

3925A-3

Considered: _____

WATER PERMIT NO. 3925A-3Phone: 284-2250Name of Applicant: Harley NeuharthPost Office Address: RR 2, Box 41, Eureka SD 57437Amount of Water Claimed: no add'l Total Acres: no add'lSource of Water Supply: dugoutWater to be used for: irrigation County: McPhersonAbout 7 miles E, 4N of Eureka

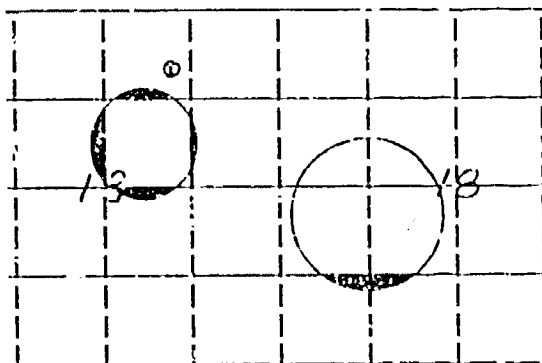
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-25-91 Fee: \$50 Remarks: Correctlocation of 22 acres developed on Permit No. 3925-3Corrected Application Received _____ Period of Annual Use April 1 - Oct 31WATER QUALITY APPROVAL RECEIVED 6/28/91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 NE 1/4 Sec 13-T127N-R72WLand to be Irrigated: NW 1/4 SE 1/4, SE 1/4 NE 1/4,NW 1/4 NE 1/4, SE 1/4 NW 1/4 Sec 13-T127N-R72WS 1/2 SW 1/4 Sec 18-T127N-R71W

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial photo PREPARED BY: Don Frye Reviewed and the NumberAssigned on 9-21-91 By Karen Schlaak

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3925A-3

(1) Harley Neuharth, of RR 2 Box 41, Eureka, SD 57437 made Application No. 3925A-3, September 25, 1991 for a water permit to appropriate no additional cubic feet of water per second from a dugout, McPherson County, South Dakota for irrigation purposes. Permit No. 3925A-3, with a priority date of April 27, 1977 (established under Water Permit No. 3925-3) 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. 3925A-3 corrects the location of 22 irrigated acres authorized by Permit No. 3925-3. No. 3925A-3 did not authorize an increase in the diversion rate or number of acres irrigated. The applicable portions of Water Permit No. 3925-3 have been incorporated into this Water License No. 3925A-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 2.28 cubic feet of water per second for beneficial use. The location of the diversion point is 1200 feet E and 900 feet S of the N quarter corner of Section 13-T127N-R72W (NW 1/4 NE 1/4).

(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:

T127N-R72W	Section 13	SW1/4 NE1/4	40 acres
		NW1/4 NE1/4	8 acres
		SE1/4 NE1/4	2 acres
		SE1/4 NW1/4	8 acres
		NW1/4 SE1/4	2 acres
T127N-R71W	Section 18	SE1/4 NW1/4	17 acres
		SW1/4 NW1/4	17 acres
		NE1/4 SW1/4	32 acres
		NW1/4 SW1/4	32 acres
		SE1/4 SW1/4	1 acre
		SW1/4 SW1/4	1 acre
		Total	160 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harley Neuharth of RR 2 Box 41, Eureka, SD 57437 the holder and/or owner of incorporated Water Permit No. 3925A-3 is issued a license to appropriate water, the right to use 2.28 cubic feet of water per second from a dugout with a priority date of April 27, 1977 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. 3925A-3 and subject to South Dakota State Law.


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

NOV 14 1994

date

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 3925A-3 Hydrologic Unit 10130101c
Basin Missouri
Newspaper Northwest Blade, Box 797, Eureka

(Used)

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



- Type of Application: ☒ New ☐ Vested Right ☒ Amend Permit No. 3925-3
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Harley Neuharth Phone No. 284-2250
Post Office Address RR 2, Box 41 Eureka State SD 57437
(Street, RR or Box) (City) (Zip Code)
2. Amount of water claimed (c.f.s) No add'l Total acres irrigated 160 (no add'l)
3. Source of Water supply Dugout
4. Location of point of diversion NW1/4 NE1/4 Sec. 13, T127N, R72W
County McPherson
5. Counties where water will be used McPherson
6. Annual period during which water is to be used April 1 - 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.
See Attach for acreage correction.	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Tow-line: _____ Center Pivot: X Gun: X Other: _____
9. Crops to be Irrigated: Corn, Alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)
1 Minigator center pivot 1170' long with 7 towers and end gun
1 Minigator center pivot 740' long with 5 towers and end gun

This application is to correct the location of acreage (22 acres) developed under Permit No. 3925-3. No increase in acreage or water appropriated is authorized by this application.

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 McPherson) ss

I, Harley Neuharth, 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 Harley Neuharth

Subscribed and sworn to before me this 24 day of September 19 91

DIANE D. WARNER, Notary Public
My commission expires Nov. 15, 1995

Diane D. Warner
Notary Public

PERMIT # 3925-3

ADDITIONAL LANDS IRRIGATED

FORM 2 - ITEM 7

LAND DESCRIPTION	NO. ACRES IRR.
NW1/4 SE1/4 SEC. 13, T127N, R72W	2 acres
SE1/4 NE1/4 SEC. 13, T127N, R72W	2 acres
NW1/4 NE1/4 SEC. 13, T127N, R72W	8 acres
SE1/4 NW1/4 SEC. 13, T127N, R72W	9 acres
SW1/4 SW1/4 SEC. 18, T127N, R71W	1 acre
SE1/4 SW1/4 SEC. 18, T127N, R71W	1 acre

LANDS WHICH NEED SOIL/WATER COMPATIBILITY PERMIT

those listed above and

SE 1/4 NW 1/4 Sec. 18, T127N, R71W	17 acres
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Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions 64' X 130' Depth 12'
- b) Depth to water (ground surface to water level) 13'

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

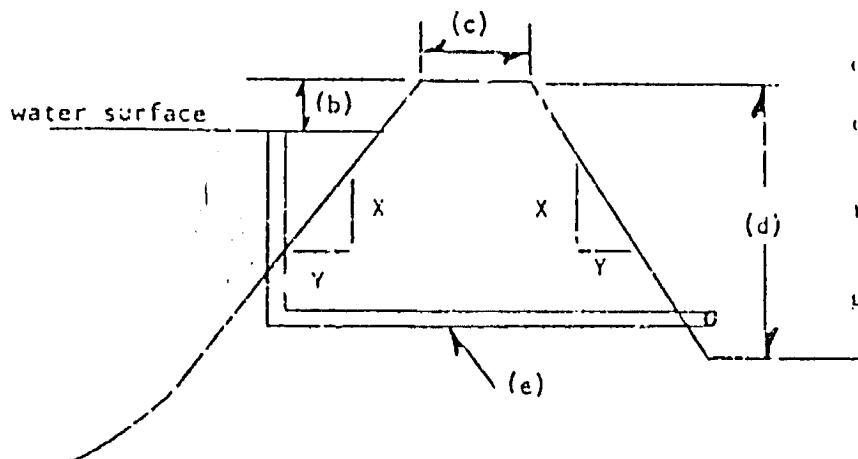
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Harley V. Speckhardt
Signature of Applicant

REPORT ON WATER PERMIT APPLICATION NO. 3925A-3
HARLEY NEUHARTH
OCTOBER 28, 1991

Application No. 3925A-3, Harley Neuharth, is to specify the correct location of 22 irrigated acres. Water Permit No. 3925-3 appropriates 2.28 cubic feet of water per second (cfs) for the irrigation of 160 acres located in SW 1/4 NE 1/4 Section 13-T127N-R72W and the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 18-T127N-R71W from a dugout located in the NW 1/4 NE 1/4 Section 13-T127N-R72W. This application is to correct the location of 22 acres of the 160 acres being irrigated. The correction of the 22 acres is located in the NW 1/4 SE 1/4, SE 1/4 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 13-T127N-R72W and the S 1/2 SW 1/4 Section 18-T127N-R71W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Aquifer - Spring Creek-McPherson (SC-M)

The source of water is from a dugout, 12 feet deep, into the Spring Creek - McPherson Aquifer and located in the NW 1/4 NE 1/4 Section 13-T127N-R72W. This aquifer has an area of 101,200 acres and 307,000 acre-feet of recoverable water. The aquifer is composed of sand, very fine to coarse, silty, and silty gravel. It contains beds of sandy clay.

Review of Existing Water Rights/Permits

Water Permit No. 3925-3 is one of four water permits appropriating from the Spring Creek - McPherson aquifer. There is a total appropriation of 2,859 acre-feet from this aquifer with 715 acre-feet of use in 1990. Two of the other 3 permits are located approximately 3 miles east of this application.

Conclusions

1. Spring Creek - McPherson aquifer has available water.
2. An inspection of the permit shows that 2.44 cfs for irrigation of 160 acres was developed.
3. This application does not authorize an increase in the diversion rate or the number of acres being irrigated.
4. If this application is approved, it should contain the following qualifications:
 - a. Subject to the irrigation questionnaire being submitted each year.
 - b. Water Permit No. 3925-3 and Application No. 3925A-3 combined cannot exceed 1 cfs per 70 acres irrigated.

c. Water Permit No. 3925-3 and Application No. 3925A-3 should be combined into one Water License for 2.28 cfs to irrigate 160 acres.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer I

Approved by:

James A. Goodman

James A. Goodman, PE
Natural Resources Engineer IV

References

- Hamilton, Louis J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Part II: Water Resources, Bulletin 26, SD DWR, SDGS, USD - Science Center, Vermillion, SD 57069.
- Hedges, L. S., 1982, Evaluation of Groundwater Resources Eastern SD and the Upper Big Sioux River, South Dakota and Iowa, for the US Army Corps of Engineers, SD DWR - Division of Geologic Survey, Vermillion, SD 57069.
- Division of Water Rights, 1991, 1990 Irrigation Summary by Aquifer, SD DENR, Joe Foss Bldg, Pierre, SD 57501.

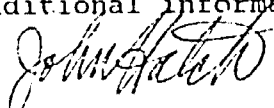
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3925A-3, Harley Neuharth

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. 3925A-3, Harley Neuharth, RR 2 Box 41, Eureka, SD 57437.

The Chief Engineer is recommending APPROVAL of Application No. 3925A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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 4, 1991



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

Harley Neuharth
RR 2 Box 41
Eureka, SD 57437

Dear Mr. Neuharth:

Water Permit Application No. 3925A-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 Northwest Blade printed at Eureka, 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.

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 30, 1991

Northwest Blade
Box 797
Eureka, SD 57437

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 3925A-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 Harley Neuharth, RR 2 Box 41, Eureka, SD 57437.

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

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. 3925A-3 to Appropriate Water
and Amend Water Permit No. 3925-3

Notice is given that Harley Neuharth, RR 2 Box 41, Eureka, SD 57437 has filed an application for a water permit to specify the correct location of the 22 irrigated acres. Water Permit No. 3925-3 appropriates 2.28 cubic feet of water per second for the irrigation of 160 acres located in the SW 1/4 NE 1/4 Section 13-T127N-R72W and the S 1/2 SW 1/4, S 1/2 NW 1/4 Section 18-T127N-R71W from a dugout located in the NW 1/4 NE 1/4 Section 13-T127N-R72W. This application is to correct the location of 22 acres of the 160 acres being irrigated. The correct location of the 22 acres is the NW 1/4 SE 1/4, SE 1/4 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 13-T127N-R72W and the S 1/2 SW 1/4 Section 18-T127N-R71W. No increase in the diversion rate 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. 3925A-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.

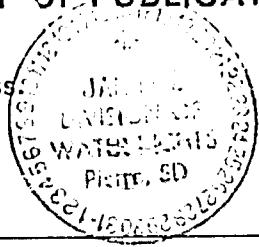
For purposes of publishing 1) the notice of hearing on Application No. 3925A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. 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 1-26. 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss



I, Arlo C. Mehlhaff
certify that the attached printed Notice was taken
from the Northwest Blade Inc.

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

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

Jan. 8, 1992
Jan. 15, 1992

Arlo C. Mehlhaff
(Signature)

Public
(Title)

Jan 15, 1992
(Date Signed)

Cost of Printing: \$66.33

NOTICE OF HEARING
ON APPLICATION NO. 3925A-3
TO APPROPRIATE WATER AND
AMEND WATER PERMIT
NO. 3925-3

Notice is given that Harley
Neuharth, RR 2, Box 41, Bureau, S.
D. 57437 has filed an application for a
water permit to specify the correct
location of the 22 irrigated acres.
Water Permit No. 3925-3
appropriates 2.28 cubic feet of water
per second for the irrigation of 160
acres located in the SW¹/₄NE¹/₄
Section 13-T127N-R72W and the NE¹/₂
SW¹/₄, S¹/₂NW¹/₄ Section 18-T127N-
R71W from a dugout located in the
NW¹/₄NE¹/₄ Section 13-T 127N-R 72
W. This application is to correct the
location of 22 acres of the 160 acres
being irrigated. The correct locati
on of the 22 acres is the NW¹/₄SE¹/₄, SE¹/₄
NE¹/₄, NW¹/₄NE¹/₄, SE¹/₄NW¹/₄
Section 13-T127N-R72W and the
S¹/₂SW¹/₄ Section 18-T127N-R71W. No
increase in the diversion rate 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.
3925A-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
contests 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, S. D. 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.
3925A-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, S. D. 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 1-26. 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, 46-1-11 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, 46-5-30.1,
46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-
13, 46-6-14, 46-6-26; and Board
Rules ARSD 74-02-01:01 and
74-02:01:15.

Permit No. 3925A-3 & 3925-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Harley Neuharth of RR #2 Box 41, Eureka, SD 57437 holder of Permit Nos. 3925-3 & 3925A-3, bearing the priority of April 27, 1977 authorizing the diversion of 2.28 (3925-3) & no add'l (3925A-3) cu. ft. per second of the waters of a dugout for irrigation purposes, in McPherson County.

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

- A. Works used to divert the water:
Cornell Pump - model # 4HHF8, SN 25120, 15 7/32 impeller
Motor - 8 cylinder cat diesel, model # 3208, SN 90N24051
- B. Works used to transport water to place of use:
1195' of 6" PVC line and 3630' of 8" PVC line
- C. Works used to apply water to beneficial use:
2 minigator pivots - total 1100 gpm capacity
#1 = 1170' long with 7 towers & an end gun
#2 = 740' long with 5 towers & an end gun

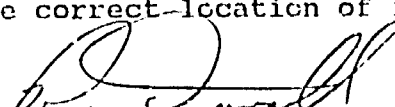
The system is in the following condition good. The point of diversion is located 1200'E & 900'S of the N $\frac{1}{2}$ corner Section 13, T127N, R72W (NW $\frac{1}{2}$ NE $\frac{1}{2}$). The works are capable of diverting and conveying to the place of use 2.44 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T127N, R72W Section 13	T127N, R71W Section 18
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 8 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre

comprising a total of 160.0 acres of land and the license should be issued for 2.28 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

The above water use system was inspected by Don Frye on July 31, 1991. The permit holder applied for and obtained Water Permit No. 3925A-3 to specify the correct location of irrigated acres.


 Don Frye, Natural Resources Analyst
 by Ron Duvall, Natural Resources Engineer

(Report typed from draft notes)

LICENSE FOR PERMIT NUMBER 3925-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes _____ No NY No. of Wells 1111 Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make CANAL Motor a) make CANAL 80YL

b) model 411HF8 SN-25120 b) model No. 3208

c) size 15 1/2" 100000 c) horsepower rating 140

d) capacity _____ gpm SN-76N24051

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 6" 8"

b) type PVC PVC

c) length 1195' 3630'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) slideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make MINI-PIVOT
- 2) number of towers 7 + 5
- 3) distance between towers _____
- 4) overall length 1120 - 740
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) 1100 GPM (400 + 600)

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	☒	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
___	<u>N/A</u>	2. Special qualifications to permit being abided by?
☒	___	3. All structures, wells and lands on map?
☒	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	☒	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:



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

September 9, 1991

Harley Neuharth
RR 2
Eureka, SD 57437

Dear Mr. Neuharth:

On July 31, 1991, I conducted an inspection of the lands and equipment associated with your water right permit no. 3925-3. During that inspection, I noticed that there were six segments of land that are presently being irrigated, but are not listed on your permit. Specific locations and number of acres follow:

Sec. 13, T127N, R72W - 4 segments
NW1/4 SE1/4 - 2 acres SE1/4 NE1/4 - 2 acres
NW1/4 NE1/4 - 8 acres SE1/4 NW1/4 - 8 acres
Sec. 18, T127N, R71W - 2 segments
SW1/4 SW1/4 - 1 acre SE1/4 SW1/4 - 1 acre

I am enclosing application forms that need to be completed to cover the additional lands being irrigated. The fee for this new application will be \$50.00.

The enclosed application is also for a soil/water compatibility permit which needs to be approved by the Department of Agriculture for the new acreage plus the lands in the SE1/4 NW1/4 of Sec. 18 that were not included in the original soil/water permit. I am also enclosing a copy of that permit for your reference.

If you have any questions, or need help filling out the application, please contact me.

Sincerely,

DON FRYE
Natural Resources Analyst
605-773-3352
enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

Harley Neuharth
RR 2 Box 41
Eureka, SD 57437

Dear Mr. Neuharth:

Enclosed is Water Permit No. 3925A-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. 3925A-3 FOR IRRIGATION

Date of first receipt of application September 25, 1991.

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

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3925A-3 to Harley Neuharth, RR 2, Box 41, Eureka SD 57437 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. 3925A-3 specifies the correct location of 22 irrigated acres. Water Permit No. 3925-3 appropriates 2.28 cubic feet of water per second for the irrigation of 160 acres located in the SW 1/4 NE 1/4 Section 13-T127N-R72W and the N 1/2 SW 1/4, S 1/2 NW 1/4 Section 18-T127N-R71W from a dugout located in the NW 1/4 NE 1/4 Section 13-T127N-R72W. This permit corrects the location of 22 acres of the 160 acres being irrigated. The correct location of the 22 acres is the NW 1/4 SE 1/4, SE 1/4 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4 Section 13-T127N-R72W and the S 1/2 SW 1/4 Section 18-T127N-R71W. No increase in the diversion rate 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 April 27, 1977.
4. The date of approval of Permit No. 3925A-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: *John H. [Signature]*
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 7 1992

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 1992

SECOND NOTICE

PERMIT NO: 3925A-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Harley Neuharth
RR 2, Box 41
Eureka, SD 57437

Dear Mr. Neuharth:

On August 7, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 3925A-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,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

RECEIPT

413475

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 20, 19 92

RECEIVED OF Harley Neuharth, RR 2 Box 41, Eureka, SD 57437

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>5925A-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 *John H. H. H.*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3111

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 25, 19 91

RECEIVED OF Harley or Darlene Neuharth, RR 2, Box 41, Eureka, SD 57437

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

Fee for Application for Permit No. <u>3925A-3</u> to Appropriate Water, to construct works and to put water to beneficial use	\$0	\$0
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	\$0 \$0

By [Signature]
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4003

WR#

OWNERS NAME: NEUBARTH, BARBARA OWNERS ADDRESS: RD 2

COUNTY LAND LOCATED IN: McPHERSON PHONE: 354-2250

LEGAL DESCRIPTION:

1. LOCATION: SEC 10E, T127N-R72W ☐ Well ☒ Surface
Depth: _____

Legal Description	Acres	Legal Description	Acres
NE 1/4 SEC 13-T127N-R72W	2	SW 1/4 SEC 13-T127N-R71W	2
SE 1/4 NE 1/4 13-T127N-R72W	2	SW 1/4 SEC 13-T127N-R71W	1
NW 1/4 NE 1/4 13-T127N-R72W	6	SW 1/4 SEC 13-T127N-R71W	17
SE 1/4 NW 1/4 13-T127N-R72W	6		

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

3. CROPS TO BE IRRIGATED: CORN, ALFALFA

WATER QUALITY:

4. WATER SAMPLE NUMBER: 77-522 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 855 8. PERCENT SODIUM: 0.57
6. SODIUM (SAR): 0.3

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, ~~and~~ or the Commission.



APPROVED _____ 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.

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:

Harley Neuharth
RR 2, Box 41
Eureka, SD 57437

5. Signature (Addressee)
Harley Neuharth

6. Signature (Agent)

3925A-3

4a. Article Number

P 906 559 946

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ COD

☐ Return Receipt for Merchandise

7. Date of Delivery

Oct 15 1992

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-53n

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

November 13, 1996

No. 3925A-3

Jeff Neuharth
33589 108th St.
Eureka, SD 57437-5905

Dear Mr. Neuharth:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 3925A-3. The water right is currently listed in the name of Harley Neuharth.

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

No. 3925A-3

Date: November 22, 1996

formerly owned by: Harley Neuharth

be transferred to: (name & address) Jeff Neuharth, 33589 108th St, Eureka SD 57437-5905

Telephone No. 405-784-5169

160 acres - NE 1/4, SE 1/4 NW 1/4 Section 13-T127N-R72W and SW 1/4, S 1/2 NW 1/4 Section 18-T127N-R71W

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

STATE OF SOUTH DAKOTA)

County of McPherson

Jeff Mink
(Signed)

Subscribed and sworn to before me this 22nd day of November, 1996

Donald W. Kallenberger
(Notary Public) 5-7-2004

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415190

Pierre, _____ November 26, 19 96

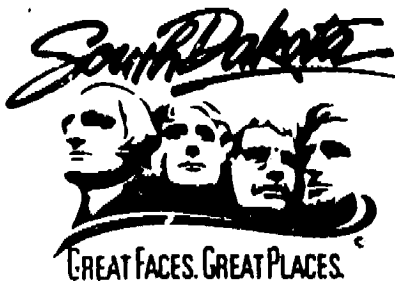
RECEIVED OF Jeff Neuharth, 33509 103th St., Eureka, SD 57437-5905
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 3925A-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1996

No. 3925A-3

Jeff Neuharth
33589 108th St.
Eureka, SD 5743-5905

Dear Mr. Neuharth:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 3925A-3.

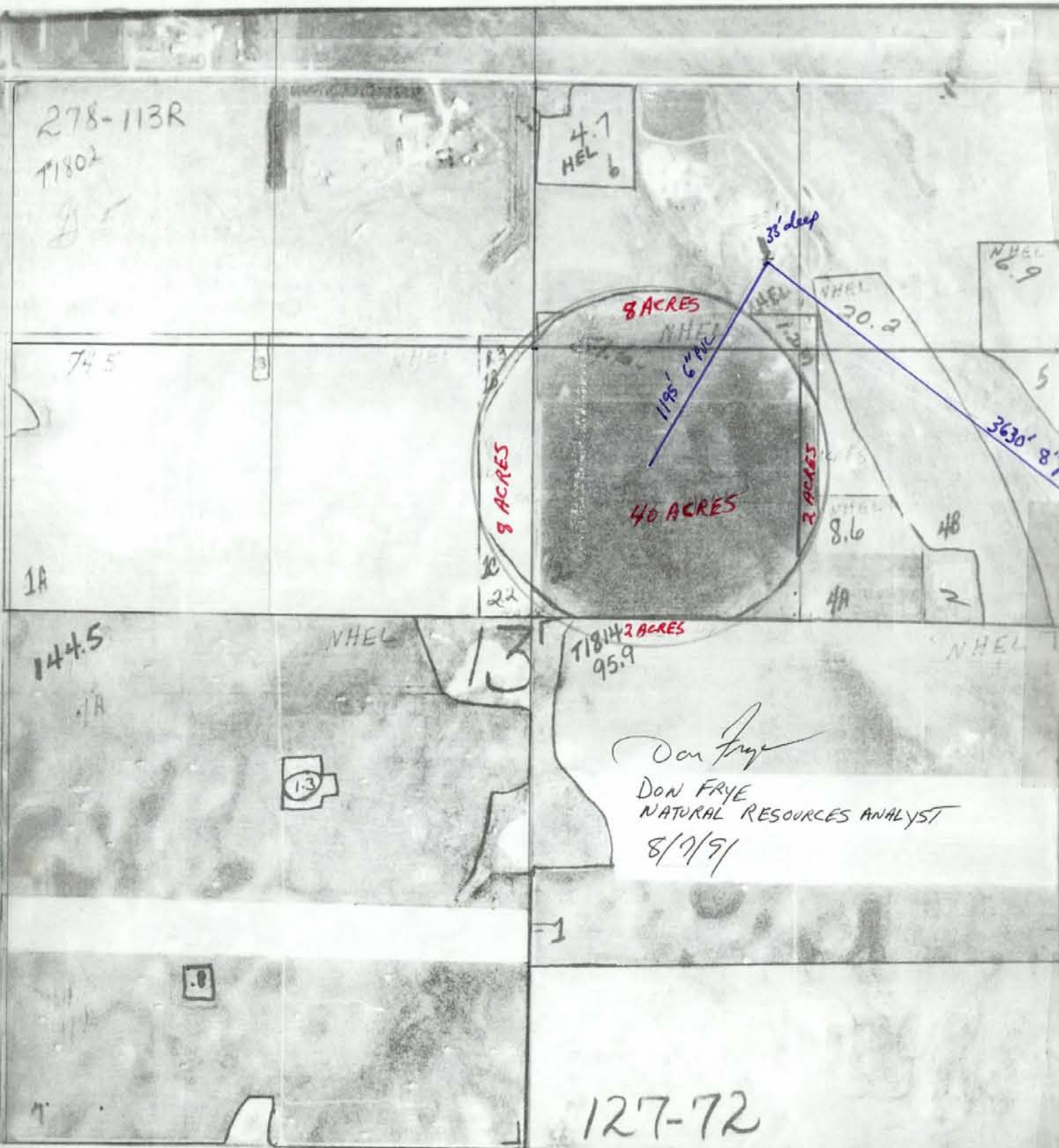
Our records now show you as the owner of Water Right No. 3925A-3.

Sincerely,

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

enclosure

NOT TO SCALE



NOT TO SCALE

