

Water Right Number 296A-3

1. Considered 9-29, 19 16
2. Name of Applicant LYLE BIERMAN
3. Post Office Address MANSFIELD
4. Amount of water claimed 2.3
5. Source of water supply 138' 286' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 280
7. Water to be diverted and used in SPINK County
about 5W, 1S Miles 1 of MANSFIELD
8. Proof of Publication Received FILE 9-24-76
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

Map No. 2295-3 Water Division No. 3 JAMES RIVER District 1
(Returns to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Lyle Bierman
Postoffice address Manassas State Nebr. 57460
If a corporation show date and place of incorporation N/A
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
3. Name of diversion work ~~2.3~~ 1000 gals per minute
4. Amount of water claimed (cubic feet per second) 2.3 (1000 gals per minute)
5. Source of water supply Well
6. Location of point of diversion SW 1/4 - 9 - 120 - 65

7. Annual period or periods during which water is to be used May to November County Spiro
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 280

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.	Land Description	No. Acres Irr.
<u>SW 1/4 9-120-65</u>	<u>160</u>		
<u>NE 1/4 9-120-65</u>	<u>120</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Redford Press
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 70,000.-

Attachments: Attach Form 2A if diversion is by a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning attachments.)

STATE OF SOUTH DAKOTA

County of Spiro

I, Lyle Bierman, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 25 day of August 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2964-3

LYLE BIERMAN

(Applicant)

MANSFIELD

(Post Office Address)

SOUTH DAKOTA 57460

(City)

With the following modifications:

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

Date of first receipt of application AUGUST 26, 19 76

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

Date of receipt of corrected application SEPTEMBER 9, 19 76

Approved NOVEMBER 18, 19 76, Recorded in Book 16 Page 184

WATER RIGHT PERMIT NO. 2964-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2964-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 26, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 18, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 18, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 18, 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.3 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 18, 19 79; said water to be used during the following described annual period: MAY - NOVEMBER

Witness my hand this 20th day of DECEMBER, 19 76

WATER RESOURCES COMMISSION

By:

John H. Hark
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____
 (2) Casing, Type _____ Diameter _____ Thickness _____
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type _____, Diameter _____, Length _____
 (4) Gravel Pack Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials
 32 ft - Fine Sand & Coal
 19 ft - Coarse Sand & Gravel

Depth to top of water bearing material 8.6 ft

Depth to bottom of water bearing material 13.8 ft

Thickness of water bearing material 52 ft

Depth to water (ground surface to water level) 18.6 ft

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

On same owner's property 160 rds. On property owned by others 1600 rds.

G. Water Storage Dams.

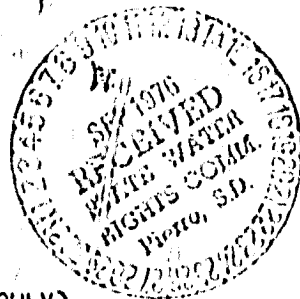
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Lyle H. Brimmer
 Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME

ADDRESS

COUNTY

LEGAL DESCRIPTION

1. WELL LOCATION

2. LOCATION OF AREA TO BE IRRIGATED

TYPE OF IRRIGATION

3. GRAVITY

TOW LINE

CENTER PIVOT

GUN

4. CROPS TO BE IRRIGATED

WATER QUALITY

5. SAMPLE NUMBER

6. SALINITY (EC X 10⁶)

7. SODIUM (SAR)

8. RESIDUAL SODIUM CARBONATE (meq/l.)

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

APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
25th DAY OF August 1976.

(TITLE OR SEAL)

My Commission Expires Feb. 12, 1978

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Lyle Kierman
 Address: Kenfield, SD 57460

Date Rec'd. August 30, 1976
 Sample No. 76-1185
 Identification 76-1185-140
Aug. 9, 1976, 1201, R 65

WATER ANALYSIS

Calcium (Ca)	26	ppm*	1.30	me/l**
Magnesium (Mg)	41	ppm	3.36	me/l
Sodium (Na)	58	ppm	2.52	me/l
Potassium (K)	20	ppm	0.52	me/l
Sulfate (SO ₄)	158	ppm	3.29	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	20	ppm	0.95	me/l
Bicarbonate (HCO ₃)	278	ppm	4.56	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	223	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	701	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.65			
Sodium	32.72	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.38			

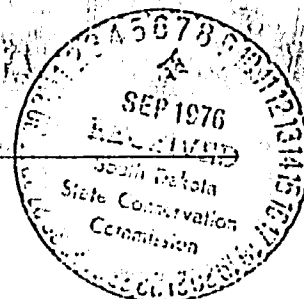
Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 7.70 me/l
 Total anions 8.40 me/l



By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1185

Amount Enclosed \$

Signed

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2964-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roberta A. Jockhock hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Redfield Press

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 Redfield

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

September 16
September 23

Roberta A. Jockhock
(Signature)

Clark
(Title)

9/23/76
(Date Signed)

No. 100

No. 2964-3
NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
September 10, 1976
Notice is hereby given that
Lyle Blerman, whose post office
address is Mansfield, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 2.3 cubic feet of
water per second of time from
ground water through the
Blerman No. 1, the point of
diversion of which is to be located
in the NE 1/4 SW 1/4 of Section 9,
Twp. 120N, Range 65W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SW 1/4 Section 9, T120N,
R65W, Spink County, South Dakota.
This application No. 2264-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 25th day of
September, 1976, at 10:00 A.M.
All interested persons may ap-
pear and be heard.

WATER RIGHTS
COMMISSION
By: BURTON F. JONES
Water Rights
Specialist
(Sept. 16, 23)



Form 6 - Notice of Intent to Appropriate Water

No. 2964-3

Publish first publication, on or before September 16, 19 76

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 10, 19 76

Notice is hereby given that Lyle Bierman
whose post office address is Mansfield, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.3 cubic feet of water per second of time from the ground water through the
Bierman # 1, the point of diversion of which is to be located in the

NE 1/4 SW 1/4

of Section 9, Twp. 120N, Range 65W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

Sk, Section 9, T120N, R65W

This application No. 2964-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 19 76, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Lyle Bierman, Mansfield, S. D. 57460



2964-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

October 5, 1976

Lyle Bierman
Mansfield, S.D. 57460

Dear Mr. Bierman:

The Water Rights Commission deferred action on your
Application No. 2964-3 at the September 29-30, 1976
Commission meeting, pending investigation by the Commission
Staff.

If you have any questions, feel free to contact this
Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

November 10, 1976

Larry Krause
Mansfield, S.D. 57460

Lyle Bierman
Mansfield, S.D. 57460

Re: 2867-3
2870-3
2964-3 ✓
3031-3

Robert Borchard
Mansfield, S.D. 57460

Aaron Bade
Rt. 1
Chelsea, S.D. 57431

Gentlemen:

Deferred Water Right Applications No. 2867-3, No. 2870-3, No. 2964-3 and No. 3031-3 will be reconsidered by the Water Rights Commission during their November 16, 17 and 18, 1976 meeting, at 9:00 a.m. November 12, 1976. A copy of the "Report on Water Rights Applications into Middle James Aquifer, Southwest Brown County and Northwest Spink County" is enclosed for your information. Any comments concerning these applications can be presented at this hearing.

The Commission will be meeting in the Marvin Hughitt Hotel Ballroom, Huron. Applications No. 3130-3, Otto Krause; No. 3171-3, Jerald J. & Dennis L. Kamen; and No. 3187-3, Boekelheide Farms will also be considered at 9:00 a.m., November 18, 1976 rather than the advertised 10:00 a.m. November 17, 1976 time. Please advise, if you have any questions concerning the hearings.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH/cb

cc: Otto Krause
Jerald & Dennis Kamen
Boekelheide Farms
Arnold Ristau
Marvin Ristau

Enclosures

REPORT ON
WATER RIGHTS APPLICATIONS INTO MIDDLE JAMES AQUIFER, SOUTHWEST
BROWN COUNTY AND NORTHWEST SPINK COUNTY
NOVEMBER 8, 1976

The Water Rights Commission has considered five Water Rights Applications for the Middle James Aquifer in southwest Brown County and northwest Spink County. The applications were considered at either the September 29-30, 1976 or October 21-22, 1976 Commission Meetings. Three additional applications are advertised for the November 17-18, 1976 meeting. An investigation was conducted in the area October 26, 1976.

Applications

The following table lists the area Water Right Applications in the Middle James Aquifer. The actual project locations are shown on the Attachment.

<u>Number</u>	<u>Name</u>	<u>Priority Date</u>	<u>CFS</u>	<u>Acres</u>	<u>Well Depth</u>	<u>Status</u>
2894-3	Myron Jeschke	7-21-76	2.20	160	140'	App. 9-29-76
2867-3	Larry Krause	7-27-76	9.07	635	151' & 165	App. 4.0 cfs Deferred 9-29-76 5.07 cfs
2870-3	Robert Borchard	8-10-76	2.28	240	108'	Deferred 9-29-76
2964-3	Lyle Bierman	8-25-76	2.30	280	138'	Deferred 9-29-76
3031-3	Aaron Bade	9-8-76	4.00	290	140'	Deferred 10-21-76
3130-3	Otto Krause	10-27-76	6.6	464	2-170'	Advertised for November meeting
3171-3	Jerald J. & Dennis L. Kamen	10-21-76	4.2	295	200'	Advertised for November meeting
3187-3	Boekelheide Farms	10-25-76	4.0	290	160'	Advertised for November meeting

Geology of the Area

Bulletin 25, "Geology and Water Resources of Brown County, South Dakota Part II, Water Resources", dated 1976 describes three major aquifers in

Brown County -the Elm, the Middle James and Deep James Aquifers.

The Elm Aquifer, a shallow aquifer, underlies about 390 square miles in Brown County and is under water table conditions in some areas and artesian conditions in others. In the western part of the Elm, it is under artesian conditions. There are about 1,200,000 acre feet of water in the Elm Aquifer. Water movement is from the northwest to the southeast. The natural discharge from the aquifer is into the Elm River, Foot Creek, into the atmosphere by evapotranspiration, through recharge to the Middle James Aquifer and by eastward flow into the Lacustrine deposits underlying the Lake Dakota Plain.

The Middle James Aquifer underlies about 530 square miles in Brown County. Water in the aquifer is under artesian conditions and moves in general from the west to the east. The Middle James in Brown County contains about 1,400,000 acre feet of water in storage.

Recharge is from percolation of snowmelt and precipitation through overlying lake silt, outwash and till. The largest recharge is from the Elm Aquifer where it is in contact with the Middle James. Water levels in the Middle James Aquifer rise in the spring and early summer when recharge from precipitation and snowmelt is greater than discharge. Natural discharge is by percolation into the Deep James Aquifer and by eastward flow into the Lake Dakota sediments and into till.

The Middle James Aquifer extends south into Spink County; however, since the County study has not been started in Spink County, only limited information is available beyond the County line. In Marshall County, the Middle James Aquifer and the Deep James Aquifer merge to become a single aquifer, the James Aquifer. In Marshall County, the James Aquifer underlies about 220 square miles of area and contains about 1,500,000 acre feet of water. The James Aquifer also extends into North Dakota and Ray County.

Persons Contacted

Mr. and Mrs. Arnold Ristau, Lyle Bierman and Robert Borchard were contacted the day of the investigation.

Discussion

Mr. and Mrs. Ristau had indicated concern at the September 29 meeting that shallow domestic wells in the Elm Aquifer and dugouts would be affected by pumping from the deeper Middle James Aquifer.

There are only three known existing domestic wells into the Middle James Aquifer in this area. One owned by Mr. Borchard, the other by Mr. Bierman and the third by Mr. Howard Nelson. Three additional domestic wells were reported as planned for the Middle James Aquifer. Water development from the Middle James Aquifer in this area is unique in that the three

existing domestic wells have all been drilled since 1972 following the discovery of the Middle James Aquifer by the Geological Survey. Consequently, all wells are adequate wells or required to be. An adequate well in the Middle James artesian aquifer is defined as a well in which the pump intake is placed or is capable of being placed, at least 20 feet below the top of the Middle James artesian aquifer formation, aquifer depth permitting. Other domestic wells in the area are into the shallow Elm Aquifer or else were drilled down to the deeper Dakota formation.

Since development of the Middle James Aquifer is relatively new, we do not have the situation experienced in many other artesian aquifers in the State with inadequate wells. The Commission staff has not located any older inadequate domestic wells in the Middle James Aquifer.

At the October Meeting, the possibility of conducting a pump test using Mr. Borchard's irrigation well was discussed. However, upon investigation, it was determined that such a pump test with available domestic wells used as observation wells would be of little value. Since the existing or planned domestic wells are required to be adequate, the domestic wells would continue to supply water even though the artesian head may fluctuate due to the irrigation pumping. The U. S. Geological Survey has observation wells in the area which can be used to monitor water levels. One observation well on the Brown and Spink County line, in the southwest corner of Section 34-T121N-R65W can be checked for draw down. The water level at the time of the investigation was 26.5 feet. This observation well will be used to monitor irrigation pumping effects. Mr. Marvin Ristau, who also protested the granting of the Krause application at the September meeting, indicated he was concerned that since the Middle James receives part of its recharge from the Elm Aquifer that pumping from the Middle James would tend to lower the water levels of the Elm Aquifer. The Elm Aquifer will also be monitored for any effects of irrigation pumping from the Middle James. The total amount of water that would be withdrawn by all applications in a 90 day continuous pumping season each year would be 6184 acre feet. Although the extent of the Middle James in Spink County is not known, there is a large amount of water stored in the Middle James Aquifer just in Brown County.

Since the known domestic wells into the James Aquifer are new since 1972 and required to be adequate wells, the staff believes there should be no reason that all pending applications should not be granted, including the deferred portion of the Krause application.

The staff believes that additional permits can be granted in the future; however, until there is more irrigation pumping experience from the aquifer, the staff is recommending for at least one year that future irrigation wells be spaced at least one mile from existing irrigation wells. The Middle James Aquifer is an untapped and rather extensive water resource.

Recommendations

Based upon the Brown County study, there is unappropriated water available and the commission staff recommends that all pending applications No.2867-3, 2870-3, 2964-3, 3031-3, 3130-3, 3171-3 and 3187-3 be approved with the following qualification:

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

John Hatch
Chief Engineer

Attachment							
24	19	20	21	22	28	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
R66W Brown County Spink County R65W Observation Well R64W							
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30

T122N

T121N

T120N

 3171-3
 Gerald
 3
 30
 30

 Howard
 Nelson
 20' deep well

 Harold
 Ristan

 0 5130-3
 Otto Krause

 4' diameter
 70' deep
 18'

 3' Huber
 2870-3
 Beckhardt

 Larry
 Krause
 2767-3

 2214-3
 Myron Jeschke

 2764-3
 4' dia
 20' deep well

 17
 17
 0 281-3
 Devin
 Bide

 3187-3
 0
 Beckheide
 Farms

Form 10.

No. 2964-3



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

Post Office Mansfield, So. Dak
Date 8-18-77

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2964-3

Water Right Permit No. 2964-3 states that the diversion system is to be constructed by 11-18, 19 77 and that the water is to be put to beneficial use by 11-18, 19 77.

The diversion system was completed on 8-4, 19 77.
Applying the water to beneficial use was completed on 8-4, 19 77.

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

Lyle H. Bierman
(Signature)

13 ACRES IN THE SW¹/₄ SEC⁹,
SEC 9, T120N, R65W NOT
COVERED BY OUR PERMIT
OR WI-1. TALKED TO
JIM STURZEL, AND THEY
ARE ADDING IT TO THE WI-1.

PERMIT WAS ADVERTISED
FOR PORTION OF S¹/₂ SEC 9,
SO FEEL WE CAN INCLUDE
IT ON LICENSE



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

Betty

October 15, 1982

Lyle Bierman
RR
Mansfield, SD 57460

Dear Mr. Bierman:

We have been notified by the Division of Water Rights that you are currently irrigating an additional thirteen (13) acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9-120-65. These lands are not covered under your soil and water compatibility application, however due to the small amount of acreage deviation we have amended your permit to include this area. (Please see attached copy of your permit)

If you have any questions or feel this amendment is in error please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf

Enclosures: WI-1

cc: Division of Water Rights

CONSERVATION
COMMISSION
FORM W1 #1

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

NAME Lyle Bierman
ADDRESS Bonsfield, Abilene 59460
COUNTY Spink

LEGAL DESCRIPTION

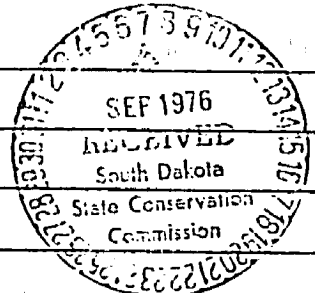
1. WELL LOCATION SW 1/4-9-120-65
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 9-120-65 +
N 3/4 of SE 1/4-9-120-65
SW 1/4 9-120-65 10-14-89

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Corn, Alfalfa & Wheat

WATER QUALITY

5. SAMPLE NUMBER 76-1185
6. SALINITY (EC X 10⁶) 701
7. SODIUM (SAR) 1.65
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



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

Lyle Bierman
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
25 DAY OF August 1976.

Thos. R. Reed
(TITLE OR SEAL)

My Commission Expires Feb. 13, 1978

Albert E. Stuebel
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

DATE MICROFILMED

CAMERA OPERATOR

Permit No. 2964-3Water Division 3 JAMES RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by LYLE
PIERMAN of MANSEFIELD holder
of Permit No. 2964-3, bearing date of priority of AUGUST 26, 1976
authorizing the diversion of 2.3 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in SPIRK County.

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

The Water Use System consists of,

A. Works used to divert the water:

134' DEEP WELL WITH 16" PLASTIC CASING - 22" SS SCREEN
BYRON JACKSON 8" PUMP (NO TAG) POWERED BY
100 HP US ELECTRIC MOTOR @ 1775 RPM

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

1400' 10" BURIED PVC FROM WELL TO PIVOT PAD IN SW⁴
2640' 13" BURIED PVC BETWEEN PIVOT PADS IN SW⁴ & SE⁴

C. Works used to apply water to beneficial use.

LOCKWOOD 10 TOWER CENTER PIVOT SYSTEM WITH
NELSON F100 END GUN

The system is in the following condition: GOOD

The point of diversion is located 460' N & 250' E OF THE SW CORNER,
SECTION 9, T120N, R65W

The works are capable of diverting and conveying to the place of use 2.00 (900 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: SECTION 9, T120N, R65W

FOR IRRIGATING A 136 ACRE CIRCLE IN THE SW⁴, AND
118 ACRES (CIRCLE LESS AREA OUT FOR BUILDING SITE) IN
THE SE⁴, SECTION 9, T120N, R65W

comprising a total of 254 acres of land.Date SEPTEMBER 20, 1982

Danton Jones
Signature

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2964-3

(1) WHEREAS, On the 26th day of August A. D. 19 76
Lyle Bierman

made Water Right Application No. 2964-3 for a permit to use 2.30 cubic feet per second of the waters of groundwater (one well)

County of Spink, State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS, On the 18th day of November A. D. 19 76

Permit No. 2964-3, with a date of priority of August 26, 1976

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 18th day of November A. D. 19 77 and for the application to beneficial use of said water on or before the 18th day of November A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet per second of water for beneficial use and,

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

for irrigating a 136 acre circle in the SW $\frac{1}{4}$ (C), and 118 acres (circle less area
out for building site) in the SE $\frac{1}{4}$, Section 9, T120N, R65W

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

_____ of Hansfield, South Dakota
the holder _____ and owner _____ of said permit No. 2964-3 a water right, dating from August 26, 1976
_____ to use of 2.00 cubic feet per second of the waters
of groundwater (one well)
in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 460'H and 250'E of the SW corner
Section 9, R120N, R65W

and conducted to and upon a 136 acre circle in the SW¼ and 118 acres (circle less
acres out for building site area) in the SE¼, Section 9, R120N, R65W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2964-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of October A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2964-3

Water Diversion No. 3 Jamys River Water District
10160008

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lyle Blerman

_____ the holder _____ of
Permit No. 2964-3, issued upon Application No. 2964-3, hearing date of priority of August 26, 1976
authorizing the diversion of 2.30 cu. ft. per second of the waters of groundwater (one well)
County of Spink, State of South Dakota at a point 460'N and 250'E of the SW corner, Section 9, T120N, R65W

_____, for Irrigation

purposes, has 5 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.00 cu. ft. per second of water.

Date October 15, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8978

PIERRE, _____ October 15, 1932, 19_____

RECEIVED OF _____ Lyle Bierman, RR#1, Box 87, Mansfield, SD 57460

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert of Construction No. 2964-3	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 2964-3		
Fee for issuing Location Certificate-Dry Draw, No. _____	16	
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatton
Chief Engineer, Executive Officer
JOHN HATTON/ms



Department of Water & Natural Resources

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

March 23, 1987

LYLE BIERMAN
RR #1 BOX 87
MANSFIELD, SD 57460

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2964-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm. May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2964-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

A handwritten signature in black ink, appearing to read "John Hatch".

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

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



Department of Water & Natural Resources

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

April 24, 1987

2964-3

Lyle Bierman
RR #1 Box 87
Mansfield, SD 57460

Dear Mr. Bierman:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2964-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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



LYLE BIERMAN
1113 S COCHRANE
ABERDEEN SD 57401

2964-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2964-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

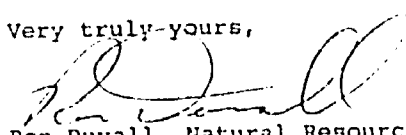
The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2964-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly-yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1992

2964-3

Lyle Bierman
1113 S Cochrane
Aberdeen, SD 57401

Dear Mr. Bierman:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 2964-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LYLE BIERMAN
1113 S COCHRANE
ABERDEEN, SD 57401

4a. Article Number

P 906 557 687

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

JAN 30 1992

5. Signature (Addressee)

Lyle H. Bierman

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

2964-3



December 5, 1992

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre SD 57501-3131

John Hatch, Water Rights Engineer.

Dear John,

Enclosed is a copy of the Warranty Deed of the Irrigated Land that we purchased from Lyle Bierman. (S# of 9-120-65).

We would like a transfer of the Water Right to our Names.

I understand the 1992 Irrigation Questionnaire will be filled out by Myron Jeschke the operator of the land for 1992.

Thank you very kindly,

Aaron Bade

Aaron Bade
HC 66 Box 46
Northville, SD 57465

2764-3

WARRANTY DEED

Lyle H. Bierman, a/k/a Lyle Harris Bierman, and Ann Bierman, husband and wife, grantors, of Brown County, State of South Dakota, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, GRANT, CONVEY and WARRANT to Rodney A. Bade, Aaron J. Bade, Kimberly A. Bade and Carole A. Bade, as joint tenants with right of survivorship and not as tenants in common, grantees, of HC 66, Box 46, Northville, South Dakota 57465, the following-described real estate in the County of Brown in the State of South Dakota:

South Half (S $\frac{1}{2}$) of Section Nine (9),
Township One Hundred Twenty (120),
Range Sixty-five (65), Spink County,
South Dakota, plus Ten Tower Lockwood
100 h.p. electric irrigation system
thereon.

Subject to zoning regulations, easements, restrictive covenants and rights-of-way of record.

Dated this 2nd day of December, 1992.

Lyle H. Bierman
Lyle H. Bierman, a/k/a Lyle
Harris Bierman

Ann Bierman
Ann Bierman

STATE OF SOUTH DAKOTA)
: SS.
COUNTY OF BROWN)

On this the 2nd day of December, 1992, before me, the undersigned officer, personally appeared Lyle H. Bierman, a/k/a Lyle Harris Bierman, and Ann Bierman, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public, South Dakota

My Commission Expires: 12-1-95



2964-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 10, 1992

No. 2964-3

Aaron Bade
HC 66, Box 46
Northville, SD 57465

Dear Mr. Bade:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2964-3. The water right is currently listed in the name of Lyle Bierman.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2964-3

Date: 1/19/93



I/We request that Water Right No. 2964-3

formerly owned by: Lyle Bierman

be transferred to: (name & address) Rodney A. Bado

HC 66 BOX 47

(Telephone No) (605) 887-3176

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

S 1/2 Section 9, T120N, R65W

I/We understand that the validity of Water Right No. 2964-3 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Brown)

I/We Rodney A. Bado being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Rodney A. Bado
(Signed)

Subscribed and sworn to before me this 14th day of Jan, 19 93.

Lawrence M. Lohr
(Notary Public)

NOTE:

Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413597

Pierre, _____ January 19____, 19__95

RECEIVED OF Rodney A. Bade, HC 66 Box 47, Northville, SD 57465

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>Water Right No. 2964-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer

2964-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 1993

No. 2964-3

Rodney A. Bade
HC 66, Box 47
Northville, SD 57465

Dear Mr. Bade:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2964-3.

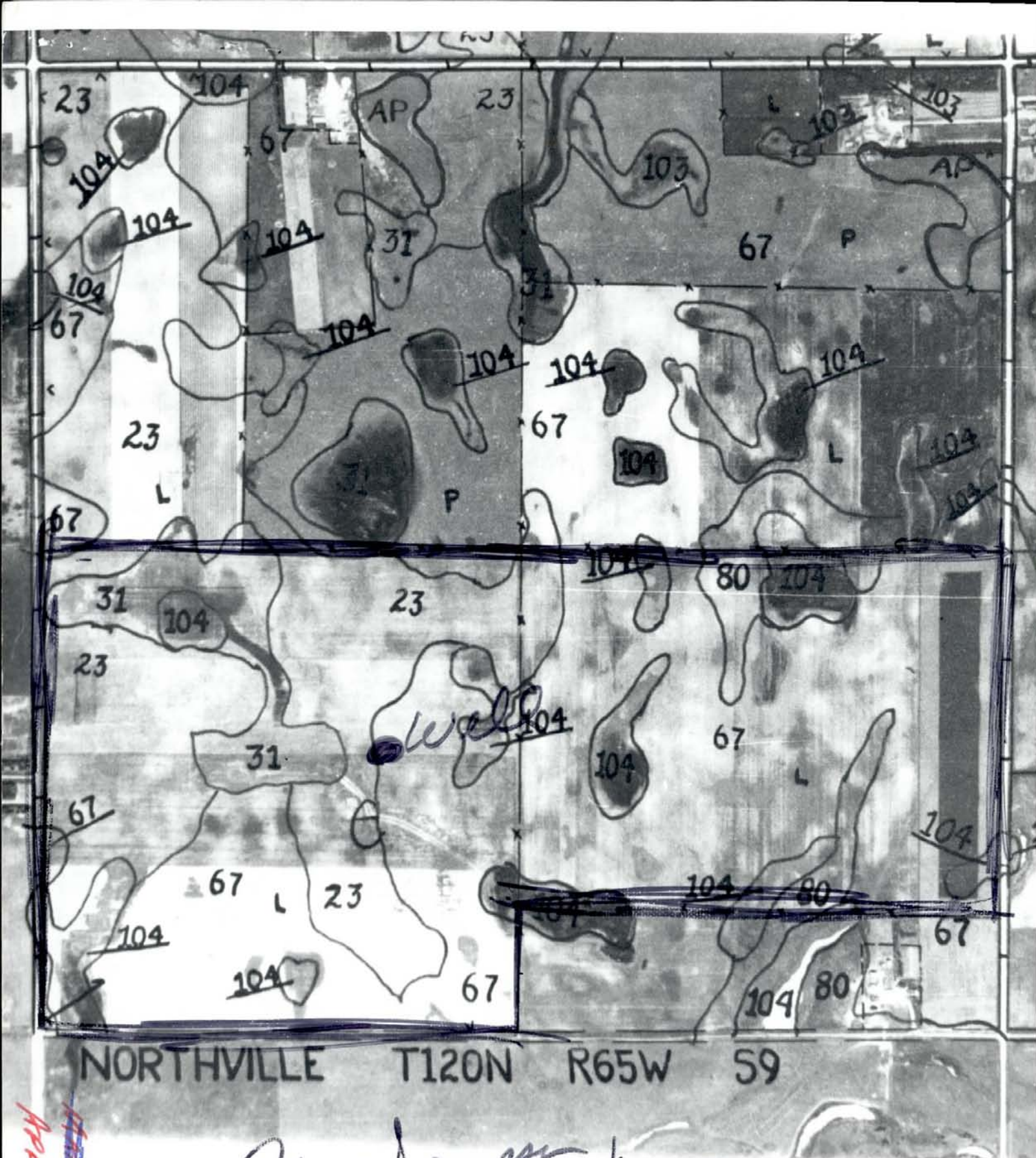
Our records now show you as the owner of Water Right No. 2964-3.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Cheryl F. Frost'.

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

enclosure



Robert Sampson
Spartan Co. Agent
Refilled - A/D
57469

APPC 2964-3

NOT TO SCALE

120-65

2.7

67.4

5.0

179-205R

82.1

9

3.9

136.6

3.8

76.6

59.2

2640'
8" PVC

1400'
10" PVC

250'

460'

WELL

3.6

120-65

4.6

13 ACRES
NOT COVERED
UNDER PERMIT
OR WT-1

from the 1990 slide

from the 1990 slide