

Water Right Number 3925

1. Considered 5-25, 1 77
2. Name of Applicant HARLEY NEUHARTH
3. Post Office Address EUREKA
4. Amount of water claimed 2.28
5. Source of water supply 12' DEEP DUGOUT
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in MC PHERSON County
about 4N, 7E miles of EUREKA
8. Proof of Publication
Received 5-13-77
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application

10. Remarks:

No. 3923-3
 Map No. 317B-3 Water Division No. 3 MISSOURI 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 Harley Newborth
 Postoffice address RT #2 Enoka State S.D. 57437
 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 Harley Newborth No. 1
 4. Amount of water claimed (cubic feet per second) 2.5 - 2.35 MAXIMUM ALLOWABLE
 5. Source of water supply dug out
 6. Location of point of diversion 30 Rod North of Section 13-127-72
The center of
 County McPherson
 7. Annual period or periods during which water is to be used April - Oct.
 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 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 NE 1/4 13-127N-72W</u>	<u>40</u>	<u>SE 1/4 NW 1/4 18-127N-71W</u>	<u>20</u>
<u>NE 1/4 SW 1/4 18-127N-71W</u>	<u>30</u>		
<u>NW 1/4 SW 1/4 18-127N-71W</u>	<u>30</u>		
<u>SW 1/4 NW 1/4 18-127N-71W</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News
 12. Principal Features of the Proposed Water Supply System.

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

Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

SprinklerEstimated Total Cost \$ 40,000

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

County of Brown

I, HARLEY NEWBORTH 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.

Signed Harley NewborthSubscribed and sworn to before me this 25th day of April 1977

Notary Public or other qualified officer

My Comm. Expires Sept 19, 1984

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3925-3
HARLEY NEUMARTH RT # 2, EUREKA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57437 With the following modifications:
 (State)

Date of first receipt of application APRIL 27, 19 77
 Date of return to applicant for correction, amendments or changes required APRIL 27, 19 77
 Date of receipt of corrected application MAY 2, 19 77
 Approved MAY 25, 19 77, Recorded in Book 18 Page 320

WATER RIGHT PERMIT NO. 3925-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3925-3 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 APRIL 27, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 25, 19 78
3. The whole of said work is to be completed on or before MAY 25, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25, 19 82
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 2.28 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 MAY 25, 19 82; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 2ND day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

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

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

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

E. Dugout Information or Estimates.

(1) Surface dimensions 64 x 130, Depth 12'

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 sand and gravel

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 33'

Thickness of water bearing material 23'

Depth to water (ground surface to water level) 13'

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

On same owner's property 120 rds. On property owned by others _____ 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.

Harley Newkorth
Signature of Applicant

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)



NAME HARLEY NEUBARTH
ADDRESS RT #2 EUREKA, S.D. 57437
COUNTY McPherson

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 NE 1/4 13 127N 72W
2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 NE 1/4 of 13; NE 1/4 SW 1/4 of 18 127-71
127-72 NW 1/4 SW 1/4 18 127-71
SW 1/4 NW 1/4 - 13 127-71

TYPE OF IRRIGATION

3. GRAVITY TOWLINE Side Roll CENTER PIVOT GUN
4. CROPS TO BE IRRIGATED Side Roll or Field Hopper Pivot
ALFALFA / SMALL GRAIN
* Small grain only until ALFALFA is established.

WATER QUALITY

5. SAMPLE NUMBER 77-522
6. SALINITY (EC x 10⁶) 855 microamhos/cm @ 25°C (me l.-li.)
7. SODIUM (SAR) 6.57% of cations SAR = 0.30 low
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0.0 me/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 McPherson 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.

X Harley Neubarth
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
22 DAY OF April 1977.

Duane D. Wanner
(TITLE OR SEAL)

DUANE D. WANNER, Notary Public
My Comm. Expires Dec. 15, 1979

APPROVED/USAPR D.
APPROVED/USAPR

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION ON REVERSE SIDE

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

Submitted by: Harley Koushant
 Address: Rt. 2
 Lureka, SD 57437

Date Rec'd: March 30, 1977
 Sample No. 77-522
 Identification lugout gravel pit
K11, Sec. 13, T 122N, R 72W

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	26	ppm	2.16	me/l
Sodium (Na)	15	ppm	0.65	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	211	ppm	4.39	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	16	ppm	0.45	me/l
Bicarbonate (HCO ₃)	318	ppm	5.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	260	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	855	micromhos per cm at 25° C.		
Electrical Conductivity	0.30	"		
Sodium Adsorption Ratio	6.57	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	7.40			
pH				

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 9.89 me/l
 Total anions 10.04 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-522

Amount Enclosed

Signed

April 26, 1977

Mr. Harley Neuharth
R.R. #2
Eureka, SD 57437

Dear Mr. Neuharth:

Your water sample (Lab. No. 77-522) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. C. Fine

L. C. Fine
Water Quality Lab

LOF:ckb
Enclosures

cc: State Conservation Commission
D. Pahl, Extension Service

P.S. You earlier received a copy of the report of analysis, so one is not enclosed herewith.

Form 6 - Notice of Intent to Appropriate Water

No. 3925-3

Publish first publication, on or before May 12, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 3, 1977

Notice is hereby given that Harley Neuharth
whose post office address is Eureka, 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
2.28 cubic feet of water per second of time from the ground water (dugout) through the
Harley Neuharth # 1, the point of diversion of which is to be located in the _____

NW 1/4 ME 1/4
of Section 13, Twp. 127N, Range 72W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4 NE 1/4, Section 13, T127N, R72W; NW 1/4 SW 1/4, S 1/4 NW 1/4, Section 18,
T127N, R71W

This application No. 3925-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th day of May, 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/lw

cc: Harley Neuharth, Rt. # 2, Eureka, SD 57437

No. 3925-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss.

I, Arlo C. Mehlhaff hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Northwest Blade

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the
Eureka of S. Dak.

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

May 12, 1977

May 19, 1977

Arlo C. Mehlhaff
(Signature)

Bubler
(Title)

5-12-77
(Date Signed)



NOTICE INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Harley Neuharth whose post
office address is Eureka, 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 2.28 cubic feet of
water per second of time from
ground water (dugout) through
the Harley Neuharth #1, the
point of diversion of which is to
be located in the NW 1/4 NE 1/4 of
section 13, Twp. 127N, Range
72W. Said water to be used for
the purpose of providing irriga-
tion on the portions of the
following described land: SW 1/4
NE 1/4, Section 13, T127N; R72
N 1/2 SW 1/4, S 1/2 NW 1/4, Section
18, T127N R71W.

This application No. 3925-3

will be considered by the Water
Rights Commission at their office
at Pierre upon the 25th, day of
May, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.

Water Rights Commission
By: Burton F. Jones
Water Rights Specialist
5-12-19-77

HARLEY NEUHARTH

GRAIN - CATTLE - HOGS

RURAL ROUTE 2
EUREKA, SOUTH DAKOTA 57437

TELEPHONE 284-2250



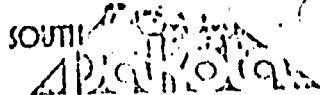
Mr. Jones,

This letter is in regards to the 1978 irrigation year. During the 1977 pumping year we pumped the water from a sand pit, and I have found out that the sand has a tendency to slide into the dugout. I was wondering if there is any additional paperwork needed if I plan to enlarge the existing dugout? I do not plan to pump more water than I applied for, but just make the dugout larger. Please respond if there are any forms that should be filled out. My water permit no. is 3925-3.

I also received a Notice of Completion Application for Water Use form. I have set up a side roll in 1977 and plan to set up a center pivot in 1978. When this is completed I will return the forms received.

Sincerely,
Harley Neuarth

3.9.25-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holder of Deferred Applications in Beadle County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Beadle County at 4:15 p.m., March 28, 1979, at the Community Room, Pierre City Hall, 222 East Dakota, Pierre South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 17, 1989

Harley Neuharth
 RR 2, Box 41
 Eureka, SD 57437

Dear Mr. Neuharth:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

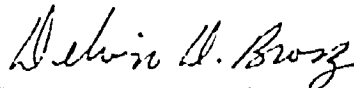


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



3925-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

3925A-3

Harley Neuharth
RR 2, Box 41
Eureka, SD 57437

Dear Mr. Neuharth:

Enclosed is Water License No. 3925A-3 and Receipt No. 413475 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 3925A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 3925-3 have been incorporated into this Water License No. 3925A-3.

HARLEY
NELHARTH

3925-3

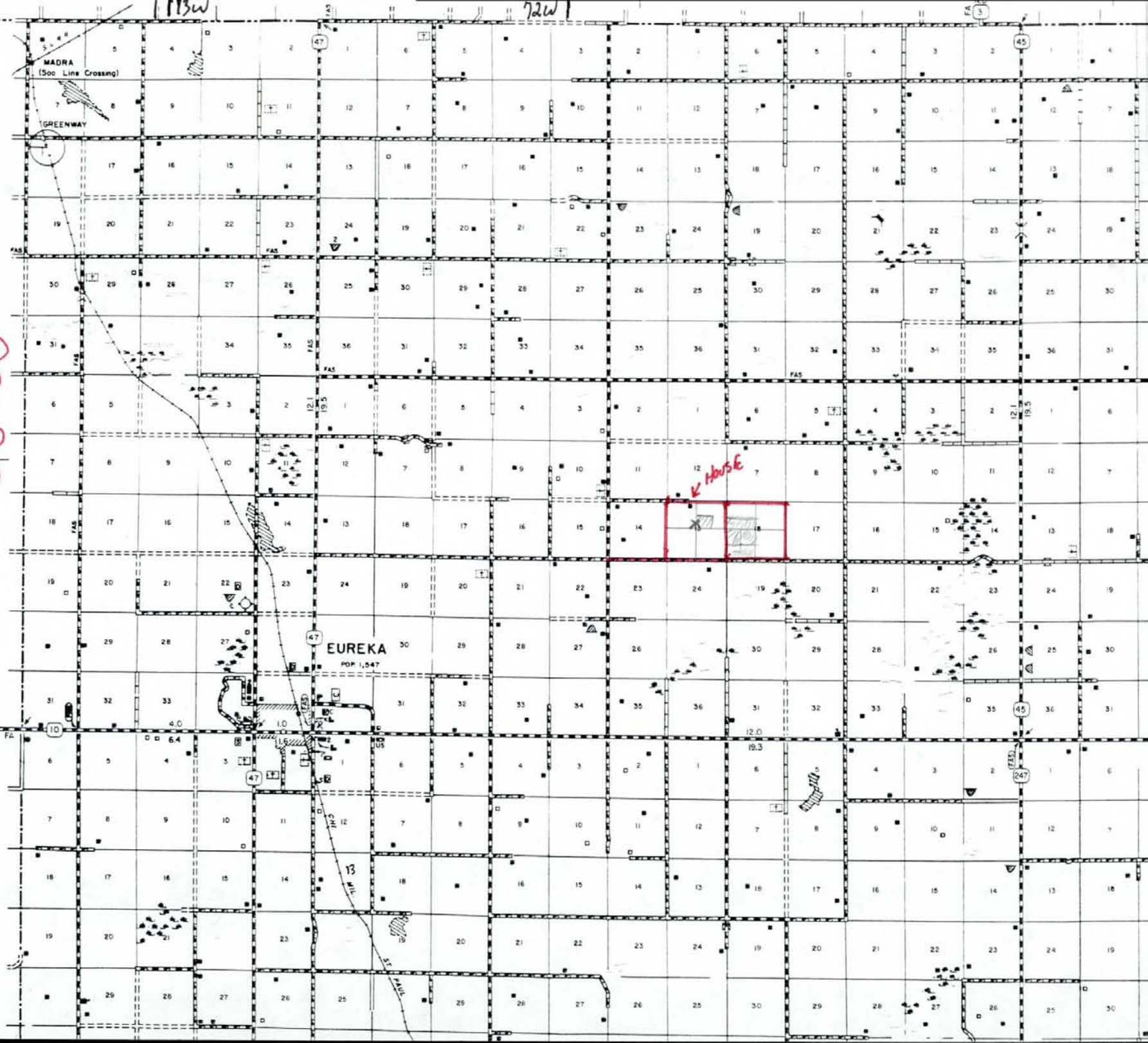
T 128 N

IRR
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13 (40)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18 (30)
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 (30)
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18 (40)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 18 (20)

T 127 N

C O U N T Y
C A M P B E L L

T 126 N



The Dugout is 130' x 64'
And the water supply N²: SW⁴-13

1915 Copy
24.7m136
Harley Newbath
Lanka
James R. Scheffer

Newbath

1490'

NE corner
of sec.
13

Dugout
in
gravel pit

Diversion
point

Distance to
other field
(on other map)

This 40
to be
Irrigated

145.2
Map prepared by
James R. Scheffer
Soil Cons. Tech.
Soil Cons. Serv.
Soils, S. Dak.

Harley Newbath

MAP NO. 3178-3 (APP. NO. 3925-3)

Harley Neuharth

1975 Copy.
24-71136

N2: N2Sw4: N2N2E4: 18



Map prepared by
James R. Schaeffer
Soil Cons. Tech.
Soil Cons. Service
Ft. S. Dak.

3925-3