

Considered: _____

WATER PERMIT NO. 2806A-3

HAP No. Same

Name of Applicant Dale Bieber

Post Office Address HCR, Box 20, Bowdle SD 57428

Amount of Water Claimed 4.57 cfs Total Acres 320

Source of Water Supply dry draw with off-stream storage reservoir

Water to be used for irrigation County Walworth

About 9 miles N of Hoven

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received April 30, 1987 Fee \$325⁰⁰ Remarks add

acreage to water permit No. 2806-3

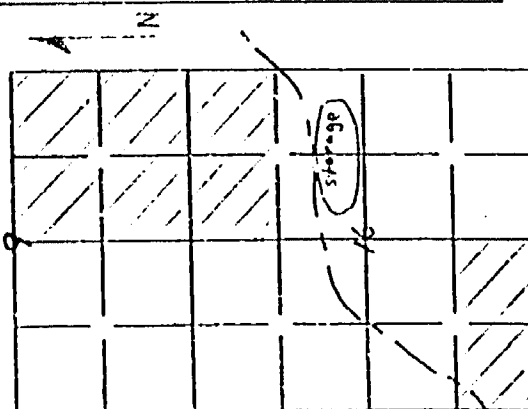
Corrected Application Received July 20, 1987 Period of Annual Use Apr 11 - Nov 30

WATER QUALITY APPROVAL RECEIVED 7/13/87 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point S $\frac{1}{2}$ NE $\frac{1}{4}$ section 16 - T122N - R74W

Land to be Irrigated N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ section 16; SE $\frac{1}{4}$ section 9; all in T122N - R74W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map soils map PREPARED BY Gregory Yapp Reviewed and the Number assigned on August 25, 1987 By Don Dussell

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2806A-3

(1) Dale Bleber, of HCR Box 20, Bowdle, SD 57428 made Application No. 2806A-3, April 30, 1987 for a water permit to appropriate 4.57 cubic feet of water per second from a dry draw (tributary to Swan Lake Creek), Walworth County, South Dakota for irrigation purposes. Permit No. 2806A-3, with a priority date of April 30, 1987 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997. The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use on February 22, 1990. The "Notice" stated the diversion system was completed on May 30, 1989 and the water applied to beneficial use on November 30, 1989.

Water Permit No. 2806A-3 authorized diversion of an additional 4.57 cfs from an existing dam (250 acre feet of storage authorized by Permit No. 2806-3) to irrigate an additional 320 acres from that described under Water Permit No. 2806-3. Water Permit No. 2806A-3 authorized more than one fill of the dam annually for irrigation of the land described under Nos. 2806A-3 and 2806-3.

The applicable portions of Water Permit No. 2806-3 have been incorporated into this Water License No. 2806A-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

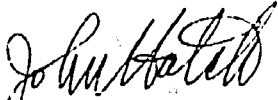
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 100'E and 725'N of the center of Section 16, T122N, R74W (the dam is capable of storing 250 acre feet of water).

(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: All in T122N, R74W

Legal Description		Acres	Priority Date
Section 9	NW¼SE¼	32 acres	April 30, 1987
	NE¼SE¼	32 acres	"
	SW¼SE¼	39 acres	"
	SE¼SE¼	39 acres	"
Section 16	SW¼NW¼	32 acres	June 4, 1976
	SE¼NW¼	27 acres	"
	NW¼NE¼	32 acres	April 30, 1987
	NE¼NE¼	32 acres	"
	NW¼SW¼	37 acres	June 4, 1976
	NE¼SW¼	39 acres	"
	SW¼SW¼	31 acres	April 30, 1987
	SE¼SW¼	32 acres	"
TOTAL ACRES		404	

WATER LICENSE NO. 2806A-3
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dale R Bieber of HCR Box 20, Bowdle, SD 57428 the holder and/or owner of Incorporated Water Permit No. 2806A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from a dry draw (tributary to Swan Lake Creek) with storage of water in a 250 acre-feet storage dam (with more than one fill per year authorized) with priority dates of June 4, 1976 and April 30, 1987 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. 2806A-3 and subject to South Dakota State Law.



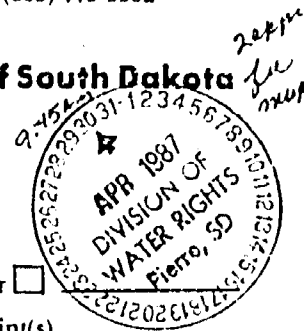
SEP 20 1993

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

No. 2806-A-3 Hydrologic Unit 10130105
 Map No. Same Basin Missouri River
 Newspaper Selby Record, Box 343 (Thurs)

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

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. 2806-3☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Dale Bieber Phone No. 285-6984Post Office Address HCR Box 20 Bowdle State SD 57428
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s.) 4.57 Total acres irrigated 3203. Source of Water supply Reservoir & Dry Draw4. Location of point of diversion 5 1/2 NE 1/4, 16-122-74County Walworth5. Counties where water will be used Walworth6. Annual period during which water is to be used April TO ~~October~~ November 30

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.
<u>NE 1/4, NE 1/4, 16-122-74</u>	<u>40</u>
<u>NW 1/4, NE 1/4, 16-122-74</u>	<u>40</u>
<u>SE 1/4, SW 1/4, 16-122-74</u>	<u>40</u>
<u>SW 1/4, SW 1/4, 16-122-74</u>	<u>40</u>

Land Description	No. Acres Irr.
<u>NE 1/4, SE 1/4, 9-122-74</u>	<u>40</u>
<u>NW 1/4, SE 1/4, 9-122-74</u>	<u>40</u>
<u>SE 1/4, SE 1/4, 9-122-74</u>	<u>40</u>
<u>SW 1/4, SE 1/4, 9-122-74</u>	<u>40</u>

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Walworth)^{ss}I, Dale Bieber the applicant, certify that I have read the foregoing application, 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 Dale R. BieberSubscribed and sworn to before me this 25th day of April 19 87My Commission Expires 11-10-89 J. Sherry, Deputy

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code) With the following qualifications.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. For irrigation purposes said appropriation must be limited to not more than 2 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By _____
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

Supplemental Information

(type or print in ink)

RECEIVED

JUL 20 1987

1. Well Information - Proposed construction

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

SOUTH DAKOTA DEPARTMENT OF
WATER AND NATURAL RESOURCES
OFFICE OF WATER QUALITY

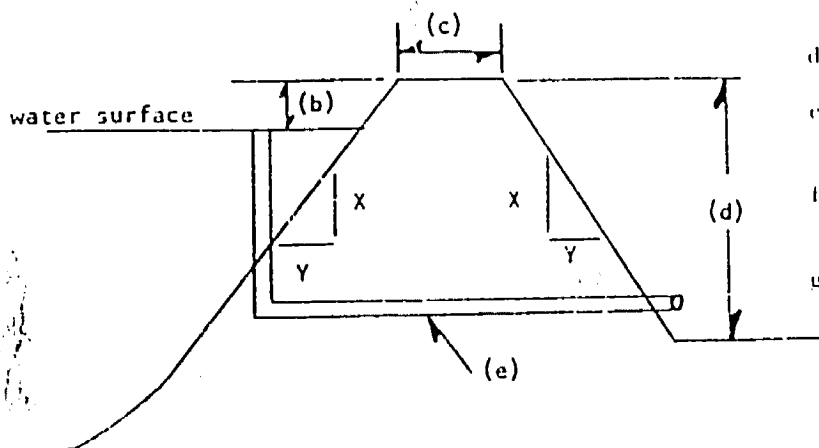
2. Dugout Information Estimates

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

✓ 3. Water Storage Dams

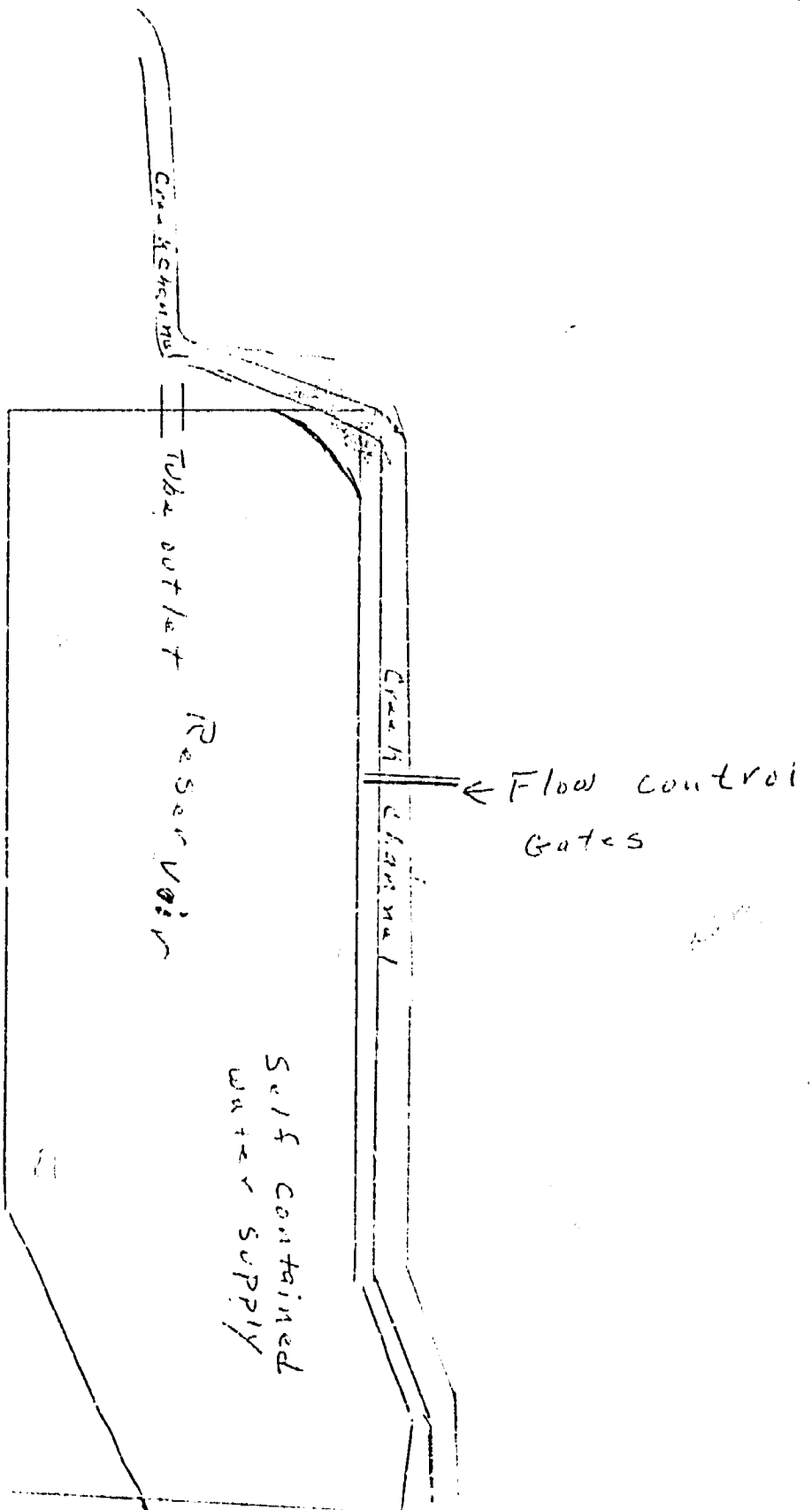
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

b) Freeboard 1 ft.c) Crest Width 12 ft.Crest Length 5400 ft.d) Height 10 ft.e) Primary Outlet Capacity _____
If Pipe, diameter 3 ft.f) Secondary Spillway Capacity _____
Spillway width _____g) X & Y Slope 3 : 1Upstream Inside 3 : 1Downstream Outside 2 : 1Surface Area of Impoundment 25 AcresStorage 250 acre feetDrainage area above dam 13000 Acres

Refer to accompanying drawings

Dale R. Bieker
Signature of Applicant



Water is pumped from creek into

reservoir with flow controlled by

the use of gates so that enough

water can be held outside the

reservoir for filling. From board on the outside
is 5' feet. Channel with is 60' feet.

Appl No 2806A-3

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 2806A-3
 to irrigate 320 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ section 16; SE $\frac{1}{4}$ section 9; all in
(legal description of land)
T122N-R74W From a 250 acre-foot storage dam located adjacent to a
drydraw in the S $\frac{1}{2}$ NE $\frac{1}{4}$ section 16-T122N-R74W for
(diversion point, source, depth of well, etc.)

Dale Bieber HCR, Box 20
(Applicant) (Street, RR or Box)
Bowdle SD 57428 With the following qualifications.
(City) (State) (Zip Code)

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.
3. Approval of Permit No. 2806A-3 authorizes more than one fill per year.

Date of first receipt of application April 30, 1987.
 Date Soil/Water Compatibility Permit received July 13, 1987.
 Date of return to applicant for correction, amendments or changes required June 3, 1987.
 Date of receipt of corrected application July 20, 1987. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 2806A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 30, 1987.
2. One-fifth of the work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The time limit for proof of beneficial use of water is March 3, 1997.
5. 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 unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 4.57^{*} cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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 March 3, 1997. The water is to be used during the following described annual period: Apr 1 - Nov 30

* This permit authorizes more than one fill of the dam annually for irrigation of the additional 320 acres plus acreage on Permit No. 2806-3.

WATER MANAGEMENT BOARD
 By: John Blatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

APR 28 1988, 1988

Revised Report
Report on Application No. 2806A-3
Dale Bieber
January 5, 1988

Application No. 2806A-3 proposes to divert an additional 4.57 cfs from an existing dam (is actually an old channel holding pond) with 250 acre feet of storage authorized by Water Permit No. 2806-3 to irrigate an additional 320 acres. The point of diversion and the dam are located in the S1/2 NE1/4 of section 16, T122N, R74W Walworth County. The additional acreage to be irrigated is located in the N1/2 NE1/4, S1/2 SW1/4, of section 16; and SE1/4 of section 9; all in T122N, R74W. The existing Permit No. 2806-3 authorizes diversion of 3.27 cfs from the dam to irrigate 229 acres in the S1/2 NW1/4; N1/2 SW1/4; S1/2 NE1/4 of section 16, T122N, R74W.

Discussion

The existing dam authorized by Permit No. 2806-3 is estimated to contain 250 acre feet of water. The drainage area above the structure is approximately 13,000 acres according to the application. If Application No. 2806A-3 is approved, the total acreage to be served by the storage dam will be 549 acres. In order to place 11 inches of water on 549 acres, the reservoir would have to receive a minimum of two fills during the year. One fill in the spring of the year and another fill during the irrigation season. One half inch of runoff over the watershed will produce 541 acre feet of water.

This dry draw is a tributary to Swan Lake Creek. The drainage area of Swan Lake Creek according to the Ordinary High Water Mark Investigation Report for Swan Lake is 379 square miles or 242,560 acres. The dry draw therefore comprises 5.4% of the area that contributes to the flows necessary to fill Swan Lake.

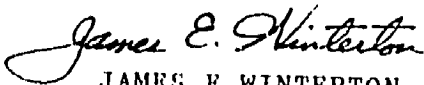
The Department of Game, Fish, and Parks holds Vested Water Right No. 1816-3 for Swan Lake to appropriate 6,000 acre feet annually. One half inch of runoff from the drainage area to Swan Lake would produce 10,000 acre feet of water. Comparing this to the initial 250 acre feet required to fill the Bieber Dam, the impacts to Swan Lake will be small.

Regarding requirements for dam safety, the dam was inspected by Tim Schaal on November 3, 1987 to determine its hazard rating classification. The structure will be classified a category 3, low hazard, structure. The dam would be better defined as an off channel holding pond since it has a constructed dike on all four sides. There is a gated culvert on the west side which allows direct diversion from the creek channel until the reservoir water level matches that of the creek. The gate is then closed and the reservoir filled by pumping from the creek. Since the structure was found to be a category 3, low hazard, this existing dam would be exempt from spillway requirements unless the dam fails and is rebuilt, APSD 74:02:08:02. Category 1 and certain category 2 dams must comply with the spillway requirements.

Conclusion

Water is available to meet the needs of Water Permit Application No. 2806A-3 and adverse impacts to downstream uses will be minimal.

It is recommended that the application be approved subject to the low flow qualification.

A handwritten signature in cursive script, reading "James E. Winterton".

JAMES E WINTERTON
Natural Resources Engineer

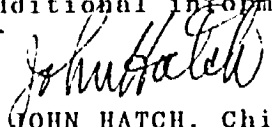
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2806A-3, Dale Bieber

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2806A-3, Dale Bieber, HCR Box 20, Bowdle SD.

The Chief Engineer is recommending APPROVAL of Application No. 2806A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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.
3. Approval of Permit No. 2806A-3 authorizes more than one fill per year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 7, 1988

Report on Application No. 2806A-3
Dale Bieber
September 14, 1987

Application No. 2806A-3 proposes to divert an additional 4.57 cfs from an existing 250 acre feet storage dam authorized by Water Permit No. 2806-3 to irrigate an additional 320 acres. The point of diversion and the dam are located in the S1/2 NE1/4 of section 16, T122N, R74W Walworth County. The additional acreage to be irrigated is located in the N1/2 NE1/4, S1/2 SW1/4, of section 16; and SE1/4 of section 9; all in T122N, R74W. The existing Permit No. 2806-3 authorizes diversion of 3.27 cfs from the dam to irrigate 229 acres in the S1/2 NW1/4; N1/2 SW1/4; S1/2 NE1/4 of section 16, T122N, R74W.

Discussion

The existing dam authorized by Permit No. 2806-3 is estimated to contain 250 acre feet of water. The drainage area above the structure is approximately 13,000 acres according to the application. If Application No. 2806A-3 is approved, the total acreage to be served by the storage dam will be 549 acres. In order to place 11 inches of water on 549 acres, the reservoir would have to receive a minimum of two fills during the year. One fill in the spring of the year and another fill during the irrigation season. One half inch of runoff over the watershed will produce 541 acre feet of water.

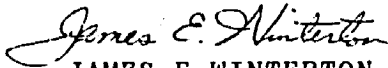
This dry draw is a tributary to Swan Lake Creek. The drainage area of Swan Lake Creek according to the Ordinary High Water Mark Investigation Report for Swan Lake is 379 square miles or 242,560 acres. The dry draw therefore comprises 5.4% of the area that contributes to the flows necessary to fill Swan Lake.

The Department of Game, Fish, and Parks holds Vested Water Right No. 1816-3 for Swan Lake to appropriate 6,000 acre feet annually. One half inch of runoff from the drainage area to Swan Lake would produce 10,000 acre feet of water. Comparing this to the initial 250 acre feet required to fill the Bieber Dam, the impacts to Swan Lake will be small.

Regarding requirements for dam safety, the dam is not on the safety of dams inventory and has not been categorized. If the structure is found to be a category 3 low hazard, this existing dam would be exempt from spillway requirements unless the dam fails and is rebuilt, ARSD 74:02:08. Category 1 and certain category 2 dams must comply with the spillway requirements. An inspection of the dam is necessary to determine the category rating.

Conclusion

Water is available to meet the needs of Water Permit Application No. 2806A-3 and adverse impacts to downstream uses will be minimal. However, an assessment of the dam category and safety of the dam is necessary to determine if maintenance and repairs are necessary and if the dam complies with spillway requirements.



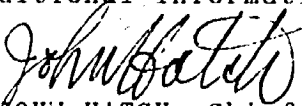
JAMES E WINTERTON
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2806A-3, Dale Bieber

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2806A-3, Dale Bieber, HCR Box 20, Bowdle SD.

The Chief Engineer is recommending DEFERRAL of Application No. 2806A-3 until the hazard rating of the dam and necessary maintenance and repair are determined. A preliminary inspection of the dam will be completed prior to the December 2, 1987 hearing date. If a revised recommendation is issued, a copy will be provided to any party of record.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
September 17, 1987



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

October 28, 1987

NOTE:

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

Dale Bieber
HCR, Box 20
Bowdle, South Dakota 57428

Dear Mr. Bieber:

Your Application No. 2806A-3 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Selby Record printed at Selby

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER 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 at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Pierre, South Dakota 57501-3181 October 28, 1987

Selby Record
Box 343
Selby, South Dakota 57472

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2806A-3. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 5, 1987.

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 Dale Bieber, HCR, Box 20, Bowdle, SD.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

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 publication of the following Notice on or before November 5, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2806A-3 to Appropriate Water

Notice is hereby given that Dale Bieber whose mailing address is HCR, Box 20, Bowdle, South Dakota has filed an application for a water permit. Water Permit No. 2806-3 authorized an appropriation of 3.27 cubic feet of water per second (cfs) from a 250 acre-foot storage dam located on a dry draw to irrigate 229 acres in the S 1/2 NW 1/4, N 1/2 SW 1/4, S 1/2 NE 1/4 Section 16, T122N, R74W. This application proposes to divert an additional 4.57 cfs from the dam authorized by Permit No. 2806-3 to irrigate an additional 320 acres. The point of diversion and dam are located in the S 1/2 NE 1/4 Section 16, T122N, R74W and the additional acreage to be irrigated is located in the N 1/2 NE 1/4, S 1/2 SW 1/4 Section 16; SE 1/4 Section 9; all in T122N, R74W. Approval of Application No. 2806A-3 will require more than one fill of the dam per year to supply the water necessary to irrigate the additional acres.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application No. 2806A-3 until the hazard rating of the dam and necessary maintenance and repair are determined. A preliminary inspection of the dam will be completed prior to the December 2, 1987 hearing date. If a revised recommendation is issued, a copy will be provided to any party of record.

The application will be considered by the Water Management Board at Howard Johnson's, Jefferson and Roosevelt Rooms, 2211 LaCrosse, Rapid City SD on December 2, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve the with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

(continued)

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

**Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

November 23, 1987

Dale Bieber
HCR, Box 20
Bowdle, South Dakota 57413

Dear Mr. Bieber:

I am writing to advise you that the legal notice of hearing published in the Selby Record does not meet statutory requirements. The notice was to be published on November 5 and 12, 1987; however, the newspaper did not print the second publication. SDCL 46-2A-4 specifies that notice of hearing shall be given once each week for two successive weeks with the second publication at least 20 days before the Board meeting. The newspaper contacted the Division of Water Rights on November 10, 1987 and indicated that the second notice of hearing did not get published. Therefore, the notice of hearing was not printed for two successive weeks and the 20 day deadline for publishing ended on November 12, 1987.

The hearing on Water Permit Application No. 2806A-3 will NOT be held at the December 2, 1987 Board meeting due to the incomplete notice of hearing. The legal notice of hearing will need to be readvertised for the March 2 and 3, 1988 Board meeting. The readvertisement is needed to ensure that the water permit application is free from potential legal problems due to noncompliance with statutory requirements. The information needed to readvertise will be sent under separate cover.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.
cc: Selby Record

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 19, 1988

NOTE:

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

Dale Bieber
HCR Box 20
Bowdie, South Dakota 57428

Dear Mr. Bieber:

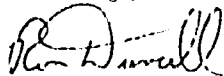
Your Application No. 2806A-3 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Selby Record printed at Selby

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER 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 at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,



RON DUVAL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

January 19, 1988

Selby Record
Box 343
Selby, South Dakota 57472

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2806A-3 to be published twice. Please publish the first notice on or before Jan 28, 1988 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 Dale Dieber, HCR, Box 20, Bowdle, South Dakota 57428

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Louella Ann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Selby Record

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 _____ of Selby

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

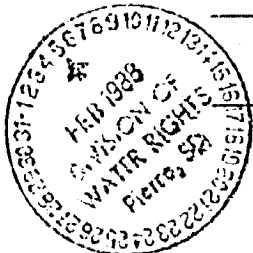
January 28, 1988

February 4, 1988

Louella Ann
(Signature)

Bookkeeper
(Title)

February 4 1988
(Date Signed)



Cost of Printing: \$45.17

WNR-808-7/79
Proof of Publication

NOTICE OF HEARING

On Application No. 2806A-3
To Appropriate Water

Notice is hereby given that Dale Bieher whose mailing address is HCH, Box 20, Bowdle, South Dakota has filed an application for a water permit. Water Permit No. 2806-3 authorized an appropriation of 3.27 cubic feet of water per second (cfs) from a 250 acre-foot storage dam located on a dry draw to irrigate 229 acres in the S 1/2 NW 1/4, N 1/2 SW 1/4, S 1/2 NE 1/4 Section 16, T122N, R74W. This application proposes to divert an additional 4.57 cfs from the dam authorized by Permit No. 2806-3 to irrigate an additional 320 acres. The point of diversion and dam are located in the S 1/2 NE 1/4 Section 16, T122N, R74W and the additional acreage to be irrigated is located in the N 1/2 NE 1/4, S 1/2 SW 1/4 Section 16; SE 1/4 Section 9; all in T122N, R74W. Approval of Application No. 2806A-3 will require more than one fill of the dam per year to supply the water necessary to irrigate the additional acres.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2806A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

The application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on March 2, 1988 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

This hearing is an adversary proceeding. The applicant or any person, after a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

Permit No. 2806-3 and 2806A-3Missouri 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 Dale R. Bieber of HCR Box 20, Bowdle, SD 57425 holder of Permit No. 2806-3 and 2806A-3, bearing the priority of June 4, 1976 and April 30, 1987 authorizing the diversion of 3.27 and 4.57 cu. ft. per second and/or the storage of 250 acre-feet of the waters of a tributary to Swan Lake Creek for irrigation purposes, in Walworth County.

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

A. Works used to divert the water:

At diversion into the dam - Duetz diesel motor rated at 100 hp and Crisafulli pump with a capacity of 10,000 gpm.

To the center pivot - Ford 300 propane motor rated at 75 hp and a Berkeley pump with a capacity of 800 gpm.

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

4620' of 8" pvc, 900' of 8" aluminum and 900' of 10" aluminum.

C. Works used to apply water to beneficial use:

Reinke Alumigator towable center pivot, 1284' long, 10 towers, with end gun, high pressure system and an 800 gpm capacity.

The system is in the following condition good. The point of diversion is located 100' E and 725' N of the center of Sec. 16-T122N-R74W. The works are capable of diverting and conveying to the place of use 1.78 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 T122N-R74W:

<u>Sec. 9</u>	<u>Sec. 16</u>
<u>NW 1/4 SE 1/4 32 acres</u>	<u>SW 1/4 NW 1/4 32 acres</u>
<u>NE 1/4 32 "</u>	<u>SE 1/4 27 "</u>

SW 1/4 SE 1/4	39 acres	NW 1/4 NE 1/4	32 acres
SE 1/4	39 "	NE 1/4	32 "
		NW 1/4 SW 1/4	31 "
		NE 1/4	39 "
		SW 1/4	31 "
		SE 1/4	32 "

comprising a total of 404 acres of land and the license should be issued for 1.78 cfs and/or 250 acre-feet of storage.

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: none Date 10-7-92

Lynn Beck

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2806-3

DATE 10-7-92

Other permit(s) associated with the project 2806A-3

DIVERSION POINT LEGAL LOCATION: SW 1/4 NE 1/4 Sec. 16-T122N-R74W

Pump and motor into pond.

1) Pump

1) make Crisafulli

2) model

3) size inches

4) capacity 10,000 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

1) Motor:

1) make Dietz diesel

2) model No.

3) horsepower rating 100 hp

To center pivot.

2) Pump

1) make Berkeley

2) model

3) size inches

4) capacity 800 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

2) Motor:

1) make Ford 300 propane

2) model No.

3) horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

a) type pvc

b) size 8 inches

c) length 4620 feet

a) type aluminum

b) size 8 inches

c) length 900 feet

a) type aluminum

b) size 10 inches

c) length 900 feet

SYSTEM TYPE:

e) Center pivot:

1) make Reinke Alumigator towable

2) overall length 1284 feet

3) number of towers 10

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure high

7) capacity 800 GPM

DAM INFORMATION: Better defoned as an off channel holding pond.

a) height to crest 10 feet

k) outlet tubes:

- b) height to primary spillway 9 feet 1) diameter 36 inches
c) height to secondary spillway feet. 2) type cmp
d) crest width 12 feet 3) valved Y (Y/N)
e) crest length 5400 feet 4) valve type gate
f) spillway length feet 5) location on structure
g) spillway width feet midway along crest at west end.
h) approximate storage 250 ac-ft
i) approximate storage to crest ac-ft
j) date constructed 1976 1) category of dam III (I,II,III)
 m) inspection sheet completed (Y/N)
 n) name of contractor:

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
b) Special qualifications to permit being abided by Y (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

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

Date 2-20-90

TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181

FROM: Dale Bieber HER Box 20 Bowdle
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2806A-3.

Water Permit No. 2806A-3 states that the diversion system is to be constructed by March 3, 1993, and that the water it put to beneficial use by March 3, 1997.

The diversion system was completed on May 30, 1989.
Applying the water to beneficial use was completed on Nov 30, 1989.

You may schedule an inspection so that the Water License may be issued.

Dale R. Bieber
signature



WATER RIGHTS DIVISION
(605) 773-3352

June 3, 1987

Dale Bieber
HCR Box 20
Bowdle, South Dakota 57428

Dear Mr. Bieber:

This letter is in response to your water permit application received on April 30, 1987. The following information is needed to complete the application:

1. The enclosed WI-1 Soil/Water Compatibility Application needs to be completed, signed, notarized and returned to the Division of Conservation. Please contact the Division of Conservation to determine if a water sample is needed (773-3259).
2. The enclosed Form 2A - Supplemental Information needs to be completed regarding the water storage dam. The SCS office may be able to assist with the needed information. Return the form 2A to the Division of Water Rights.

The Water Permit Application cannot be processed until all needed information is received and the Soil/Water Application is approved. Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Department of Water & Natural Resources

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

July 15, 1987

Dale Bieber
HCR Box 20
Bowdle, South Dakota 57248

Dear Mr. Bieber:

This letter is in response to our receipt of an approved Soil/Water Compatibility Permit on July 13, 1987. Enclosed is a copy of a letter sent to you on June 3, 1987. No Form 2A has been received. The information is needed to complete the permit application. Enclosed is another Form 2A for your use.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is stylized with a large, looped "R" and a cursive "Duvall".

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Water Rights Division - DWMR
Conversation or File Documentation

File No. 2806A-3

NAME OF PERSON OR FILE: Dale Bieber

ADDRESS: HCR Box 20 Boulder SD COUNTY Walworth

DATE: November 3, 1987 TELEPHONE _____

RE: _____

COMMENTS:

On November 2, 1987, I made an investigation of Mr. Bieber's storage dam to determine its hazard rating classification. The structure should be classified as a Category 3, low hazard, structure. The dam would be better defined as an off channel holding pond since it has a constructed dike on all four sides. There is a gated culvert on the west side which allows direct diversion from ^{the} creek channel until the reservoir water level matches that of the creek. The gate is then closed and the reservoir filled by pumping from the creek.

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: Toni Schaal



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3191

February 4, 1988

Harlen J. Mertz
HCR, Box 18
Bowdle SD 57428

Dear Mr. Mertz:

This letter is in response to your phone conversation on February 3, 1988 with Tim Schaal, Division Engineer, and myself regarding Water Permit Application NO. 2806A-3. Enclosed is a copy of the Chief Engineer's recommendation and report completed for Application No. 2806A-3.

Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVAL
Natural Resources Engineer
605 773-3352

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

Dale Bieber
HCR, Box 20
Bowdle, South Dakota 57428

Dear Mr. Bieber:

Enclosed herewith is your Water Permit No. 2806A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 2806A-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 1993

Permit No. 2806A-3

Dale R. Bieber
HCR Box 20
Bowdle, SD 57428

Dear Mr. Bieber:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2806-3 and 2806A-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2806-3 will be incorporated into 2806A-3.

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

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

Sincerely,

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

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

RECEIPT

413827

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, July 15, 1993

RECEIVED OF Dale Bieber, HCR Box 20, Bowdle, SD 57427

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. 2806A-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 20 1993

2806A-3

Dale R. Bieber
HCR, Box 20
Bowdle, SD 57428

Dear Mr. Bieber:

Enclosed is Water License No. 2806A-3 and Receipt No. 413827 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2806A-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. 2806-3 have been incorporated into this Water License No. 2806A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 30, 1937

RECEIVED OF Dale Bieber, HCR Box 20, Bowdle, SD 57428

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

Fee for Application for Permit No. <u>2806A-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	325.00
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 Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	325.00

By J. H. Hatch
Chief Engineer JOHN HATCH (HIS)

WALWORTH COUNTY, SOUTH DAKOTA
TABLE 1 - SOIL INTERPRETIVE GROUPS

Sec. 11-A

USDA:SCS

Map Symbol	Mapping Unit Name	Slope %	Capability Unit		Range Size	Pasture Group 1/	Woodland Suitability Group	Wind Erodibility Soil Group	Soil Loss Values			Hydrologic Group
			Dryland	Irrig.					K	Tons	T K	
AgA	Agar silt loam	0-2	I1c2		S1	F	3	6	.32	5	15	B
AgB	Agar silt loam	2-6	I1e1		S1	F	3	6	.32	5	15	B
AgC	Agar silt loam	6-9	I11e1		S1	F	3	6	.32	5	15	B
AlA	Alaska silt loam	0-2	I11e2		S1	D1	6	6	.32	4	12	E
AlB	Alaska silt loam	2-6	I11e6		S1	D1	6	6	.32	4	12	B
Ao	Aquella	0-1	V111w1		-	NS	-	-	-	-	-	-
Ar	Arveson sandy loam, wet	0-2	Vw3		Sb	B1	10	8	.20	5	25	D
En	Ben loam	0-2	I1c3		Ov	K	1	6	.24	5	20	B
BoA	Bowdells loam	0-3	I1c3		Ov	K	1	6	.26	5	17	B
BoA	Bowdle loam	0-2	I11a2		S1	D1	6	6	.26	4	14	E
BoB	Bowdle loam	2-6	I11e6		S1	D1	6	6	.28	4	14	B
BoB	Bowdle-Wabek loams Bowdle part Wabek part	2-6	I11e6 V1a4		S1 VS	D1 NS	6 10	6 6	.28 .28	4 2	14 7	B A
BoC	Bowdle-Wabek loams Bowdle part Wabek part	6-9	I1c5 V1a4		S1 VS	D1 NS	6 10	6 6	.28 .28	4 2	14 7	B A
BoD	Bowdle-Wabek loams Bowdle part Wabek part	9-15	V1c5		S1 VS	D1 NS	6 10	6 6	.28 .28	4 2	14 7	E A
Co	Colvin silt loam	0-1	I1c1		Sb	F1	2	41	.32	5	15	D
DeA	Denky loam	0-2	I11a1		Cy	E	4	6	.32	5	15	D
DeB	Denky loam	2-6	I11e3		Cy	E	4	6	.32	5	15	D
DgA	Denky-Jerauld complex Denky part Jerauld part	0-2	I11a1 V1e1		Cy TCp	E NS	4 10	6 7	.32 .43	3 1	9 2	D D
De	Divide loam	0-2	I11a4		S1	D1	1	41	.28	4	14	E
Du	Durrestein silt loam	0-2	V1a4		SL	J	10	6	.37	1	2	D
Eg	Egar silty clay loam	0-2	V1a4		SL	NS	10	6	.28	5	17	D
Ge1	Gettys clay loam	9-40	V1e3		TU	GN	10	41	.26	5	17	C
Gp	Gravel pits	-	-		-	-	-	-	-	-	-	-
HeA	Hecia loamy sand	0-3	I1c9		Sy	H	1	2	.17	5	29	A
HeA	Highmore silt loam	0-2	I1c2		S1	F	3	6	.32	5	15	B
HeB	Highmore silt loam	2-6	I1e1		S1	F	3	6	.32	5	15	B
HeC	Highmore silt loam	6-9	I11e1		S1	F	3	6	.32	5	15	B
HeA	Highmore-Lakin silt loams	0-2	I1c2		S1	F	3	6	.32	5	15	B
HeB	Highmore-Lakin silt loams	2-6	I1e1		S1	F	3	6	.32	5	15	B
HeC	Highmore-Lakin silt loams	6-9	I11e1		S1	F	3	6	.32	5	15	B
HeE	Highmore-Rader complex Highmore part Rader part	2-6	I1e1		S1 Cy	F F	3 3	6 6	.32 .26	5 5	15 17	B C
HeC	Highmore-Rader complex Highmore part Rader part	6-9	I11e1		S1 Cy	F F	3 3	6 6	.32 .28	5 5	15 17	B C
Ho	Hoven silt loam	0-2	V1a1		CD	R2	10	7	.37	1	2	D
HuB	Hutley silt loam	2-9	V1a1		TCp	NS	10	7	.43	1	2	D
Je	Jerauld silt loam	0-2	V1a1		TCp	NS	10	7	.43	1	2	D
Ja	Jerauld-Slickspots complex Jerauld part Slickspots part	0-2	V1a1 V111a1		TCp -	NS -	10 -	7 -	.43 -	1 -	2 -	D D

SOUTH DAKOTA TECHNICAL GUIDE
PART CENTRAL
LXA 531, 532, & 63A

Sheet 1
of 3
Rev. 10/85

WALWORTH COUNTY, SOUTH DAKOTA
TABLE 1 - SOIL INTERPRETIVE GROUPS

Sec. 11-A

USDA/SCS

Map Symbol	Mapping Unit Name	Slope %	Capability Unit		Range Size	Pattern Group 1/	Underbank Stability Group	Wind Erodibility Soil Group	Soil Loss Values			Hydrologic Group
			Dryland	Wet					R	Tons	T in	
LaA	Lehr loam	0-2	1Ve1		SwG	D2	6	6	.26	3	10	B
LaB	Lehr loam	2-5	1Ve6		SwG	D2	6	6	.26	3	10	B
LBB	Lehr-Bowdle loams Lehr loam Bowdle loam	2-9	1Ve5 1Ve5		SwG S1	D2 D1	6 6	6 6	.26 .26	3 4	10 14	B B
LoA	Lowry silt loam	0-2	11e1		S1	F	3	5	.32	5	15	B
LoB	Lowry silt loam	2-6	11e1		S1	F	3	5	.32	5	15	B
LoC	Lowry silt loam	6-9	111e1		S1	F	3	5	.32	5	15	B
Ma	Macken silty clay	0-1	1Vc4		CD	E2	10	4	.37	5	13	D
MAB	Maddock fine sandy loam	0-6	1Ve9		Sw	H	5	3	.17	5	29	A
MBC	Maddock fine sandy loam	6-15	1Ve7		Sw	EN	7	3	.17	5	29	A
Mo	Mohrbridge silt loam	0-2	11c3		Dr	K	1	6	.32	5	15	B
OpC	Opal clay	2-9	1Ve4		Cy	I	4	4	.37	4	10	D
OsD	Opal-Sansarc clays Opal part Sansarc part	6-15	1Ve4		Cy Sw	IN NS	10 10	4 4	.37 .37	4 2	10 5	D D
Fa	Farnell clay loam, wet	0-1	1Vc4		VL2	E2	10	8	.26	5	17	D
FrA	Farshall fine sandy loam	0-2	111e7		Sy	H	1	3	.20	5	25	B
FrB	Farshall fine sandy loam	2-6	111e5		Sy	H	1	3	.20	5	25	B
FrA	Frontier clay	0-2	111e3		Cy	I	4	4	.37	5	13	D
FrB	Frontier clay	2-6	111e4		Cy	I	4	4	.37	5	13	D
RaB	Rater loam	2-6	11e2		Cy	F	3	6	.28	5	17	C
RaC	Rater loam	6-9	111e2		Cy	F	3	6	.28	5	17	C
RBD	Rater-Gettys complex Rater part Gettys part	6-15	1Ve1 1Ve3		Cy TU	F G	3 10	4 41	.26 .26	5 5	17 17	C C
Re	Regan silt loam	0-1	1Vc4		VL	J	10	41	.32	5	15	D
SaE	Sansarc-Opal clays Sansarc part Opal part	15-40	111e5		Sw Cy	NS IN	10 10	4 4	.37 .37	2 4	5 10	D D
SuC	Sully silt loam	2-9	1Ve3		TU	G	8	41	.43	5	11	B
SuD	Sully silt loam	9-15	1Ve3		TU	G	10	41	.43	5	11	B
SuE	Sully silt loam	15-40	111e3		TU	GN	10	41	.43	5	11	B
SwA	Swanley clay	0-6	1Ve5		IC	NS	10	4	.37	5	17	D
TaA	Tally fine sandy loam	0-2	111e7		Sy	H	5	3	.20	5	25	B
TaB	Tally fine sandy loam	2-6	111e6		Sy	H	5	3	.20	5	25	B
TaC	Tally fine sandy loam	6-9	1Ve6		Sy	H	5	3	.20	5	25	B
Ta	Tetonka silt loam	0-2	1Vc1		CD	E2	10	6	.24	3	6	C
Us	Unifluvante, channeled	0-2	1Vc1		Dr	I	10	6	.28	5	17	B
Vlu	Vida stony loam	3-15	111e6		S1	F	10	8	.26	5	17	B
VzD	Vida-Zahl loams Vida part Zahl part	6-15	1Ve3		S1 TU	F G	10 10	6 41	.26 .26	5 5	17 17	B B
WaE	Wabel loam	9-40	111e4		VS	NS	10	6	.26	2	7	A
WFA	Williams-Bowdella loams Williams part Bowdella part	0-2	11e2		S1 Dr	F J	3 1	6 6	.26 .26	5 5	17 17	B B
WFL	Williams-Bowdella loams Williams part Bowdella part	2-6	11e2		S1 Dr	F J	3 1	6 6	.26 .26	5 5	17 17	B B

SOUTH DAKOTA TECHNICAL GUIDE
PART CENTRAL
LFA 539, 530, & 63A

Sheet 2
of 3
Rev. 10/79

WILLMOUTH COUNTY, SOUTH DAKOTA
TABLE 1 - SOIL INTERPRETIVE GROUPS

Sec. 11-A

USDA:SCS

Sec. 11-A												
Map Symbol	Mapping Unit Name	Slope %	Capability Unit		Range Site	Perme- Group 1/	Undrained Stability Group	Wind Erodibility Soil Group	Soil Loss Values			Hydrologic Group
			Dryland	Wet					R	Tons	T-E	
WDC	Williams-Vicks loams	6-9	IIIe2		S1	E	3	6	.28	5	17	E
YeB	Yecross loamy fine sand	6-6	IVe9		SA	H	5	2	.17	5	29	A
YeC	Yecross loamy fine sand	6-15	VIe7		SA	HN	7	2	.17	5	29	A
ZaE	Zahl-Williams loams	15-34	VIe3		TU	Q1	10	42	.28	5	17	B
	S1				F	10	6	.28	5	17	E	
1/ "D2" represents depressional soils; "B1" all other wet soils; "D1" represents soils 20 to 40 inches deep over sand and gravel; "D2" represents soils 10 to 20 inches deep over sand and gravel.												
2/ New range site designation is Shallow Marsh.												
3/ New range site designation is Wet Meadow												
SOUTH DAKOTA TECHNICAL GUIDE EAST CENTRAL 18A 53E, 53C, & 4M												
Sheet 3 of 4 Scale 10'												

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

14219

WR#

OWNERS NAME: Dale Bieber OWNERS ADDRESS: H&R Box 20
Bowdle, SD 57428

COUNTY LAND LOCATED IN Walworth PHONE: 285-6984

TENANT'S NAME AND ADDRESS: _____



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

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Dry Ditch S¹/₂ NE¹/₄ 16-122-74

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>SE¹/₄ 4-122-74</u>	<u>160</u>		
<u>S¹/₂ SW¹/₄ 16-122-74</u>	<u>80</u>		
<u>N¹/₂ NE¹/₄ 16-122-74</u>	<u>80</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1978

LEGAL DESCRIPTION: S¹/₂ NW¹/₄ 16-122-74 N¹/₂ SW¹/₄ 16-122-74

IN WHAT NAME: Dale R. Bieber

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

OTHER:

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ (Specify)

6. CROPS TO BE IRRIGATED: Corn wheat oats, Barley Alfalfa

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

7. WATER SAMPLE NUMBER:1 <u>87-0449</u>	10. ADJUSTED (SAR): <u>0.94</u>
8. SALINITY (EC X 10 ⁶): <u>250</u>	11. PERCENT SODIUM: <u>16.8%</u>
9. SODIUM (SAR): <u>0.57</u>	

I hereby certify that I personally obtained or that I personally observed that 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 5:45 a.m. (p.m.) on April 27, 1987, at the following location: SW¹/₄ NE¹/₄ 16-122-74 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.

Dale R. Bieber

Signature, of Water Sampler

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

31st DAY OF April, 1987
[Signature]
(NOTARY PUBLIC)

Dale R. Bieber
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

Date: 7-9-87

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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

2806A-3

MANAGEMENT FORM

4214

APPROVED with Requirements

NAME OF APPLICANT: Dale Bluhm

LEGAL DESCRIPTION: SE1/4 9, S1/2 SW1/4 16, N1/2 SE1/4 16-122-74
420REQUIREMENTS:

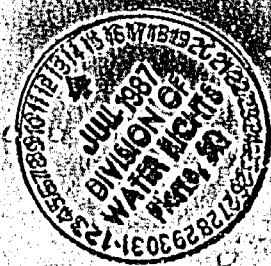
The drainageways found in the N1/2 SE1/4 of Sec 9 and the SE1/4 SW1/4 16; shall be maintained in permanent vegetation and shall not be irrigated.

The areas mapped as Hobridge (Ho), are found lower on the landscape and subject to the additional moisture from adjacent areas. Under irrigation this area may become abnormally wet or develop a water table and result in upward movements of salts found in the lower soil profile. These areas shall be artificially drained as needed i.e. tile drainage.

MANAGEMENT RECOMMENDATIONS:

We recommend that a form of conservation tillage be used to conserve soil moisture and control wind erosion.

We also recommend the use of tensiometers to maintain a good water management plan.



DATE

SIGNATURE

7-9-87
Jul A. [Signature]

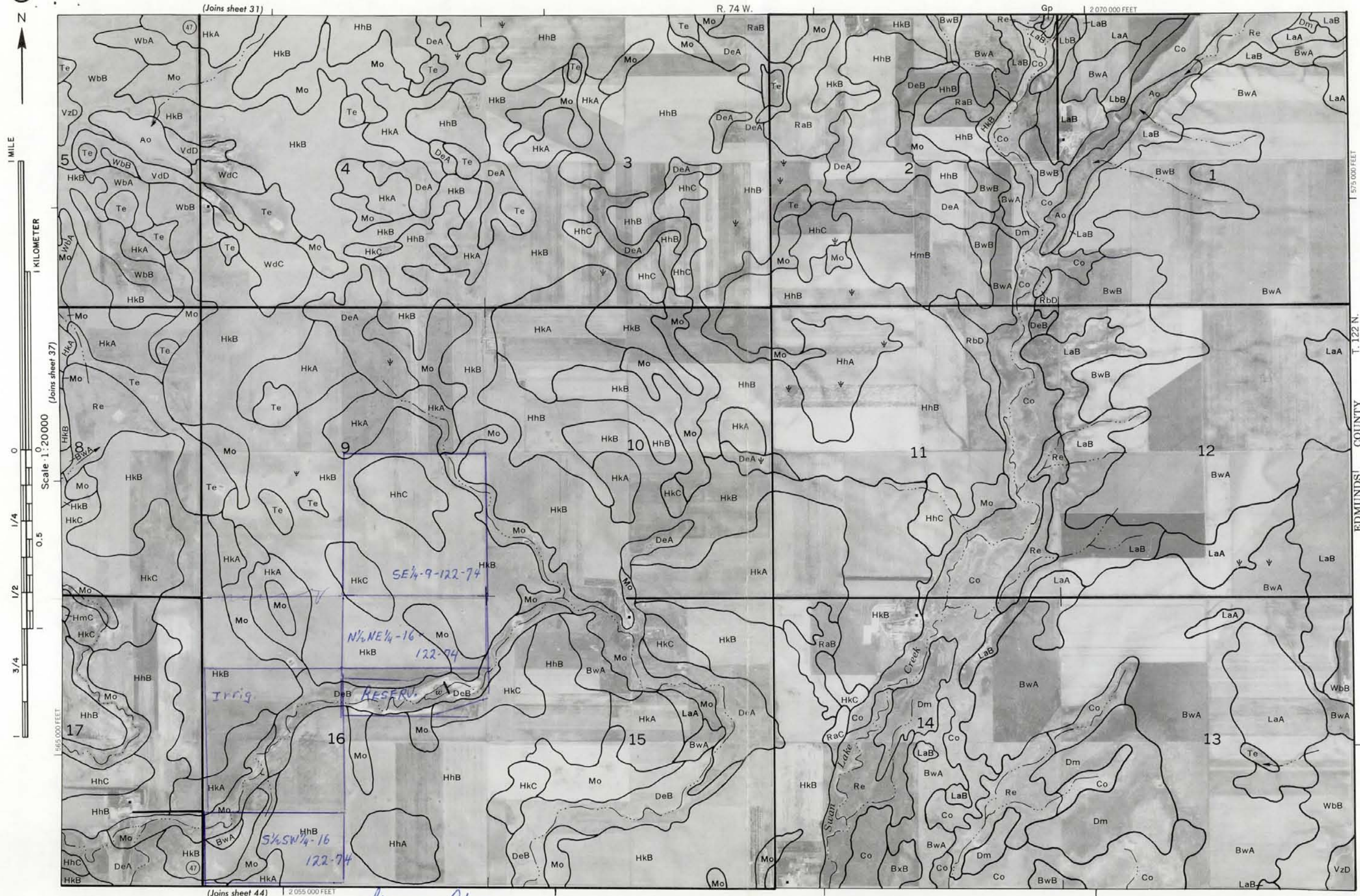
REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE

38

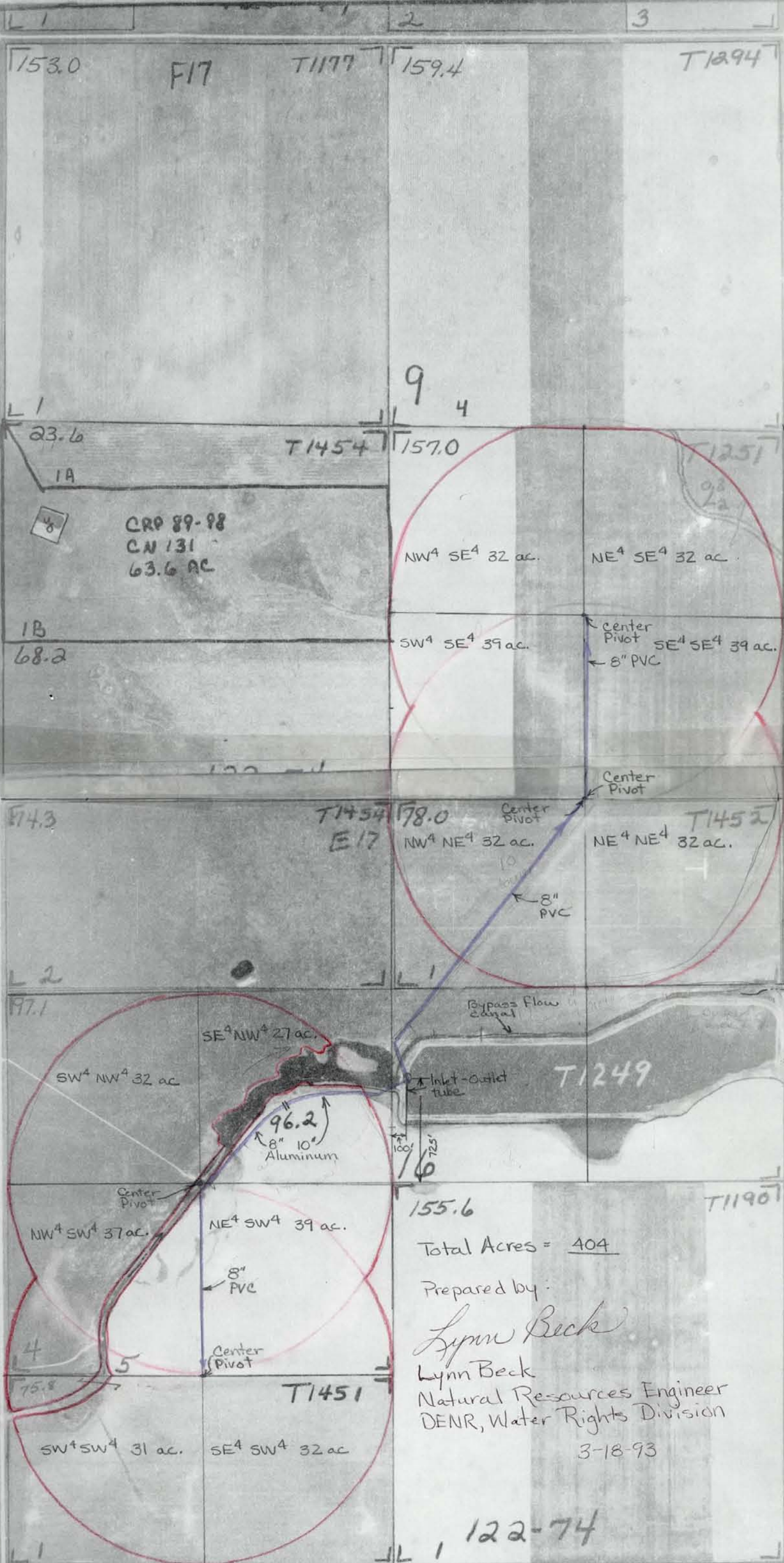


Appl. No. 2806A-3

Gregory Yapp
District Conservationist, SCS

2806A

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 7, 2005

2806A-3

Dale R Bieber
PO Box 266
Bowdle SD 57428-0266

Dear Mr. Bieber:

Enclosed is your 2005 irrigation questionnaire for Water Right No. 2806A-3. In order for the questionnaire to be considered complete, you will need to complete the back side of the form.

Please complete and return the questionnaire to us by December 2nd. I have included a postage paid envelope for your use in returning the form.

Thank you and if you have any questions, please contact me.

Sincerely,

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

enclosures

2019 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2019

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or submit your form(s) electronically over the internet at <https://denr.sd.gov/iq> Your temporary password is **ZJZFGT**

Permit No. 2806A-3

DALE R BIEBER
PO BOX 266
BOWDLE SD 57428 0266

1. Did you irrigate in 2019? *yes ☒ **no ☐

*If yes, number of acres irrigated? 140

**If no, check reason(s) for not irrigating acres covered by Permit No. 2806A-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

Any address/ownership corrections?

Email jeremy@birddownlodge.com

Phone 605-281-1231

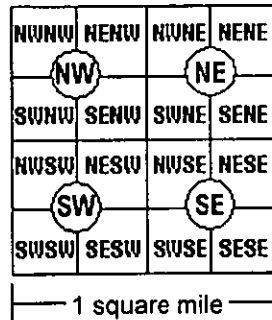
2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2019? yes ☒ no ☐

4. If more than one water source is listed below, circle each source used. A. DRY DRAW

B. DAM

5. Provide your water use on the back of this form.



Office use only

RECEIVED

DEC 19 2019

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 2806A-3 (see above section map for help reading legal descriptions)

sec 16-T122N-R74W, NE1/4NE1/4 - 32.00 acres
sec 16-T122N-R74W, NW1/4NE1/4 - 32.00 acres
sec 16-T122N-R74W, SW1/4NW1/4 - 32.00 acres
sec 16-T122N-R74W, SE1/4NW1/4 - 27.00 acres
sec 09-T122N-R74W, SE1/4 - 142.0 acres
sec 16-T122N-R74W, SW1/4 - 139.0 acres

Please change land owner to Maurice Hoffman

1000 9th ave
Boudle, SD 57428

Jeremy Hoffman is renting
land from Maurice any questions

contact Jeremy 605-281-1231

Jeremy Hoffman
321st 138th st
Boudle, SD 57428

Please provide your 2019 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 3, 2020

2806A-3

Maurice Hoffman
1000 9th Ave
Bowdle SD 57428

Dear Mr. Hoffman:

The 2019 irrigation questionnaire for Water Right No. 2806A-3, held by Dale R Bieber, was submitted to our program with a notation that you now own the land.

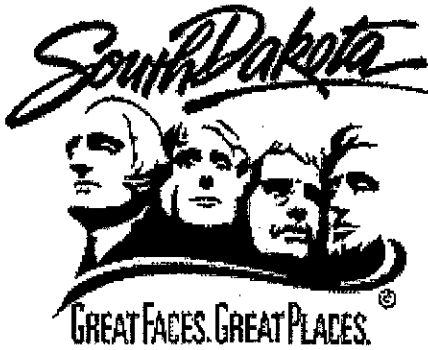
Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable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

I am including a copy of the water right for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2020

2806A-3

Maurice Hoffman
PO Box 98
Bowdle SD 57428-0098

Dear Mr. Hoffman:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 2806A-3.

The ownership change has been completed. Water Right No. 2806A-3, formerly held by Dale R Bieber is now listed under your name.

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

Sincerely,

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

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

enclosure

2806A-3

RECEIPT**WATER RIGHTS PROGRAM**

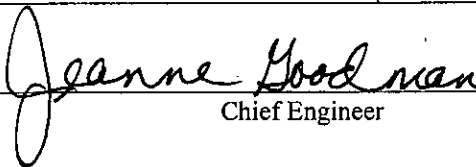
South Dakota Department of Environment and Natural Resources

Date January 21, 2020RECEIVED OF Maurice/Sharlene Hoffman PO Box 98 Bowdle SD 57428-0098

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>2806A-3</u>	\$50.00
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	\$50.00

By



Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

PAID

JAN 21 2020

Ck# 20774

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

No. 2806A-3

Date: _____

I/We request that Water Right No. 2806A-3

formerly owned by: Dale R Bieber

be transferred to: (name & address) Maurice Hoffman
PO Box 98, Bowdle SD 57428

Telephone No. 605-281-1126

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

404 acres - SE 1/4 Section 9, S 1/2 NW 1/4, N 1/2 NE 1/4 and SW 1/4 Section 16, T122N, R74W

I/We understand that the validity of Water Right No. 2806A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I/We Maurice Hoffman, the new owner, certify that the above information is true and correct.

Maurice Hoffman
(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

JAN 21 2020

WATER RIGHTS
PROGRAM