

Considered: _____

WATER PERMIT NO. 3375A-3

Phone: _____

Name of Applicant: Loy Bardwell

Post Office Address: RR 1, Box 158, Springfield SD 57062

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: Missouri River

Water to be used for: Irrigation County: Bon Homme

About 3N, 4E miles _____ of Springfield

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-5-91 Fee: \$50 Remarks Change

diversion point on Water Permit No. 3375-3

Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

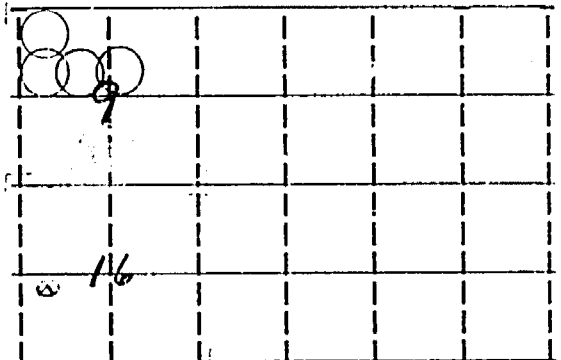
WATER QUALITY APPROVAL RECEIVED 10-28-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SW 1/4 Sec 16-T93N-R59W

Land to be Irrigated: W 1/2 NW 1/4, SE 1/4 NW 1/4,

SW 1/4 NE 1/4 Sec 9-T93N-R59W



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Ken Buhler Reviewed and the Number

Assigned on 10-22-91 By Karen Schlaak

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3375A-3

(1) Loy Bardwell, of RR 1 Box 198, Springfield, SD 57062 made Application No. 3375A-3, February 5, 1991 for a water permit to appropriate no additional cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 3375A-3, with a priority date of December 28, 1976 (established under Water Permit No. 3375-3) was approved February 4, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 3375A-3 specifies the correct location of the diversion point developed under Water Permit No. 3375-3. The applicable portions of Water Permit No. 3375-3 have been incorporated into this Water License No. 3375A-3. A December 28, 1976 priority is retained as established under Permit No. 3375-3.

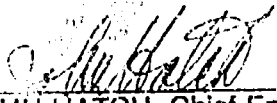
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.92 cubic feet of water per second for beneficial use. The location of the diversion point is 2640 feet N and 660 feet E from the SW corner of Section 16 T93N-R59W (NW1/4 SW1/4).

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

T93N-R59W	Section 9	SW1/4 NE1/4	28 acres
		NW1/4 NW1/4	35 acres
		SW1/4 NW1/4	35 acres
		SE1/4 NW1/4	37 acres
		Total	135 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Loy Bardwell of RR 1 Box 198, Springfield, SD 57062 the holder and/or owner of Incorporated Water Permit No. 3375A-3 is issued a license to appropriate water, the right to use 1.92 cubic feet of water per second from the Missouri River with a priority date of December 28, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 3375A-3 and subject to South Dakota State Law.

OCT 15 1993



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

from pending file

FORM 2: Application for irrigation (type or print)
in South Dakota

(See instructions)

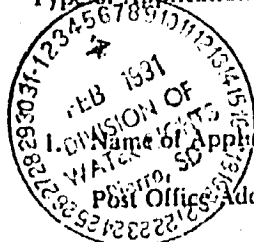
Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 779-3352

No. 3375A-3 Hydrologic Unit 1017010.1
Basin Missouri River Basin
Newspaper Springfield Times, Box 365 (Wed)

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

Type of Application:

- ☐ New ☐ Vested Right ☒ Amend Permit No. 3375-3
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____



Name of Applicant Loy Bardwell Phone No. _____

Post Office Address RR. #1, Box 198 Springfield State SD 57062
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated no add'l
3. Source of Water supply Missouri River
4. Location of point of diversion 2650 feet N14°E from the SW corner of Sec. 16, T93N-R59W
(NE 1/4 NW 1/4 NW 1/4 SW 1/4 Sec. 16, T93N-R59W)
_____ Bon Homme _____ County SD
5. Counties where water will be used Bon Homme
6. Annual period during which water is to be used April through October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NW 1/4 NW 1/4 9-43-59</u>	<u>35</u>
<u>SW 1/4 NW 1/4 9-43-59</u>	<u>35</u>
<u>SE 1/4 NW 1/4 9-43-59</u>	<u>37</u>
<u>SW 1/4 SE 1/4 9-43-59</u>	<u>28</u>

Attach sheet if more space is needed

Land Description	No. Acres Irr.

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: x Gun: _____ Other: _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

Change the diversion point authorized by Water Permit No. 3375-3 from the NE 1/4 of the NE 1/4 of Sec. 16, T93N-R59W to the NW 1/4 of the SW 1/4 of Sec. 16, T93N-R59W.

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

STATE OF SOUTH DAKOTA)
County of Bon Homme)^{ss}

I, Loy Bardwell, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Loy Bardwell

Subscribed and sworn to before me this 17th day of February 1991

Notary Public

REPORT ON WATER PERMIT APPLICATION NO. 3375A-3
LOY BARDWELL
NOVEMBER 6, 1991

Application No. 3375A-3, Loy Bardwell, proposes to correct the location of the diversion point authorized by Water Permit No. 3375-3. Water Permit No. 3375-3 authorizes 6 cubic feet of water per second (cfs) from the Missouri River. The diversion point was to be located in the NE 1/4 NE 1/4 Section 16; to irrigate 410 acres located in portions of the NW 1/4, SW 1/4 NE 1/4, Section 8; all in T93N-R59W. An inspection of Water Permit No. 3375-3 found 135 acres could be irrigated at a pumping capacity of 2.67 cfs from the Missouri River. The correct location of the diversion point is in the NW 1/4 SW 1/4 Section 16-T93N-R59W. No increase in the authorized diversion rate of 1.92 cfs or number of acres being irrigated is authorized by this application.

Water Source

The water source is the Missouri River, which is known to have ample supplies of unappropriated water available. This application is located approximately three miles east of Springfield, SD in Bon Homme County.

Review of Water Rights/Permits

This application requests no additional water (no more than 1.92 cfs) and no additional acreage (no more than 135 acres). There are numerous water rights/permits diverting from the Missouri River below Application No. 3375A-3. Because there is ample water in the Missouri River, the change in diversion points requested by Application No. 3375A-3 is unlikely to cause adverse effects on the downstream water rights/permits. There have been no complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, the change of diversion point location will not effect existing water rights/permits.
2. If the Water Permit Application No. 3375A-3 is approved, it should contain the following qualifications:
 - a. Subject to the irrigation questionnaire being submitted every year.

- b. Water Permit No. 3375-3 and Water Permit Application No. 3375A-3 should be incorporated into one Water License for 1.92 cfs to irrigate 135 acres.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer I

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, PE
Natural Resources Engineer IV

References

Job, Norma C., 1991, Report on Application No. 1089A-3, SD DENR,
Division of Water Rights, Joe Foss Building, Pierre, SD 57501

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3375A-3, Loy Bardwell

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 3375A-3, Loy Bardwell, RR 1 Box 198, Springfield, SD 57062.

The Chief Engineer is recommending APPROVAL of Application No. 3375A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
November 8, 1991



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

December 30, 1991

Loy Bardwell
RR 1 Box 198
Springfield, SD 57062

Dear Mr. Bardwell:

Water Permit Application No. 3375A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Springfield Times printed at Springfield, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely, .

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 30, 1991

Springfield Times
Box 365
Springfield, SD 57062

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 3375A-3 to be published twice. Please publish the first notice on January 8, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Loy Bardwell, RR 1 Box 198, Springfield, SD 57062.

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

.....

NOTICE OF HEARING on Application No. 3375A-3 to Appropriate Water
and to Amend Water Right No. 3375-2

Notice is given that Loy Bardwell, RR 1 Box 198, Springfield, SD 57062 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 3375-3 appropriates 6.0 cubic feet of water per second (cfs) from the Missouri River, located in the NE 1/4 NE 1/4 Section 16 to irrigate 410 acres located in portions of the NW 1/4, SW 1/4 NE 1/4, Section 9, E 1/2 NE 1/4 Section 7, E 1/2 SW 1/4 Section 6, W 1/2 NE 1/4 Section 8; all in T93N-R59W. An inspection of Permit No. 3375-3 found 135 acres could be irrigated at a pumping capacity of 2.67 cfs from the Missouri River. The correct location of the diversion point is the NW 1/4 SW 1/4 Section 16-T93N-R59W. No increase in the authorized diversion rate of 1.92 cfs or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-1, the Chief Engineer recommends APPROVAL of Application No. 3375A-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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 3375A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-25. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLIC

STATE OF SOUTH DAKOTA)

County Bon Homme) ss.I, Wayne L. Bechtel

certify that the attached printed Notice wa

from the Springfield TimesA newspaper which during the whole time of publ
said notice herein after stated, has been and is pri
published in the _____City of SpringfieldCounty of Bon Homme and State of South
that the said notice was published in said newspap
following two dates:Jan. 8, 1992Jan. 15, 1992Wayne L. Bechtel
(Signature)Publisher
(Title)1-15-92

(Date Signed)

Cost of Printing: 1-8-92 133 Lines @ 2521-15-92 " " " " @2 wk. Total \$67.52

Public Notices

NOTICE OF HEARING
on Application No. 3375A-3 to
Appropriate Water and to
Amend Water Right No. 3375-3

Notice is given that Loy Bardwell, RR 1, Box 198, Springfield, SD 57062 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 3375-3 appropriates 8.0 cubic feet of water per second (CFS) from the Missouri River, located in the NE 1/4 NE 1/4 Section 16 to irrigate 410 acres located in portions of the NW 1/4, SW 1/4 NE 1/4, Section 9, E 1/2 NE 1/4 Section 7, E 1/2 SW 1/4 Section 6, W 1/2 NE 1/4 Section 8; all in T03N-R59W. An inspection of Permit No. 3375-3 found 135 acres could be irrigated at a pumping capacity of 2.67 CFS from the Missouri River. The correct location of the diversion point is the NW 1/4 SW 1/4 Section 16-T03N-R59W. No increase in the authorized diversion rate of 1.92 cfs or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3375A-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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. 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.

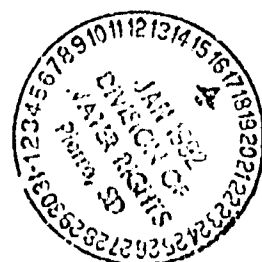
For purposes of publishing 1) the

notice of hearing on Application No. 3375A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 a.m. in room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the February 4, 1992, hearing date will be rescheduled for regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing may contact the Division of Water Rights to confirm a hearing date and location. The February 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.

(Publish January 8 and 15)





Department of Water & Natural Resources

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

January 2, 1990

Loy Bardwell
RR 1, Box 198
Springfield SD 57062

Dear Mr. Bardwell:

This office is in the process of issuing a Water License for Water Permit No. 3375-3. Inspection of the Works and review of the water permit indicates that the point of diversion used is not in the location authorized by the Water Permit. Enclosed find a completed Application For Soil/Water Compatibility Permit and Permit to Appropriate Water to correct this problem. Please sign the application, have it notarized, and return it for processing. The application fee is \$50.00. If you have any questions, feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ken Buhler". The signature is written in a cursive, flowing style.

KEN BUHLER
Natural Resources Engineer
Division of Water Rights
(605)773-3352



January 30, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

Loy Bardwell
RR 1, Box 198
Springfield SD 57062

Dear Mr. Bardwell:

On January 7, 1990, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 3375-3 by Ken Buhler, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review the application, have it signed and notarized and return with the filing fee of \$50.00.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 3375-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application forms or contacting me by April 1, 1991.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

Loy Bardwell
RR 1 Box 198
Springfield, SD 57062

Dear Mr. Bardwell:

Enclosed is Water Permit No. 3375A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

SOUTH DAKOTA
WATER PERMIT No. 3375A-3 FOR IRRIGATION

Date of first receipt of application February 5, 1991.

Date Soil/Water Compatibility Permit received October 28, 1991.

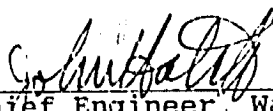
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3375A-3 to Loy Bardwell, RR 1, Box 198, Springfield SD 57062 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3375A-3 specifies the correct location of the diversion point. Water Permit No. 3375-3 appropriates 6.0 cubic feet of water per second (cfs) from the Missouri River, located in the NE 1/4 NE 1/4 Section 16 to irrigate 410 acres located in portions of the NW 1/4, SW 1/4 NE 1/4 Section 9, E 1/2 NE 1/4 Section 7, E 1/2 SW 1/4 Section 6, W 1/2 NE 1/4 Section 8; all in T93N-R59W. An inspection of Permit No. 3375-3 found 135 acres of irrigation developed and a pumping capacity of 2.67 cfs from the Missouri River. The correct location of the diversion point is the NW 1/4 SW 1/4 Section 16-T93N-R59W. No increase in the authorized diversion rate of 1.92 cfs or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is December 28, 1977.
4. The date of approval of Permit No. 3375A-3 is February 4, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

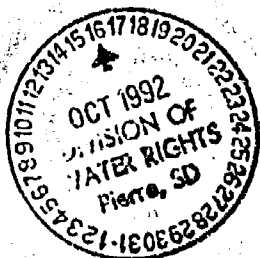
By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 7 1992
date

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



Print your name, address and ZIP Code here

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete item 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 will show to whom the article was delivered and the date delivered.

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:

3375A-3

Loy Bardwell
RR 1, Box 198
Springfield, SD 57062

4a. Article Number

P 906 559 945

4b. Service Type

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

7. Date of Delivery

Oct 15 92

5. Signature (Addressee)

Loy Bardwell

6. Signature (Agent)

Loy L. Myers

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 3375A-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Loy Bardwell
RR 1, Box 198
Springfield, SD 57062

Dear Mr. Bardwell:

On August 7, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 3375A-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

RECEIPT

413472

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 20, 19 92

RECEIVED OF Loy Bardwell, RR 1 Box 198, Springfield, SD 57062

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>3375A-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

File No. 3375A-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Loy Bardwell

ADDRESS: RR #1 Box 198, Springfield, SD 57062 COUNTY: Bon Homme

DATE: November 30, 1992

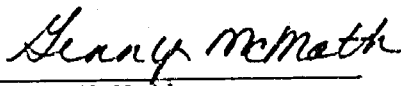
RE: Priority date of Water Permit Nos. 3375-3 and 3375A-3

COMMENTS:

The priority date of December 28, 1977 specified in Water Permit Nos. 3375-3 and 3375A-3 is in error. The correct date should be December 28, 1976.

Water Permit Application No. 3375-3 was submitted December 28, 1976. The application was complete and did not have to be returned for correction or amendment. The permit was approved January 27, 1977. When the permit was written up, the 1977 approval date was carried forward and written into the space representing the priority date.

The applicable portions of Water Permit No. 3375-3 will be incorporated into Water License No. 3375A-3. The water license will reflect the correct priority date of December 28, 1976.


Genny McMath
Natural Resources Analyst
DENR, Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 15 1993

3375A-3

Loy Bardwell
RR 1, Box 198
Springfield, SD 57062

Dear Mr. Bardwell:

Enclosed is Water License No. 3375A-3 and Receipt No. 413472 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3375A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,


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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 3375-3 have been incorporated into this Water License No. 3375A-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 30, 1993

3375A-3

Dean Bardwell
RR #1 Box 206
Springfield, SD 57062

Dear Mr. Bardwell:

Enclosed is your check #300 in the amount of \$50.00 which you submitted for payment of inspection and licensing fees for Water Right No. 3375A-3. The documents you recently received from us were your Water License No. 3375A-3 and a Receipt for \$50.00. The license and inspection fee has been paid (see Receipt dated October 20, 1992) and another license fee is not required.

During our November 29, 1993 telephone conversation, Mrs. Bardwell stated that ownership of Water Right No. 3375A-3 should be under your name instead of under Loy's name. Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change.

Please review the form for accuracy and make any necessary corrections. The form must be signed by you in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. Once the form and fee are received in our office, the Water Right and all other pertinent files will be transferred to your name.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

412525

South Dakota Department of Water and Natural Resources

Pierre, February 5, 19, 1931

RECEIVED OF Loy Bardwell, RR #1 Box 198, Springfield, SD 57062

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

Fee for Application for Permit No. <u>337-59-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By V. S. H. G. D. (M.A.)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4650

WR#

OWNERS NAME: HARDWELL, LOY OWNERS ADDRESS: RR 1 BOX 199
SPRINGFIELD, SD 57062-9623

COUNTY LAND LOCATED IN: DON ROBERT PHONE: 669-2647

MISSOURI RIVER

LEGAL DESCRIPTION: 2650' N140W from the SW corner of 16-T93N-R59W ☐ Well ☐ Surface
1. LOCATION (NE 1/4 NW 1/4 SW 1/4 16-T93N-R59W)
Depth _____

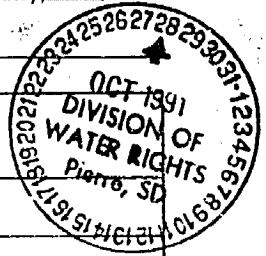
Legal Description	Acres	Legal Description	Acres
NE 1/4 NW 1/4 9-T93N-R59W	35		
SW 1/4 NW 1/4 9-T93N-R59W	35		
SE 1/4 NW 1/4 9-T93N-R59W	37		
SW 1/4 NW 1/4 9-T93N-R59W	28		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁻¹): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____



Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.

XXX APPROVED XXX REQUIREMENTS
 DISAPPROVED
 WAIVER

Director, Division of Conservation

OCTOBER 21, 1991

Date

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

3375A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1994

SECOND NOTICE
Permit No. 3375A-3

Dean Bardwell
RR 1, Box 206
Springfield, SD 57062

Dear Mr. Bardwell:

On November 30, 1993, notice was sent to you concerning the transfer of Water Right No. 3375A-3 in the name of Loy Bardwell. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

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 will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Dean Bardwell
RR 1, Box 206
Springfield, SD 57062

5. Signature (Addressee)

Debbie Bardwell

6. Signature (Agent)

J. M. M...

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

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

Consult postmaster for fee.

3375A-3

4a. Article Number

P 318 052 634

4b. Service Type

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

7. Date of Delivery

3-19-98

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

3375A-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3375A-3Date: 3-21-94I\We request that Water Right No. 3375A-3formerly owned by: Loy Bardwellbe transferred to: Dean Bardwell, RR #1 Box 206, Springfield, SD 57062(Telephone No) 589-3198

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

135 acres - SW¼ NE¼, NW¼ NW¼, S¼ NW¼, Section 9, T23N, R50W

I\We understand that the validity of Water Right No. 3375A-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 Bon Homme)

I\We DEAN BARDWELL 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.

Dean Bardwell
(Signed)

Subscribed and sworn to before me this 23rd day of March, 19 94.

David J. Giesman
(Notary Public)

comm. exp. 9-2-95

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

414109

South Dakota Department of Environment and Natural Resources

RECEIVED OF D & D Farms (Dean Bardwell) RR 1 Box 206, Springfield, SD Pierre, March 28, 19 94 57062
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 _____ Water Right No. 3375A-3	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John W. Hatch
Chief Engineer

3375A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 1, 1994

No. 3375A-3

Dean Bardwell
RR 1, Box 206
Springfield, SD 57062

Dear Mr. Bardwell:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3375A-3.

Our records now show you as the owner of Water Right No. 3375A-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure



3375A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

LOY BARDWELL
RR 1 BOX 198
SPRINGFIELD SD 57062

NOTICE

RE: Violation of Water Permit No 3375A-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 3375A-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 3375A-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 3375A-3 in accordance with applicable provisions of SDCL 46-1-12;
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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



3375A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1995

3375A-3

Dean Bardwell
RR #1 Box 206
Springfield, SD 57062

Dear Mr. Bardwell:

Enclosed is a copy of the "Notice of Transfer of Ownership" you filed in March, 1994. The water right had been transferred, I somehow neglected to change the name over for the irrigation questionnaire mailings. Thank you for contacting me concerning this matter.

You may disregard the February 7, 1995, **Notice of Violation of Permit No. 3375A-3** (mailed to Loy Bardwell). Since the original questionnaire and subsequent "Notice of Violation" were sent to Loy Bardwell instead of to you, you were not properly notified of the requirement to submit the questionnaire.

You may keep the copy of the transfer notice for your records. If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 3375A-3

July 23, 2015

Dean Bardwell
41829 310th St
Springfield SD 57062

Dear Mr. Bardwell:

On Thursday, July 16, 2015, a staff member from the Bon Homme County Highway Department observed overspray from the irrigation system located in the NW 1/4 Section 9-T93N-R59W onto the adjacent road (see attached photo). This irrigation system is covered by Water Right No. 3375A-3 which is held by you.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in the Department of Environment and Natural Resources (DENR) taking enforcement action.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,


Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

c: Bon Homme County Highway Dept.



1/4 mile east of 418th Ave on 310th St
~~photo~~ photo taken 7-16-15 by IA

~~Quarter~~ mile

RECEIVED

JUL 22 2015

WATER RIGHTS
PROGRAM

Dean Bardwell

41829 310th St Springfield S.D.
57062

Bon Homme Twp Sec 9 NW $\frac{1}{4}$

Sent 7-20-15 by

Dennis A. Hovorka BH Co Hwy Supt.

Schlaak, Karen

From: Duvall, Ron
Sent: Tuesday, July 28, 2015 11:52 AM
To: Gronlund, Eric; Schlaak, Karen
Subject: Irrigation Overspay

Dean Bardlow sp? called and said they had an equipment malfunction which has now been corrected so the problem with overspay should be fixed.