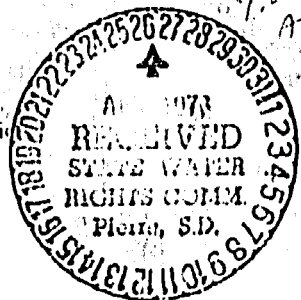


1. Considered MAY 20, 1976
2. Name of Applicant ARTHUR F. RGER
3. Post Office Address ORTLEY
4. Amount of water claimed 2.8
5. Source of water supply 50' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 196
7. Water to be diverted and used in GRANT county
about 4.5 miles of ORTLEY
8. Proof of Publication Received 5-18-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

2733-3

No. 2733-3Map No. 2092-3 Water Division No. 3 WHETSTONE CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Arthur Berger
Postoffice address Ortland 57556 State South Dakota

2. If a corporation show date and place of incorporation _____

3. Method of accomplishing work (contract, employment of others, or by direct labor) Contract Irrigation4. Name of diversion work Arthur Berger Irrigation Project #15. Amount of water claimed (cubic feet per second) 2.86. Source of water supply well7. Location of point of diversion 2300' N 80° W 1/4 SE cornerSection 18-121-52County Grant8. Annual period or periods during which water is to be used April through October9. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation10. For irrigation use, Total number of acres to be irrigated 196

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

Land Description	No. Acres Irr.
NW 1/4 Sec 18-121-52	40
NE 1/4 " " " "	40
SW 1/4 " " " "	30
SE 1/4 " " " "	30

Land Description	No. Acres Irr.
NW 1/4 Sec 18-121-52	38

Attach sheet if more space is needed

11. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use four years.12. Choice of newspaper for Notice of Intent to Appropriate Water publication Grant County Review

13. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. well with electrically driven deep well turbineB. Works proposed to transport water to place of use. piped conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$ 45000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of BrookingsI, Arthur Berger, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Arthur BergerSubscribed and sworn to before me this 16 day of April 1976John L. W. [Signature]
Notary Public (or other qualified officer)

P. E. 11/1916

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2733-3

ARTHUR BERGER

(Applicant)

ORTLEY

(Post Office Address)

SOUTH DAKOTA 57256

(State)

With the following modifications:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application APRIL 26, 19 76

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

Date of receipt of corrected application MAY 3, 19 76

Approved MAY 20, 19 76, Recorded in Book 15 Page 171

WATER RIGHT PERMIT NO. 2733-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2733-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 26, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 19 78
3. The whole of said work is to be completed on or before MAY 20, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.8 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 20, 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9TH day of JUNE, 19 76

WATER RIGHTS COMMISSION

By:

John H. Smith
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 21, 19 81

Water License Issued OCTOBER 21, 19 81

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30", Depth 50'
- (2) Casing Type Fiberglass Diameter 16" Thickness 3/8"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type 5/0 +, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 6", Length of gravel pack 30'

E. Dugout Information or Estimates

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0' to 2' top soil, 2' to 6' mixed
silt & sand, 6' to 50' water bearing sand & s
gravel, over 50' is clay.

Depth to top of water bearing material 6'

Depth to bottom of water bearing material 50'

Thickness of water bearing material 44'

Depth to water (ground surface to water level) 5'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 90 rds. On property owned by others 100 rds.

G. Water Storage Dams.

- (1) If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Arthur Baynes
Signature of Applicant

2733-3



April 28, 1976

Mr. Arthur Berger
Ortley, SD 57256

Dear Sir:

The water analysis for your sample submitted here April 15 has been completed. The original copy of the report of this analysis and a copy of AES publication #13 are enclosed for your keeping. In the chart on the outside back cover of the pamphlet, you will see that I have plotted approximately the position of your water in this quality diagram. It is a medium salinity, low sodium water.

In the climatic zone of Ortley, there should be no chemical difficulty arising from the use of this water on soils you propose to irrigate. However, as you are probably aware, the soil delineations #90, 47 and 96, and perhaps others in the soil in the south half of section 18 are already in a position of having occasional wetness problems and this would be aggravated by irrigation. Thus, you will want to take this into consideration as you plan your operations and irrigate this land. Further aggravation of a wetness problem on these soils would detract from their yield rather than prove it.

A copy of this letter, and the water analysis, plus the application materials are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

D. Pahl

Vern Beare, County Extension Agent

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME

Arthur Berger

ADDRESS

Ortleb, South Dakota

COUNTY

Grant

LEGAL DESCRIPTION

1. WELL LOCATION

SW $\frac{1}{4}$, SE $\frac{1}{4}$ - 18 - 121 - 52

2. LOCATION OF AREA TO BE IRRIGATED

S $\frac{1}{2}$, 18 - 121 - 52

TYPE OF IRRIGATION

3. GRAVITY

TOWLINE

CENTER PIVOT

GUN

4. CROPS TO BE IRRIGATED

Small Grain Row Crop and Alfalfa

WATER QUALITY

5. SAMPLE NUMBER

76-369

6. SALINITY (EC X 10⁶)

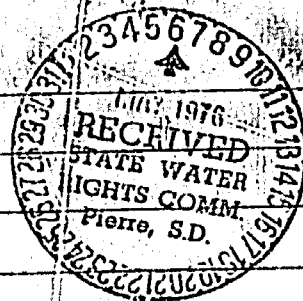
571 (medium)

7. SODIUM (SAR)

0.18 (low)

8. RESIDUAL SODIUM CARBONATE (meq/l.)

0



I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University, and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service. and: that the legal description for the location of the well and land to be irrigated is true and correct.

APPLICANT'S SIGNATURE

Arthur Berger

SUBSCRIBED AND SWORN BEFORE ME THIS

16 DAY OF April 1976.

(TITLE OR SEAL)

APPROVED/DENIED

(SOILS INFORMATION ON REVERSE SIDE)

Sec. II-A

GRANT COUNTY, SOUTH DAKOTA
TABLE 1: SOIL INTERPRETATION GROUPS

Map Symbol	Mapping Unit Name	Slope %	Causality Unit		Parent Soil Type	Pasture Group	Windbreak Suitability Group	Wind Erodibility Soil Group	Soil Loss Values			Hydrologic Group
			Dryland	Irrig.					K	Tons	T R	
2A	Rentill loam	0-2	IIe3		SI	F	3	6	.28	3	10	B
2B	Rentill loam	2-6	IIIe2		SI	F	3	6	.28	3	10	B
2B1	Barnes-Svea loams Barnes part Svea part	2-6	IIe2		SI	F K	3 1	6	.28	5	17	B
2C1	Barnes-Svea loams Barnes part Svea part	6-9	IVe1		SI	F K	3 1	6	.28	5	17	B
2D1	Barnes-Svea loams Barnes part Svea part	9-15	IVe1 IVe1		SI K	F K	3 1	6	.28	5	17	B
2E	Barnes-Buse loams Barnes part Buse part	15-25	VIe1		SI TU	F G	10	8	.28	5	17	B
4A	Svea loam	0-2	I3		Or	F	1	6	.28	5	17	B
5A	Heimdal-Svea loams Heimdal part Svea part	0-2	I2		SI Or	F K	3 1	5 6	.28	5	17	A
5B	Heimdal-Svea loams Heimdal part Svea part	2-6	IIe2		SI	F K	3 1	5 6	.28	5	17	B
6B	Heimdal-Sisseton loams Heimdal part Sisseton part	2-6	IIe2		SI TU	F G	3 8	5 4L	.28 .32	5	17 15	B
6C	Heimdal-Sisseton loams Heimdal part Sisseton part	6-9	IIIe1		SI TU	F G	3 8	5 4L	.28 .32	5	17 15	B
7D	Sisseton-Heimdal loams Sisseton part Heimdal part	9-15	VIe3 IIIe1		TU SI	G F	10 3	8 6	.32 .28	5	15 17	B
EE	Sisseton loam	15-40	VIe3		TU	G	10	8	.32	5	15	B
11	Maryland loam	0-2	IIw3 ^{2/}		Sh	A, B ^{1/}	2	4L	-	-	-	B/D
12A	Divide loam	0-2	IIIe4		SI	D	1	4L	.28	4	14	B
14A	Fordville loam	0-2	IIe3		SI	D	6	6	.24	4	16	B
14A1	Estelline silt loam	0-2	IIIe2		SI	D	6	6	.32	4	12	b
15B	Fordville-Renshaw loams Fordville part Renshaw part	2-6	IIIe2 IVe2		SI SwG	D	6 10	.24 .28	4 3	16 10	B	
16A	Arvilla sandy loam	0-2	IIIe1		SwG	D	10	3	.20	3	15	B
16B	Arvilla sandy loam	2-6	IVe2		SwG	D	10	3	.20	3	15	B
16C	Arvilla sandy loam	6-9	IVe4		SwG	D	10	3	.20	3	15	B
17A	Renshaw loam	0-2	IIIe3		SwG	D	10	6	.28	3	10	B
17B	Renshaw loam	2-6	IVe2		SwG	D	10	6	.28	3	10	B
18D	Renshaw-Sioux loams Renshaw part Sioux part	6-15	VIe6		SwG VS	D NS	10	8	.28 .24	3 2	10 8	B A
51B	Renshaw-Sioux stony loams Renshaw part Sioux part	5-40	VIIe1		SwG VS	NS	10	8	.28 .24	3 2	10 8	B A
19	Sioux-Renshaw loams Sioux part Renshaw part	15-40	IIIe2		VS SwG	NS DN	10	8	.24 .28	2 3	8 10	A
21A	Poinsett silt loam	0-2	I2		SI	F	1	6	.32	5	15	B
22A	Svenoda loam	0-2	IIIe1		SI	H	5	6	.10	5	25	B
27	Overly silty clay loam	0-2	I1		SI	K	1	7	.32	5	15	C
31A	Vallera loam	0-2	IIw2 ^{2/}		Sh	A, B ^{1/}	2	4L	-	-	-	C

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GRANT COUNTY, SOUTH DAKOTA
TABLE 1 - SOIL INTERPRETIVE CHART

FIG. 11-A

Map Symbol	Mapping Unit Name	Slope %	Consistency Unit		Range Size	Pedon Group	Windbreak Suitability Group	Mod Erodibility Soil Group	Soil Loss Values		Hydrology Group	
			Dryland	Wet					K	Tons	T. ft.	
32A	Vallera-Parnell complex Vallera part Parnell part	0-2	IIw2 ^{2/} IIIw1 ^{3/}		Sb WL	A, B ^{1/}	2 10	4L 7	-	-	-	C D
32T	Vallera-Tonka complex Vallera part Tonka part	0-2	IIw2 ^{2/} IIIw1 ^{3/}		Sb WL	A, B ^{1/}	2 10	4L 6	-	-	-	C C/D
33A	Ulen fine sandy loam	0-2	IIIe5		Sy	H	2	3	.17	5	30	B
34A	Aastad-Flom loams Aastad part Flom part	0-2	II IIw3 ^{2/}		Ov Sb	K A, B ^{1/}	1 2	6	.24	5	20	D B/D
35	Bearden silty clay loam	0-2	IIe4		Sl	F	1	4L	-	-	-	C
37E	Maddock loamy fine sand	6-25	VIe1		Sb	H	7	8	.17	5	30	A
41A	Embsen fine sandy loam	0-2	IIIe1		Sy	H	1	3	.20	5	25	B
42A	Egeland fine sandy loam	0-2	IIIe1		Sy	H	5	3	.20	5	25	B
42B	Egeland fine sandy loam	2-6	IIIe7		Sy	H	5	3	.20	5	25	B
42C	Egeland fine sandy loam	6-9	IVe3		Sy	H	5	3	.25	5	25	B
43A	Svenoda fine sandy loam	0-2	IIIe1		Sy	H	5	3	.20	5	25	B
43B	Svenoda fine sandy loam	2-6	IIIe7		Sy	H	5	3	.20	5	25	B
46	Parnell silty clay loam	0-2	IIIw1 ^{3/}		WL	A, B ^{1/}	10	7	-	-	-	D
47	Tonka silt loam	0-2	IIw1 ^{2/}		WL	A, B ^{1/}	10	6	-	-	-	C/D
49	Dunray silty clay loam	0-2	IIw1		Cy	A	2	4	-	-	-	D
51	Flom loam	0-2	IIw3 ^{2/}		Sp	A, B ^{1/}	2	6	-	-	-	B/D
56D	Buse-Forman-Aastad loams Buse part Forman part Aastad part	9-15	VIe3 IVe1 IIe1		TU Sl Sl	G F K	10 3 1	8 6 6	.28 .28 .24	5 5 5	17 17 20	B
58	Buse-Forman loams Buse part Forman part	25-40	VIIe1		TU Sl	GN FN	10	8	.28	5	17	B
59E	Barnes-Buse stony loams Barnes part Buse part	9-40	VIIe1		Sl TU	FN GN	10	8	.28	5	17	B
61A	Feever clay loam	0-2	IIe2		Cy	E	4	7	.28	5	17	C
61B	Feever clay loam	2-6	IIIe3		Cy	E	4	7	.28	5	17	C
61C	Feever clay loam	6-9	IIIe4		Cy	E	4	7	.28	5	17	C
62A	Feever-Cavour complex Feever part Cavour part	0-3	IIe2 IVe3		Cy Cp	E C	4 9	7 6	.28 .37	5 3	17 8	C D
63A	Feever-Tonka complex Feever part Tonka part	0-2	IIe2 ^{2/} IIw1 ^{3/}		Cy WL	E A, B ^{1/}	4 10	7 6	.28 -	5 -	17 -	C C/D
67D	Hattie clay loam	9-15	IVe5		Cy	E	4	7	.28	5	17	C
68	Hattie clay loam	15-40	VIe3		Cy	E	10	8	.28	5	17	C
71A	Forman-Aastad loams Forman part Aastad part	0-2	IIe2 IIe1		Sl Ov	F K	3 1	6	.28 .24	5	17 20	B
71B, 71D	Forman-Aastad loams Forman part Aastad part	2-6	IIe2		Sl	F K	3 1	6	.28 .24	5	17 20	B
71C	Forman-Buse loams Forman part Buse part	6-9	IIIe1 IVe2		Sl TU	F G	3 8	6 4L	.28 -	5	17 20	B
72C	Forman-Aastad loams Forman part Aastad part	6-9	IIIe1 IIe1		Sl	F K	3 1	6	.28 .24	5	17 20	B
73D	Forman-Aastad loams Forman part Aastad part	9-15	IVe1 IIe1		Sl	F K		6	.28 .24	5	17 20	B

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GRANT COUNTY, SOUTH DAKOTA
TABLE 1 - SOIL INTERPRETIVE GROUPS

Sec. II-A		Mapping Unit Name	Slope %	Capability Unit		Range Size	Pasture Group	Windbreak Suitability Group	Wind Erodibility Soil Group	Soil Loss Values			Hydrologic Group
Map Symbol				Dryland	Irrig.					K	Tons	T K	
73E, 57E	Forman-Buse loams Forman part Buse part		14-25	VIe1		St TU	F G	3 10	6	.28	5	17	B
74C	Forman-Aasted stony loams Forman part Aasted part		0-9	VIIe1 IIe1		St K	IN K	10 1	8 6	.28 .24	5 5	17 20	B
74E, 74D	Forman-Buse stony loams Forman part Buse part		9-40	VIIe1		St TU	IN GN	10	8	.26	5	17	B
81A	Kranzburg silt loam		0-2	12		St	F	3	6	.32	5	15	B
81B	Kranzburg silt loam		2-6	IIe3		St	F	3	6	.32	5	15	B
84	Lienore silt loam		0-2	13		Ov	F	1	6	.28	5	17	B
85A	Vienna silt loam		0-7	12		St	F	3	6	.32	5	15	B
85B	Vienna silt loam		2-6	IIe2		St	F	3	6	.32	5	15	B
85C	Vienna silt loam		6-9	IIIe1		St	F	3	6	.32	5	15	B
86D	Vienna-Buse complex Vienna part Buse part		9-15	IVe1		St TU	F G	3 10	6 8	.32 .28	5	15 17	B
87A	Brookings silt loam		0-2	13		Ov	K	1	6	.28	5	17	B
90	Aquella		0-2	Vw2 ^{4/}		WL	NS	10	8	-	-	-	D
91	Ludden clay		0-2	IIw2 ^{2/}		Ov	A,B ^{1/}	10	4	-	-	-	D
91A, 60	Playmoor silty clay loam		0-2	IVw2		Sb	J	10	4L	-	-	-	C/D
92A	LaDelle soils, channeled		0-2	VIw1		Ov	K	1	6	.28	5	17	B
93A	LaDelle silt loam		0-2	11		Ov	K	1	6	.28	5	17	B
95A	LaDelle silt loam, overwash		0-2	11		Ov	K	1	6	.18	5	17	B
96A, 196	Rauville silty clay loam		C-2	Vw1		WL	B	10	8	-	-	-	D

^{1/} On site inspection necessary to determine proper placement.

^{2/} Drainage feasible, if drainage not feasible, then capability IVw2.

^{3/} Drainage feasible, if drainage not feasible, then capability Vw2.

^{4/} On site inspection necessary, if cannot grade, then capability is VIw1.

DESCRIPTIONS OF LAND CAPABILITY UNITS (UPLAND)

- 11 Deep, loamy, well and moderately well drained soils on bottom lands that sometimes receive beneficial overflow. They have few or no limitations in use.
- X 12 Deep, loamy, well drained soils on nearly level (0 to 2%) upland slopes. They have few or no limitations in use.
- 13 Deep, loamy, moderately well and well drained soils on nearly level (0 to 2%) upland slopes and in swales that receive beneficial moisture from adjacent slopes. They have few or no limitations for use.
- IIa1 Moderately well drained soils with loamy to clayey surface layers and slowly permeable claypan subsoils on nearly level (0 to 2%) upland slopes. Claypan subsoils limits rooting, water intake, and moisture release to plants.
- IIa2 Deep, well drained soils with loamy to clayey surface layers and slowly permeable clay subsoils on nearly level (0 to 2%) upland slopes. Clay subsoils limits rooting, water intake, and moisture release to plants.
- X IIa3 Moderately deep, well drained soils with 20 to 40 inches of loamy material over sand and gravel on nearly level (0 to 2%) upland slopes. Sandy and gravelly subsoils and substrate limit water storage capacity and rooting depths.
- IIe1 Deep, loamy, moderately well and well drained soils on gently sloping (2 to 6%) uplands and bottomlands that receive beneficial moisture from higher slopes. They have a moderate water erosion hazard.
- IIe2 Deep, loamy, well drained soils on gently undulating (2 to 6%) slopes. They have a moderate water erosion hazard.
- X IIe3 Deep, loamy, well drained soils on gently undulating and gently sloping (2 to 6%) upland. They have moderate water erosion and slight to moderate wind erosion hazards.
- IIe4 Deep, moderately well and somewhat poorly drained, loamy soils with dark surface layers and light colored, very limy subsoils on nearly level (0 to 2%) slopes. They have a moderate to severe wind erosion hazard.
- X IIw1 Deep clayey and loamy, somewhat poorly or poorly drained soils with slow permeability or that are ponded. They occupy nearly level to flat slopes or depressions. Choice of crops and time of tillage is limited by seasonal wetness.
- IIw2 Deep, loamy to clayey, somewhat poorly or poorly drained, very limy soils with intermittent high water tables. They occupy nearly level to flat slopes or slight depressions. Choice of crops and tillage are restricted by seasonal wetness.
- IIw3 Deep, clayey, limy, poorly drained soils on bottom lands that are sometimes flooded. Time of tillage is often delayed by wetness and yields are affected.
- IIIe1 Deep, loamy, well drained soils on undulating and sloping (6 to 9%) upland and eroded soils on gently undulating (2 to 6%) uplands. They have moderate to severe water erosion hazards.
- IIIe2 Deep, loamy, well drained soils on sloping (6 to 9%) uplands and eroded soils on gently sloping (2 to 6%) uplands. Water erosion hazard is severe.
- IIIe3 Deep, well drained soils with loamy to clayey surface layers and slowly permeable clayey or claypan subsoils on gently undulating (2 to 6%) slopes. They have a severe water erosion hazard. Dense subsoils reduce water intake, rooting and moisture release to plants.
- IIIe4 Deep, well drained, loamy to clayey soils on undulating (6 to 9%) slopes and eroded soils on gently undulating (2 to 6%) slopes. These soils have slowly permeable, clayey or claypan subsoils that reduce rooting, water intake and moisture release to plants. They have severe water erosion and moderate wind erosion hazards.
- IIIe6 Deep, loamy, well drained soils on gently undulating (2 to 6%) slopes having thin surface layers and light colored, limy subsoils. They have severe water and wind erosion hazards.
- IIIe7 Deep, well drained, sandy soils on gently undulating (2 to 6%) slopes or eroded phases of these soils on gently undulating slopes. These soils have a severe wind erosion hazard.
- IIIe8 Deep, moderately well drained, loamy soils with dark colored surface layers and light colored, very limy subsoils on gently undulating (2 to 6%) upland slopes. They have a severe wind erosion and moderate water erosion hazard.

Sec. II-B

DESCRIPTIONS OF LAND CAPABILITY UNITS (DRIYLAND) cont'd

- IIIo? Deep, moderately well drained soils with moderately sandy surface layers and light colored, very limy, sandy subsoils on gently undulating (2 to 6%) slopes. These soils have a fluctuating water table and severe wind erosion hazard.
- IIIe1 Deep, well drained sandy soils on nearly level (0 to 2%) slopes. They are sandy throughout and have a severe wind erosion hazard.
- X IIIe2 Moderately deep, well drained soils with 20 to 30 inches of loamy material over gravel and sand on gently undulating (2 to 6%) slopes. These soils have limited water storage capacity and moderate water erosion hazard.
- IIIe3 Shallow soils with 10 to 20 inches of dark, loamy material over sand and gravel on nearly level (0 to 2%) slopes. They have limited water storage capacity and rooting zone.
- X IIIe4 Moderately deep, moderately well drained, nearly level (0 to 2%), soils with dark colored loamy surface layers and light colored, very limy subsoils 20 to 40 inches over gravel and sand or bedrock. They have a seasonal water table and limited water storage capacity.
- IIIe5 Deep, moderately well drained, nearly level (0 to 2%) soils with moderately sandy surface layers and light colored, very limy, sandy subsoils. They have a fluctuating water table and severe wind erosion hazard.
- IIIv1 Deep, black, clayey soils that are poorly drained. They occupy floors of enclosed depressions and are ponded from runoff waters from adjacent slopes.
- IIIv2 Deep, slowly permeable, clay soils on nearly level (0 to 2%) bottom lands that are somewhat poorly drained and occasionally flooded. Land operations are often delayed by wetness and crops and yields may be limited.
- IIIv3 Deep, somewhat poorly drained nearly level (0 to 2%) soils with clayey surface layers and light colored very limy subsoils. They have a severe wind erosion hazard. Operations are often affected by wetness. Salinity affects choice of crops.
- IIIv4 Deep, nearly level, (0 to 4%) sandy soils that have a high water table. Planting is sometimes delayed and choice of crops is then limited. These soils have a severe wind erosion hazard.
- IVe1 Deep, loamy, well drained soils on rolling (9 to 15%) uplands and eroded phases of these soils on undulating (6 to 9%) slopes. They have severe water erosion hazards.
- IVe2 Deep, loamy, well drained soils with thin surface layers and light colored, calcareous, loamy subsoils on undulating (6 to 9%) uplands and eroded phases of these soils on gently undulating (2 to 6%) slopes. They have severe water erosion hazards.
- IVe3 Deep, well drained, sandy soils on undulating and gently undulating (3 to 9%) slopes, and eroded soils on gently undulating (2 to 6%) slopes. These soils have limited water holding capacity and severe wind erosion hazard.
- IVe4 Moderately deep, well drained soils with 20 to 30 inches of loamy material over gravel and sand on undulating (6 to 9%) slopes and eroded soils on gently undulating (2 to 6%) slopes. They have limited water holding capacity and moderate to severe water erosion hazard.
- IVe5 Deep, well drained soils with loamy to clayey surface layers and clayey or claypan slowly permeable subsoils on undulating and rolling (6 to 15%) slopes. These soils have severe water and moderate wind erosion hazards.
- IVe1 Deep, very sandy soils on nearly level to gently undulating (0 to 6%) slopes. Some of these soils have a seasonal high water table 3 to 10 feet below the surface. They have a very severe wind erosion hazard and a low water holding capacity.
- X IVe2 Shallow soils with 10 to 20 inches of dark, loamy material over sand and gravel on gently undulating (2 to 6%) slopes. They have low water storage capacity and shallow rooting zone.
- IVe3 Moderately deep to somewhat poorly drained soils with 4 to 12 inches of friable, loamy surface layers over loamy, very slowly permeable claypan subsoils that contain salts. They occur on nearly level to gently undulating slopes. Choice of crops is limited.
- IVe1 Deep, poorly drained, sandy soils on nearly level valleys and depressions on sandy uplands. The seasonal water table, within 10 to 20 inches of the surface, limits choice of crops and delays spring cultivation. These soils have a very severe wind erosion hazard.

DESCRIPTIONS OF LAND CAPABILITY UNITS (MARYLAND) cont'd

- SOUTH PACIFIC TROPICAL JOURNAL
 Vol. 10, No. 1, 1966

Sheet 3 of 3

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

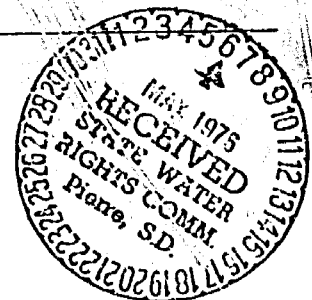
Submitted by: Arthur Burger
 Address: Ortlay, SD 57256

Date Rec'd: April 15, 1975
 Sample No. 75-369
 Identification Well 45
SMT, Sec. 18, T 121N, R 52W

WATER ANALYSIS

Calcium (Ca)	81	ppm*	4.05	me/l**
Magnesium (Mg)	30	ppm	2.46	me/l
Sodium (Na)	8	ppm	0.33	me/l
Potassium (K)	2	ppm	0.06	me/l
Sulfate (SO ₄)	72	ppm	1.51	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.13	me/l
Bicarbonate (HCO ₃)	303	ppm	4.06	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	248	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	571	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18			
Sodium	4.78	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.50			
Others:				
*ppm=parts per million			***g.p.g.=grains per gallon	
**me/l=millequivalents per liter				

COMMENTS: Total cations 6.90 me/l
 Total anions 6.60 me/l



By: Shirley Vittori

Service Performed	Amount Due
Irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-369

Amount Enclosed \$

Signed

2733-3

Permit No. _____

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Arthur Berger

_____ the holder _____ of
Permit No. 2733-3, issued upon Application No. 2733-3, bearing date of priority of April 26,
1976 authorizing the diversion of 2.8 cu. ft. per _____ and of the waters of _____
groundwater (one well) County of Grant, State of South Dakota at _____
a point 1160 feet west and 300 feet north of the SE corner, Section 10,
T121N, R52W
_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date October 27, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2733-3

(1) WHEREAS, On the 26th day of April, A. D. 19 75
Arthur Berger

made Water Right Application No. 2733-3 for a permit to use 2.8 cubic feet per second of the waters
of groundwater (one well)

County of Grant, State of South Dakota, for irrigation

_____ purposes; and

(2) WHEREAS, On the 20th day of May, A. D. 19 75

Permit No. 2733-3, with a date of priority of April 26, 1976

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 20th day of May, A. D. 19 81 and for the
application to beneficial use of said water on or before the 20th day of May, A. D. 19 84

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.38 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

to irrigate 132 acres in the SW¹, Section 18, T12N, R50W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Arthur Bergen

_____ of Gettley, South Dakota

the holder _____ and owner _____ of said permit No. 2733-3 a water right, dating from April 26, 1976

_____ to use of 1.88 cubic feet per second of the waters

of groundwater (one well)

in the County of Grant and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted at _____ a point 1660 feet west and 300 feet north of

the SE corner, Section 18, T121N, R52W

and conducted to and upon a 132 acre circle in the SW 1/4, Section 18, T121N, R52W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2733-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 27th day of October A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Publish first publication, on or before

2733-3

May 10

1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 3

1976

Notice is hereby given that Arthur Berger

whose post office address is Ortley, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.3 cubic feet of water per second of time from the ground water through the

Arthur Berger #1, the point of diversion of which is to be located in the

SW1 SE1

of Section 18, Twp. 121N, Range 52W. Said water to be used for the purpose of providing irrigation on ^{portions of} the following described land:

SW1 and NW1 SE1, Section 18, T121N, R62W

This application No. 2733-3 will be considered by the Water Rights Commission at their office at Pierre upon the 10th day of May, 1976 at 1:00 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Arthur Berger, Ortley, S.D. 57256

W. J. Jones

No. 2733-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

I, John R. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

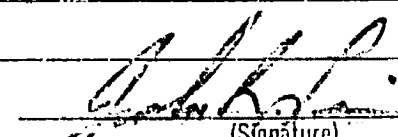
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

city Watertown of _____

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

May 7th, 1976

May 14th, 1976


(Signature)
General Manager
(Title)

May 14th, 1976
(Date Signed)

PUBLIC NOTICE

No. 2733-3

NOTICE INTENT
TO APPROPRIATE WATER

Pierre, South Dakota 57501
May 7, 1976
Notice is hereby given that Arthur
Berger whose post office address is
Ortley, South Dakota, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate
for beneficial use 2.8 cubic feet of
water per second of time from the
ground water through Arthur
Berger No. 1, the point of diversion
of which is to be located in the SW 1/4
SE 1/4 of Section 18, Twp. 121N,
Range 52W. Said water to be used for
the purposes of providing irrigation
on portions of the following
described land: SW 1/4 and NW 1/4
SE 1/4, Section 18, T121N, R52W.

This application No. 2733-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 20th day of May, 1976, at
1:00 P.M. All interested persons
may appear and be heard.

WATER RIGHTS
COMMISSION

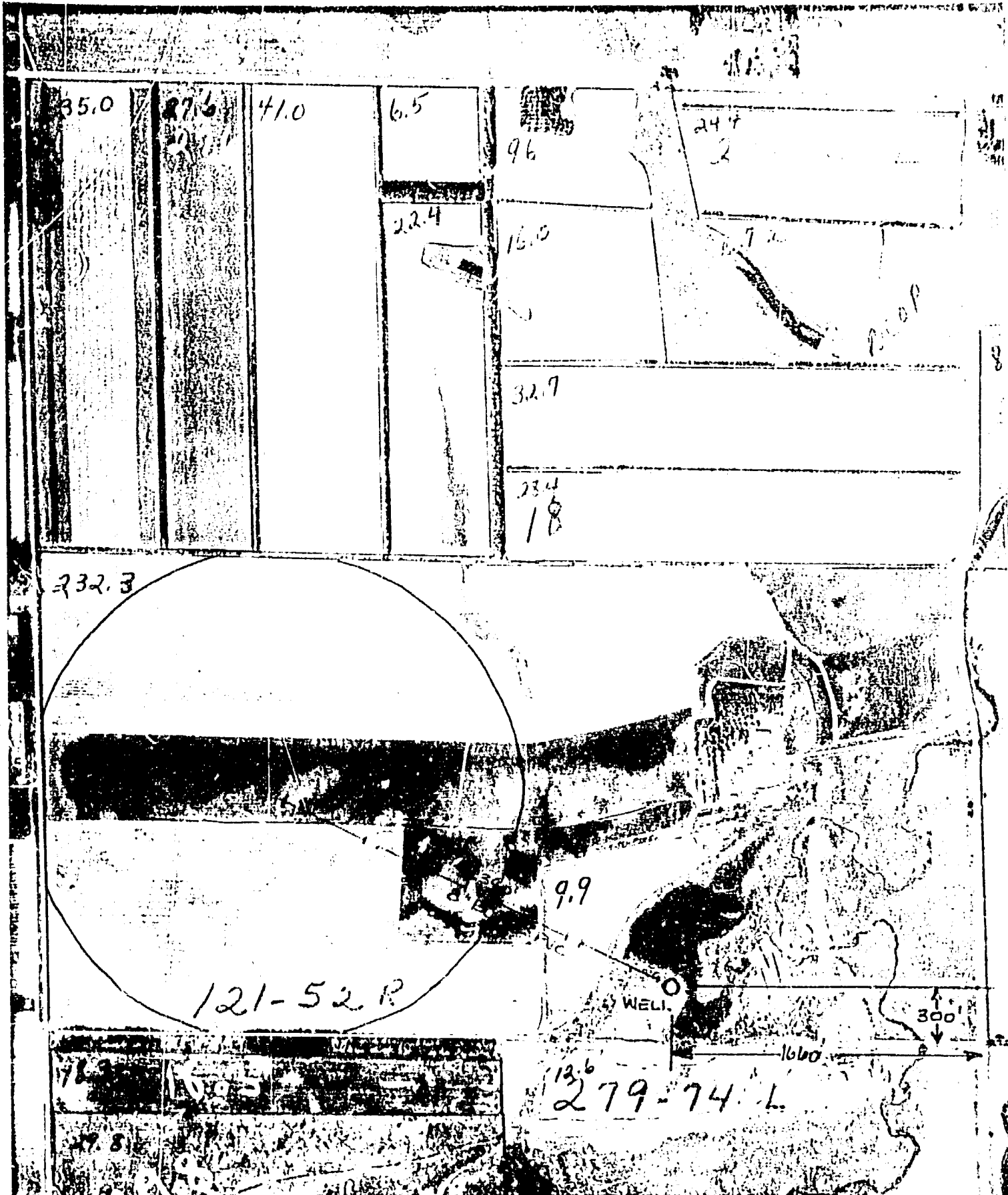
By John Hatch for
BURTON F. JONES

Water Rights Specialist
(May 7, 14, 1976)

2 1/4 @ 2.25 x 2 = 14.62

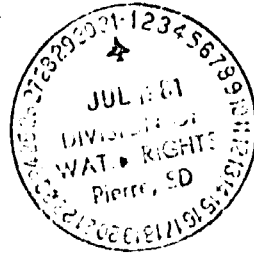


NOT TO SCALE 2733-3



Form 10.

2733-3



NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE
DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT

DIVISION OF WATER RIGHTS

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501

Post Office Cody

Date 7-25-81

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2733-3

Water Right Permit No. 2733-3 states that the diversion system is to be constructed by May 20, 1981 and that the water is to be put to beneficial use by May 20, 1984.

The diversion system was completed on May 10, 1981. Applying the water to beneficial use was completed on June 10, 1981.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Clifton Breyer
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8485

PIERRE, September 23, 1931

RECEIVED OF Arthur Bergei, Ordley, SD 57256

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and Issuing Cert. of Construction No. 2733-3	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 2733-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50.	00

WATER RIGHTS COMMISSION

By (W. J. KATZ) _____
Chief Engineer, Executive Officer
JUN 11 1931

Permit No. 2733-3Water Division 3 Big Sioux River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by ARTHUR
BERGER of ORTLEY holder
of Permit No. 2733.3, bearing date of priority of APRIL 26, 1976
authorizing the diversion of 2.8 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in GRANT County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:
85' DEEP WELL WITH 14" STEEL CASING - 15' SS SCREEN
VALLEY 8" PUMP # 12HMC3A-1100. POWERED BY
75HP GE ELECTRIC MOTOR AT 1765 RPM

B. Works used to transport water to place of use,
2340' OF 10" BURIED PVC PIPE FROM WELL TO
CENTER OF PIVOT

C. Works used to apply water to beneficial use.
ZIMMATIC 7 TOWER CENTER PIVOT SYSTEM WITH
NELSON #100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 1660' W & 300' N OF THE SE CORNER,
SECTION 18, T12N, R52W

The works are capable of diverting and conveying to the place of use 1.88 (850 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:
FOR IRRIGATION OF 132 ACRES IN THE SW⁴, SECTION 18,
T12N, R52W

comprising a total of 132 acres of land.

Date AUGUST 27, 1981
Arthur Berger
(Signature)



2733-3

Department of Water & Natural Resources

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

January 29, 1988

ARTHUR BERGER
RR 1 BOX 16
ORTLEY, SD 57256

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2733-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

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

February 29, 1988

2733-3

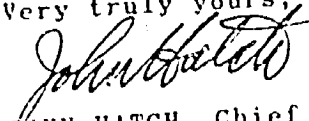
Arthur Berger
RR 1, Box 16
Ortley SD 57256

Dear Mr. Berger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2733-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

February 8, 1989

ARTHUR BERGER
RR 1 BOX 16
ORTLEY, SD 57256

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s) 2733-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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





Department of Water & Natural Resources

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

March 9, 1989

2733-3

Arthur Berger
RR #1 Box 16
Ortley, SD 57256

Dear Mr. Berger:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 2733-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

March 13, 1989

2733-3

Arthur Berger
RR #1 Box 16
Ortley, SD 57256

Dear Mr. Berger:

I am writing in response to your 1988 irrigation questionnaire. The report was completed properly; however, it was noted that you are irrigating 187 acres. Water Right No. 2733-3 authorizes irrigation of 132 acres in the SW 1/4 Section 18, T121N, R52W.

Enclosed are a set of application forms and an instruction sheet to apply for a permit for the additional 55 acres. If you intend to irrigate the additional acres during the 1989 irrigation season, you will need to have a water permit to do so. The forms need to be completed and returned within the next two weeks, if your application is to be considered at the May 10-11, 1989 Water Management Board meeting.

If you have any questions, please contact Ron Duvall or Susan Bowar at (605) 773-3352.

Very truly yours,

DELVIN D BROSZ, P.E.
Hydrologist
For John Hatch, Chief Engineer
Water Rights Division

enclosures

(See instructions)

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____

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

Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. 2733-3
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Arthur Berger Phone No. 947-11434

Post Office Address _____ State _____ Zip Code _____
(Street, R.R. or Box) (City)

2. Amount of water claimed (c.f.s) _____ Total acres irrigated _____

3. Source of Water supply _____

4. Location of point of diversion _____

_____ County _____

5. Counties where water will be used _____

6. Annual period during which water is to be used _____

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

Land Description	No. Acres Irr.
S 1/2 Sec 18 - 121 - 52	197

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: 11 Rows Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: corn alfalfa beans

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

Originally we applied for a permit to irrigate just one quarter but after measuring it out & removing a shellbuck we were able to make a bigger field out of it consisting of 197 acres. This was done at the beginning & has been 197 acres irrigated since we started in 1981. The well/water has never given any problem. We request our (over)

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 _____)

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 _____

Subscribed and sworn to before me this _____ day of _____ 19____

Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Arthur BergerADDRESS: RR 1, Box 16, Ortley SD 57256 COUNTY DATE: April 20, 1989 TELEPHONE 947-4434RE: Irrigation of additional acreage

COMMENTS:

Contacted Arthur Berger via phone to determine when the irrigation system for Permit No. 2733-3 was installed. Mr Berger stated the system began operating in June 1981 and the coverage area has always been 187 acres. The center pivot is an 11 tower Zimmatic and is 1640 feet long plus has an end gun. Mr Berger stated the pivot is not located in the center of the SW $\frac{1}{4}$ and does swing into the SE $\frac{1}{4}$ section 18-T12N-R52W. Water Right No. 2733-3 was inspected after the system had been installed. A portion of the acreage was omitted from the license

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Robert M. Smith

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

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

April 21, 1989

Arthur Berger
RR 1, Box 16
Ortley SD 57256

Dear Mr. Berger:

This letter is in response to your water permit application received on March 20, 1989 and our phone conversation on April 20, 1989. Water Right No. 2733-3 was licensed for irrigation of 132 acres on October 27, 1981. You indicated that the system began operating in June of 1981 and has always covered approximately 187 acres. Water Right No. 2733-3 will need to be revised to cover those additional acres not included on Water Right No. 2733-3 during the licensing in 1981.

As we also discussed during our conversation, I believe the pivot is also irrigating a portion of the SW1/4 SE1/4 that was not included on the original permit application for No. 2733-3. Enclosed is a copy of the original map submitted with No. 2733-3 that outlines the acreage that was to be developed for irrigation. The following information needs to be submitted to cover the portion of the irrigated acreage in the SW1/4 SE1/4 section 18-T121N-R52W:

- 1) The number of acres irrigated in the SW1/4 SE1/4 (question No. 7) and the diversion rate in gallons per minute from the well (question No. 2) need to be included on the enclosed application. The remaining questions also need to be completed and then sign the application in the presence of a notary public. The application fee is \$50.00.
- 2) The ASCS office should be able to assist you in obtaining a map outlining the area that is irrigated by the pivot and showing the location of the irrigation well. The map will need to be signed by someone at the ASCS or SCS office that regularly prepares maps as part of his or her duties.
- 3) The well information on the enclosed Form 2A also needs to be completed as much as possible. A copy of the well log for the irrigation well also needs to be submitted, if the log is available.

The water permit application will be processed for consideration by the Water Management Board when the application is complete. Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352
enc.



Water Rights Division - DWNR
Conversation or File Documentation

File No. 2733-3

NAME OF PERSON OR FILE: ARTHUR BERGER
ADDRESS: RR1 Box 16 OUTLEY, SD COUNTY GRANT
DATE: 7/06/91 TELEPHONE _____
RE: WATER PERMIT APPLICATION

COMMENTS:

I STOPPED AT MR BERGER'S PLACE, HE WAS
NOT THERE BUT I TALKED TO HIS WIFE AND SON
ABOUT HIS IRRIGATION SYSTEM AND APPLICATION WHICH
WAS NEVER RETURNED. I LOOKED AT HIS IRRIGATION
SYSTEM AND IT IS IRRIGATION MORE ACRES THAN THE
132 AC PERMITTED. HIS SON INDICATED THAT THEY IRRIGATE
187 AC. I TOLD THEM THAT ACCORDING TO OUR RECORDS,
THERE IS A SOIL/WATER PERMIT WHICH COVERS THE LAND BUT
WE HAD NEVER ISSUED A PERMIT FOR THE ADDITIONAL ACRES.
I TOLD HIM THAT THEY WILL NEED TO SUBMIT AN
APPLICATION FOR THE ADDITIONAL ACRES.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Michael R. S.

2733-3

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Arthur Berger

ADDRESS: RR #1 Box 16, Ortle, SD **COUNTY:** Grant

DATE: October 11, 1994 **TELEPHONE:** 605 947-4434

RE: Water Right No. 2733-3

BRIEF HISTORY:

Water Permit No. 2733-3 was issued for irrigation of 196 acres in the SW 1/4 and the NW 1/4 SE 1/4 Section 18, T121N, R52W.

The project was inspected by Burt Jones and reported to be developed as irrigation of 132 acres in the SW 1/4 Section 18, T121N, R52W using a Zimmatic 7 tower center pivot system.

The 1988 irrigation questionnaire returned by Mr. Berger reported irrigation of 187 acres. On March 13, 1989, a letter from Del Brosz to Mr. Berger stated he needed a permit for the additional acres over the 132 licensed acres.

On April 20, 1989, Mr. Berger called and spoke with Ron Duvall. He indicated the system began operating in June 1981 and he had always irrigated 187 acres. His center pivot is an 11 tower Zimmatic with an end gun. Mr. Berger did, however indicate his pivot irrigated a portion of the SW 1/4 SE 1/4 that was not included on the original application and map. If still being irrigated, this portion would need a new permit.

COMMENTS:

In my opinion, it is possible the original inspection, conducted by Burt Jones, was in error. The original permit authorized irrigation of 196 acres (described above) and if, in fact, the permit holder developed 187 acres, his water license should be reissued to reflect the acreage developed for irrigation. Another field inspection should be conducted to determine the correct number of acres within each quarter section. However, **if the pivot swings over into the SW 1/4 SE 1/4 Section 18, which was not originally authorized, then a new permit needs to be obtained for this acreage.**

Genny McMath
Genny McMath
Environmental Scientist

Permit No. 2733-3
X 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, 26 June 1996, made a thorough examination of the water use system constructed by Arthur Berger of RR1 Box 16 Ortley SD 57256 holder of Permit No. 2733-3, bearing the priority of 26 April 1976 authorizing the diversion of 2.80 cu. ft. per second of the waters of groundwater for irrigation purposes, in Grant County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One 100 foot well

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

2340 feet of pvc pipe

C. Works used to apply water to beneficial use:

1640 foot Zimmatic 11 tower center pivot

The system is in the following condition good. The point of diversion is located approximately 300 feet north and 1660 feet west of the southeast corner of section 18 T121N R52W. The works are capable of diverting and conveying to the place of use 2.80 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

for irrigation of 196 acres in the SW1/4 and NW1/4SE1/4 of section 18 T121N R52W. This is an amended license as the original license was issued only for 132 acres when the system was developed for 196 acres. The 26.3 acres in the SW1/4SE1/4 of section 18 were not on the original application but under SDCL 46-5-30.5 can be added without impairing existing water rights and the overall project as developed is consistent with the original application.

comprising a total of 196 acres of land and the license should be issued for 2.8 cfs.

Applicable permit qualifications have been complied with: Yes X

Date Report Completed: 2 July 1996



Gale N. Selken, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2733-3

Other permit(s) associated with the project:

DATE OF INSPECTION: 26 June 1996

NAME & ADDRESS OF INSPECTION CONTACT/ Art Berger
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: son

NAME & ADDRESS OF PERMIT HOLDER: Arthur Berger RR1 Box 16 Ortleigh SD 57256

DIVERSION POINT LEGAL LOCATION: approximately 300 feet north and 1660 feet west of the southeast corner section 18 T121N R52W. Legal boundary corners were not physically located and the distances are measured from a not to scale aerial map.

WELL INFORMATION:

- 1) Well Drilling Firm: LTP ?
- 2) No. of Wells one
- 3) Depth(s) 85 feet reported
- 4) Well log is available test logs only
- 5) Comment: well reported to be 85 feet deep with 15 feet of stainless steel screen

Casing:

- 1) Diameter unknown inches
- 2) Length 70 feet
- 3) Type steel

Screen:

- 1) Type stainless
- 2) Length 15 feet
- 3) Static water level unknown feet

Pump:

- 1) Make XXXX
- 2) Model XXXX
- 3) Size XXX
- 4) Capacity 1260 GPM or 2.80 cfs

Motor:

- 1) Make XXXX

- 2) Model No. XXX
- 3) Horsepower rating XXX hp

1) Type XXXX 2) Size XXX inches 3) Length 2340 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1640 feet
- 3) Number of towers 11
- 4) Distance between towers 149 feet
- 5) End gun yes
- 6) High or low pressure XXX
- 7) Capacity 1260 GPM

Gun:

- 1) Make
- 2) Nozzle size XX inches
- 3) Capacity XXX GPM
- 4) Hose size XX inches

CHEMIGATION EQUIPMENT:

- 1) Does chemigate not at present time

11) Comments: XXX

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit XXX
- 2) Special qualifications to permit being abided by XXX
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Water Permit 2733-3 Arthur Berger

HISTORY:

Water Permit No. 2733-3 was issued for irrigation of 196 acres in the SW1/4 and NW1/4 of SE1/4 section 18 T121N R52W with a priority date of April 26, 1976. The construction period was to be completed by 20 May 1981.

June 1981. Mr. Berger indicated that construction was complete and water was being applied on 187 acres. (see file documentation by Ron Duvall 20 April 1989)

Water Permit 2733-3 was inspected by Burt Jones in 1981 and a license was issued in October 1981 for 132 acres in the SW1/4 section 18 T121NR52W.

March 13, 1989: Del Bro... mailed application forms requesting that Mr. Berger apply for 55 acres that were in excess of the licensed amount of 132 acres. This was the result of reporting 187 acres on the irrigation questionnaire.

Mr. Berger returned a partially completed application in March 1989 claiming that they have always irrigated 187 acres since 1981 and that the application was not necessary.

A field check in July 1991 by Mark Rath verified that the pivot irrigated the 187 acres and Mrs. Berger and son (Art) indicated that they had always irrigated 187 acres since the pivot was constructed.

26 June 1996, Gale Selken verified that the center pivot was 1640 feet long and irrigated 196 acres. Art Berger, son of Arthur Berger indicated that they had always irrigated 187 acres. Although Mr. Berger indicated that he irrigates 187 acres the length of the center pivot dictates that the pivots covers the original acreage of 196 acres. Area of a circle equals pi times the radius squared. $\text{Area} = (3.14 \text{ times } (1640 \times 1640)) / (43560 \text{ square feet per acre}) = 194 \text{ acres}$. The end gun will cover the additional acreage.

CONCLUSIONS:

1. Water permit 2733-3 was licensed for the wrong acreage. Instead of 132 acres and 1.88 cfs the license should read 196 acres and 2.80 cfs as originally applied for.
2. Water permit was advertised and approved for 196 acres for lands in the SW1/4 and NW1/4 of SE1/4 of section 18 T121N R52W. The acreage in the SW1/4 of the SE1/4 section 18 T121NR52W were not covered under original permit.
3. Under SDCL 46-5-30.5 the additional 26.3 acres in the SW1/4 of SE1/4 of section 18 can be added to the license. This conclusion is reached because existing water rights will not be impaired and the overall project as developed is consistent with the original application. The license will be within the 196 acres approved and the diversion rate is within the 2.8 cfs approved.

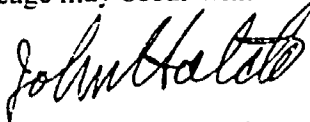
4. The water license for 2733-3 Arthur Berger should be amended to read for 196 acres in the SW1/4 and in the W1/2 of SE1/4 of section 18 T121NR52W with a withdrawal rate of 2.80 cfs from one well located 300 feet north and 1660 feet west of the SE corner of section 18 T121NR52W.

5. There should be no charge to Mr. Berger as the original license was issued wrong.



Gale N. Selken

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:
This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the upermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program.

9-23-96



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

2733-3

Arthur Berger
RR 1, Box 16
Ortley, SD 57256

Dear Mr. Berger:

Enclosed is Reissued Water License No. 2733-3. This is the final water right document completing your process of obtaining a Water Right.

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. 2733-3, 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 Program
(605) 773-3352

ks
enclosures

REISSUED STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2733-3

(1) Arthur Berger, RR 1 Box 16, Otley SD 57256 was issued Water License No. 2733-3, October 27, 1981 for a right to appropriate 1.88 cubic feet of water per second (cfs) from groundwater (one well), Grant County, South Dakota for irrigation purposes. Water Right No. 2733-3, has a priority date of April 26, 1976.

The water license issued October 27, 1981, did not correctly describe the project as developed. Water Right No. 2733-3 is being reissued to include all of the lands being irrigated and correct the diversion rate, based on a June 26, 1996 investigation of the system. Water Permit No. 2733-3 was advertised, approved and developed for 2.8 cfs to irrigate 196 acres. The investigation did find acreage developed for irrigation outside of the area described on the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

(2) It is certified that the applicant 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 2.8 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 300 feet north and 1,660 feet west of the southeast corner of Section 18-T121N-R52W (SW 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: 196 acre circle located in the SW 1/4, W 1/2 SE 1/4 Section 18-T121N-R52W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Arthur Berger, RR 1 Box 16, Otley SD 57256 the holder and/or owner of Water Right No. 2733-3 is reissued a license to appropriate water, the right to use 2.8 cubic feet of water per second from groundwater (one well) with a priority date of April 26, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2733-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date





2733-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: ARTHUR BERGER, 14633 250TH AVE, ORTLEY, SD 57256

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2733-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

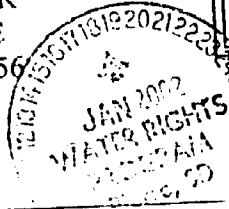
2733-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ARTHUR BERGER
14633 250TH AVE
ORTLEY SD 57256



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Don Berger B. Date of Delivery 1-17-02
 C. Signature X [Signature] ☒ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☒ Yes ☐ No
 If YES, enter delivery address below:
14633 250th Ave

Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

Restricted Delivery? (Extra Fee) ☐ Yes

2. 7001 2510 0004 4247815441

PS Form 3811, July 1999

Domestic Return Receipt

102595 99-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2002

2733-3

Arthur Berger
14633 450th Ave
Ortley, SD 57256

Dear Mr. Berger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 2733-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2733-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

TO: ARTHUR BERGER, 14633 250TH AVE, ORTLEY, SD 57256

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 2733-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2733-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8121

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SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 8121	ARTHUR BERGER 14633 250TH AVE ORTLEY SD 57256	Signature
	Waiver of Signature ☐ YES ☐ NO	
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		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
		CHECK ONE (POSTAL USE ONLY) ☐ Priority Mail® ☐ Package Services
PS Form 153, July 2001		(See Reverse)



February 19, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2733-3
6098-3

Cheryl Berger
14633 250th Ave
Ortley SD 57256

Dear Mrs. Berger:

I am writing in follow-up to your note on the 2003 irrigation questionnaire for Water Right No. 2733-3. The water right is currently listed in the name of Arthur Berger. In order to keep the records up to date, the water right should be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

We also need to update the transfer recently filed for Water Right No. 6098-3. This is the one that was formerly listed in the name of CSS Farms. You have already sent in the fee for this transfer, we just need to have you sign a new form transferring the land to your name. I am enclosing a partially completed form for this purpose.

Thank you in advance for your help. If I can answer any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2733-3

Date: 2-20-04

I/We request that Water Right No. 2733-3

formerly owned by: Arthur Berger

be transferred to: (name & address) Cheryl Berger
14633 - 450th Ave
Ortleigh, S.D. 57256 Telephone No. 947-4434

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

196 acres in the SW ¼ and W ½ SE ¼ Section 18, T121N, R52W

I/We understand that the validity of Water Right No. 2733-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Cheryl Berger, the new owner, certify that the above information is true and correct.

Cheryl Berger
(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.

RECEIVED
FEB 23 2004
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 23, 20 04

RECEIVED OF Cheryl Berger, 14633 450th Ave, Ortley SD 57256

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	2	50
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>277 2733-3</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. _____		
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	2.50

No.

001201

By Darlan S. Elbeke
Chief Engineer gm



February 23, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2733-3
6098-3

Cheryl Berger
14633 250th Ave
Ortley SD 57256

Dear Mrs. Berger:

Thank you for following up on the ownership changes for Water Right No. 2733-3 and Water Permit No. 6098-3. The transfers have been completed. Nos. 2733-3 (formerly Art Berger) and 6098-3 (formerly CSS Farms, Inc.) are now listed in your name.

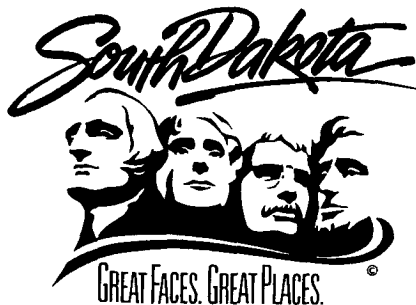
Enclosed are your Receipt Nos. 001177 and 001201 in the amounts of \$2.50 each. You may keep them for your records.

If I can answer any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: CHERYL BERGER, 14633 450TH AVE, ORTLEY, SD 57256

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2733-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6098-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 6098-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



2733-3

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4746

Your item was delivered at 9:51 am on January 31, 2005 in ORTLEY, SD 57256. The item was signed for by C BERGER.

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PS Form 153, February 2001



January 27, 2005

2733-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2733-3
6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

Enclosed are the irrigation questionnaires for Water Right/Permit Nos. 2733-3 and 6098-3.

Before the forms are considered complete, they need to have the back side of them filled out. Please fill in the columns titled "number of acres irrigated", "pump rate (in gallons per minute)", "days per month water was applied" and "average hours per day". All of the information is needed in order for us to calculate how much water was used from a particular source.

The Water Management Board hearing is March 2nd. Please complete and return the forms to us no later than February 25, 2005.

Sincerely,

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

enclosures



2733-3
**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 16, 2005

2733-3
6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2733-3 and Water Permit No. 6098-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Point of Diversion - 2300' N 85° W of SE Corner
 Sec 18 - 121-52

ARTHUR BERGER

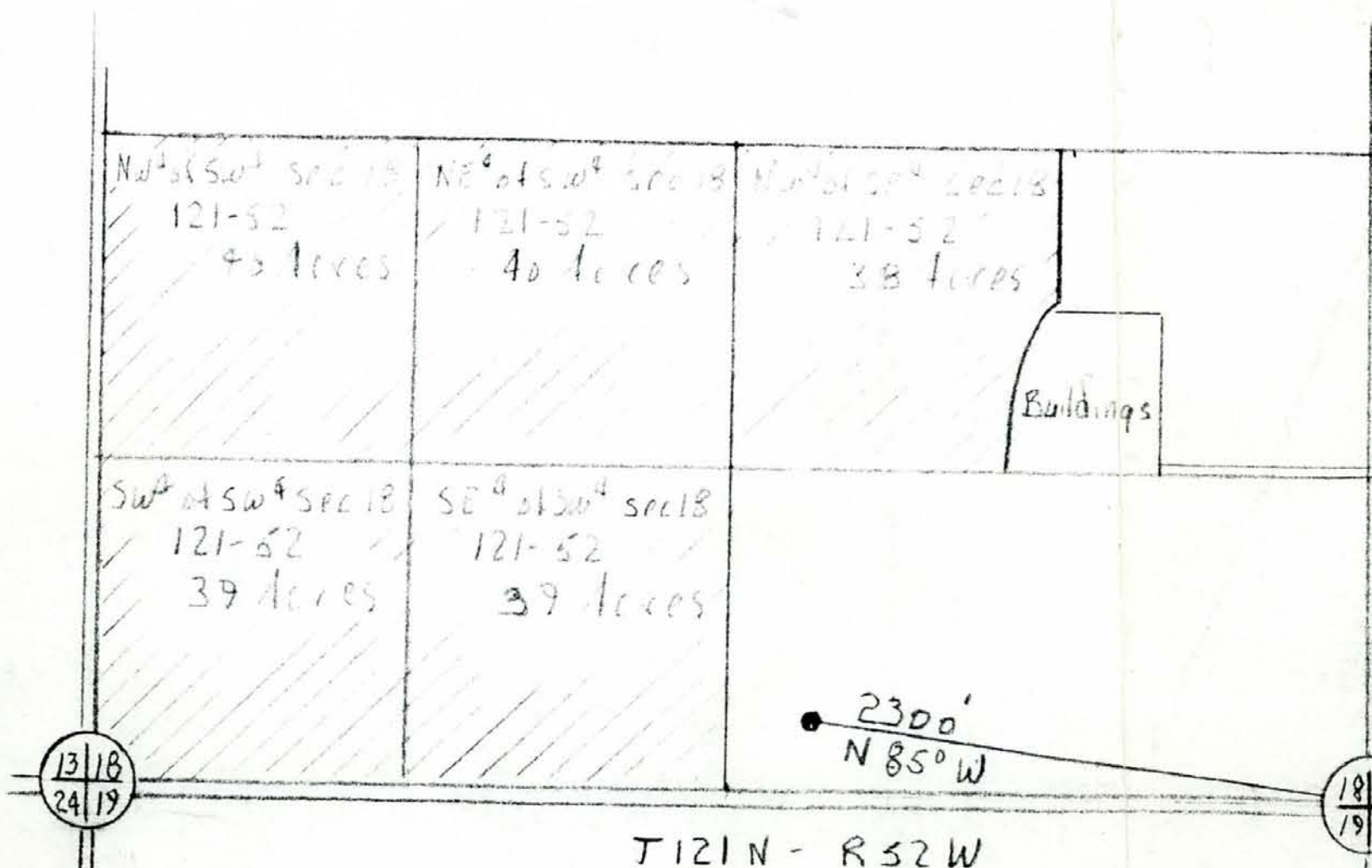
IRRIGATION PROJECT #1

Ottley

S. Dakota

Grant County

Acres Irrigated 196
 Water claimed 2.8 cfs



Scale - 8" = 1 Mile

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map identifies a reasonably accurate record of the land of:

Arthur Berger

Ottley

7256

S. Dakota

4-18-76

John L. Wiersma

Drawn by, J. L. W.

P. E. #1946

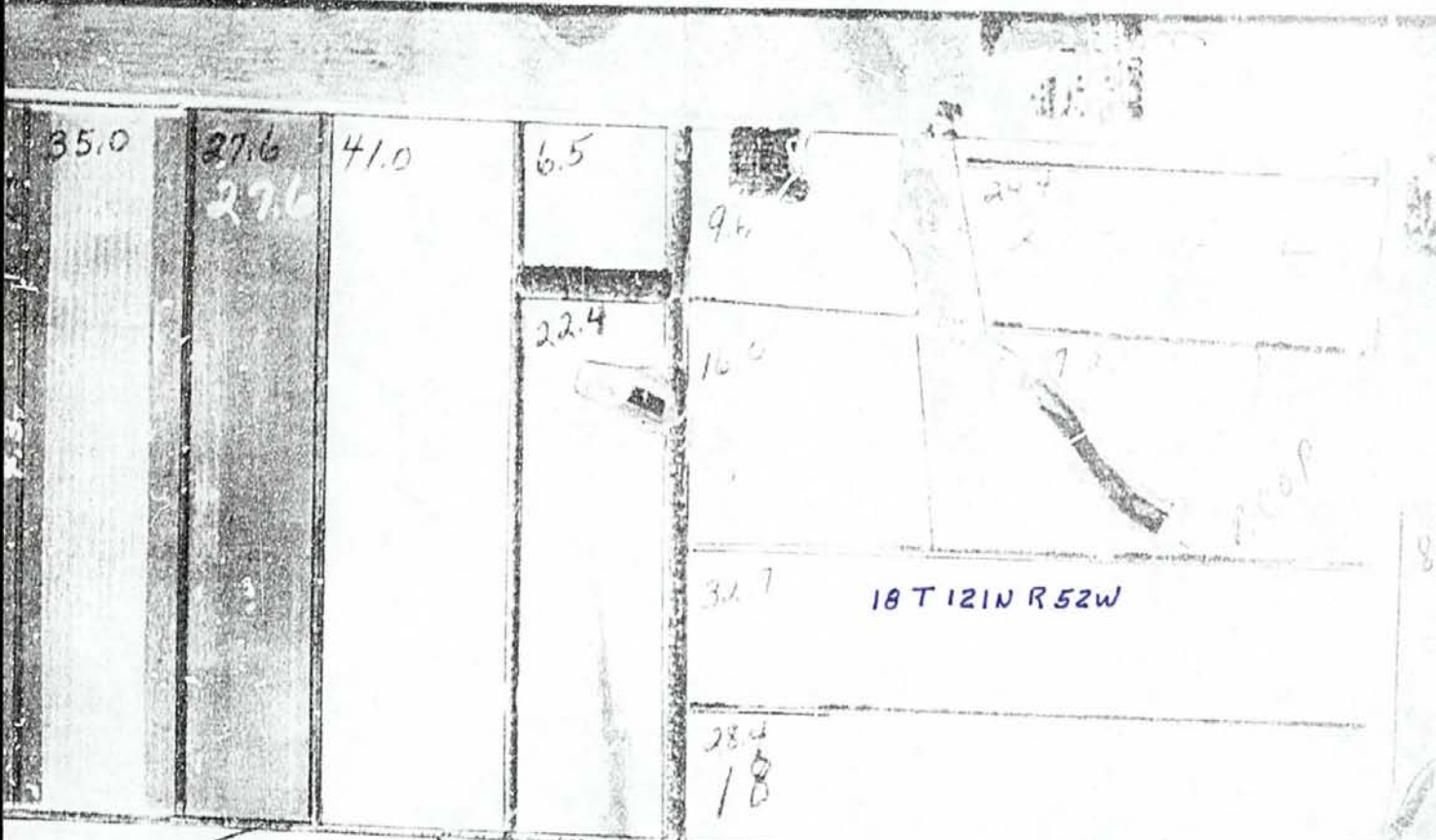
Brant map S.D.

~~MAP NO 2008-3~~

APPL NO 2733-3

2733-3
NOT TO SCALE

2733-3



232.3
Pivot is 11 tower Zimmatic
with end gun. Field
verified that pivot is 1640 feet
long.

26 June 1996
Sale N Salken

121-52 R



DATE MICROFILMED

CAMERA OPERATOR

NOT TO SCALE

35.0
T646

27.6

41.0

Map From ASCS

26 June 1994

Sal M. Seltin

6.5

AREA 6

47.1

CRP
87-96

24.4

AREA 11

A-4

22.4

CRP
87-96

7.2

CRP

88-97

3.9

AREA 7

17.0

AREA 9

AREA 8

28.4

AREA 10

CRP
87-96

AREA 5

18

7.7

167.4

20.5

11.5

OT
Roberts
Co.

17.6

121.52

6.7

17.1

OT
Roberts
Co.

T648

12.6

AREA 1

A-4

29.8
T647

2733-3



2733-3
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 24, 2012

NOTICE

TO: CHERYL BERGER, 14633 450TH AVE, ORTLEY, SD 57256
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2733-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 6098-3 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 7, 2012** 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) 6098-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2733-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed 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:
<http://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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

2733-3
6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2733-3 and 6098-3. 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 black ink that reads "Genny McMath".

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