

Water Right Number 3458-3

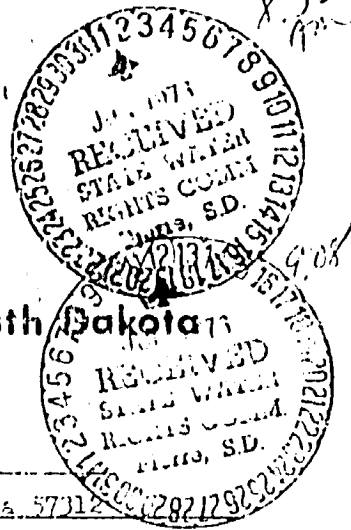
1. Considered 1-26, 1977
2. Name of Applicant DARWIN OSCHNER
3. Post Office Address ALPENA
4. Amount of Water claimed 2.0
5. Source of Water supply 14' DEEP DUGOUT
6. Water to be used for IRRIGATION
Acres to be irrigated 145
7. Water to be diverted and used in BEADLE County
about 2W, 2N miles of ALPENA
8. Proof of Publication Received 1-25-77
Not Received
9. Application Approved
Subject to
Not Approved
Action Deferred
10. Remarks:

No. 3458-3Map No. 2738-3 Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)



1. Name of Applicant Darwin Ochsner
 Postoffice address Alpena, State South Dakota 57312
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Ochsner #2
 4. Amount of water claimed (cubic feet per second) 2.0
 5. Source of water supply dugout Stock Dam & well W.R. # 2974-2
 6. Location of point of diversion SW of the middle of SE $\frac{1}{4}$ of Section 34-109N-63W

- County Beadle
 7. Annual period or periods during which water is to be used April - November 1st
 8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 145

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 34-109N-63W	40		
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 34-109N-63W	25		
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 34-109N-63W	40		
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 34-109N-63W	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman
 12. Principal Features of the Proposed Water Supply System.

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

Bowl - pump

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

Mainline

C. Works proposed to apply water to beneficial use

Tow line

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Beadle)

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

Subscribed and sworn to before me this

Signed

Darwin Ochsner

9th day of July, 1976

Notary public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3458-3
DARWIN OSSNER ALPENA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57312 With the following modifications:
 (State)

Date of first receipt of application JULY 12, 19 76
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application —, 19 —
 Approved JANUARY 26, 19 77, Recorded in Book 17 Page 189
 WATER RIGHT PERMIT No. 3458.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3458-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 12, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26, 19 79
3. The whole of said work is to be completed on or before JANUARY 26, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 26, 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre-feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 26, 19 84; said water to be used during the following described annual period: APRIL NOVEMBER 1

Witness my hand this 13TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams. (Supplement to form 2)

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

D Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

(1) Surface dimensions 60' x 150', Depth 14'

F Fill out for either a Well or a Dugout.

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

Character of Water bearing materials coarse gravel with some fine

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) 2'

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

On same owner's property 240 rds. On property owned by others 160 rds.

G. Water Storage Dams.

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

Darwin Perkins
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

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

NAME Darwin Ochsen

ADDRESS Alpena, South Dakota 57312

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION: SW of the middle of SE $\frac{1}{4}$ Section 34-109N-63
2. LOCATION OF AREA TO BE IRRIGATED SE $\frac{1}{4}$ of Section 34-109N-63W

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE X _____ CENTER PIVOT _____ GUN _____
4. CROPS TO BE IRRIGATED Alfalfa and Intermediate

WATER QUALITY

5. SAMPLE NUMBER 76-570
6. SALINITY (EC X 10⁶) 1365 (high)
7. SODIUM (SAR) 3.03 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) _____

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

Darwin Ochsen
APPLICANT'S SIGNATURE

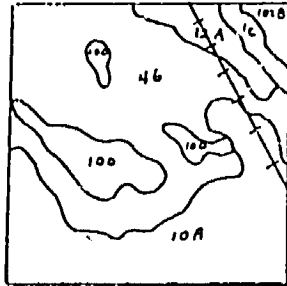
SUBSCRIBED AND SWORN BEFORE ME THIS
26 DAY OF May 19 76.

Rick Kedge, Beadle Cons. Dist. Sec.
(TITLE OR SEAL)

Alpena, SD
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

SOILS MAP



SE¹/₄-34-109-63

SOILS LEGEND

- 1C** Houdek-Ethan loams, 6 to 9 percent slopes
This unit consists of deep well drained loamy soils with calcareous substratums. Permeability is moderately slow. The subsoils contain 30-35% clay. Most of the slopes in these areas are less than 8 percent.
- 10A** Delmont loam, 0 to 2 percent slopes
This unit consists of well drained soils on nearly level terraces. These soils have a loam solum 10 to 20 inches thick which are underlain by sands and gravels. Permeability is moderate in the loam sola and rapid in the underlying material. Surface runoff is slow.
- 12A** Enet loam, 0 to 2 percent slopes
These are well drained soils with 20-40 inches of loam over sand and gravel. Permeability is moderate in the loamy upper part and rapid in the sands and gravels. Clay loam glacial till is at depths below 40 inches in some places.
- 46** Egas silty clay loam
This unit consists of deep, poorly drained soils in enclosed depressions. They have clay loam profiles. Salts occur at depths of less than 10 inches. Permeability is slow. These areas pond during wet periods.
- 102B** Houdek-Prosper loams, 2 to 6 percent slopes
This unit consists of deep well and moderately well drained loamy soils with calcareous substratums. The subsoils contain 30-35% clay. Depth to the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Included within these areas are small enclosed depressions and small areas of soil with claypan subsoils which contain salts. Drainage or fill of these included areas may become desirable to prevent ponding and excessive wetness.
- 100** Marsh

Darwin Ochsner unit

Soil Conservation Service
Bendle Conservation District

Al Grifth

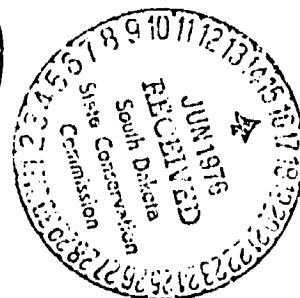
S. D. Conservation Comm.

Al - This man is planning to only irrigate that area designated as soil type 10A. This is native pasture and will remain in pasture.

He is looking for used tow-line and plans to irrigate if he is short of moisture.

If you have questions about this, give me a call.

Dick Judson
Beadle Co. Ext. Agent.



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

Submitted by: Dorinda Oehler
 Address: Pierre, SD 57312

Date Rec'd June 1, 1976
 Sample No. 76-170
 Identification 631
SE2, Sec. 24, T 109N, R 63W

WATER ANALYSIS

Calcium (Ca)	93	ppm*	4.65	me/l**
Magnesium (Mg)	75	ppm	6.15	me/l
Sodium (Na)	162	ppm	7.05	me/l
Potassium (K)	44	ppm	1.13	me/l
Sulfate (SO ₄)	405	ppm	3.42	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	29	ppm	0.82	me/l
Bicarbonate (HCO ₃)	478	ppm	7.84	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	392	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1365	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	3.03			
Sodium	37.14	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.31			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 18.98 me/l
 Total anions 17.03 me/l



By: Shirley Hatten

Service Performed	Amount Due
Irrigation analysis	\$8.00

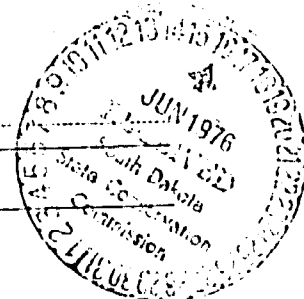
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

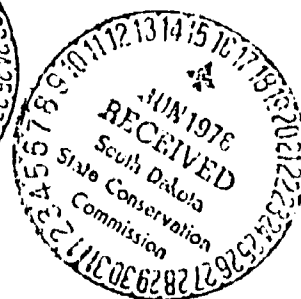
Sample No. 76-170

Amount Enclosed \$

Signed



June 11, 1976



Mr. Darwin Ochsner
Alpena, SD 57312

Dear Mr. Ochsner:

We have received your WI-1 form and the soils information. The analysis of your water sample (#76-570) has been completed. The original copy of the report of this analysis is enclosed for your keeping. I am also enclosing a copy of AES publication #15 with a red cross in the chart on the outside back cover denoting the approximate quality of this water for irrigation uses. You will see that it is in the high salinity, low sodium category.

Consequently, this water is suited for irrigation use with certain restrictions. It is suited for moderately, infrequent use, that is, perhaps not more than 3 times in any growing season. But when it is used, it should be used in large quantities so that the salt is carried is well distributed throughout the whole root zone and not concentrated in the upper part of the soil. If it is used in frequent, light applications, you will soon experience a salt accumulation in the upper part of the soil which will make it difficult for crops to obtain the water they need and for seeds to germinate. and it will eventually also reduce yields drastically. For these reasons, I make the above recommendation on infrequent use and large quantities. It also may be necessary to occasionally apply large quantities of water late in the fall so that fall and winter precipitation and sometimes spring precipitation, which we get, will cause effective leaching. This may not happen every year but occasionally this does aid in the leaching of salts out of the root zone.

A copy of this letter, and of the water analysis, plus the WI-1 form and soils information are being sent to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc;>State Conservation Commission

D. Pahl

Dick Fadgen, County Extension Agent

Kenneth A. Houska, District Conservationist

No. 3458-3

Publish first publication, on or before January 17, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 12, 1977

Notice is hereby given that Darwin Ochsner

whose post office address is ~~Alpena~~, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.0 cubic feet of water per second of time from the ground water through the _____, the point of diversion of which is to be located in the _____

A dugout in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T109N, R63W and a

well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T109N, R63W

of Section ~~xxxxxx~~ Two, ~~xxxxxx~~, Range ~~xxxxxx~~. Said water to be used for the purpose
portions of
of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 34, T100N, R63W

This application No. 3458-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 1977, at 10:00 A. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist.

BFJ/bw
cc:

Darwin Ochsner, Alpena, S.D. 57312

No. 3458-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

Brenda Haskett

I, _____ hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Huron Daily Plaindealer

Water was taken from the _____

A newspaper which during the whole time of publication of said notice
herein stated, has been and is printed and published in the _____
city

_____ of _____
Beale

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

1-17-77

1-24-77

Brenda Haskett
(Signature)
Brenda Haskett

Bookkeeper

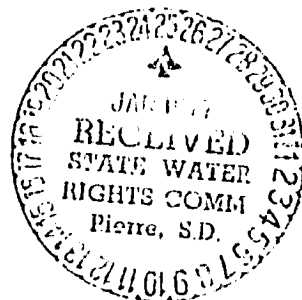
(Date Signed)

F.P. 1-17-77 L.P. 1-24-77
NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
January 12, 1977

Notice is hereby given that
Darwin Ochsner whose post office
address is Alpena, South Dakota,
has made an application in ac-
cordance with the provisions of the
water laws of South Dakota for a
permit to appropriate for
beneficial use 2.0 cubic feet of
water per second of time from
ground water through the dugout
in the SW 1/4 SE 1/4, Section 34,
T109N, R63W and a well located in
the NW 1/4 SE 1/4, Section 34, T109N,
R63W. Said water to be used for the
purpose of providing irrigation on
portions of the following described
land: SE 1/4, Section 34, T109N,
R63W.

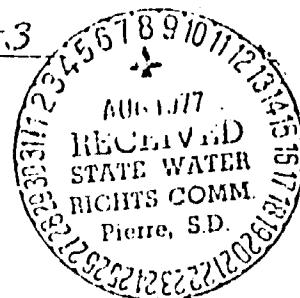
This application No. 3458-3 will
be considered by the Water Rights
Commission at their office at
Pierre upon the 26th day of
January, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
BURTON F. JONES
Water Rights Specialist
No. 35 (adv.)



Form 10.

No. 3458-3



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

Post Office Alpena S. Dak

Date Aug. 2 - 1977

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 3458-3

Water Right Permit No. 3458-3 states that the diversion system is to be constructed by Jan 26, 1982 and that the water is to be put to beneficial use by Jan 26, 1984.

The diversion system was completed on July 1, 1977.
Applying the water to beneficial use was completed on July 15, 1977.

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

Darwin Ochenut
(Signature)



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

June 16, 1982

Darwin Oschner
Alpena
South Dakota 57312

Dear Mr. Oschner:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 3453-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

Form 12.

Permit No. 3458-3
Water Division 3 JAMES RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by DARWIN
OSCHNER of ALPENA holder 2.0 CFS JULY 12 1976 *
of Permit No. 3458-3, bearing date of priority of 1.4 CFS AUGUST 31, 1976
authorizing the diversion of 3.4 * cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in BEADLE County.

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

The Water Use System consists of,

A. Works used to divert the water:

66' DEEP WELL WITH 16" SS CASING - 30' SS SCREEN
BERKELEY 10' TURBINE PUMP - #1203H - 6 STAGE - 12" BOWLS
POWERED BY 125HP US ELECTRIC MOTOR @ 1770 RPM

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

600' OF 8" BURIED PVC FROM WELL TO S. PIVOT
1450' OF 8" BURIED PVC FROM S PIVOT PAD THRU RR.
1600' OF 6" BURIED PVC FROM END OF 8" TO N PIVOT
ABOUT 1300' OF 4" BURIED PVC TO 4 STANDS IN AREA E OF RR.

C. Works used to apply water to beneficial use,

7 TOWER GIFFORD HILL CENTER PIVOT IN SE⁴-W OF RR.
9 TOWER GIFFORD HILL CENTER PIVOT IN NE⁴-E OF RR.
USES NELSON #100 BIG GUN ON 4 STANDS S OF N PIVOT & E OF RR

The system is in the following condition: GOOD

The point of diversion is located 2040' W & 1550' N OF THE SE CORNER,

SECTION 34, T109N, R63W

The works are capable of diverting and conveying to the place of use 3.33 (CAN PUMP BOTH PIVOTS AT ONE TIME @ 750 GPM)

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 IN SECTION 34, T109N, R63W

NW ⁴ NE ⁴	18 ACRES	NW ⁴ SE ⁴	27 ACRES
NE ⁴ NE ⁴	26 "	NE ⁴ SE ⁴	23 "
SW ⁴ NE ⁴	2 "	SW ⁴ SE ⁴	35 "
SE ⁴ NE ⁴	32 "	SE ⁴ SE ⁴	27 "

comprising a total of 190 acres of land.

LICENSE FOR T109S

* APPLICABLE PORTIONS OF PERMIT NO 2974-3 HAVE BEEN
INCORPORATED INTO THIS WATER LICENSE

Date MAY 4, 1982
[Signature]
(Signature)

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

July 2, 1982

Darwin D Oschaner
Alpena,
South Dakota 57312

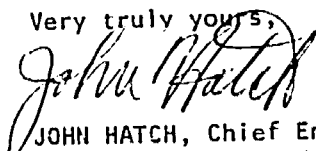
Dear Mr. Oschaner:

Enclosed herewith are, Water License No. 3458-3 and Certificate of Construction.

Water License No. 3458-3 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

NOTE: The applicable portions of Permit No. 2974-3 have been incorporated into this Water License No. 3458-3.

WATER LICENSE NO. 3458-3

(1) WHEREAS, On the 12th day of July A. D. 1976 Darwin Ochsner

made Water Right Application No. 2458-3 for a permit to use 2.0 cubic feet per second of the waters of groundwater (one well & dugout)

County of Beadle, State of South Dakota, for Irrigation

purposes; and
(2) WHEREAS, On the 26th day of January A. D. 1977 Permit No. 3458-3, with a date of priority of July 12, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 26th day of January A. D. 1982 and for the application to beneficial use of said water on or before the 26th day of January A. D. 1984

WHEREAS, on the 4th day of May, 1982 the applicable portions of Water Permit No. 2974-3 have been incorporated into this Water License No. 3458-3 with the priority dates of 2.0 cfs from July 12, 1976 and 1.4 cfs from August 31, 1976,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.71 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent, to irrigate the following land all in Section 34, T109N, R63W

NW 1/4 NE 1/4	18	acres
NE 1/4 NE 1/4	26	"
SW 1/4 NE 1/4	2	"
SE 1/4 NE 1/4	32	"
NW 1/4 SE 1/4	27	"
NE 1/4 SE 1/4	23	"
SW 1/4 SE 1/4	35	"
SE 1/4 SE 1/4	27	"
TOTAL 190 acres		

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

_____ of Alpena, South Dakota
the holder _____ and owner _____ of said permit No. 3453-3 a water right, dating from 2.0 cfs from July 12, 1976 & 1.4 cfs from Aug 31, 1976 to use of 2.71 cubic feet per second of the waters of groundwater (one well)

in the County of Deadle and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 2040'W and 1550'N of the SE corner, Section 34, T109N, R63W

and conducted to and upon _____ portions of Section 34, T109N, R63W more fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 3453-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of July A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

Chief Engineer, Executive Officer
JOHN BUTCH

Permit No. 3458-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

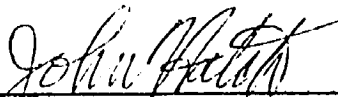
This is to Certify, That Darwin Jobsner

_____ the holder _____ of
Permit No. 3458-3, issued upon Application No. 3458-3, bearing date of priority of July 12, 1976 *
August 31, 1976 authorizing the diversion of 3.4* cu. ft. per second of the waters of _____
groundwater (one well) County of Beadle, State of South Dakota at _____
a point 2040'W and 1550'N of the SE corner, Section 34, T109N, R63W
_____, for Irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 3.33 cu. ft. per second of water.

Date July 2, 1982

* The applicable portions of
Permit No. 2974-3 have been
incorporated into this Water
License No. 3458-3


JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8874

PIERRE, June 28, 1982

RECEIVED OF Darwin D. Gchner, Alpena, SD 57322

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No. <u>3458-3</u>	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. <u>3458-3</u>		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By [Signature]
Chief Engineer, Executive Officer
John H. [Signature]

1, June, 26 The Darwin Ochsner Irrigation unit prepared by Don E. Anderson

Section 34 109N-63W.

Don E. Anderson
Beadle Co-Agent.

X ← ----- Approximate point
of Diversion
(SE $\frac{1}{4}$ - Sec. 34 109N-63W)

NOT TO SCALE

109-63



Gerald

Map # 2738-3

Appl # 3458-3



3458-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: DARWIN OCHSNER, PO BOX 143, ALPENA, SD 57312 0143

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 3458-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3458-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 2013

3458-3

Darwin Ochsner
PO Box 143
Alpena SD 57312 0143

Dear Mr. Ochsner:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 3458-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

2015 Water Management Board Irrigation Questionnaire

3458-3

Please fill out and return before **December 1, 2015**

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

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 3458-3

DARWIN OCHSNER
PO BOX 143
ALPENA SD 57312 0143

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2015? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 3458-3

sufficient moisture ☒ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

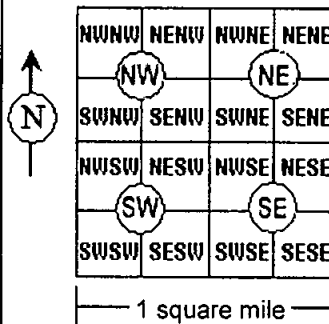
system is getting old may want to abandon in 2016 because of my age 72 years How do I keep my water rights with the land

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

3. Did you apply chemicals or fertilizer through the system in 2015? yes ☐ no ☐

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

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



Office use only

RECEIVED
OCT 29 2015
WATER RIGHTS PROGRAM

Acreage permitted for irrigation under No. 3458-3

(see above section map for help reading legal descriptions)

sec 34-T109N-R63W, SE1/4 - 112.0 acres

sec 34-T109N-R63W, NE1/4 - 78.00 acres

Please provide your 2015 water use to irrigate the above acreage on the **REVERSE** side of this form.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 13, 2016

3458-3

Darwin Ochsner
PO Box 143
Alpena SD 57312 0143

Dear Mr. Ochsner:

Last fall when you submitted your 2015 irrigation questionnaire you requested information on how to keep your water rights with the land should you retire.

Water rights for irrigation are appurtenant to the land. As long as you own the land, and if water is applied to beneficial use, you can maintain the water right. If you should sell the land, the water rights would go with the land.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If you decide to discontinue irrigation on the land or if you sell the land, please let us know. I am hopeful I have answered your questions, if not, please give me a call.

Sincerely,

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

enclosure