299th Avenue
Onida SD 57564-6007

Dear Mr. Weinheimer:

Based on Lynn Beck's telephone conversation with Jerome Weinheimer, I have revised my recommendation for Water Permit Application No. 1785A-3. Qualification No. 3 has been amended to allow the wells that are not being used to be temporarily abandoned as long as they are sealed with a watertight cap.

If you have any questions, please contact Lynn Beck at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF APPLICATION NO. 1785A-3 to Appropriate Water
to Amend Water Right No. 1785-3

Notice is given that Weinheimer Farms, Inc., 18125 299th Ave, Onida SD 57564 has filed an application for a water permit to change the use of 0.44 cubic feet of water per second (cfs) [200 gpm] from one of the wells authorized by Water Right No. 1785-3 from irrigation use to domestic use. The existing well is 45 feet deep (Cow Creek Aquifer) and located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4-T113N-R78W. Water Right No. 1785-3 appropriated a total of 1.94 cubic feet of water per second (cfs) from three wells to irrigate 136 acres. Approval of this application will cancel the remaining 1.5 cfs and the irrigation use from Water Right No. 1785-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1785A-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. 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 March 29, 1999.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1999

Weinheimer Farms, Inc.
Mark S. Weinheimer, President
18125 299th Ave.
Onida, SD 57564-6007

Dear Mr. Weinheimer:

Enclosed is Water Permit No. 1785A-3 authorizing 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 Program
605 773-3352

enclosures

Permit No. 1785A-3
Missouri 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 made a thorough examination of the water use system constructed by Weinheimer Farms Inc., of 18125 299th Ave., Onida, SD 57564 holder of Permit No. 1785A-3, bearing the priority of November 10, 1970 authorizing the diversion of 0.44 cu. ft. per second of the waters of the Cow Creek Aquifer for Domestic use purposes, in Sully County.

Inspection contact & relationship
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 45 feet
- 4) Well log is available N

Casing:

- 1) Diameter 18 inches
- 2) Type Steel

Pump:

- 1) Make Berkley
- 2) Capacity 200 GPM
- 3) Size 10 hp

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 1,300 feet east and 25 feet north of the SW ¼ Section 4-T113N-R78W
(N 44.62057, W -100.23761) (SW ¼ SW ¼)

Report of Examination of Works

Permit No. 1785A-3

The works are capable of diverting and conveying to the place of use 0.44 cu. ft. per second of which is to be used for **Domestic use**.

The license should be issued for 0.44 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Pump and well information was obtained from the inspection report completed in 1973 and file documentation in Water Rights records. This permit only authorizes Domestic Use from the Cow Creek aquifer.

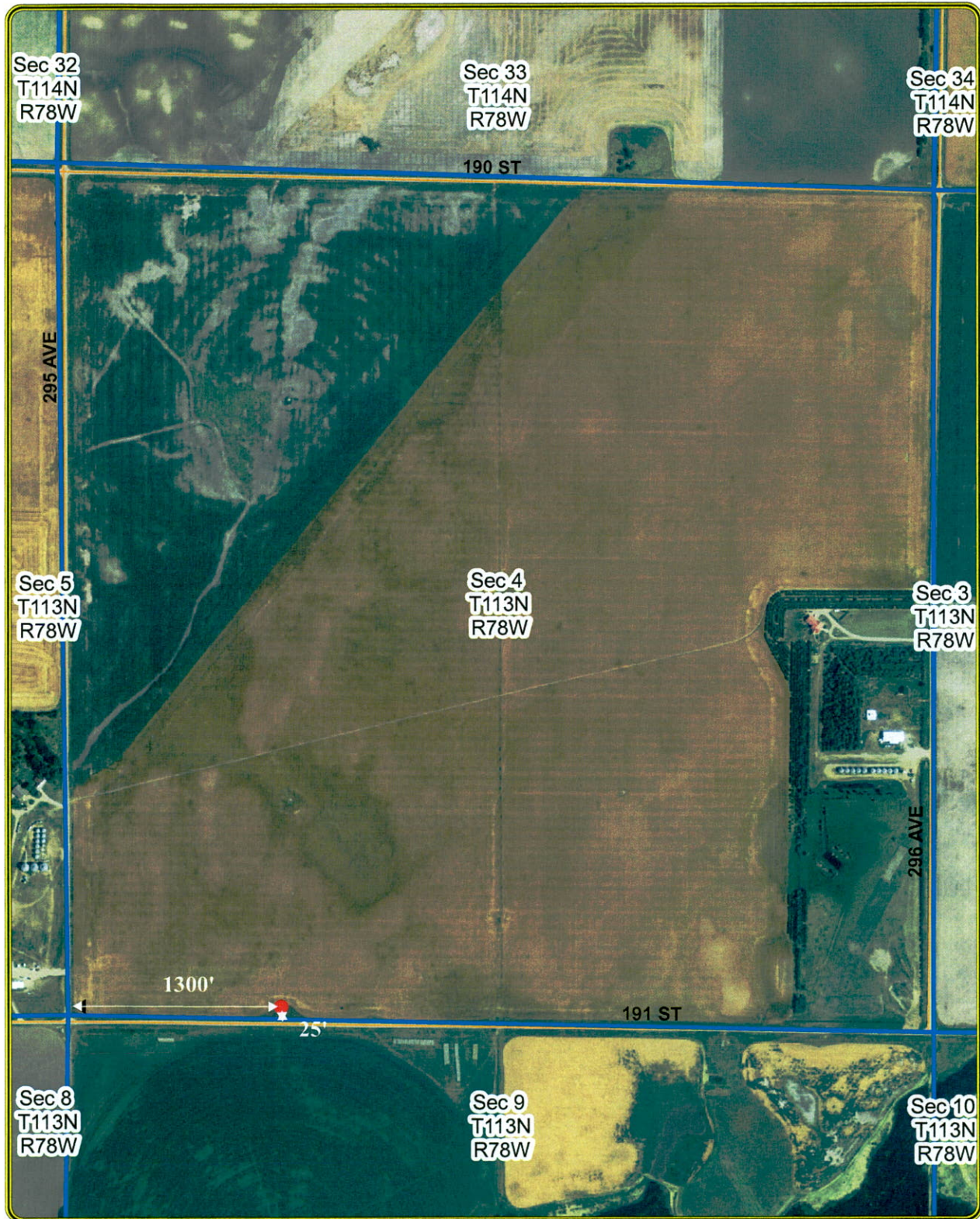


Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **February 4, 2014**

Weinheimer Farms, Inc.
Permit No. 1785A-3

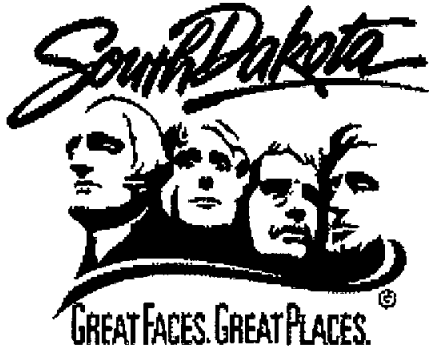


0 0.075 0.15 0.3 0.45 0.6 Miles

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 4, 2014



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2014

1785A-3

Jeff Weinheimer
19047 296th Ave
Onida SD 57564

Dear Mr. Weinheimer:

I am writing in regard to Water Permit No. 1785A-3 which authorizes diversion of water from one well for domestic use purposes. The permit is currently listed in the name of Weinheimer Farms, Inc.

Mike DeFea with our program conducted a field investigation for purposes of licensing the permit. It is my understanding that ownership has changed and the permit should no longer be listed in the corporation name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the ownership change and filing fee are submitted, the permit will be transferred and the water license issued for the system as developed.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

RECEIVED

FEB 13 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1785A-3

Date: 2-10-14

I/We request that Water Permit No. 1785A-3

formerly owned by: Weinheimer Farms Inc

be transferred to: (name & address) Jeff & Tomi Kay Weinheimer

19047 296th Ave

Onida, SD 57564

Telephone No. 605-264-5338

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

Diversion point location: SW ¼ SW ¼ Section 4, T113N, R78W

I/We understand that the validity of Water Permit No. 1785A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file 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 Jeff & Tomi Kay Weinheimer the new owner, certify that the above information is true and correct.

Tomi Kay Weinheimer Jeff Weinheimer
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/13, 20 14

RECEIVED OF Jeff Weinheimer 19047 296th Ave Onida SD 57564

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>1785A-3</u>		
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. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06747**

By *James Hodman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 20 2014

1785A-3

Jeff & Tomi Kay Weinheimer
19047 296th Ave
Onida SD 57564

Dear Mr. & Mrs. Weinheimer:

Enclosed is Water License No. 1785A-3. 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. 1785A-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.

The ownership change you submitted has also been completed. No. 1785A-3 formerly held by Weinheimer Farms Inc is now listed in your names. 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1785A-3

(1) Weinheimer Farms Inc., Onida SD made Application No. 1785A-3, January 19, 1999 for a water permit to divert 0.44 cubic feet of water per second (cfs) from ground water – one existing well (Cow Creek Aquifer), Sully County, South Dakota for domestic use purposes. Permit No. 1785A-3, with a priority date of November 10, 1970 (established under Water Permit No. 1785-3) was approved March 29, 1999 and issued to the applicant for diversion of water with construction of the described water supply and the application of water to beneficial use completed.

Water Right No. 1785-3 authorized a total of 1.94 cfs from three wells to irrigate 136 acres. Water Permit No. 1785A-3 was obtained to change the use of 0.44 cfs from one of the wells authorized under No. 1785-3 from irrigation to domestic use. Approval of No. 1785A-3 cancelled the remaining 1.5 cfs and the irrigation use from No. 1785-3.

On February 13, 2014, Water Permit No. 1785A-3 was transferred to Jeff & Tomi Kay Weinheimer.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 0.44 cubic feet of water per second (200 gallons per minute) for beneficial use.

The location of the diversion point is 1,300 feet east and 25 feet north of the SW ¼ Section 4, T113N, R78W (SW ¼ SW ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jeff & Tomi Kay Weinheimer, 19047 296th Ave., Onida SD 57564 the holders and/or owners of Water Right No. 1785A-3 are issued a license to appropriate water, the right to use 0.44 cubic feet of water per second from ground water (one well – Cow Creek Aquifer) with a priority date of November 10, 1970 from the location specified in (2) of this license for domestic use purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1785A-3 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.
- Approval of 1785A-3 cancels irrigation use authorized by No. 1785-3 and the remaining 1.5 appropriated by Water right No. 1785-3.
- The remaining wells authorized by Water Right No. 1785-3 are temporarily abandoned and in accordance with Water Management Board Rules, Chapter 74:02:04:70.01 any well removed from service and not permanently abandoned may be temporarily abandoned by sealing the top with a watertight cap. If these wells are permanently abandoned in the future, they must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 20 2014

date

