

**WATER PERMIT NO. 3053A-3**

Name of Applicant: **Brett Binger**

Address: **38270 182<sup>nd</sup> St, Tulare SD 57476** Phone: **605 460-1604**

Amount of Water Claimed: **1.78 cfs** Total Acres: **130 acres**

Source of Water Supply: **groundwater (1 well)**

Water to be used for: **irrigation** County: **Spink**

Type of Waste Disposal System:

Location: **3 miles east of Tulare**

**PRIORITY** Date Received: **11-25-14** Application/License Fee: **\$ 300 (refund \$750)**

Corrected Application Received: Period of Annual Use: **May 1 – September 30**

Remarks: **transferring acres and diversion point to different location**

Diversion Point: **center of NW 1/4 Sec 32-T115N-**  
**R63W**

Land to be Irrigated: **NW 1/4 Sec 32-T115N-**  
**R63W**

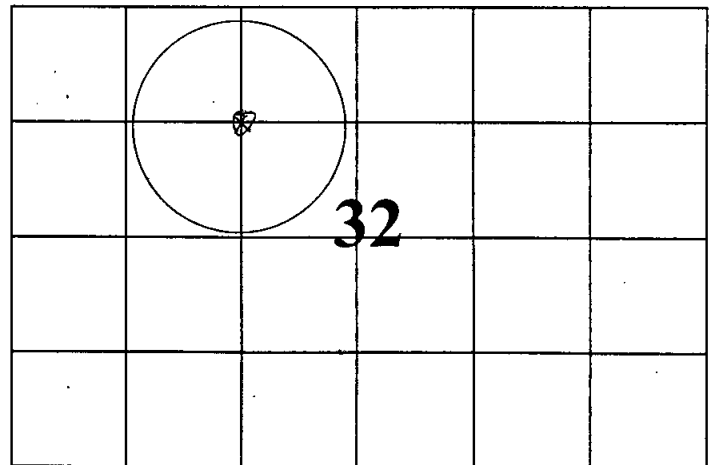
Depth of Well: **65 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **12-1-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

## FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:  
PMB 2020  
DENR - Water Rights  
523 E Capitol Ave  
Pierre, SD 57501-3182  
ph. (605) 773-3352

(office use only)  
No. 3053A-3 Hydrologic Unit 10160006  
Basin James River 605-472-0822  
Newspaper Redfield Press, Box 440 57469  
605-353-7401  
Daily Plainsman, Box 1278, Huron 57350

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NOV 25 2014  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3053-3  
(Use predates Mar 2, 1955)

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

Existing 1/4 has bad Alkali Land along a Ravine that runs through it and pivot has Problem crossing Ravine.

1. Name to Appear on Irrigation Permit Brett Binger  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent.

(name and complete address if different than above name)

Mailing Address 38270 182nd St Tulame SD 57474  
(Address) (City) (State) (Zip Code)

Home Phone (605) 596-4283 Cell 460-1604 Email b.binger@NRCTV.com

2. Amount of water claimed 1.78 \*CFS or 800 \*\*GPM \*\*\*AF Total Acreage 130  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion 1 well Near center of 1/4  
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

center NW 1/4 sec 32-115N-63W County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used May 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
(Attach sheet if more space is needed)

| Land Description | Acres              | Land Description          | Acres |
|------------------|--------------------|---------------------------|-------|
| NW 40 of NW 1/4  | <del>40</del> 32.5 | } all in Sec 32-115N-R63W |       |
| NE 40 of NW 1/4  | <del>40</del> 32.5 |                           |       |
| SE 40 of NW 1/4  | <del>40</del> 32.5 |                           |       |
| SW 40 of NW 1/4  | <del>40</del> 32.5 |                           |       |

8. Give a description of the project. (Attach sheet if more space is needed) move Existing Pivot to 1/4 described above. Dig New well on 1/4 That I would like to transfer permit.

I, Brett Binger, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA**  
**WATER PERMIT NO. 3053A-3**

Date of first receipt of application November 25, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3053A-3 to Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3053A-3 amends Water Right No. 3053-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3053-3 appropriates 1.88 cubic feet of water per second (cfs) from one well located in the center of the S 1/2 Section 19 to irrigate 152 acres located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 19; all in T115N-R64W. This permit authorizes transferring 1.78 cfs and moving the center pivot approximately 7 miles east and 1 1/2 miles south with the well to be located in the approximate center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 14, 1976.
4. The date of approval of Permit No. 3053A-3 is January 12, 2015.
5. One-fifth of the construction is to be completed on or before July 12, 2017.
6. All construction is to be completed on or before January 12, 2020.
7. Water is to be put to beneficial use on or before January 12, 2024.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 3053A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The original well authorized by Water Right No. 3053-3 located in the center of the S ½ Section 19, T115N, R64W shall be plugged in accordance with Water Management Board Rules, Chapter 74:04:04.

**WATER MANAGEMENT BOARD**

By: *Jeanne Goodman*

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

**FEB 17 2015**

date



## Supplemental Information

(type or print)

### 1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by will be drilled by stretch's well service  
(if yes, please provide copies of logs)

b) If existing wells, how many      Provide copy of log(s), if available. Drilled by     

c) Well Depth 65' Depth to Top of Water Bearing Material      Depth to Water from Surface     

d) Distance to nearest existing domestic well:

On applicant's property None On property owned by others 1/2 mile

### 2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field)     

b) System Capacity (gallons)      Year Constructed     

c) Connected to the City of      Sanitary System

### 3. Dugout Information

a) Surface Dimensions      Depth     

b) Depth to water (ground surface to water level)     

### 4. Water Storage Dams

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

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

b) Freeboard     

c) Crest Width     

Crest Length     

d) Height     

e) Primary Outlet Capacity     

If pipe, diameter     

f) Secondary Spillway Capacity     

Spillway Width     

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

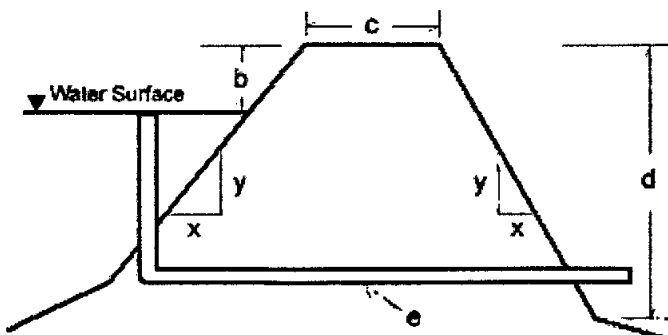
Upstream     

Downstream     

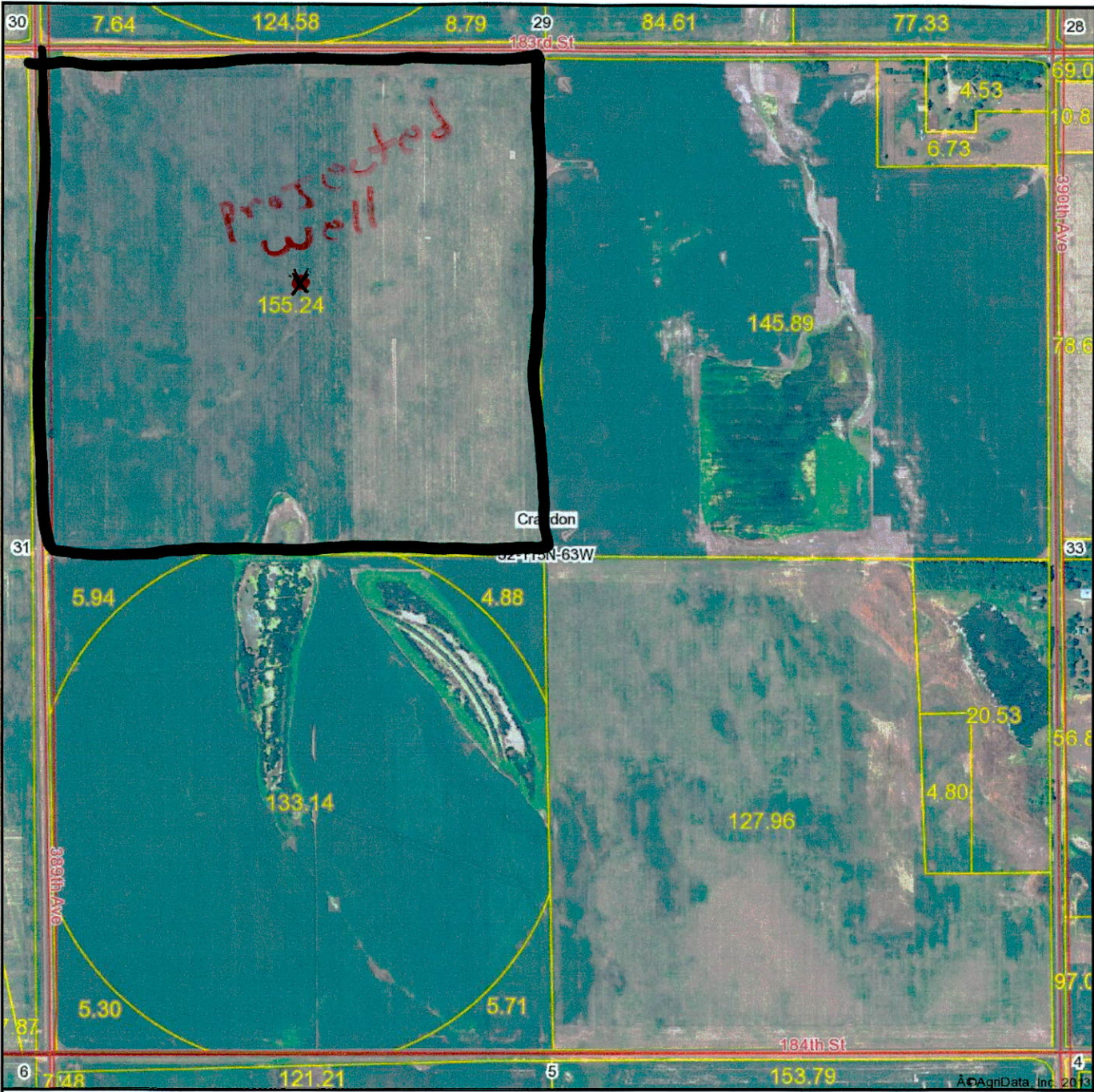
h) Surface Area of Impoundment     

i) Storage      Acre Feet

j) Drainage Area Above Dam      Acres



Aerial Map



Maps provided by:  
**surety**  
CUSTOMIZED ONLINE MAPPING  
©AgriData, Inc. 2013  
[www.AgriDataInc.com](http://www.AgriDataInc.com)

**32-115N-63W**  
**Spink County**  
**South Dakota**

map center: 44° 43.6259', 98° 25.972'  
scale: 9843



Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

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**NOV 25 2014**  
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8/29/2013 10:47 AM

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/1, 2014

RECEIVED OF Brett Binger 38270 182nd St Tyndare SD 57476

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 | 850  | 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. _____            | 200  | 00 |
| Fee for Filing Transfer Form _____                                                                             |      |    |
| Fee for _____                                                                                                  |      |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |      |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |      |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |      |    |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |      |    |
| (Any Other Work Provided by Law) TOTAL                                                                         | 1050 | 00 |

No. **06993**

By J. Anne Handman  
Chief Engineer

**No. 3053-3**

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 3053-3, Brett Binger

ADDRESS: COUNTY: Spink County

DATE: November 20, 2014 TELEPHONE:

RE: inquiry regarding filing for a transfer of Water Right No. 3053-3 to a new location

Mr. Brett Binger called to discuss moving the location of the diversion point and irrigated acres authorized by Water Right No. 3053-3. This water right authorizes a maximum diversion rate of 1.88 cubic feet of water per second from a well completed in the Tulare Western Spink Hitchcock aquifer for irrigation of 152 acres in the E  $\frac{1}{2}$  SW  $\frac{1}{4}$  and W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 19, T115N, R64W. A quick review of the irrigation questionnaire database did not show an extended periods of nonuse.

Mr. Binger stated that the center pivot used to apply irrigation water to the authorized acres was severely damaged in a June storm. He is needing to purchase a new center pivot system and in doing so he believes the time is right to transfer the acres and diversion rate authority to land that is a better location.

He anticipated filing an application to transfer the water right to a new location within the next week.

NAME: *Eve Stenlund*

**3053A-3**

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 3053A-3, Brett Binger

ADDRESS: COUNTY: SpinkCounty

DATE: December 16, 2014 TELEPHONE:

RE:

I contacted Mr. Binger to inform him that his application is ready to be public notice. I inquired about his intentions with the existing well. His response was to fill it in because the well is going bad. I stated that a condition on the recommendation will be that the existing well be plugged in accordance with well construction standards.

Mr. Binger asked if he had the ability to use the well for livestock water and I responded yes but if the well is truly going bad and it is not his intent to use, the well should be plugged.

He agreed and said he will go with his original plan to plug the existing well.

NAME: Eric Hunsford

February 12, 2015

PAYMENT REQUEST FORM

PAYEE: Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57476

FROM: DENR Water Rights Program  
523 E. Capitol Ave  
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on Water Permit No. 3053-3 (overpayment)

AMOUNT: \$750.00

FUNDING SOURCE:

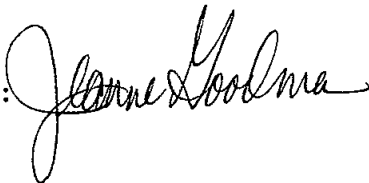
GENERAL:

FEDERAL:

OTHER: Water Right fees - all permit fees

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 3053A-3, Brett Binger**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 3053A-3, Brett Binger, 38270 182<sup>nd</sup> Street, Tulare SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 3053A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 3053A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The original well authorized by Water Rights No. 3053-3 located in the center of the S ½ Section 19, T115N, R64W shall be plugged in accordance with Water Management Board Rules, Chapter 74:04:04.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
December 16, 2014

REPORT TO THE CHIEF ENGINEER  
ON  
APPLICATION NO. 3053A-3  
BRETT BINGER  
DECEMBER 8, 2014

Application No. 3053A-3 proposes to amend Water Right No. 3053-3 by transferring the acreage authorized for irrigation and the authorized point of diversion to new locations. Water Permit No. 3053-3 authorizes the diversion of water from one well located in the center of the S½ Section 19, T115N-R64W at a maximum rate of 1.88 cubic feet of water per second (cfs). The water right authorizes the irrigation of 152 acres located E½ SW¼ and W½ SE¼ Section 19; T115N-R64W. Application No. 3053A-3 proposes to authorize the relocation of the system approximately seven miles east and one and one-half miles south. The diversion point proposed by Application No. 3053A-3 is to be a well located in the approximate center of the NW¼ Section 32, T115N-R63W. Application No. 3053A-3 proposes a permit authorizing the irrigation of 130 acres located in the NW¼ Section 32, T115N-R63W. The water source for this irrigation system is the Tulare: Western Spink /Hitchcock aquifer, and no increase in the diversion rate or number of acres irrigated are requested by this application.

**AQUIFER: WESTERN SPINK/HITCHCOCK MANAGEMENT UNIT OF THE  
TULARE AQUIFER**

Based on the best information available regarding recharge to the Tulare Western Spink/Hitchcock aquifer as it compares to withdrawals from the aquifer, along with the projected water use associated with acreage currently authorized for irrigation, the Water Management Board found the Tulare Western Spink/Hitchcock aquifer is fully appropriated [In the matter of Water Permit Application Nos. 7725-3, et al., Findings of Fact, Conclusions of law and Final Decision issued December 5, 2013].

**SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34**

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. In this permit application, the applicant states that the “Existing ¼ has bad Alkali land along a Ravine that runs through it and pivot has problem crossing Ravine.” The 2014 Water Management Board Irrigation Questionnaire submitted for Water Right No. 3053-3 reported that the “Pivot was damaged in severe thunderstorm...” Conversation between the applicant and Water Rights’ staff indicates that since the damaged system needed to be replaced, the time was right to relocate the system to more suitable ground for irrigation (Gronlund, 2014)

**WATER RIGHT NO. 3053-3**

Water Permit Application No. 3053-3, proposing to appropriate water from the Tulare: Western Spink/Hitchcock aquifer at a rate of 2.22 cfs to irrigate 160 acres was filed September 14, 1976. The water permit was issued on December 1, 1976, and the Water License No. 3053-3 was issued January 4, 1979.

Irrigation questionnaire data reported for Water Right No. 3053-3 from 1977 through 2014 is shown in Table 1. The average number of acres irrigated over the 38 year period was 106.05 acres and the average annual volume of water pumped under the water right was 105.48. The average irrigation application rate for the time period was 11.94 inches per acre.

Table 1. Irrigation questionnaire data for Water Right No. 3053-3 for the period of 1977-2014 (Water Rights, 2014)

| YEAR | ACRES         | AC-FT/YR<br>PUMPED | IN/AC/YR | COMMENTS                                                                                                   |
|------|---------------|--------------------|----------|------------------------------------------------------------------------------------------------------------|
| 2014 | 0             | 0                  |          | pivot damaged in severe thunderstorm and did not get repaired in time to use as we had sufficient moisture |
| 2013 | 132           | 3.54               | 0.32     |                                                                                                            |
| 2012 | 130           | 233.33             | 21.54    |                                                                                                            |
| 2011 | 0             | 0                  |          | sufficient moisture                                                                                        |
| 2010 | 0             | 0                  |          | sufficient moisture                                                                                        |
| 2009 | 152           | 45.96              | 3.63     |                                                                                                            |
| 2008 | 130           | 98.88              | 9.13     |                                                                                                            |
| 2007 | 152           | 134.34             | 10.61    |                                                                                                            |
| 2006 | 130           | 194.44             | 17.95    |                                                                                                            |
| 2005 | 130           | 113.13             | 10.44    |                                                                                                            |
| 2004 | 130           | 169.70             | 15.66    |                                                                                                            |
| 2003 | 152           | 173.23             | 13.68    |                                                                                                            |
| 2002 | 130           | 148.49             | 13.71    |                                                                                                            |
| 2001 | 130           | 289.90             | 26.76    |                                                                                                            |
| 2000 | 130           | 219.22             | 20.24    |                                                                                                            |
| 1999 | 130           | 74.57              | 6.88     |                                                                                                            |
| 1998 | 80            | 45.96              | 6.89     |                                                                                                            |
| 1997 | 80            | 11                 | 1.65     |                                                                                                            |
| 1996 | 130           | 194.44             | 17.95    |                                                                                                            |
| 1995 | 0             | 0                  |          |                                                                                                            |
| 1994 | 129           | 88.37              | 8.22     |                                                                                                            |
| 1993 | 129           | 21                 | 1.95     |                                                                                                            |
| 1992 | 128.5         | 31.2               | 2.91     |                                                                                                            |
| 1991 | 128           | 181                | 16.97    |                                                                                                            |
| 1990 | 128.2         | 143                | 13.39    |                                                                                                            |
| 1989 | 130           | 218                | 20.12    |                                                                                                            |
| 1988 | 135           | 203.9              | 18.12    |                                                                                                            |
| 1987 | 60            | 19                 | 3.80     |                                                                                                            |
| 1986 | 0             | 0                  |          | we had to take the farm back or the Zapp's would have filed bankruptcy                                     |
| 1985 | 128           | 108                | 10.13    |                                                                                                            |
| 1984 | 140           | 82                 | 7.03     |                                                                                                            |
| 1983 | 90            | 123.98             | 16.53    |                                                                                                            |
| 1982 | 150           | 139.4              | 11.15    |                                                                                                            |
| 1981 | 0             | 0                  |          |                                                                                                            |
| 1980 | Not available | 94.27              |          |                                                                                                            |
| 1979 | 135           | 72.88              | 6.48     |                                                                                                            |
| 1978 | 135           | 157.78             | 14.02    |                                                                                                            |
| 1977 | 130           | 174.34             | 16.09    |                                                                                                            |

This proposed transfer will not result in an additional appropriation from the Tulare: Western Spink/Hitchcock management unit.

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits filed for diversion points in the vicinity of the well site proposed by Water Permit Application No. 3053A-3 are shown in Figure 1 and identified in Table 2.



Table 2. Water Permit Applications with status in the vicinity of the well site proposed by Application No. 3053A-3, (see Figure 1. for approximate locations)

| PERMIT NO | NAME               | PRIORITY DATE | STATUS | USE     | CFS   | ACRES |
|-----------|--------------------|---------------|--------|---------|-------|-------|
| 2278-3    | JAMES FRANKENSTEIN | 04/14/1975    | LC     | IRR     | 1.78  | 136   |
| 2422-3    | JAMES FRANKENSTEIN | 10/16/1975    | LC     | IRR     | 1.2   | 135   |
| 2428-3    | LEE GATZKE         | 10/30/1975    | IL     | IRR     | 1.95  | 136   |
| 2428A-3   | LEE GATZKE         | 10/30/1975    | LC     | IRR     | 1.78  | 136   |
| 2440-3    | JAMES FRANKENSTEIN | 09/08/1976    | LC     | IRR     | 1.33  | 132   |
| 2485-3    | LEE GATZKE         | 12/19/1975    | IL     | IRR     | 1.95  | 138   |
| 2486-3    | CLIFFORD E NOWELL  | 12/19/1975    | LC     | IRR     | 1.22  | 125   |
| 2592-3    | CLAYTON KLOSS      | 02/26/1976    | IL     | IRR     | 2     | 140   |
| 2592A-3   | CLAYTON KLOSS      | 02/26/1976    | LC     | IRR     | 1     | 131.2 |
| 3046-3    | KENNETH NOWELL     | 09/14/1976    | LC     | IRR     | 1.85  | 130   |
| 3054-3    | CHARLES I GILBERT  | 09/14/1976    | IL     | IRR     | 2.22  | 160   |
| 3054A-3   | MARSHALL BROTHERS  | 09/14/1976    | LC     | IRR     | 1.21  | 85    |
| 3058-3    | LEROY BROOKER      | 09/21/1976    | CA     | IRR     | 2.28  | 160   |
| 3126-3    | THOMAS D GILBERT   | 09/28/1976    | LC     | IRR     | 1.78  | 136   |
| 3255-3    | OSCAR INC          | 10/15/1976    | LC     | IRR     | 0.89  | 59    |
| 3261-3A   | JAMES FRANKENSTEIN | 10/15/1976    | LC     | IRR     | 1.44  | 130   |
| 3310-3    | MILTON C KOPPLIN   | 11/08/1976    | CA     | IRR     | 2.2   | 160   |
| 3321-3    | BROOKER FARMS      | 11/15/1976    | IP     | IRR     | 2.3   | 160   |
| 3321A-3   | BROOKER FARMS      | 06/11/2014    | PE     | IRR     | 1.33  | 120   |
| 3382-3    | LEE GATZKE         | 11/29/1976    | CA     | IRR     | 2.2   | 160   |
| 3383-3    | LEE GATZKE         | 11/29/1979    | CA     | IRR     | 2.2   | 160   |
| 3603-3    | ALLEN GATZKE       | 01/27/1977    | LC     | IRR     | 1.78  | 132   |
| 3852-3    | WILLIS BOYD        | 03/01/1977    | CA     | IRR     | 2.2   | 160   |
| 3861-3    | ST CLAIR           | 03/10/1977    | LC     | IRR     | 0.44  | 109   |
| 4138-3    | CLIFFORD E NOWELL  | 09/16/1977    | CA     | IRR     | 0     | 80    |
| 4171-3    | GORDON E BLUME     | 10/13/1977    | CA     | IRR     | 1.71  | 120   |
| 4703-3    | KOESTER            | 04/02/1981    | LC     | IRR     | 1.11  | 130   |
| 4713-3    | ALLEN GATZKE       | 03/13/1981    | CA     | IRR     | 2.26  | 158   |
| 4819-3    | RONALD             | 08/27/1981    | LC     | IRR     | 1.44  | 121.1 |
| 4870-3    | WILLIAM KOESTER    | 03/08/1982    | CA     | IRR     | 2.2   | 156   |
| 5163-3    | ALLEN GATZKE       | 10/13/1987    | LC     | IRR     | 1.78  | 132   |
| 5266-3    | GALEN & DEANNA     | 01/23/1989    | LC     | IRR     | 1.22  | 129   |
| 6193-3    | LEE GATZKE         | 03/28/2000    | IL     | IRR     | 1.78  | 90    |
| 6200-3    | OSCAR INC          | 05/08/2000    | LC     | IRR     | 1.89  | 136   |
| 6234-3    | JAMES FRANKENSTEIN | 10/20/2000    | LC     | IRR     | 1.45  | 134   |
| 6336-3    | LEE GATZKE         | 06/21/2002    | LC     | IRR     | 1.34  | 136   |
| 6338-3    | ALLEN GATZKE       | 07/12/2002    | LC     | IRR     | 3.336 | 264   |
| 6340-3    | ALLEN GATZKE       | 07/12/2002    | LC     | IRR     | 1.67  | 132   |
| 6344-3    | OSCAR INC          | NA            | DN     | IRR     | 2.28  | 160   |
| 6345-3    | OSCAR INC          | NA            | DN     | IRR     | 3.42  | 240   |
| 6346-3    | OSCAR INC          | NA            | DN     | IRR     | 4.57  | 320   |
| 6352-3    | LEE GATZKE         | NA            | DN     | IRR     | 2.28  | 160   |
| 6353-3    | LEE GATZKE         | NA            | DN     | IRR     | 2.28  | 160   |
| 6484-3    | LEE GATZKE         | 03/15/2004    | PE     | COM/LCO | 0.133 | 0     |
| 6660-3    | LEE GATZKE         | NA            | DN     | IRR     | 1.89  | 136   |
| 6661-3    | LEE GATZKE         | NA            | DN     | IRR     | 1.89  | 136   |
| 6693-3    | LEE GATZKE         | NA            | DN     | IRR     | 1.89  | 136   |
| 6764-3    | LEE GATZKE         | 12/19/1975    | LC     | IRR     | 3.56  | 272   |
| 6777-3    | JEFFERY GATZKE     | NA            | DN     | IRR     | 1.78  | 1600  |
| 6863-3    | STEVE MASAT        | NA            | DN     | IRR     | 1.89  | 135   |
| 6864-3    | STEVE MASAT        | NA            | DN     | IRR     | 1.89  | 135   |
| 6865-3    | ROGER MASAT        | NA            | DN     | IRR     | 1.88  | 135   |
| 6866-3    | ROGER MASAT        | NA            | DN     | IRR     | 1.88  | 8500  |
| 7126A-3   | MARSHALL BROTHERS  | 09/14/1976    | PE     | IRR     | 0     | 45    |

| PERMIT NO                                                                                                                                                                                                    | NAME              | PRIORITY DATE | STATUS | USE | CFS  | ACRES |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|--------|-----|------|-------|
| 7288-3                                                                                                                                                                                                       | BIXLER FARMS      | NA            | WI     | IRR | 2.22 | 160   |
| 7290-3                                                                                                                                                                                                       | LEE GATZKE        | 12/15/2011    | PE     | IRR | 1.78 | 135   |
| 7291-3                                                                                                                                                                                                       | LEE GATZKE        | 12/15/2011    | PE     | IRR | 1.78 | 135   |
| 7293-3                                                                                                                                                                                                       | JEFFERY GATZKE    | 12/15/2011    | PE     | IRR | 1.78 | 135   |
| 7390-3                                                                                                                                                                                                       | MARSHALL BROTHERS | NA            | WI     | IRR | 6.7  | 540   |
| 7620-3                                                                                                                                                                                                       | OSCAR INC         | 01/04/2013    | PE     | IRR | 1.94 | 136   |
| 7638-3                                                                                                                                                                                                       | MARSHALL BROS     | 12/09/2012    | PE     | IRR | 1.78 | 135   |
| 7721-3                                                                                                                                                                                                       | TERRY WIETING     | 02/08/2013    | PE     | IRR | 1.33 | 100   |
| 7745-3                                                                                                                                                                                                       | BIXLER FARMS      | NA            | WI     | IRR | 1.78 | 160   |
| 7754-3                                                                                                                                                                                                       | OSCAR INC         | NA            | DN     | IRR | 1.14 | 80    |
| 7863-3                                                                                                                                                                                                       | BIXLER FARMS      | NA            | WI     | IRR | 1.78 | 160   |
| LC= Water Right, IL= Incorporated into License, CA= Cancelled, IP= Incorporated into Permit, PE= Water Permit, DN= Denied, WI= Withdrawn, IRR= irrigation, COM= Commercial, LCO= Large confinement operation |                   |               |        |     |      |       |

Historically, well interference has not been an issue in the Tulare: Western Spink Hitchcock aquifer. The Tulare: Western Spink/Hitchcock aquifer is generally under unconfined conditions in this area. The DENR-Water Rights Program monitors six observation wells in this area, shown in Figure 2. Hydrographs for the wells are shown in Figures 3-8. The hydrographs document that drawdown from nearby irrigation wells is not significant relative to climatic effects on the water levels.

If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output.

Well interference should not be a concern for adequate domestic wells.

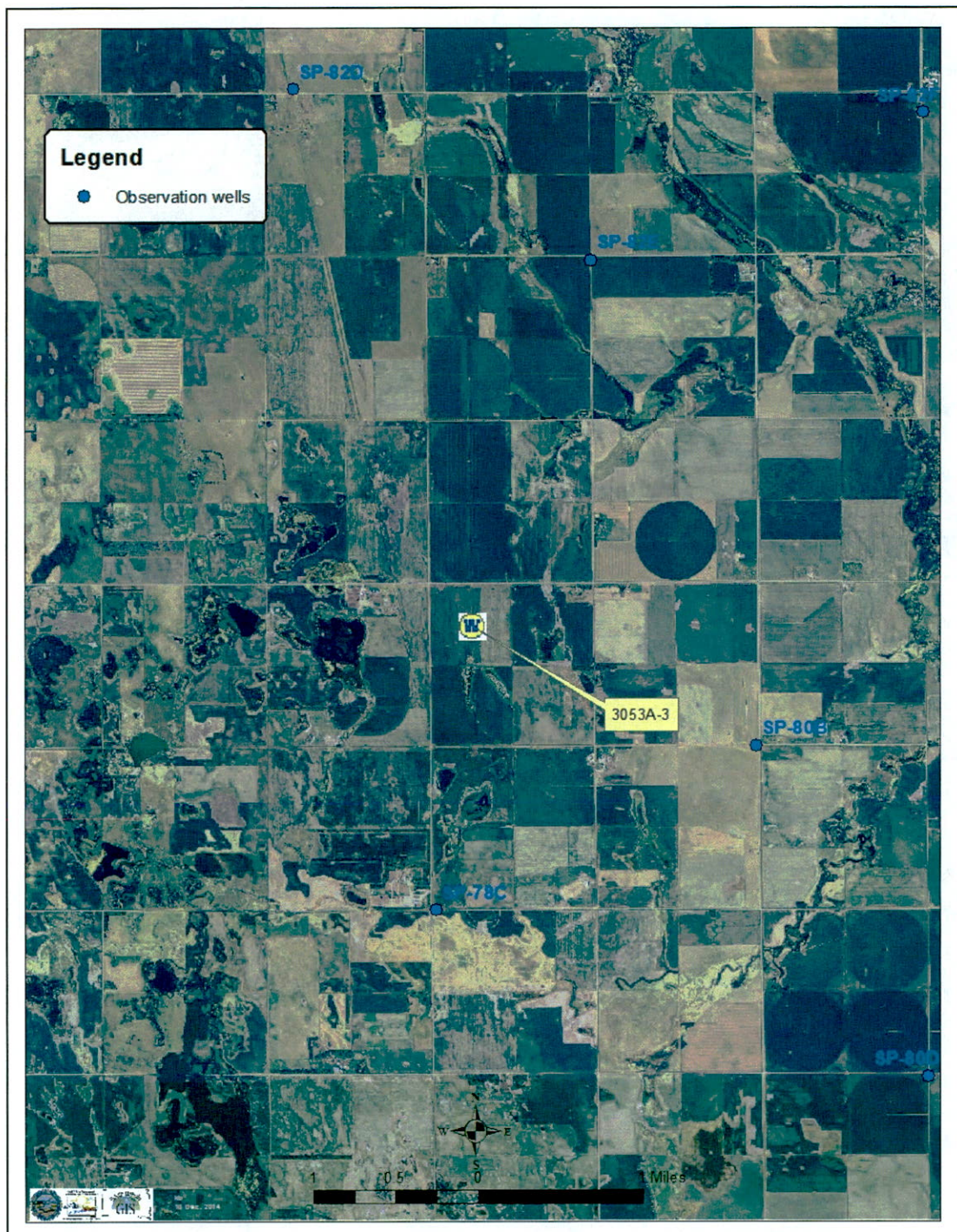


Figure 2. Location of the well site proposed by Application No. 3053A-3 and DENR Water Rights' observation wells in the vicinity.

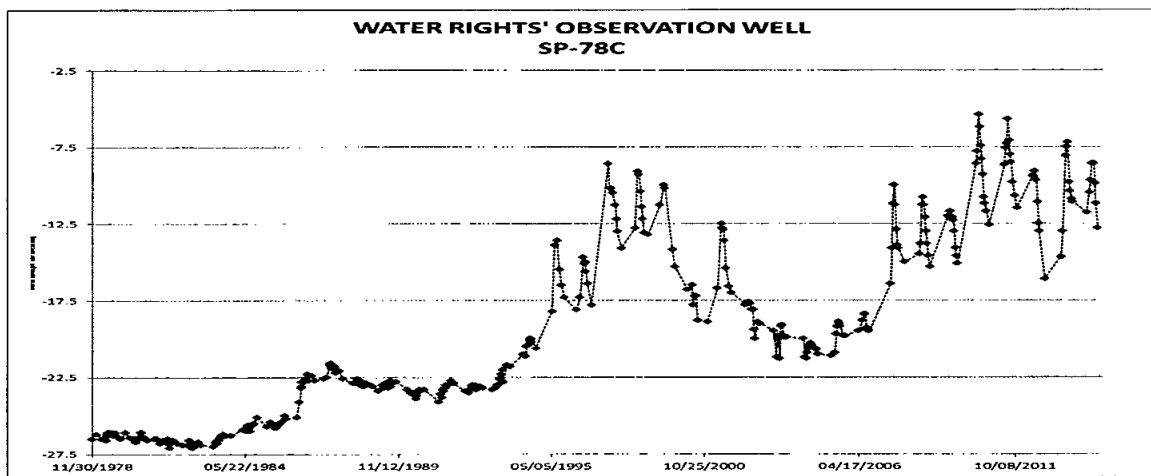


Figure 3. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

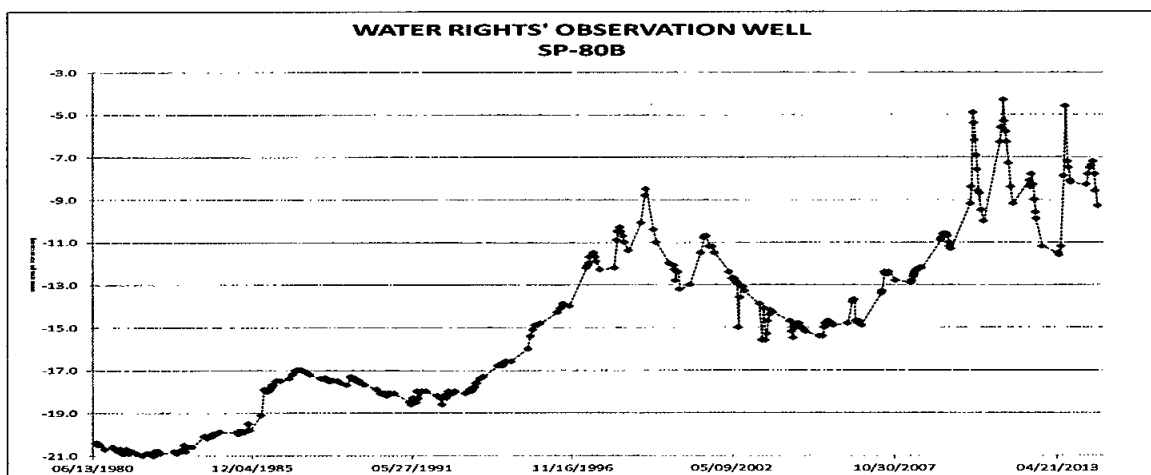


Figure 4. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

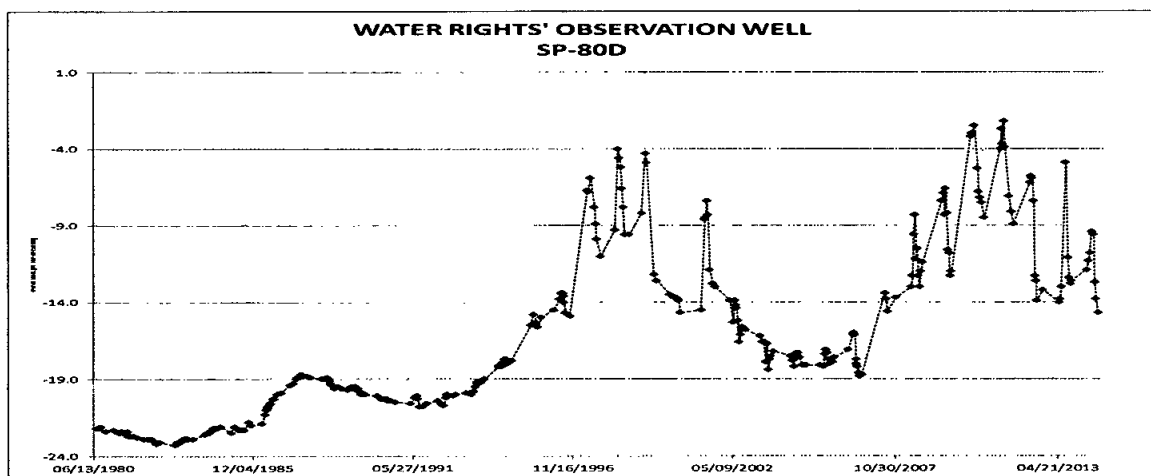


Figure 5. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

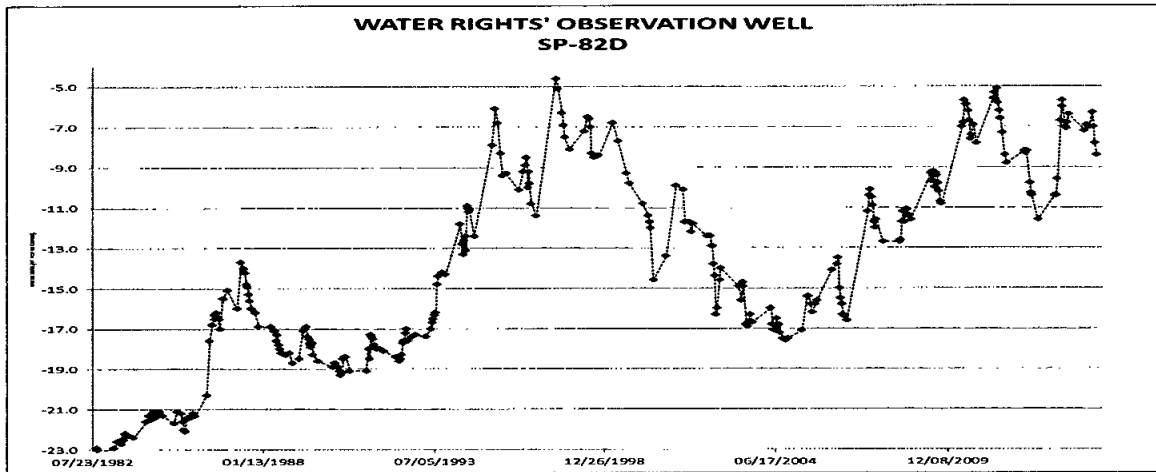


Figure 6. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

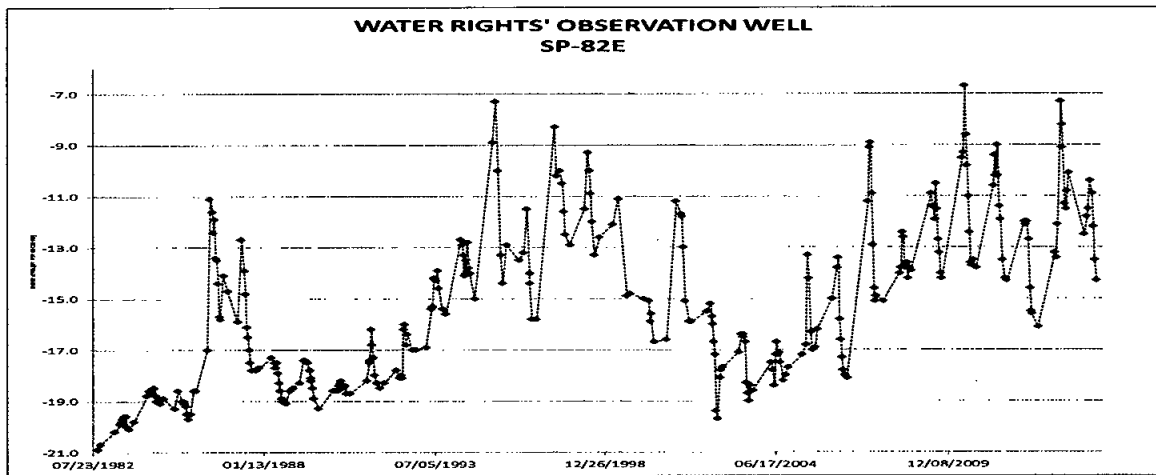


Figure 7. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

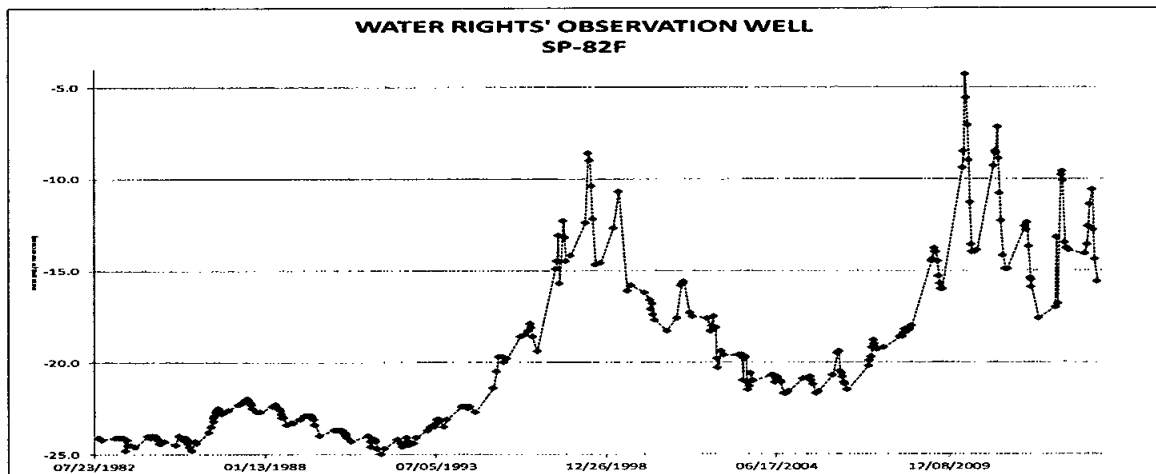


Figure 8. Hydrograph for DENR-Water Rights observation well completed into the Tulare: Western Spink/Hitchcock aquifer. See Figure 2. for location.

**CONCLUSIONS:**

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.



Ken Buhler  
SD DENR-Water Rights Program

**REFERENCES:**

Gronlund, E.S., "Water Rights Program-DENR Conversation File Documentation, November 20, 2014 phone conversation with Brett Binger

Water Rights, 2014a, Irrigation Questionnaire Report Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights, 2014b, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2014c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2014d, Water Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

**Affidavit of Publication**  
**RECEIVED**

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

**JAN 05 2015**

**WATER RIGHTS  
PROGRAM**

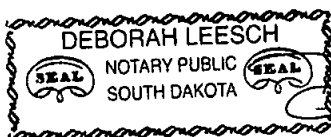
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

**#1169 NOTICE**

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on December 31<sup>st</sup>, 2014, that Twenty-seven and .65/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 31<sup>st</sup> day of December, 2014.



Deborah Leesch  
Notary Public, South Dakota

My commission expires 10/09/2019

**Water Rights**

#1169

**NOTICE OF APPLICATION  
NO. 3053A-3**

Notice is given that Brett Binger, 38270 182nd St, Tulare SD 57476 has filed Application No. 3053A-3 which requests to amend Water Right No. 3053-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3053-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the S 1/2 Section 19 to irrigate 152 acres located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 19; all in T115N-R64W. This application proposes to move the center pivot approximately 7 miles east and 1 1/2 miles south with the well to be located in the approximate center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3053A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 12, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner, Secretary,  
Department of Environment  
and Natural Resources.

Published once at the total approximate cost of \$27.65. (Dec. 31)

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss

RECEIVED

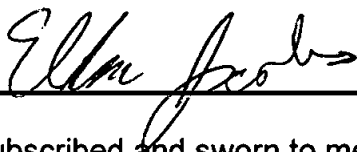
JAN 06 2015

WATER RIGHTS  
PROGRAM

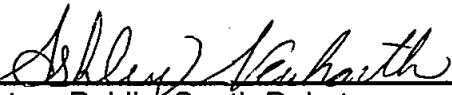
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL –  
WATER RIGHTS – BRETT BINGER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 31<sup>ST</sup> day DEC 2014. That the full amount of the fee charged for publishing is: THIRTY-NINE & 00/00 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 31<sup>ST</sup> Day of DEC 2014.



Notary Public, South Dakota

My term expires 10/25/2017  
Legal #1559

F.P. 12-31-14

**NOTICE OF  
APPLICATION  
NO. 3053A-3**

Notice is given that Brett Binger, 38270 182nd St, Tulare SD 57476 has filed Application No. 3053A-3 which requests to amend Water Right No. 3053-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3053-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the S 1/2 Section 19 to irrigate 152 acres located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 19; all in T115N-R64W. This application proposes to move the center pivot approximately 7 miles east and 1 1/2 miles south with the well to be located in the approximate center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T115N-R63W. The water source for this irrigation system is the Tulare-Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

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Steven M. Pirner,  
Secretary, Department  
of Environment and  
Natural Resources  
No. 1559 (adv.)

Published once at the  
total approximate cost of  
\$38.99.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



December 16, 2014

Redfield Press  
PO Box 440  
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 3053A-3 to Appropriate Water. Please publish the notice once on December 31, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476 (Ph # 605-596-4283).

**Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.**

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

**Schlaak, Karen**

---

**From:** Schlaak, Karen  
**Sent:** Wednesday, December 17, 2014 11:35 AM  
**To:** 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)  
**Subject:** FW: Notice for No. 3053A-3, Brett Binger  
**Attachments:** 3053A-3public.short.docx

Attached is a Notice of Application No. 3053A-3, Brett Binger to be published on December 31, 2014. Mr. Binger (605 460-1604) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Thanks,

*Karen Schlaak*  
Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov



December 16, 2014

Plainsman  
PO Box 1278  
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 3053A-3 to Appropriate Water. Please publish the notice once on December 31, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476 (Ph # 605-596-4283).

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Sincerely,

  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

## Schlaak, Karen

---

**From:** Schlaak, Karen  
**Sent:** Wednesday, December 17, 2014 11:33 AM  
**To:** Ruby Crandall (rnewman.plainsman@midconetwork.com)  
**Subject:** Notice for No. 3053A-3, Brett Binger  
**Attachments:** 3053A-3public.short.docx

Attached is a Notice of Application No. 3053A-3, Brett Binger to be published on December 31, 2014. Mr. Binger (605 460-1604) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Thanks,

*Karen Schlaak*

Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



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

December 16, 2014

Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57476

Dear Mr. Binger:

Water Permit Application No. 3053A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352  
enclosures

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

Instruction to Newspaper - Publish the Notice on December 31, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

---

### NOTICE OF APPLICATION NO. 3053A-3

Notice is given that Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476 has filed Application No. 3053A-3 which requests to amend Water Right No. 3053-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 3053-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the S 1/2 Section 19 to irrigate 152 acres located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 19; all in T115N-R64W. This application proposes to move the center pivot approximately 7 miles east and 1 1/2 miles south with the well to be located in the approximate center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3053A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \_\_\_\_\_.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

FEB 17 2015

Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57476

Dear Mr. Binger:

Enclosed is Water Permit No. 3053A-3 which amends Water Right No. 3053-3 by transferring acreage and point of diversion to other land.

The application was submitted with a check for \$1,050.00. The application /license fee for Permit No. 3053A-3 is \$300.00. Therefore, \$750.00 will be refunded to you. The refund check should be received within the next couple of weeks.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

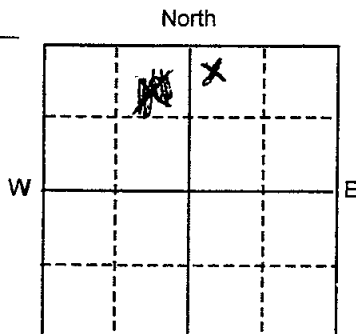
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 32 Twp 115 Rg 63

County Spink

Please mark well location with an "X"



Well Completion Date

5/6/2015

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
None ft. from (identify source)

## PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes  
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

## METHOD OF DRILLING:

Reverse

## CASING DATA:

☐ Steel ☒ Plastic ☒ Other  
 If other describe Stainless Steel

| PIPEWEIGHT   | DIAMETER | FROM  | TO    | HOLE DIAMETER |
|--------------|----------|-------|-------|---------------|
| SDR 26 LB/FT | 16 IN    | 0 FT  | 30 FT | 26 IN         |
| CH 40 LB/FT  | 16 IN    | 30 FT | 60 FT | 26 IN         |
| LB/FT        | IN       | FT    | FT    | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To    |
|------------|--------------|--------------|------|-------|
| #20        | 10           | Lb/gal       | 0 Ft | 25 Ft |
|            |              | Lb/gal       | Ft   | Ft    |

Describe grouting procedure

Tremie Pipe

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 16 Inches Length 30 Feet

Material Stainless Steel

Slot Size .050 Set From 30 Feet to 60 Feet

Other information

## WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

## DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?  
 Lab to which water quality sample sent for analysis

Well Owner: Brett Binger

Business Name:

Address: 38270 182nd St

City, State, Zip: Tulare SD 57476

## WELL LOG:

| FORMATION       | DEPTH |    |
|-----------------|-------|----|
|                 | FROM  | TO |
| Top Soil        | 0     | 2  |
| Yellow Clay     | 2     | 15 |
| Clay & Rocks    | 15    | 25 |
| Sand & Coal     | 25    | 45 |
| Sand & Pea Rock | 45    | 54 |
| Sandy Clay      | 54    | 60 |
|                 |       |    |
|                 |       |    |
|                 |       |    |

## STATIC WATER LEVEL

FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

## WELL TEST DATA:

☒ Pumped Describe: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After Hrs. pumped GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

## REMARKS

RECEIVED

JUN 19 2015

WATER RIGHTS  
PROGRAM

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 5-18-15

3053A-3

SD EForm - 1621LD V1

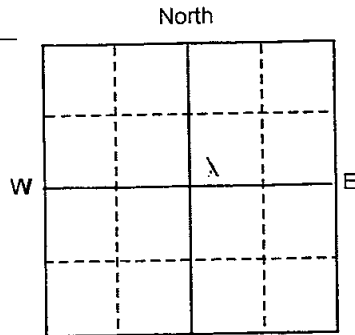
## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 1/4 Sec 32 Twp 115N Rg 63W

County Spink

Please mark well location with an "X"



Well Completion Date

10/14/2015

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
none ft. from (identify source)

## PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes  
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

## METHOD OF DRILLING:

Reverse Circulation

## CASING DATA:

☐ Steel ☒ Plastic ☒ Other

If other describe Stainless Steel

| PIPEWEIGHT | DIAMETER | FROM  | TO    | HOLE DIAMETER |
|------------|----------|-------|-------|---------------|
| SS LB/FT   | 16 IN    | 20 FT | 50 FT | 26 IN         |
| 200 LB/FT  | 16 IN    | 0 FT  | 20 FT | 26 IN         |
| LB/FT      | IN       | FT    | FT    | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To    |
|------------|--------------|--------------|------|-------|
| #20        | 5            | Lb/gal       | 0 Ft | 20 Ft |
|            |              | Lb/gal       | Ft   | Ft    |

Describe grouting procedure

Tremie Pipe

## SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 30 Feet

Material Stainless Steel

Slot Size .050 Set From 20 Feet to 50 Feet

Other information

## WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Brett Binger

Business Name:

Address: 38270 182nd. St.

City, State, Zip: Tulare SD 57476

## WELL LOG:

| FORMATION   | DEPTH |    |
|-------------|-------|----|
|             | FROM  | TO |
| Top Soil    | 0     | 1  |
| Sandy Clay  | 1     | 15 |
| Sand & Coal | 15    | 45 |
| Pea Rock    | 45    | 50 |
|             |       |    |
|             |       |    |
|             |       |    |
|             |       |    |

STATIC WATER LEVEL 14.35 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

## WELL TEST DATA:

☐ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

145 Ft. After 6 Hrs. pumped 50 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

## REMARKS

RECEIVED

NOV - 9 2015

WATER RIGHTS PROGRAM

T: WS/H

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 10-28-15

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

RECEIVED

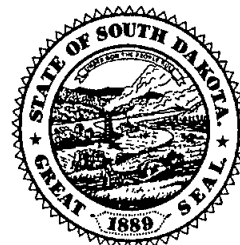
JUL 25 2016

WATER RIGHTS  
PROGRAMDate 7-21-16TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181FROM: Brett Binger  
(name)  
38270 182nd St  
(address)  
Tulare SD 57476 605-596-4283  
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 3053A-3 states that the water use system is to be constructed by~~6-10-16~~, and water is to be put to beneficial use by ~~6-11-16~~ 1-12-2024  
1-20-2020 (date) (date)The water use system was completed on 6-10-16  
(date)Applying the water to beneficial use was completed on 6-11-16  
(date)

You may schedule an investigation so that the water license may be issued.

Brett Binger  
(signature)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

July 28, 2016

3053A-3

Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

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](mailto:genny.mcmath@state.sd.us)

File No. **3053-3**  
**3053A-3**

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

**NAME & ADDRESS:** Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476

**DATE:** June 5, 2024

**TELEPHONE:** 605.460.1604

**RE:** Cancellation and Qualification Modification

**COMMENTS:**

Permit No. 3053-3 was amended to relocate acres and diversion point. In issuing Permit No. 3053A-3, qualification No. 4 called for plugging of the original well. Mr. Binger requested that that qualification be removed so that he may continue using the original well for water livestock. Binger made his initial request in 2019. Paperwork was shuffled and the matter was put off.

I called Mr. Binger to confirm that:

- 1) He still owned the property where the initial well was located. (he does)
- 2) He is still intending to use the original well for livestock. (he has placed a solar powered pump and is actively watering livestock from the well)
- 3) He is agreeable to the cancellation of the "leftovers" under 3053-3 (he was)

Proceeding with scheduling 3053A-3 before the WMB to modify Qualification No. 4 and scheduling 3053-3 for cancellation.



Amanda Dewell  
Water Rights Program

Permit No. 3053A-3

Contact Person & Address: Brett Binger, 38270 182<sup>nd</sup> St., Tulare, SD 57476

**Report of Examination of Works**

On, July 26, 2018, I made a thorough examination of the water use system constructed by Brett Binger holder of Permit No. 3053A-3, bearing the priority of September 14, 1976 authorizing the diversion of 1.78 cu. ft. per second of the waters of ground water (Tulare; Western Spink Hitchcock Aquifer) for irrigation purposes, in Spink County.

The system is in the following condition good. The points of diversion are located from the NW corner of Section 32, T116N, R63W (south well) 1355 feet East and 785 feet south with latitude of 44.73206 and a longitude of -98.43758 and (north well) 1543 feet East and 63 feet South with latitude of 44.73402 and with a longitude of -98.43699 as determined using GPS. The works are capable of diverting and conveying to the place of use South Well 0.4456 cu. ft. per second and North well 1.3368 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Section 32 T115N R63W

NW ¼ NW ¼ - 32.5 ac NE ¼ NW ¼ - 32.5 ac SE ¼ NW ¼ - 32.5 ac SW ¼ NW ¼ - 32.5 ac comprising a total of 130 acres of land and the license should be issued for 1.78 cfs.

**Review of Permit Qualifications and Regulations:**

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none

**Report On the Specifics of the System:**

**Diversion Point Information:**

**Well Information:**

- 1) Well Drilling Firm: Stretch's well Service, Inc.
- 2) No. of Wells 2
- 3) Depth(s) 60 and 50 feet
- 4) Well log is available yes

**Casing:**

- 1) Diameter 16,16 inches
- 2) Length 20,30 feet
- 3) Type stainless steel

**Screen:**

- 1) Type Stainless Steel
- 2) Length 30 feet
- 3) Static water level North Well N/A,  
South well 14.35 feet

**Pump:**

- 1) Make NA
- 2) Model NA
- 3) Size NA
- 4) Capacity 800 GPM combined

**Motor:**

- 1) Make NA
- 2) Model No. both submersible
- 3) Horsepower rating both 40 hp

**DISTRIBUTION LINES OR CANALS:**

1) Type PVC 2) Size 10 inches 3) Length 1350 feet

**SYSTEM TYPE:**

**Center pivot:**

|                                    |                                    |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u>              | 2) Overall length <u>1277</u> feet |
| 3) Number of towers <u>7</u>       | 4) End gun <u>yes</u>              |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM         |

**Comments:**

Two wells were developed instead of the one authorized by Water Permit No. 3053A-3 in order to provide sufficient capacity to supply the center pivot. A report for the purpose of authorizing the additional well will need to be completed.

Dated: 9-4-2018



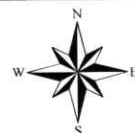
Terry D. Helms, PE  
Water Rights Inspector

**Information obtained after the inspection:**

Mr. Binger on July 6, 2019, stated in a phone conversation to Eric Gronlund that the original well in the S 1/2 Section 19-T115N-R64W was not plugged. Instead he has a solar pump placed on the well for the purpose of watering livestock. Mr. Binger requested that qualification No. 4 to Water Permit No. 3053A-3 be deleted so that he does not have to plug the well and it can be continued to be used for livestock watering.



0 0.075 0.15 0.3 0.45 0.6 Miles



*Jerry Heims*  
Jerry Heims  
Water Right Inspector  
August 7, 2018

## McMath, Genny

---

**From:** Gronlund, Eric  
**Sent:** Tuesday, August 6, 2019 1:45 PM  
**To:** McMath, Genny  
**Subject:** Terry's inspection report on 3053A-3

Language to go in the comment section of Terry's report on 3053A-3. There is also be a couple minor typos when I give Terry's EOW back to you.

Comments:

Two wells were developed instead of the one authorized by Water Permit No. 3053A-3 in order to provide sufficient capacity to supply the center pivot. A report for the purpose of authorizing the additional well will need to be completed.

Mr. Binger on July 6, 2019, stated in a phone conversation to Eric Gronlund that the original well in the S 1/2 Section 19-T115N-R64W was not plugged. Instead he has a solar pump placed on the well for the purpose of watering livestock. Mr. Binger requested that the qualification No. 4 to Water Permit No. 3053A-3 be deleted so that he does not have to plug the well and it can be continued to be used for livestock watering.

*Eric Gronlund*  
*Water Rights Program, DENR*  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@state.sd.us)



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

June 10, 2024

**NOTICE OF HEARING**

TO: Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*  
Water Rights Program

SUBJECT: Notice Scheduling Hearing Regarding the Request to Modify Qualification No. 4  
on Water Permit No. 3053A-3, Brett Binger

Water Permit No. 3053A-3 amended Water Right No. 3053-3 by transferring a portion of the irrigated acres and the point of diversion to other land. Water Right No. 3053-3 appropriated 1.88 cubic feet of water per second from one well (Tulare: Western Spink Hitchcock Aquifer), located in the center of the S  $\frac{1}{2}$  Section 19, to irrigate 152 acres located in the E  $\frac{1}{2}$  SW  $\frac{1}{4}$  & W  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 19; all in T115N-R64W. The amendment allowed for the transfer of the diversion point and 130 acres to the NW  $\frac{1}{4}$  Section 32, T115N-R63W. Qualification No. 4 placed on Permit No. 3053A-3 required plugging of the original well located in the center of the S  $\frac{1}{2}$  Section 19, T115N-R64W.

You have requested the modification of Qualification No. 4 to not require plugging of the well since the well is still in use for livestock watering.

As Chief Engineer, I am recommending the modification of Qualification No. 4 on Water Permit No. 3053A-3 to read as follows:

4. The original well authorized by Water Right No. 3053-3 located in the center of the S1/2 Section 19, T115N-R64W must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04, if the well is abandoned.

The Water Management Board will conduct a hearing to consider modifying Qualification No. 4 on Water Permit No. 3053A-3 at **9:30 AM, on Wednesday July 10, 2024 (Central Time)** in the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (*the agenda time is an estimate, and actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) modify the qualification as recommended, 2) delay action, or 3) take no action on Water Permit No. 3053A-3 based upon facts presented at the public hearing.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-14; 46-2-5, 46-2-9, 46-2-11; and Board Rules ARSD 74:02:01:14. This is a contested case pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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.

Prior to June 21, 2024, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed modification to qualification No. 4; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 21, 2024.

Questions regarding the hearing process may be directed to Amanda Dewell, Permitting Administrator, Water Rights Program, at (605) 773.3352 or [Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us)

Cc: Jennifer Verleger, Assistant Attorney General  
Legal Counsel for Chief Engineer

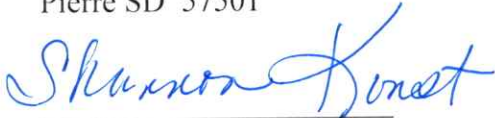
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF HEARING, PERMIT NO. 3053A-3 dated June 10, 2024, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following parties on June 10, 2024.

Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57576

Above also Sent Inter-office to:

Jennifer Verleger, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501



Shannon Konst  
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA                    )  
                                                          ) SS  
COUNTY OF HUGHES                    )

Sworn to, before me, this 10<sup>th</sup> day of June, 20 24.

  
Rachel Rodriguez Notary Public  
My Commission expires May 16, 2029



## Approval of Location Change and/or Additional Diversion Point(s)

NAME: BRETT BINGER

COUNTY: SPINK

ADDRESS: 38270 182<sup>ND</sup> ST, TULARE SD 57476

DATE: July 11, 2024

### GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

Water Permit No. 3053A-3 authorized one well, to be located in the approx. center of the NW 1/4 Section 32, T115N-R63W, for irrigation of 130 acres.

### AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased:

#### Developed water source same as permitted source and no additional water appropriated

A licensing inspection found two wells (50' & 60' deep), both located in the NE 1/4 NW 1/4 Section 32, T115N-R63W. The water source remains in the Tulare: Western Spink Hitchcock Aquifer. The permit authorized transfer of 1.78 cfs of diversion rate authority from WR No. 3053-3 to a new location. The licensing inspection found the two wells capable of producing a combined diversion rate of 1.78 cfs and the center pivot's capacity is set for 1.78 cfs.

#### If irrigation, no new land is irrigated

Water Permit No. 3053A-3 authorized the irrigation of 130 acres, transferred from WR No. 3053-3. Only 130 acres have been developed under Permit No. 3053A-3.

### Review of Existing Diversions

The Binger wells are within one-half mile of the wells authorized by Water Right No. 2428A-3(Lee Gatzke) and 2592A-3(Clayton Kloss). The wells have co-existed for a number of years without issue. No unlawfully impairment is expected.

There is one domestic well, completed into the T:WSH Aquifer, located in the NE 1/4 NE 1/4 Section 31, T115N-R63W, owned by Clayton Kloss, drilled in 2023. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

### RECOMMENDED ACTION

Based on the above criteria, it is recommended that the request for the additional diversion point be approved.



Amanda Dewell, Permitting Administrator  
Water Rights Program

**The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:**  
*This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.*



Eric Gronlund, Chief Engineer  
Water Rights Program



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**JUL 15 2024**

3053A-3

Brett Binger  
38270 182<sup>nd</sup> St  
Tulare SD 57476

Dear Mr. Binger:

On July 10, 2024, the Water Management Board took action to amend Qualification No. 4, previously requiring that the original well, authorized under Water Right No. 3053-3, be plugged. Qualification No. 4 now mandates that the original well, located in the S ½ Section 19, T115N-R64W, be plugged if its use is abandoned, allowing for its continued use for livestock watering.

Enclosed is Water License No. 3053A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So 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. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 3053A-3**

---

(1) Brett Binger, 38270 182<sup>nd</sup> St, Tulare SD 57476, made Application No. 3053A-3, November 25, 2014, for a water permit to transfer the diversion point and 130 of the irrigated acres, to a new location. Permit No. 3053A-3 authorizes the diversion of 1.78 cubic feet of water per second from groundwater, one well (Tulare: Western Spink Hitchcock Aquifer), Spink County, South Dakota for irrigation purposes. Permit No. 3053A-3, with a priority date of September 14, 1976 (established by Water Right No. 3053-3), was approved January 12, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 12, 2020, and for the application to beneficial use of water on or before January 12, 2024.

The permit holder submitted a 'Notice of Completion of Works' in July 2016, stating that the water use system was completed, and water put to beneficial use in June 2016.

An investigation for the purpose of licensing, found a second well had been drilled to help supply the irrigation system. The two wells combined produce a total of 1.78 cfs. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the additional diversion point did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder 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 locations of the diversion points are:

- North Well: 1,543 ft E & 63 ft S of the NW corner of Section 32, T116N-R63W (NE ¼ NW ¼)  
(Latitude 44.73402 & Longitude -98.43699)
- South Well: 1,355 ft E & 785 ft S of the NW corner of Section 32, T116N-R63W (NE ¼ NW ¼)  
(Latitude 44.73206 & Longitude -98.43758)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

|                        |            |           |            |
|------------------------|------------|-----------|------------|
| Section 32, T115N-R63W |            |           |            |
| NE ¼ NW ¼              | 32.5 acres | SW ¼ NW ¼ | 32.5 acres |
| NW ¼ NW ¼              | 32.5 acres | SE ¼ NW ¼ | 32.5 acres |
| TOTAL: 130 acres       |            |           |            |

(5) Pursuant to South Dakota Water Law 46-5-30.1 Brett Binger, the holder and/or owner of Water Right No. 3053A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, two wells (Tulare: Western Spink Hitchcock Aquifer), with a priority date of September 14, 1976, from the location specified in (2) of this license for irrigation purposes.

*continued*

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 3053A-3 and subject to the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 3053A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *(Both wells were drilled in 2015 by Stretch's Well Service Inc. Copies of the well completion reports are on file with the Water Rights Program.)*
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The original well authorized by Water Right No. 3053-3 located in the center of the S ½ Section 19, T115N-R64W, must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04, if the well is abandoned. *(Qualification No. 4 was amended by the Water Management Board on July 10, 2024.)*

*Eric Gronlund*

Eric Gronlund, Chief Engineer  
Water Rights Program  
Department of Agriculture and Natural Resources

JUL 15 2024

date

