

2746A-3

WATER PERMIT NO. 2746A-3

Phone: 925-7250

Name of Applicant: Clinton Hauer

Post Office Address: Rt 1, Box 111, Freeman SD 57029

Amount of Water Claimed: no add'l (1.33) Total Acres: no add'l (174 acres)

Source of Water Supply: dry draw dam (250 ac-ft storage)

Water to be used for: irrigation County: Hutchinson

About 7 miles West of Freeman

PRIORITY Date Received: 12-16-93 Fee: \$50 Remarks: Corrects

location of acreage authorized by Water Permit No. 2746-3

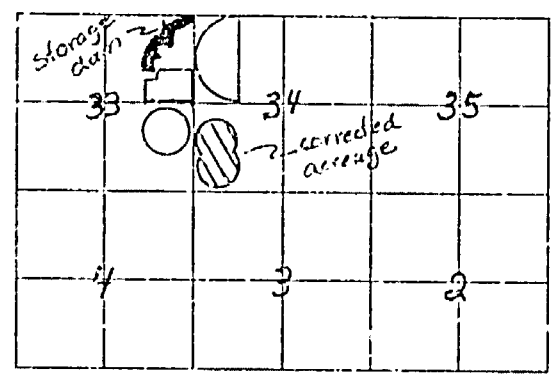
Corrected Application Received: 1-14-94 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: 12-23-93 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS:

Diversion Point: SE 1/4 NE 1/4 Sec 33-T99N-R57W

Land to be Irrigated: SE 1/4 NE 1/4, NE 1/4 SE 1/4
Sec 33, W 1/2 NW 1/4, W 1/4 SW 1/4 Sec 34; all
in T99N-R57W



Well Log: Driller: Licensed YES NO

Depth of Well: REMARKS:

Type of Map: topo PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 1-14-94 By: Karen Schlaak

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2746A-3

(1) Clinton Bauer, of RR #1 Box 174, Freeman, SD 57029 made Application No. 2746A-3, December 16, 1993 for a water permit to correct the location of irrigated acreage developed under Water Permit No. 2746-3 located in Hutchinson County, South Dakota for irrigation purposes. Permit No. 2746A-3, with a priority date of May 6, 1976 (established under No. 2746-3) was approved February 28, 1994 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

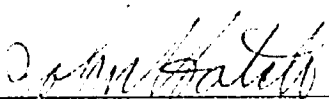
Water Permit No. 2746A-3 did not authorize an increase in the developed diversion rate or number of acres being irrigated. The applicable portions of Water Permit No. 2746-3 have been incorporated into this Water License No. 2746A-3.

(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 1.33 cubic feet of water per second and store 250 acre feet of water annually for beneficial use. The location of the diversion point (dry draw storage dam) is 1090'W and 825'N of the E 1/4 corner of Section 33, T99N, R57W (SE 1/4 NE 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 174 acres located as follows: all in T99N, R57W

Section 33	SE 1/4 NE 1/4	18 acres	Section 34	NW 1/4 NW 1/4	27 acres
"	NE 1/4 SE 1/4	32 acres	"	SW 1/4 NW 1/4	33 acres
			"	NW 1/4 SW 1/4	29 acres
			"	SW 1/4 SW 1/4	34 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Clinton Bauer of RR #1 Box 174, Freeman, SD 57029 the holder and/or owner of Incorporated Water Permit No. 2746A-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second and store 250 acre feet of water annually from a dry draw storage dam with a priority date of May 6, 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 Incorporated Water Permit No. 2746A-3 and subject to South Dakota State Law.



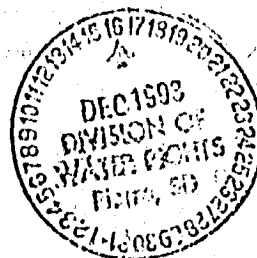
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

FORM 2: Application for Irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
623 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2746A-3 Hydrologic Unit 10160011
Basin James River
Newspaper Hutchinson Herald, Box 537, Menno
(office use only)

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

Type of Application: New Vested Right X Amendment/Correction to Permit No. 2746-3
(check one) (Use predates Mar 2, 1955)

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

Correct the location of 63 acres from the S 1/2 SE 1/4 Sec. 33-T99N-R57W to
29 acres in the NW 1/4 SW 1/4 and 34 acres in the SW 1/4 SW 1/4 Sec. 34
T99N-R57W.

1. Name of Applicant Clinton Bauer Phone (605) 925-7250
(check one) X Owner Tenant/lessee

Mailing Address Rt. #1, Box 111 Freeman State SD 57029
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 1.33 no adUFS or **GPM250 no adUAF Total Acreage 174 no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (**Acres Feet - storage capacity of dam/dugout if applicable)

3. Source of water supply Surface water in dry draw dam.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 NE 1/4 Sec. 33
T99N-R57W.

County Hutchinson

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used April 1 thru October 31 (for irrigation)
Jan. 1 thru Dec. 31 (for storage in dam)

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

All in T99N-R57W.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 1/4 NE 1/4 Sec. 33</u>	<u>18</u>	<u>SW 1/4 SW 1/4 Sec. 34</u>	<u>29</u>
<u>NE 1/4 SE 1/4 Sec. 33</u>	<u>32</u>	<u>SW 1/4 SW 1/4 Sec. 34</u>	<u>34</u>
<u>NW 1/4 NW 1/4 Sec. 34</u>	<u>27</u>	<u>all in T99N-R57W</u>	
<u>SW 1/4 NW 1/4 Sec. 34</u>	<u>33</u>		

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

9. Crops to be irrigated:

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

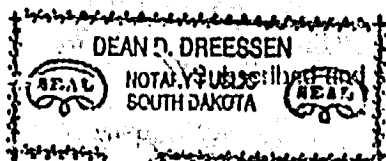
This application is to correct the location of acres irrigated from 63 acres in the S 1/2 SE 1/4 Sec. 33-T99N-R57W to 29 acres located in the NW 1/4 SW 1/4 and 34 acres located in the SW 1/4 SW 1/4 Sec. 34-T99N-R57W. No increase in diversion rate or acres irrigated is authorized by this application.

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

STATE OF SOUTH DAKOTA)

County of HUTCHINSON)⁵⁵

I, CLINTON BAUER, 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 representative of the water to be used, and that the matters stated in this application are true and correct.



Signed Clinton Bauer
sworn to before me this 13TH day of DECEMBER 1993

Notary Public
DEAN J. DREESSEN

Report on Application No. 2746A-3
Clinton Bauer
January 19, 1994

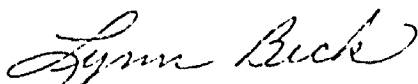
This application proposes to specify the correct location of the irrigated acreage. Water Permit No. 2746-3 appropriates 2.64 cubic feet of water per second (cfs) of runoff into a storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 185 acres located in the S 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 33 and the W 1/2 NW 1/4 Section 34; all in T99N-R57W. An inspection of Permit No. 2746-3 found the 250 acre-feet storage dam constructed and supplying 1.33 cfs to irrigate 174 acres. This application is to correct the location of 63 of the 174 acres being irrigated. The correct location of the 63 acres is the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 Section 34-T99N-R57W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

The dam impounds 250 acre-feet and its effective height is 27 feet. This dam is classified as a category 3, small size dam. The dam was constructed prior to 1986, and is exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08.

There are no other permits in the watershed or downstream from this application that will be affected by this application.

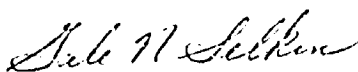
Conclusions:

- 1) Water is available from the drainage for storage.
- 2) Existing water rights will not be impaired.
- 3) Approval of this application should be subject to return of the annual irrigation questionnaires.
- 4) No increase in the developed diversion rate or the number of acres irrigated is authorized by this application.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale M. Selken, P.E.
Natural Resources Engineer IV

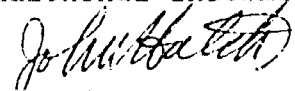
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2746A-3, Clinton Bauer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2746A-3, Clinton Bauer, Rt 1 Box 111, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 2746A-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) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 31, 1994



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

422 EAST CAPitol

Pierre, SOUTH DAKOTA 57501-3181

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

February 1, 1994

Clinton Bauer
Rt. 1 Box 111
Freeman, SD 57029

Dear Mr. Bauer:

Water Permit Application No. 2746A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hutchinson Herald printed at Menno, SD (Ph # 387-5158). 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.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
101 EAST CAPITO
PIERRE, SOUTH DAKOTA 57501-3181

February 1, 1994

Hutchinson Herald
Box 537
Menno, SD 57045-0537

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2746A-3 to be published twice. Please publish the first notice on February 9, 1994, 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 Clinton Bauer, Rt 1 Box 111, Freeman, SD 57029 (Ph # 925-7250).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on February 9, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2746A-3 to Appropriate Water
and Amend Water Permit No. 2746-3

Notice is given that Clinton Bauer, Rt 1 Box 111, Freeman, SD 57029 has filed an application for a water permit to specify the correct location of irrigated acreage. Water Permit No. 2746-3 appropriates 2.64 cubic feet of water per second (cfs) of runoff into a 250 acre-foot storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 185 acres located in the S 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 33 and the W 1/2 NW 1/4 Section 34; all in T99N-R57W. An inspection of Permit No. 2746-3 found the storage dam constructed and supplying 1.33 cfs to irrigate 174 acres. This application is to correct the location of 63 of the 174 acres being irrigated. The correct location of the 63 acres is the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 Section 34-T99N-R57W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2746A-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 Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 28, 1994.

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 Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Hutchinson)

I, William J. Headley

certify that the attached printed Notice was

taken from the Hutchinson Herald

printed and published in Menno

County of Hutchinson and State of

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

Feb. 9 & 16

Cost of Printing: \$41.95

William J. Headley
 (Signature)

Editor / Publisher
 (Title)

2/21/94
 (Date Signed)

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 Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

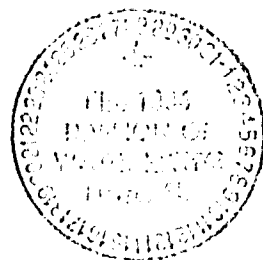
(Publish Feb. 9 & 16, 1994)

NOTICE OF APPLICATION NO. 2746A-3 to Appropriate Water and Amend Water Permit No. 2746-3

Notice is given that Clinton Bauer, Rt. 1 Box 111, Freeman, SD 57029 has filed an application for a water permit to specify the correct location of irrigated acreage. Water permit No. 2746-3 appropriates 2.64 cubic feet of water per second (cfs) of runoff into a 250 acre-foot storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 185 acres located in the S 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 33 and the W 1/2 NW 1/4 Section 34; all in T9N-R57W. An inspection of Permit No. 2746-3 found the storage dam constructed and supplying 1.33 cfs to irrigate 174 acres. This application is to correct the location of 63 of the 174 acres being irrigated. The correct location of the 63 acres is the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 Section 34-T9N-R57W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2746A-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 Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (505)773-3252" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 28, 1994.



Permit No. 2746-3 - 2746A-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Clinton Bauer of Rt. #1, Box 111, Freeman, SD 57029 holder of Permit No. 2746-3, bearing the priority of May 6, 1976 authorizing the diversion of 2.64 cu. ft. per second and or storing 250 acre-feet of the waters of runoff into a dry draw dam for irrigation purposes, in Hutchinson County.

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

- A. Works used to divert the water:
Marathon Electric motor, model no. 364TTD573167A-W-F1, 75 hp and a 600 gpm capacity pump.
- B. Works used to transport water to place of use:
4350' of 8" pvc pipe and 2770' of 6" aluminum pipe.
- C. Works used to apply water to beneficial use:
Valley center pivot 660' long, 6 towers, end gun, 56 psi and 600gpm capacity. Valley towable center pivot, 660' long, 4 towers, end gun, 56 psi and 600 gpm capacity. Valley center pivot, 1220' long, 7 towers, end gun, 56 psi and 600 gpm capacity. Easy Rain big gun with 1 1/4" Nelson 200 nozzles, 600' of 4" hose and 600 gpm capacity.

The system is in the following condition good. The point of diversion is located 1090' W and 825' N of the E 1/4 corner Sec. 33-T99N-R57W. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water and/or storing 250 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T99N-R57W:

<u>SE 1/4 NE 1/4 Sec. 33</u>	<u>12</u> <u>13 acres</u>	<u>SW 1/4 NW 1/4 Sec. 34</u>	<u>33 acres</u>
<u>NE 1/4 SE 1/4 Sec. 33</u>	<u>32 acres</u>	<u>NW 1/4 SW 1/4 Sec. 34</u>	<u>29 acres</u>
<u>NW 1/4 NW 1/4 Sec. 34</u>	<u>27 acres</u>	<u>SW 1/4 SW 1/4 Sec. 34</u>	<u>34 acres</u>

comprising a total of 169 acres of land and the license should be issued for 1.33 cfs and/or 250 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date: 6-29-93

Lynne Beck
 Lynne Beck
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2746-3

DATE: 6-29-93

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: from dry draw dam 1090' W and 825' N of the E 1/4 corner Sec. 33-T99N-R57W.

Pump:

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity 600 GPM

Motor:

- 1) Make Marathon Electric
- 2) Model No. 364TTD57316AA-W-F1
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|-------------------------|----------------------------|
| 1) Type <u>pvc</u> | 2) Size <u>8</u> inches | 3) Length <u>4350</u> feet |
| 1) Type <u>aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>2770</u> feet |

SYSTEM TYPE:

Center pivot: NE 1/4 SE 1/4 Sec. 33-99-57

- 1) Make Valley
- 2) Overall length 660 feet
- 3) Number of towers 6
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure 56 psi
- 7) Capacity 600 GPM

Center pivot: W 1/2 NW 1/4 Sec. 34-99-57

- 1) Make Valley

- 2) Overall length 1220 feet
- 3) Number of towers 7
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure 56 psi
- 7) Capacity 600 GPM

Center pivot: NW 1/4 SW 1/4 and SW 1/4 SW 1/4 Sec. 34-99-57

- 1) Make Valley towable
- 2) Overall length 660 feet
- 3) Number of towers 4
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure 56 psi
- 7) Capacity 600 GPM

Gun: SE 1/4 NE 1/4 Sec. 33-99-57

- 1) Make Easy Rain
- 2) Nozzle size 1 1/4 inches
- 3) Capacity 600 GPM
- 4) Hose size 4 inches

DAM INFORMATION:

- 1) Height to crest 32 feet
- 2) Height to primary spillway 27 feet
- 3) Height to secondary spillway ft
- 4) Crest width 20 feet
- 5) Crest length 300 feet
- 6) Spillway length 60 feet
- 7) Spillway width 20 feet
- 8) Approx. storage 250 ac-ft
- 9) Approx. storage to crest 300 ac-ft

10) Date constructed: 1976

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Comments: Change in location of acres irrigated is needed.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PERRIE SOUTH DAKOTA 57501-3181

October 8, 1993

Clinton Bauer
Rt 1, Box 111
Freeman, SD 57029

Dear Mr. Bauer:

Please find enclosed a partially completed application form and instruction sheet for a change in location of acres irrigated under Permit No. 2746-3. You will not have to prepare a map, as I have already done so.

This application will correct Permit No. 2746-3, changing the location of irrigated acres from 63 acres in the S 1/2 SE 1/4 Section 33-T99N-R57W to 29 acres in the NW 1/4 SW 1/4 and 34 acres in the SW 1/4 SW 1/4 Section 34-T99N-R57W. This application appropriates no additional diversion rate or acres irrigated.

After the application has been sent in and approved, the permit will be licensed as per number nine on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 1993

Clinton Bauer
Rt 1, Box 111
Freeman SD 57029

Dear Mr. Bauer:

In regard to your water permit application received on December 16, 1993, a filing fee of \$50.00 needs submitted in order to process your application.

Upon receipt of the fee, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 4 1994

Clinton Bauer
Rt 1 Box 111
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed is Water Permit No. 2746A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 2746A-3**

Date of first receipt of application December 16, 1993.

Date Soil/Water Compatibility Permit received December 23, 1993.

Date of return to applicant for corrections, amendments or changes December 17, 1993.

Date of receipt of corrected application January 14, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2746A-3 to Clinton Bauer, Rt 1, Box 111, Freeman SD 57029 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. 2746A-3 specifies the correct location of irrigated acreage. Water Permit No. 2746-3 appropriates 2.64 cubic feet of water per second (cfs) of runoff into a 250 acre-foot storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 185 acres located in the S 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 Section 33 and the W 1/2 NW 1/4 section 34; all in T99N-R57W. An inspection of Permit No. 2746-3 found the storage dam constructed and supplying 1.33 cfs to irrigate 174 acres. This permit corrects the location of 63 of the 174 acres being irrigated. The correct location of the 63 acres is the NW 1/4 SW 1/4 and the SW 1/4 SW 1/4 Section 34-T99N-R57W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31 (for irrigation), January 1 - December 31 (for storage in dam).
3. The date from which applicant may claim right is May 6, 1976 (established by No. 2746-3).
4. The date of approval of Permit No. 2746A-3 is February 28, 1994.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hatch, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

OCT 4 1994

date _____

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414293

Pierre, _____ October 11, 19 94

RECEIVED OF Darlene Bauer, RR 1 Box 174, Freeman, SD 57029

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2746A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hallock*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOV 14 1994

2746A-3

Clinton Bauer
RR 1, Box 174
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed is Water License No. 2746A-3 and Receipt No. 414293 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2746A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2746-3 have been incorporated into this Water License No. 2746A-3.

RECEIPT

Division of Water Rights

413995

South Dakota Department of Environment and Natural Resources

Pierre, January 19 1994

RECEIVED OF Darlene Pauer, RN 1 Box 174, Freeman, SD 57029

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

Fee for Application for Permit No. 2744A-3 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

Fee for Filing Extension Request

Fee for

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch

12-21-93

Jim Stukel called - he made
Correction to S/U:
1 additional acre in the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33, T99N,
R57W. 63 acres in W $\frac{1}{2}$
SW $\frac{1}{4}$ Sec. 34, T79N, R57W.

Lynne Beck

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4725

WR#

OWNERS NAME: CLINTON BAUER OWNERS ADDRESS: ROUTE 1 BOX 111
PRELIM ST 57029
COUNTY LAND LOCATED IN: HUTCHINSON PHONE: 925-7259

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Surface water in Dry Draw Dam. - Sec. 14 33-T99N-R57W
Depth _____

Legal Description	Acres	Legal Description	Acres
SE 1/4 NE 1/4 33-T99N-R57W	1	W 1/2 SW 1/4 34-T99N-R57W	0.1

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XXX~~ GUN: ~~XXX~~ OTHER: _____ (Specify) _____

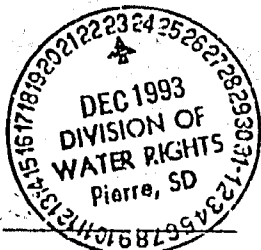
3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>83-0034</u>	7. ADJUSTED (SAR): <u>4.84</u>
5. SALINITY (EC X 10 ⁶): <u>2200 //</u>	8. PERCENT SODIUM: <u>19.56</u>
6. SODIUM (SAR): <u>1.74</u>	

Requirements:

The area mapped as Betts and Ethan loam, 15-40% slope (SdL) is excessively steep and subject to a severe erosion hazard. This area shall not be irrigated and can be addressed by an end-gun shut off.

The area of Tetonka and Whitewood (Tu) may be subject to wetness and ponding under irrigation. Should this occur, this area shall be maintained in grass or other permanent vegetation.



Clifton B. Bauer
Director, Division of Conservation

DECEMBER 22, 1993

Date

~~XXX~~ APPROVED

~~XXX~~ DISAPPROVED

~~XXX~~ WAIVER

~~XXX~~ REQUIREMENTS

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

Department of Agriculture
W101
5/37

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4249

WR#

OWNERS NAME: Clinton Bauer

OWNERS ADDRESS RR 1, Box 111
Freeman, SD 57029

COUNTY LAND LOCATED IN Hutchinson PHONE 925-7250

LEGAL DESCRIPTION:

1. LOCATION SW1/4 SE1/4 31-T99N-R57W

☒ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
SW1/4 Sec. 5-T98N-R57W	2	SW1/4 Sec. 6-T98N-R57W	2
SW1/4 Sec. 5-T98N-R57W	11	SW1/4 Sec. 6-T98N-R57W	31
SW1/4 Sec. 6-T98N-R57W	4	SW1/4 Sec. 31-T99N-R57W	4
SW1/4 Sec. 6-T98N-R57W	25	TOTAL ACREAGE =	

2. TYPE OF IRRIGATION: GRAVITY _____ TOWELINE _____ CENTER PIVOT XX GUN _____ OTHER _____
(Specify) _____
Corn

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>82-1045</u>	7 ADJUSTED (SAR) <u>4.84</u>
5. SALINITY (EC X 10 ⁴) <u>2200</u>	8 PERCENT SODIUM <u>19.84</u>
6. SODIUM (SAR) <u>1.74</u>	

Requirements:

The soils of the area are subject to a seasonal high water table which under irrigation may remain in the perched condition inhibiting the leaching of salts and adversely affect the crops. Due to this potential hazard, adequate drainage will be provided as necessary i.e. artificial drainage, tile.

The soils of the area maybe subject to flooding and adequate protection shall be provided to protect the soils from erosion.

Jack M. Felt
Director, Division of Conservation

XX APPROVED
 DISAPPROVED
 WAIVER

XX REQUIREMENTS

Soil water permits will be recorded by the Department of Agriculture, with the County Register of Deeds

5-12-88
Date



CONSERVATION COMMISSION
WATER FORM
3/78

RECEIVED

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Clinton Bauer

OWNER'S ADDRESS: 222 E. 1st St. Box 111

WR# 4900-3

COUNTY LAND LOCATED IN: Hutchinson PHONE: 925-7250

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.3, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

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

1. WELL LOCATION OR DIVERSION POINT: SW 1/4, SW 1/4, SW 1/4, SE 1/4, Sect. 31, T8, R-5

2. SURFACE WATER SOURCE: _____

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

Legal Description	Acres	Legal Description	Acres
NE 1/4, SE 1/4 32-99-57	38	SW 1/4, SE 1/4 32-99-57	7
NW 1/4, SE 1/4 32-99-57	36		
NE 1/4, SW 1/4 32-99-57	23		
SE 1/4, SE 1/4 32-99-57	17		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: Corn, alfalfa

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1980

LEGAL DESCRIPTION: Same as question #3.
IN WHAT NAME: Clinton Bauer

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

7. WATER SAMPLE NUMBER: 82-1045
8. SALINITY (EC X 10⁶): 1600
9. SODIUM (SAR): 13.27
10. ADJUSTED (SAR): 2.48 (1.73)

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 11:30 a.m./p.m. on May 7, 1982, at the following location: Approximate well location south of SE corner by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

21 DAY OF May, 1982

Clifford D. Remick
(Notary Public)

Clinton Bauer
APPLICANT'S SIGNATURE

Mark M. Aydel
Director, Division of Conservation

IMPORTANT

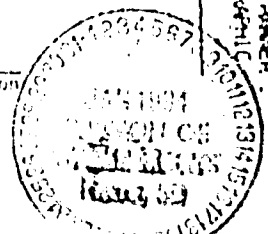
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

6-10-82



THIS IS TO CERTIFY THAT THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS OF THE DIVISION OF CONSERVATION, SOUTH DAKOTA DEPARTMENT OF AGRICULTURE, IN 1982. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPH AND OR MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS FOR REPRODUCTIONS. REDUCTION 2.5 INCHES PER INCH. REL NO. 5

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Rights.
*See Department Farm Building Plans.

STATE OF SOUTH DAKOTA - BUREAU OF REHABILITATION - LITVIG, W. ROBERT, Director
THIS IS TO CERTIFY THAT THE PHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF THE BUREAU'S REGULAR OPERATIONS.
LAW 1-7-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC IMAGE IS A TRUE AND FAITHFUL REPRODUCTION OF THE ORIGINAL RECORD.
AND OF MICROFILM WHICH MEET THE RECORDED REPRODUCTION REQUIREMENTS. REDUCTION 55 REL NO 5
DATE MICROFILMED August 22, 1963
SHERA OPERATOR Donna H. [Signature]

FROM: Stukel, James

TO: Beck, Lynn

DATE: 12-21-93

TIME: 09:15

CC:

SUBJECT: C. Bauer application

PRIORITY: R

ATTACHMENTS:

Lynn,

The application is off my desk...processed. Approved with requirements

FYI

Jim

=====

2746A-3

1-17-24

Application No. 2746A-3

Clinton County

File No. 114 Sec. 33-71-37

Spillway Capacity: $Q = 21.4\%$

$$Q = 3\% (20') (5')^{1.49} = 581.33 \text{ cfs}$$

Runoff from Watershed:

$$A \approx 8.5 \text{ sq. mi.}$$

$$S \approx 23.5' / \text{mi}$$

$$L = 3.33'$$

$$Q_{50} = 10.6 (10.5 \text{ mi}^2)^{0.63} (23.5' / \text{mi})^{0.43} (3.33')^{-0.59} = 841.7 \text{ cfs}$$

$$Q_{25} = 83.4 (10.5 \text{ mi}^2)^{0.60} (23.5' / \text{mi})^{0.41} (3.33')^{-0.72} = 576.7 \text{ cfs}$$

$$250 \text{ ac.} \times 27' = 6,750 > 3000$$

$\therefore$ Should meet 50 yr. design

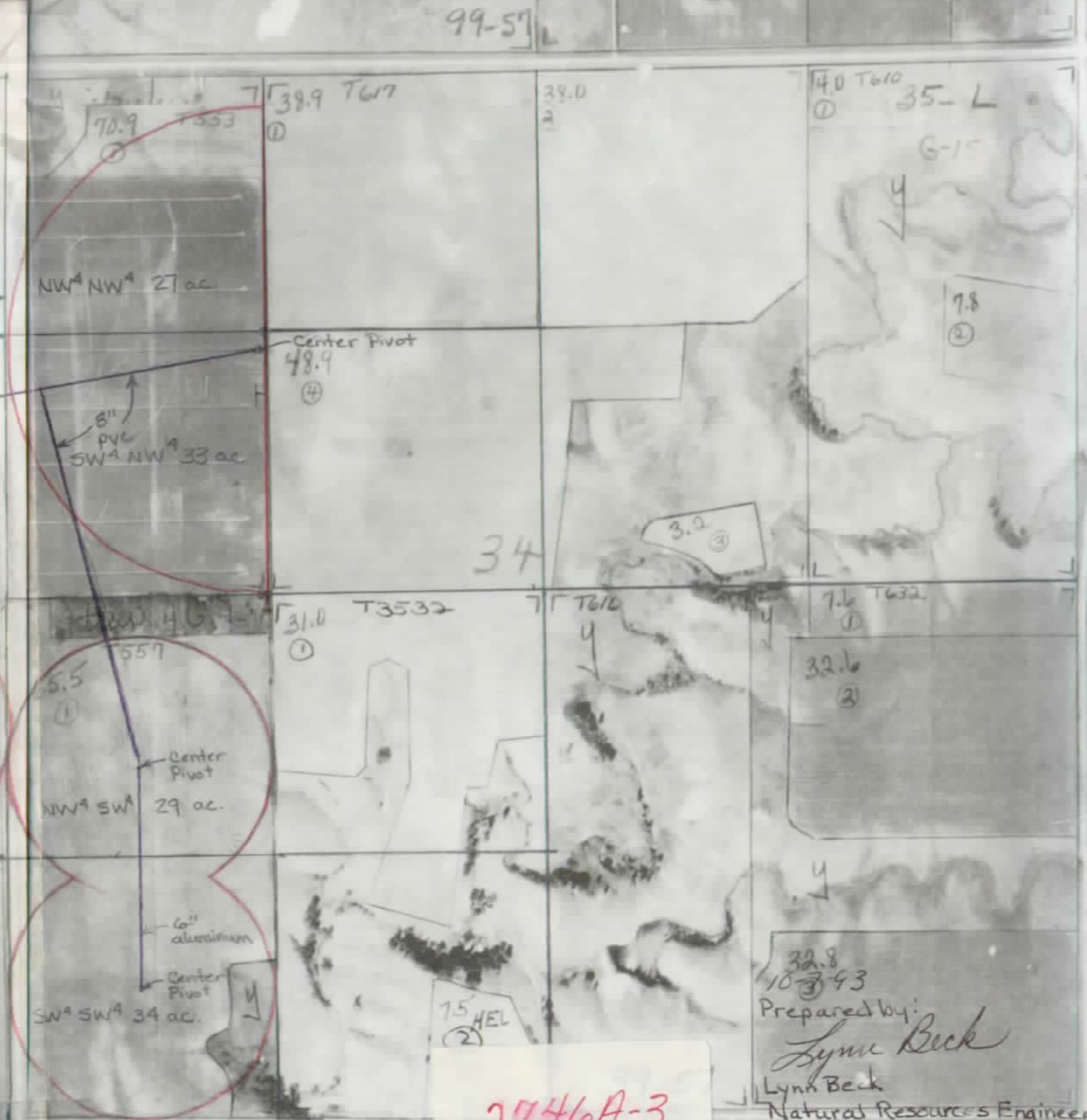
22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

$\frac{Q}{L}$	60.7
$\frac{Q}{L^2}$	18.2
$\frac{Q}{L^3}$	5.47
$\frac{Q}{L^4}$	1.64
$\frac{Q}{L^5}$	0.50
$\frac{Q}{L^6}$	0.15
$\frac{Q}{L^7}$	0.04
$\frac{Q}{L^8}$	0.01
$\frac{Q}{L^9}$	0.003
$\frac{Q}{L^{10}}$	0.001



NOT TO SCALE

NOT TO SCALE





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: CLINTON BAUER, 27825 431ST AVE, FREEMAN, SD 57029

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2385-3 & 2740-3 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) 2746A-3, 5191-3 & 5921-3 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 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2746A-3, 5191-3 & 5921-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2385-3 & 2740-3 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

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.state.sd.us/denr

January 29, 2010

Clinton Bauer
27825 431st Ave
Freeman SD 57029

RE; 2009 Irrigation Questionnaires for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3,
5191-3 and 5921-3

Dear Mr. Bauer:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3, 5191-3 and 5921-3

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". The signature is written in a cursive, flowing style.

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



2746A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 2020

2385-3
2740-3
2746A-3
5921-3

Mark Bauer
27983 431st Ave
Freeman SD 57029

Dear Mr. Bauer:

Thank you for calling concerning the water permits and water rights held by Clinton Bauer.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

I checked and I was mistaken about filing of the transfer forms. If Clinton is still the owner, unless you have a power of attorney, the ownership changes will need to wait. I apologize for telling you wrong. You can hold on to the transfer forms until needed. They are a simple filing and are effective the day you send them back to us.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath".

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 25, 2026

2385-3, 5921-3

2740-3, 2746A-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer:

We understand that the property's authorized under Water Right Nos. 2740-3, 2764A-3, 2385-3, and Permit No. 5921-3, have all been sold to you. For your convenience I have enclosed partially completed "Transfer of Ownership" forms for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$200.00 (\$50.00 Each) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

PAID

MAR 10 2026

Ck# 8760

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2746A-3

Date: 3/6/26

I/We request that Water Right/Permit No. 2746A-3 formerly owned by:
Clinton Bauer be transferred to:

New Owner Name: Mark Bauer
Address: 27983 431st mobile: 605 2013805
City, State, Zip: Freeman SD 57029 email: markbauer451@gmail.com

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

SECTION 33, SE1/4 NE 1/4 - 18 acres
NE1/4 SE1/4 - 32 acres

SECTION 34, NW1/4 NW1/4 - 27 acres
SW1/4 NW1/4 - 33 acres
NW1/4 SW1/4 - 29 acres
SW1/4 SW1/4 - 34 acres

Total 174 acres: All in T99N-R57W

RECEIVED

MAR 10 2026

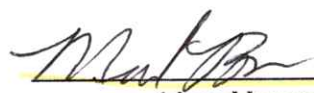
OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 2346A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Mark Bauer, the new owner, certify that the above information is true and correct.


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

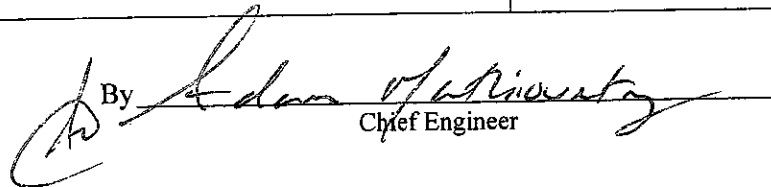
South Dakota Department of Agriculture and Natural Resources

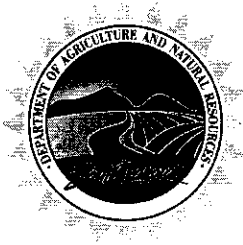
Date March 10, 2026

RECEIVED OF Mark Bauer 27983 431st Ave Freeman, SD 57029

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>#2746A-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL \$ _____

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2026

2385-3, 2740-3, 2746A-3, 5921-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Permit No. 5921-3, & Water Right Nos. 2385-3, 2740-3 & 2746A-3. Enclosed are the receipts of payment for your records.

Water Permit No. 5921-3 & Water Right Nos. 2385-3, 2740-3, & 2745A-3, previously held by Clinton Bauer, are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License's (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License's will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 2821-2, and Water Right Nos. 2385-3, 2740-3, & 2745A-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures